**Questionnaire: The right to sexual and reproductive health rights of girls with disabilities**

**Q.1.**

Τhere are no statistics related to the exercise of sexual and reproductive health and rights of girls with disabilities. However, the current legislation in Cyprus protects girls with disabilities from forced sexual and reproductive health procedures, such as forced sterilization under Mental Health Laws 1997-2007 where the doctor is obliged to obtain informed consent from the patient or their legal representative for any intrusive therapy.

Sexual and reproductive education is provided on a regular basis by specialized NGO family planning services and within the mental health interventions, through individualized interventions and psychoeducation.

In 2015 the Ministry of Education and Culture (MOEC) established a Committee for combating sexual abuse and protecting children. After close communication and cooperation with other Services and Ministries, the Committee has prepared an action plan for the next three years which includes every action of the MOEC for protecting children from sexual abuse. This action plan is part of the Cyprus National Strategy for protecting children from sexual abuse. A circular was sent to schools which includes clear steps that need to be followed when there is suspicion that a child is experiencing sexual abuse. Among others, this action plan intends to organize training for special educators (Primary and Secondary Education) in order to strengthen their students with disabilities to protect themselves from sexual violence and sexual abuse. As part of this training, the educational programme “Keep me Safe” will be used. “Keep me safe” is a programme that is designed to offer the best practice, expertise and proven strategies on the prevention of sexual abuse and violenceof young people with disabilities. The programme will disseminate skills, tools and strategies on the intervention of young people with learning disabilities and their careers. MOEC will cooperate with the NGO Cyprus Family Planning Association for its implementation.

Combatting harmful stereotypes, norms, values, taboos, attitudes and behaviours related to the sexual and reproductive health and rights of girls with disabilities is also targeted through themedia. According to the Radio and Television Organizations Law of 1998-2016 Mass Media are forbidden from broadcasting programs which contain incitement to hatred based on race, sex, religion or nationality. Moreover audiovisual commercial communications must not include or promote any discrimination based on sex, racial or ethnic origin, nationality, religion or belief, disability, age or sexual orientation. In order to address further intersectional discrimination on all grounds through radio and television programs the Radio and Television Authority has submitted to the Ministry of Interior a proposal for amending the relevant law.

**Q.2**

Within the framework of the implementation of the provisions of the Prevention and Combating of Sexual Abuse, Sexual Exploitation of Children and Child Pornography Law of 2014 (N. 91 (I) / 2014), an Authority for the supervision of Persons Convicted of Sexual Offences against Minors was established by a Decision of the Council of Ministers dated 30.09.2015.

The role of this Authority is to supervise persons convicted for sexual offenses against minors , who are referred to it either directly by the Court during the hearing of the case or the infliction of the penalty, or by court order at the request of the Attorney General, after their release.

**Questionnaire: The right to liberty and security of persons with disabilities**

**Q.1.**

Article 11 of the Constitution states that all persons have the right to liberty and personal security. The only reasons concerning the deprivation of freedom are related to criminal offenses after the court finds the person guilty and defines imprisonment. Any person who has been deprived of his liberty by arbitrary discrimination has the right to appeal to court. The legislation in Cyprus is harmonized with the above article.

**Q.2.**

2.1. Legal capacity: According to the Constitution of the Republic and Article 28 all citizens are equal before the law regardless of race, color, religion, language, gender, beliefs, origin, birth, wealth, social class or any other discrimination. Recognizing the weaknesses of the law in terms of the ability to exercise legal capacity of persons with intellectual disabilities and in the context of modernization of the Persons with Intellectual Disability Law, (L.117/89) amendments have been included regulating the institution of advocacy, empowerment and support of persons with intellectual disabilities concerning preferences, decision-making, assertion of their rights and the exercise of legal capacity to the maximum extent possible. The concept of legal capacity for persons with intellectual disabilities under Law No. 117/89 (Law for the Protection of Persons Mentally Retarded) is referred to be treated as in Law 23(I)/96 (The Administration of the Property of Incompetent Persons Law). Law 23(I)/96 concerns all persons who either due to a disability or due to other factors, after a medical evaluation are considered unable to exercise judgment and free will and cannot manage financial and other affairs.

The competent court has the power to appoint an administrator of the legal and financial affairs of the individual. Recognizing the need to harmonize existing law with Article 12 of CRPD the Ministry of Labour, Welfare and Social Insurance in November 2014 submitted to the Law Office for legal approval a draft new law to replace Law 117/89. The draft law named “Law for the Protection and Promotion of Rights of Persons with Intellectual Disabilities” was prepared by the Department for Social Inclusion of Persons with Disabilities (DSID) after long consultations with involved organisations. The purpose of it was the modernization of the existing legal framework encompassing all developments since 1989. The right to legal capacity was proposed to be regulated by the introduction for the first time of the concept of self-advocacy and supported decision making. Provisions were included for certified and trained teams providing maximum possible support to the person leaving as a last resort, the appointment by court of an Administrator under Law 23(I)/96.

As organizations of the disabled continued to disagree with the draft law the Minister of Labour, Welfare and Social Insurance decided and informed the Law Office to freeze further work on the proposed law and ordered the continuation of consultation so as to find another legal solution. In May 2015 a special working group was set up consisting of representatives of all involved parties. In four meetings the group discussed extensively the concept of legal capacity and the ways that a person maybe supported in decision making and coded the parameters that will synthesize any new law or amendment of existing law. There was consensus on: (a) the basic principles that will govern the new legislation, (b) the field of application of the new legislation, (c) the types and duration that support in decision making may take, (d) the qualifications and skills of support providers in decision making, (e) the training and certification mechanisms for providers of support in decision making.

Different views though were noted mainly on the legal basis for the reform. A report of the working group’s results of work was submitted to the Ministry in February 2016. New directions were given as the working group continues its work, in order to draft a new law to regulate the right for legal capacity and supported decision-making, taking into account the recommendations of the UN Committee for the Rights of Persons with Disabilities through its General Comment N.1/2014.

2.2. The rights of persons with disabilities in institutions including processes of deinstitutionalization:

Article 9 of the Constitution specifies that each person has the right to independent living and social security. The Republic of Cyprus takes various measures to facilitate the right of persons with disabilities for independent living and inclusion and participation in the community.

Persons with all types of disabilities, exercise their choice for where to live and with whom mainly through the state social financial benefits to which they are entitled to. A series of support services are also provided directly by the state or indirectly through NGOs and Local Authorities. It is generally recognised though that future direction should be towards more services available - rather than financial benefits – especially in the case of persons with severe and multiple disabilities.

The four main public services that take measures in this sector are the Social Welfare Services (SWS), the Welfare Benefits Administration Service (WBAS), the Department for Social Inclusion of Persons with Disabilities (DSID), and the Mental Health Services (MHS).

Social Welfare Servicesprovide support services and facilities to improve the living conditions of persons with disabilities in their own social environment. Such services are:

(a) home care (personal care, house cleaning, laundry, escort to the hospital, outside work e.g. bill payments, shopping, etc. and also enhancement and education of family members in key domestic and family work),

(b) day care through the Adult Day Care Centers

(c) institutional care (provided for persons who need constant care and whose needs cannot be met neither by their families, nor by the support services offered in the environment in which they live in).

The above services are provided either directly or indirectly through the following routes: (a) assessment of social care needs of recipients of General Minimum Income (GMI) for eligibility to monthly care benefit, (b) subsidization of the operation of social programs operated by NGOs and Local Authorities, and (c) operation of state institutions (child and adolescent protection, care for the elderly, care for people with mental disabilities, day care preschool child services and for victims of sexual exploitation and unaccompanied children). Moreover, counseling and support services to individuals and families who due to special psycho-social situations require either short-term or long-term support are provided by the SWS.

Based on 2015/2016 data, SWS subsidized 20 day Care Centers and 14 residential (24-hour) care centers which specifically address the care needs of persons with disabilities. These centers serviced 508 persons with disabilities. The state institutions operated by SWS include 8 Homes in the community for 45 persons with various severe disabilities.

The monthly financial care benefit is administered by WBAS based on SWS assessment for care needs but also on criteria set by the relevant legislation. According to the Guaranteed Minimum Income and in General the Social Benefits (Emergency Needs and Care Needs) Decree of 2016 (Reg. 162/2016), the monthly care benefit is up to €400 for home care, up to €137 for day care and up to €745 for institutional care. Additional benefits may cover extra expenses such as travelling expenses and emergency expenses.

The Department for Social Inclusion of Persons with Disabilities operates a number of social benefits schemes and services regardless of income criteria, which aim to offset the cost of disability experienced by persons with disabilities and facilitate their participation in the local community and personal assistance.

MHSoperate programs on a daily basis through the Mental Health Day Care Centers with the primary objective of promoting psychosocial rehabilitation of persons with chronic mental health problems. The Day Care Centers greatly assist in developing and improving social skills, self - care skills and independent living.

Concerning deinstitutionalization, MHS promote independent living, social inclusion and community support that ensure the individual participation in the local community. This is achieved mainly through collaboration of the Mental Health Services with Social Services supporting the family and the person to live independently. In an attempt to strengthen the legal and institutional framework for persons with mental disabilities to live and be included in the community, supported by all types of services by MHS, the Ministry of Health has submitted to the Law Office for legal study a new draft law.

in 2016 DSID implemented a special deinstitutionalization project in cooperation with MHS which for years was recommended to Cyprus by the European Committee for the Prevention of Torture. Eight persons with severe intellectual disability and mental health disorders, who were long-stay inpatients at the Athalassa Mental Health Hospital, are living as from April 2016 in a home under the responsibility of DSID. Multidisciplinary services support the persons through individualized and group therapeutic, learning, socialization and entertainment programs and have enabled the 8 persons to improve their self-care, daily living skills, abilities and interests and increased their participation in the home and community life.

In 2017, the Department for Social Inclusion of Persons with Disabilities completed a study for a new legislative and institutional framework on Supported Living in the Community utilizing funds from the European Social Fund. The study and proposal is under review at the Ministry of Labour, Welfare and Social Insurance.

2.6. Security measures and diversion programmes

As regards the security of persons with disabilities in risk situations, situations of armed conflict, natural disasters and humanitarian emergencies, the responsibility lies with different services in Cyprus, those being the Civil Defense under the Ministry of Interior, the Police and the Fire Department under the Ministry of Justice and Public Order and the Cyprus Armyunder the Ministry of Defense, depending on the nature and severity of the situation.

In 2016, the Civil Defence, with the approval of the Minister of Interior, formulated a plan called “Tripos”, aiming to provide assistance to individuals with special needs during any kind of disaster (earthquakes, floods, soil landslides, cyclones, storms, fires, explosions, industrial accidents, epidemics etc.). Among the features of this plan is the creation of an electronic data base with contact details of individuals with special needs, in order for Civil Defence officers to easily locate them and provide the necessary assistance in case of a local or nation-wide emergency. According to the plan, Civil Defence will send text messages or electronic messages to individuals with special needs in order to warn them about an upcoming disaster and will immediately inform the competent officers to provide the necessary assistance to the individuals with special needs.

The following Services aim to prevent and eliminate involuntary detention of people with disabilities:

-The Mental Health Services (MHS) offer a variety of community based services that aim to prevent and eliminate involuntary detention of people with disabilities. All involuntary detentions for mental health patients are court induced and regulated under the Mental Health Laws 1997-2007. The only approved institution for involuntary detention of mental health patients is the Psychiatric Hospital.

-When an individual is deemed an immediate threat to themselves or others and their cognitive capacity is limited they could be involuntarily committed only after: a. the agreement of the closest of keen (or a person holding power of attorney), b. two mental health professionals (at least one attending psychiatrist), c. the Cyprus Mental Health Commission is notified (www.mentalhealthcommission.org.cy). The involuntary commitment cannot exceed 72 hours. When 72 hours need to be exceeded then the aforementioned committee needs to be notified and a court of law needs order it following a presentation of the case and after convincing the court of law. This court order can last up to 8 days in most cases. In extreme cases the court could order longer periods of involuntary treatment. The general and specific rights of patients (including psychiatric patients) are also protected by yet another law, The Protection of Human Rights of Patients Law 2005.

The Law of 2005 on the Rights of Persons Arrested and Detained, has special provisions (Article 3 (4), Article 4, Article 5 (2), Article 7 (4), Article 12 (4), Article 23) regarding persons with disabilities that state that any person arrested who is unable to perform and understand basic rights due to an intellectual deficiency or physical incapacity,has the right to officers of the Medical and / or Social Services of the State becoming available to him / her for support. Also, the person must be informed of their rights and if this is not possible due to the limitations of his / her ability, then the family and relatives must be informed. In Article 5 (2) foreigners with disabilities who have limitations in communication have the right to ask the police to invite people from the Office of the Ombudsman and Human Rights to attend. Article 12 (4) includes the provision of an interpreter for persons with disabilities who cannot communicate well with their lawyer.

**Q.3**

There are no available data about Q.3.1-3.13.

As regards security or preventive measures applied in the criminal justice context: The Law of 2005 on the Rights of Persons Arrested and Detained, has special provisions (Article 3 (4), Article 4, Article 5 (2), Article 7 (4), Article 12 (4), Article 23) on persons with disabilities that state that any person arrested and unable to perform and understand basic rights due to an intellectual deficiency or physical incapacity, has the right to officers of the Medical and / or Social Services of the State becoming available to him / her for support. Also, the person must be informed of their rights and if this is not possible due to the limitations arising from his / her disability, then the family and relatives must be informed. In Article 5 (2) foreigners with disabilities who have limitations in communication have the right to ask the police to invite people from the Office of the Ombudsman and Human Rights to attend. Article 12 (4) includes the provision of an interpreter for persons with disabilities who cannot communicate well with their lawyer.

Regarding the right of access to a lawyer, according to the Rights of Persons who are Arrested and Detained Law (sections 3(1)(c), 3(2)(a) and (4), 8(3)(b), 10, 12(1) and (3), 14(2), immediately after arrest, a person arrested by a member of the Police has the right to call a lawyer of their own choice, without any other person being present during the phone call.

In the event that a person is arrested, who is obviously not able to exercise the above-mentioned right to communication due to an intellectual or physical disability, such person shall be entitled to exercise said right with the assistance and/or in the presence of an official from the medical or social services of the state; such assistance must be made available to the arrested person immediately. once this is practically feasible after the arrest.

Every detained person is entitled to hold confidential interviews with their lawyer for their defense on any day and at any time, in the detention centre where they are held, in a private space outside the visual and acoustic field of any member of the police, and hand over/ receive confidential written or oral instructions, during the consultation

In case that a person is arrested who evidently, because of a mental health problem or bodily disability cannot exercise, without help, the rights of communication, such person is entitled to exercise them with the help and/or in the presence of an officer of the Medical and/or Social Services of the State, which should be made available to him/her as soon as this is possible after his/her arrest or within twelve hours, depending on the case (article 3(4).

Immediately after the arrest of a person who evidently, because of a mental health problem is not able to understand or know that he/she has the right to communication or fully understand his rights, then he/she is entitled that a relative of his is informed through telephone, in an understandable language, by the Police, regarding the arrest and the station or detention center or his proposed detention (article 4).

**Q.4 – Q.5:** There are no available data.