**Questionnaire on the “rights of older persons with disabilities”**

* + - 1. In respect to the realization of the rights of older persons with disabilities, including both persons with disabilities who are ageing and older persons who acquire a disability later in life, Cyprus has not yet enacted any relevant legislation that takes into account this specific group of people.

In terms of the rights of persons with disabilities, Cyprus ratified and incorporated into national legislation, the Convention on the Rights of Persons with Disabilities, in 2011, by the approval of The Convention on the Rights of Persons with Disabilities and Related Issues (Ratification) Law of 2011, (L. 8(III)/2011.1). Additionally, Laws that address the rights of persons with disabilities include the Persons with Disabilities Laws 2000–2007. As far as legislation pertinent to issues concerning older people, please note that the Department of Social Welfare Services of the Ministry of Labor, Welfare and Social Insurance is responsible for the implementation of pertinent Laws and schemes which, among others, include provisions for support to families to enable them to care for the elderly and disabled members of the family.

There is not a specific policy framework to address the rights of older persons with disabilities. The National Disability Action Plans, overseen by the Department for Social Inclusion of Persons with Disabilities, that also serves as the focal point in Cyprus for the implementation of the Convention, aims at promoting the rights of persons with disabilities to the larger extent. In addition, there are schemes in place, overseen by the Department for Social Inclusion of Persons with Disabilities, that provide monetary assistance to persons with disabilities in general.

* + - 1. At the moment there is no legislation that addresses specifically the issue of discrimination against older persons with disabilities. The legislation in place that addresses the issue of discrimination are the Persons with Disabilities Laws 2000–2007 and Combating of Racial and Certain Other Discrimination (Commissioner) Law of 2004.

The Persons with Disabilities Law stipulates that, any person who considers himself wronged from a breach of this specific Law, regarding discrimination in employment, may submit his complaint to the Commissionaire for Administration who has jurisdiction to examine the complaint in accordance with the Combating of Racial and Certain Other Discrimination (Commissioner) Law of 2004 (art. 9C).

The Combating of Racial and Certain Other Discrimination (Commissioner) Law of 2004, appoints the Office of the Ombudsman and Protection of Human Rights as the responsible authority to combat and eliminate indirect or direct discrimination including discrimination based on disability. The Law stipulates for the promotion of equal opportunities for persons regardless of racial or ethnic origin, community, language, color, religion, political or other beliefs, disability, age and sexual orientation.

It should be noted that, the Committee on the Rights of Persons with Disabilities in its concluding observations on the initial report of Cyprus (May 8, 2017), regarding specific rights (art. 5-30), observed that: *“The Committee is concerned about the absence of effective legislation and mechanisms addressing multiple and intersectional discrimination (…). It is furthermore concerned at the lack of disaggregated data on cases of multiple and intersectional discrimination.*

*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. (…)”*.

* + - 1. Our Office is not aware of any surveys, studies or statistical data related to the realization of the rights of specifically older persons with disabilities. For further information you may refer your question to the Department for Social Inclusion of Persons with Disabilities — Ministry of Labor, Welfare and Social Insurance (<http://www.mlsi.gov.cy/mlsi/dsid/dsid.nsf/dsipd32_gr/dsipd32_gr?OpenDocument>), which is also the responsibe body for the implementation of the UN Convention for the Rights of Persons with Disabilities and the National Disability Action Plan. In addition, relevant statistical date or infomariton can be obtained by the Confederation of Organizations of the Disabled (CCOD) (<http://www.kysoa.org.cy/kysoa/page.php?pageID=3>). Relevant information can alo be collected from the Department for Social Inclusion of Persons with Disabilities (<http://www.mlsi.gov.cy/mlsi/dsid/dsid.nsf/dsipd32_en/dsipd32_en?OpenDocument>) and the Department of Social Welfare Services — Ministry of Labor, Welfare and Social Insurance, which is also responsible for the provision of services for the eldrely and persons with disabilities (http://www.mlsi.gov.cy/mlsi/sws/sws.nsf/All/51950D3157907F4AC2256E7700387B35?OpenDocument).
      2. The Department of Social Welfare Services oversees the policy framework in place for the provision of support services and facilities to improve the living conditions of persons with disabilities. Such services include home care, day care, which gives the opportunity to persons with disabilities to be served by the senior or adult centres during the day and residential care for persons who need constant care and are placed in the social care homes. In additon, the Department of Social Welfare is reposnsible for the implementation of the Law (L. 222/1991), regarding the establishment and supervising of privately owned and community residential homes for the elderly and perosns with disabilities.

It should be noted that, the Committee on the Rights of Persons with Disabilities in its concluding observations on the initial report of Cyprus (May 8, 2017), as regards to living independently and being included in the community (art. 19), observed that: ***“****The Committee is deeply concerned about the significant numberof persons with disabilities who are currently still institutionalized.*

*The Committee recommends that the State party, in close collaboration with representative organisations of persons with disabilities, (…) develop and implement safeguards securing the right to independent living, adopt and immediately implement an adequately funded deinstitutionalization strategy and 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”.*

* + - 1. The Confederation of Organizations of the Disabled (CCOD), by Law (L. 143(I)/2006), acts as the State’s parner on issues relating to disablities. Under this capacity, the CCOD, should be invited to express opinions during stakeholders’ consultation that takes plase in the cotext of the formulation of new legislation. Other organizations which represent persons with disabilities, can also be invited to participate in the consulations.

The Institution of the Elderly, which was constituted by the Decision of the Council of Ministers, on the 26th of June 2018, following a Proposal by the Minister of Labor, Welfare and Social Insurance, also acts as an advisory institution, for the study of policy issues concerning the elderly and can submit relevant suggestions to the Minister of Labor, Welfare and Social Insurance and to other Departments/Ministries for consideration and promotion.

In addition to the above, The House of Elders, which was formed in 1999, is involved in the discussion of issues related to old age at the House of Representatives. In its Annual Sessions, which are organized by the Pancyprian Welfare Council and are under the auspices of the President of the House, the House of Elders discusses issues relating to old age and relevant reports are prepared by its respective Committees.

* + - 1. Our Office has received complains concerning abuse and neglect against older people who live in social care homes. As National Preventative Mechanism (NPM), our Office conducted a series of onsite visits to social care homes, both public and private throughout Cyprus and observed the living conditions of older people, and the obligation to uphold respect to their dignity and human rights.  The relevant Report of our Office, will be issued shortly.

In addition, throughout the last years, our Office, under its competence as Equality Body, has investigated a number of complaints related to age discrimination and, in some occasions, Reports were issued and observations and/or recommendations were submitted. Other categories of alleged discrimination against older people, that have been examined by our Office, are related to discrimination on the ground of age in the field of motor vehicles insurance, age limits regarding social schemes for persons with disabilities and accessibility for persons with disabilities and older people both to environment and services.

* + - 1. In general, awareness events have been conducted by various mechanisms responsible for the implementation and monitoring of the Convention for the Rights of Persons with Disabilities, including our Office as an NHRI and Equality Body, on a national level, as well as the Cyprus Confederation of Organizations of the Disabled. However, our Office is not aware of any innovative initiatives that have been taken on a local, regional or national level, which promote, specifically, the issue of the rights of older persons with disabilities. However, initiatives have been observed by NGOs, on issues concerning the rights of older persons (<https://www.ctaobservatory.org/single-post/media-coverage-elderly-abuse>).