

# **Coronavirus pandemic in the EU – Fundamental Rights Implications**

**Country:** Cyprus

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# 1 Measures taken by government/public authorities

## 1.1 Emergency laws/states of emergency, including enforcement actions

As during the previous reporting period, Cyprus did not declare a state of emergency. Instead the government continued to rely on the Quarantine Law, which empowers the Council of Ministers, the Minister of Health and other Ministers to issue decrees to deal with the emergency situation.

There was some Parliamentary scrutiny and participation, however since Governmental operations, including Parliament were scaled down to minimum essential services, this was reduced to a minimum level. A parliamentary session was held on 27 March in order to approve and adopt the governmental proposal for the additional state budget which included an extra budget of €369m to cover the cost of support measures to vulnerable groups, employees, self-employed persons and enterprises. These included €20 million for the parental leave of up to four weeks to parents working in the public and private sector who had to stay at home to look after children aged up to 15 years because of the closure of schools and kindergartens. A sum of €182 was budgeted for the schemes for the full and partial suspension of operations of undertakings which were forced to shut down, providing for unemployment benefit of up to 60% of insured earnings of their employees. The scheme includes undertakings which were not forced to shut down but whose business turnover was negatively affected by the pandemic at a rate over 25%. It is estimated that a total of 220,000 private sector employees would benefit from this scheme for the period between 16 March 2020 and 12 April 2020. An estimated 40,000 self-employed persons will benefit from a scheme of financing 60% of their insured earnings with a ceiling of €1,000. The budget includes €15 million for an estimate of 20,000 sick leave to employees facing health problems and older employees who are classified as high risk group. Cypriot students studying abroad who choose not to be repatriated were granted a lump sum of €750 to cover their living expenses.<sup>1</sup>

A number of measures were adopted severely restricting movement and operation of businesses, which were rigorously enforced by the police. The measures sparked lively public debates amongst lawyers, many of whom conferred that although very strict, they are compliant with the Constitution, which permits exceptions from fundamental rights if so required for public health purposes, amongst other reasons and that it is permitted to 'let the law sleep until the reason, like public order, national security or public health expire.' The repatriation of Cypriot students studying in universities abroad was at the forefront of discussions where opinions diverged, with some arguing that the management of the pandemic must be left to the state and others stating that the right of Cypriots to enter Cyprus, safeguarded by the Constitution, cannot be suspended for any reason.<sup>2</sup> Some legal practitioners have criticised the suspension of fundamental rights derived from the constitution, by invoking the emergency situation from the pandemic.<sup>3</sup>

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<sup>1</sup> Kathimerini(2020), [‘Βουλή: Ενέκρινε την πλειοψηφία μέτρων στήριξης οικονομίας και εργαζομένων’](#), 27 March 2020.

<sup>2</sup> Dialogos (2020), [‘Διπλή Συνέντευξη: Τα μέτρα, οι ευθύνες και τα παραθυράκια των διαταγμάτων’](#), 5 April, 2020

<sup>3</sup> Pourgourides, E. (2020) [‘Συντάγματος «Επιτάφιος»’](#), Δικαιοσύνη, 28 April 2020.

Christophi, C., Paraskeva, C. (2020) [‘Το Σύνταγμα και τα Ανθρώπινα Δικαιώματα’](#), Δικαιοσύνη, 29 April 2020.

## 1.2 Measures affecting the general population

### 1.2.1 Social distancing

Focus on:

- *Stay at home orders and physical distancing when outside the house*
- *Enforcement and penalties*

On 24 March new restrictions on movement were announced, permitting movements only for the following reasons:<sup>4</sup>

- Transfers to and from work;
- Visits to government or local government offices only where absolutely necessary;
- Visits to retail shops and other premises to access goods and services absolutely necessary and only if delivery is not possible;
- Visits to doctors, to blood donation stations and to pharmacies;
- Visits to banks if electronic banking is not possible;
- Transfers in order to provide help to relatives or other persons who cannot help themselves and or to groups who need to protect themselves or are in self-isolation or quarantine;
- First and second degree relatives attending weddings, funerals and christenings not exceeding 10 persons;
- Physical exercise and walking pets provided there are no more than two persons in a group and remain close to their homes.

Parks, playgrounds, sports grounds, open air markets, door-to-door sales, worship places beaches, squares and other places of public meetings should remain closed. All retail shops should also remain closed except shops selling disability equipment and orthopedic parts, hearing aids, and industrial air, medical and optical laboratories, car and motorcycle fixing garages, shops selling and repairing tires and bicycles, dry cleaners, grocery shops, bakeries, meat and fish shops, restaurants and coffee shops only for delivery, petrol stations, kiosks, postal and courier services, vets and pet shops, telephone service providers to the extent that they provide necessary goods and services, agricultural products, car sales, funeral services and flower shops. Inside retail shops a distance of one person per eight square meters must be observed.<sup>5</sup> The Ministry of Health entered into agreements with hotels and other tourist accommodation providers for the temporary accommodation of persons who must remain in quarantine for 14 days from their arrival into Cyprus.<sup>6</sup>

The lockdown just before Easter has met with opposition from some religious Christian Orthodox people. Contrary to the approach taken by the Patriarch of Constantinople and the agreement between the church leadership and the Government, one theologian has argued that divine law is superior to secular law of any state therefore defying secular law is legitimate.<sup>7</sup> Another legal

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<sup>4</sup> Cyprus, Infection Clearance Regulation (Determination of Measures to Prevent the Spread of Coronavirus COVID-19 Decree (No. 9) of 2020, [[Ο περί Λοιμοκαθάρσεως \(Καθορισμός Μέτρων για Παρεμπόδιση της Εξάπλωσης του Κορωνοϊού COVID-19 Διάταγμα Αρ. 9 του 2020\)](#)], 23 March 2020.

<sup>5</sup> Cyprus, Infection Clearance Regulation (Determination of Measures to Prevent the Spread of Coronavirus COVID-19 Decree (No. 9) of 2020, [[Ο περί Λοιμοκαθάρσεως \(Καθορισμός Μέτρων για Παρεμπόδιση της Εξάπλωσης του Κορωνοϊού COVID-19 Διάταγμα Αρ. 9 του 2020\)](#)], 23 March 2020.

<sup>6</sup> Cyprus, Infection Clearance Regulation (Determination of Measures to Prevent the Spread of Coronavirus COVID-19 Decree (No. 9) of 2020, [[Ο περί Λοιμοκαθάρσεως \(Καθορισμός Μέτρων για Παρεμπόδιση της Εξάπλωσης του Κορωνοϊού COVID-19 Διάταγμα Αρ. 9 του 2020\)](#)], 23 March 2020.

<sup>7</sup> Economou, C. (2020) [Πανδημία, Κρατική Εξουσία και Θεολογία στην Κύπρο](#), *Romfea.gr*, 27 April 2020.

practitioner argued that the closure of churches is unconstitutional and disproportionate and that it infringed the exercise of religion.<sup>8</sup>

On 27 March an administrative fine of 150 euros to persons violating the restrictions was introduced. Three days later, the Council of Ministers approved the increase of the fine to 300 Euros. Depending on the severity of the case, police officers may choose not to impose a fine and instead file a criminal case in court where a fine of up to 3,000 Euros can be imposed.<sup>9</sup>

Police practices in enforcing the regulations have attracted criticism for being heavy handed and discriminatory, in that migrants who had no access to information about the measures were targeted and fined.<sup>10</sup> Fines were also imposed on persons with intellectual disability,<sup>11</sup> migrants sharing a home where more than ten persons stayed under one roof, minors and refugees who did not speak Greek or English and had no information about the restriction measures.<sup>12</sup> Migrant support NGO KISA asked the government to detach immigration control checks from the checks carried out for the purpose of ensuring compliance with the restriction measures and for the purpose of accessing medical care if they fall sick with Covid-19. NGO Ypatia highlighted the situation of several thousands of irregular migrants who are at risk of going hungry, fall sick and die without help when they cannot use the SMS system to leave the house in order to cover their needs.<sup>13</sup> Media reports recorded a number of excesses by the police in checking vehicles, asking the drivers questions which were not relevant to restrictions relating to Covid-19 such as their date of birth, whether the vehicle was registered in the name of the driver, the driver's telephone number, whether the characteristics of the car matched those mentioned in the registration certificate and other information, suggesting that the police were not merely checking compliance with the movement restrictions.<sup>14</sup> On one occasion a video was circulated on social media showing police officers violently assaulting a person in the course of checking compliance with the restriction measures. The victim filed a complaint with the Independent Authority for investigating Complaints against the Police which sought and secured permit from the Attorney General in order to appoint a criminal investigator.<sup>15</sup> Between 12 March and 6 April, a total of 13 complaints were filed by citizens to the Independent Authority for Complaints against the Police, regarding police checks for compliance with the restriction measures.<sup>16</sup> The incidents complained of include use of force, arbitrary and unjustified imposition of fines and putting a life at risk when they refused to allow an ambulance carrying a critically ill person pass through a checkpoint in order to reach the hospital.

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<sup>8</sup> Ioannou, C. (2020) '[Ο κορωνοϊός και η νομιμότητα της απαγόρευσης προσέλευσης σε χώρους λατρείας](#)', *Δικαιοσύνη*, 27 April 2020.

<sup>9</sup> Cyprus, Press and Information Office (2020), '[Ministerial Council decision increases to €300 the fine for violators of the Quarantine Law](#)', Statement by the Minister of Justice and Public Order, Mr. George Savvides, 31 March 2020.

<sup>10</sup> Demetriou, M.(2020), '[Πλήρης αδιαφορία για μετανάστες στην Κύπρο εν μέσω κρίσης του κορωνοϊού](#)', *24Hours*, 5 April 2020.

<sup>11</sup> Dialogos (2020), '[Επέβαλαν πρόστιμο 300 ευρώ σε άτομο με νοητική αναπηρία!](#)', 31 March 2020.

<sup>12</sup> Consultation with teachers in minority school in Nicosia, 24 April 2020.

<sup>13</sup> Demetriou, M.(2020), '[Πλήρης αδιαφορία για μετανάστες στην Κύπρο εν μέσω κρίσης του κορωνοϊού](#)', *24Hours*, 5 April 2020.

<sup>14</sup> Dialogos (2020), '[Υπερβολές από αστυνομία σε ελέγχους – «Το κοτσιάνι γράφει ότι εν γκρίζο το αυτοκίνητο»](#)', 3 April, 2020.

<sup>15</sup> Offsite(2020), '[Ποινικός ανακριτής για το περιστατικό με πολίτη & αστυνομικούς](#)', 7 April 2020.

<sup>16</sup> Dialogos (2020), '[Υποβλήθηκαν δεκατρία παράπονα από πολίτες εναντίον αστυνομικών σε σχέση με τα περιοριστικά μέτρα](#)', 6 April, 2020.

### 1.2.2 Education

Focus on:

- *Ensuring continuity of education for children from socioeconomically disadvantaged backgrounds, including measures to ensure distance learning for this group*

Although private schools were able to start distant lessons within a few days after the lockdown started, tens of thousands of students in primary, secondary and tertiary public education were still without daily contact with their schools in April 2020, two months after the lockdown started. This is attributed to a number of reasons including the absence of planning on the part of the Education Ministry, the repeated change of instructions to primary and secondary education teachers and the change of software to be used, IT training and knowledge gaps amongst the teachers and students and the fact that all attention was focused on students in the third grade of the Lyceum who were preparing for the final national exams.<sup>17</sup> Distant learning for Lyceum students started on 15 March as the government was adamant that the exams should not be postponed. The exam material will include only what was taught in class. The Ministry of Education handed out 6,000 tablets to secondary education students and 65,000 users were using the software Microsoft Teams. However, even though tens of thousands of students had received codes for the program Teams, distant learning did not start until the last week of April, due to weaknesses reported by the schools, relating to software and to access to the students.<sup>18</sup> The second phase of distant education commenced with the issuance of new instructions from the Ministry of Education on 23 April which were met with strong reactions from both students' and teachers' organisations, who warned that inequalities between students were being entrenched as not all students were provided with the necessary equipment and connectivity to join the on-line meetings.<sup>19</sup> Additional concerns expressed included the fact that the exam material was still unclear and that the total of two hours and 15 minutes of teaching every day is not sufficient.<sup>20</sup> The Primary Teachers Union announced that, two months after the pandemic lockdown, about 2,000 primary school children still do not have appropriate devices for distance learning, such as tablets or computers at home.<sup>21</sup>

The Ministry of education announced that on 11 May the schools will gradually open with the final year of the lyceum, one week after the introduction of first phase of the relaxing of the mobility restrictions. Initially, the Government announced plans to the teachers' trade unions that it intended open nurseries and primary schools on the second phase of the relaxation of the measures on 18 May, however, this was met with strong reaction from parents and teachers. The vice-president of the Primary Teachers Union expressed concerns about the failure of the Ministry of Education to take measures to ensure a smooth return to schools for all students and teachers in a safe and hygienic environment, claiming that the reasons for the decision to open primary schools and kindergartens are not educational but economic, namely to facilitate the return of parents to work.<sup>22</sup> The trade unionists of teachers' organisations expressed concerns over the fact that the plans of the Ministry of Education will inevitably exclude students those who belong to vulnerable groups or who have siblings or parents who belong to vulnerable groups, who will not have access to the classroom.

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<sup>17</sup> Infokids (2020), '[Με προβλήματα η εξ' αποστάσεως εκπαίδευση – Υπάρχουν ελλείψεις](#)', 27 March 2020.

<sup>18</sup> Hanni, G(2020), '[Μεγάλη πληγή της κυβέρνησης τα σχολεία](#)', *Stockwatch*, 24 April 2020.

<sup>19</sup> Reporter (2020), '[Αλλαγές στην εξ αποστάσεως εκπαίδευση και για τα Δημοτικά-Αντιδρά η ΠΟΕΔ](#)', 24 April 2020.

<sup>20</sup> Dialogos (2020), '[Μπάχαλο στον τομέα της εκπαίδευσης – Έμεινε στις διακηρύξεις το Υπ. Παιδείας](#)', 25 April 2020

<sup>21</sup> Diadrasis (2020) "[Ανοιγμα σχολείων ως παιδοφυλακτήρια;](#)" Dialogos, 3 May 2020.

<sup>22</sup> Diadrasis (2020) "[Ανοιγμα σχολείων ως παιδοφυλακτήρια;](#)" Dialogos, 3 May 2020.

### 1.2.3 Work

Focus on:

- *People in precarious work*
- *Measures related to 'essential workers' and those already returning to work, e.g. what is identified as an 'essential' function, physical distancing measures in the workplace, relaxing restrictions on working hours, additional financial support*

Cyprus continued to be in lockdown during the reporting period. The sectors which were allowed to work remained the same as in the previous reporting period and consisted of shops selling disability equipment and orthopedic parts, hearing aids, and industrial air, medical and optical laboratories, car and motorcycle fixing garages, shops selling and repairing tires and bicycles, dry cleaners, grocery shops, bakeries, meat and fish shops, restaurants and coffee shops only for delivery, petrol stations, kiosks, postal and courier services, vets and pet shops, telephone service providers to the extent that they provide necessary goods and services, agricultural products, car sales, funeral services and flower shops. Inside retail shops a distance of one person per eight square meters must be observed.<sup>23</sup>

#### *People in precarious work*

The Cypriot Network against poverty issued a statement that Cyprus is facing the greatest poverty crisis of modern times.<sup>24</sup> Workers in precarious jobs in non-standard employment were particularly affected by the lockdown measures and at the same time could not access any of the benefits announced by the government.<sup>25</sup> The economic consequences of the lockdown and the bleak economic forecasts, where the Ministry of Finance estimates a possible double digit contraction of the GDP are estimated to have a most serious impact on those working in precarious jobs. Cyprus is characterised by relatively high shares of non-standard employment and labour fragmentation<sup>26</sup> and is marked by one of the highest adjusted wage gaps in the EU between permanent and temporary employees.<sup>27</sup> The percentage of employees on temporary contracts reached 14.3% in 2016 (compared to 11.2% in 2008), 3.1 percentage points above the EU28 average. The part-time employment rate stood at 13.3% in 2016 (below the EU28 average of 18.9%; albeit significantly higher than its pre-crisis level of 6.5% in 2008).<sup>28</sup>

Many workers in precarious jobs work in the informal sector, a large portion of whom are migrant workers, are irregular. The informal sector is estimated to be over 25% of the Cypriot economy, which is the sixth largest percentage in the EU; only eastern European countries have larger informal economies.<sup>29</sup> Cyprus and Latvia are the only countries where informal wage employment is more prevalent than self-employment across all EU Member States covered by the comparative study

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<sup>23</sup> Cyprus, Infection Clearance Regulation (Determination of Measures to Prevent the Spread of Coronavirus COVID-19 Decree (No. 9) of 2020, [[Ο περί Λοιμοκαθάρσεως \(Καθορισμός Μέτρων για Παρεμπόδιση της Εξάπλωσης του Κορωνοϊού COVID-19 Διάταγμα Αρ. 9 του 2020\)](#)], 23 March 2020.

<sup>24</sup> Cyprus Times (2020) '[Σειρά εισηγήσεων από το Κυπριακό Δίκτυο Ενάντια στη Φτώχεια](#)', Cyprus Times, 27 April 2020.

<sup>25</sup> Interview with trade unionist, 2 May 2020.

<sup>26</sup> Ioannou, G. (2015). 'Labor force fragmentation in contemporary Cyprus', *Working USA: the Journal of Labor and Society*, Vol. 18, No. 4, 595-612.

<sup>27</sup> Da Silva, A. and Turrini, C. (2015), 'Precarious and less well-paid? Wage differences between permanent and fixed-term contracts across the EU countries', *European Economy, Economic Papers* No. 544.

<sup>28</sup> Koutsampelas, C. (2018) '[Non-standard employment in Cyprus: Trends and policy responses](#)', *Cyprus Economic Policy Review*, Vol. 12, No. 1, pp. 41-58 (2018) 1450-4561.

<sup>29</sup> OECD (2015) [Policy Brief on Informal Entrepreneurship Entrepreneurial Activities in Europe](#), European Union/OECD, 2015.



undertaken.<sup>30</sup> Whilst non-standard employment is more likely to be met among women and young persons, following the financial crisis in Cyprus after 2012, non-standard employment increased considerably among men and persons with tertiary qualifications. Studies have shown how the crisis has adversely affected these precarious workers, in terms of their rights<sup>31</sup> and their income and benefits.<sup>32</sup> Inequalities in the labour market are translated into higher risk of in-work poverty and disparities in social provisions, mostly in regard to the adequacy of earnings-related benefits, including pensions.<sup>33</sup> In 2018, about 34% of Cyprus' population with a disability was at risk of poverty or social exclusion compared with 20% with no limitation according to Eurostat figures.<sup>34</sup>

Most of precarious workers, particularly those in the informal sector, are not covered by the schemes announced by the Ministry of Labour, either because they are not protected by social insurance or because irregular third country migrants are not allowed to work and risk deportation at any interaction with the authorities.

#### *a. Essential services*

The following were declared as essential services on 18 March:

- Ministry of Labour, Welfare and Social Insurance, including all its departments;
- Ministry of Health including all its departments and branches;
- Health Services of local governance organisations, public and wider public sector.<sup>35</sup>

By 24 March the following were added to the description:

- Ministry of the Interior, including all its departments and services
- Consumer Protection Service of the Ministry of Energy, Commerce and Industry
- Central Intelligence Service
- A number of Central Bank divisions (Legal Service, financial analysis, IT, Crisis Group, Currency management, payments system etc)
- Attorney General's Office.<sup>36</sup>

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<sup>30</sup> Hazans (2011), "Informal Workers across Europe: Evidence from 30 Countries", *IZA Discussion Paper* No. 5871, Institute for the Study of Labor, Bonn; OECD (2015) [Policy Brief on Informal Entrepreneurship Entrepreneurial Activities in Europe](#), European Union/OECD, 2015.

<sup>31</sup> Demetriou, C., (2015), 'The impact of the crisis on fundamental rights across Member States of the EU: Country Report on Cyprus', Directorate General for Internal Policies, European Parliament.

<sup>32</sup> Ioannou, G. (2014). 'Employment in crisis: Cyprus 2010-2013'. *The Cyprus Review*, Vol 26, No. 1, 107-126.

<sup>33</sup> Koutsampelas, C. (2018) "[Non-standard employment in Cyprus: Trends and policy responses](#)", *Cyprus Economic Policy Review*, Vol. 12, No. 1, pp. 41-58 (2018) 1450-4561.

<sup>34</sup> In-Cyprus (2019) '[34% of population with disability at risk of poverty](#)', In-Cyprus, 29 October 2019.

<sup>35</sup> Cyprus, Infection Clearance Regulation (Determination of Measures to Prevent the Spread of Coronavirus COVID-19 Decree (No. 6) of 2020, [[Ο περί Λοιμοκαθάρσεως \(Καθορισμός Μέτρων για Παρεμπόδιση της Εξάπλωσης του Κορωνοϊού COVID-19 Διάταγμα Αρ. 6 του 2020\)](#)], 18 March 2020.

<sup>36</sup> Cyprus, Infection Clearance Regulation (Determination of Measures to Prevent the Spread of Coronavirus COVID-19 Decree (No. 9) of 2020, [[Ο περί Λοιμοκαθάρσεως \(Καθορισμός Μέτρων για Παρεμπόδιση της Εξάπλωσης του Κορωνοϊού COVID-19 Διάταγμα Αρ. 9 του 2020\)](#)], 23 March 2020.

### *b. Safety measures at the workplace*

The Ministry of Health issued a set of measures to be followed at the workplace, some of which are termed as obligatory whilst others are vague and impossible to monitor:<sup>37</sup> Hand gel with >60% alcohol at the entrance of every place of work fixed before entrance into the building except where entrance is automatic; sufficient airing of the office space; one person per eight square metres in public areas; at least two metres distance between all persons; frequent washing of hands with soap and water or with gel containing 70 degrees of alcohol; obligatory use of masks to workers serving the public with instructions on how to wear, remove and dispose; daily cleaning and disinfection of high touch surfaces like door handles, office furniture, staircase banister, water taps which must be strictly monitored; daily cleaning and disinfection of toilet and all restroom surfaces with liquid of 1/99 chlorine; closure of toilet lid before flushing the toilet and washing of hands before and after using and cleaning the toilet; no crowding of workers in corridors or toilets, access to sufficient disposable prevention items like thermometers, simple surgical masks, one use gloves, bin bags and surface cleaning liquid. The guidelines include a protocol on how to handle suspected incidents, which involves the isolation of the worker and the calling of an ambulance.

The Ministry of Education announced that students in the final grade of the Lyceum will return to school in order to prepare for the final exam, however the protection measures announced do not match the protection measures required for workplaces. In workplaces, there is a document of 18 pages, in schools instructions of only two pages. In workplaces there is a risk assessment by the employer which does not exist in the case of the schools. In workplaces a distance of two metres between persons is foreseen, whilst in schools a distance of one metre between students is foreseen and two metres between students-teachers. In workplaces the space per employee must be eight square metres whilst no such space is foreseen in schools. In workplaces partitions must be placed if distancing is not possible, which is not foreseen for schools. In workplaces masks, thermometers and other disposals are foreseen which are not foreseen for schools.<sup>38</sup> The difference in the measures foreseen for workplaces and schools suggest a differential treatment between children and adult workers as well as a less preferential treatment of teachers compared with other employees which cannot be reasonably justified.

### *c. Support measures*

There are five schemes in place to support workers affected by the crisis: the scheme on special leave for caring for children, the special grant for illness, a scheme for self-employed persons and a scheme or partial or full suspension of operation of an undertaking. These measures were already in place since 16 March 2020 until 12 April 2020 and then renewed for a further period until 12 May 2020 with a number of minor revisions mainly regarding the retroactive effect of a minimum monthly subsistence sum and the extension of the scheme to include persons who started work for the first time in February and March 2020. In addition to these existing schemes, a new scheme was introduced for those who are unemployed and have exhausted their regular unemployment benefit; under the

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<sup>37</sup> Cyprus, Ministry of Health(2020), 'Guidelines for handling issues of coronavirus (SARS-CoV-2) at the workplace' ([\*Οδηγίες για αντιμετώπιση για τα θέματα κορωνοϊού \(SARS-CoV-2\) σε χώρους εργασίας\*](#)), 4 May 2020.

<sup>38</sup> Ministry of Health(2020), 'Instructions for Covid-19 prevention at schools' ([\*Οδηγίες για πρόληψη Covid-19 σε σχολεία\*](#)), 29 April 2020; Ministry of Labour, Welfare and Social Insurance (2020), [\*Οδηγός Διαχείρισης θεμάτων ασφάλειας και υγείας στην εργασία σε συνθήκες Κορωνοϊού\*](#).



new scheme a special grant of €360 will be paid.<sup>39</sup> There were several complaints from persons eligible for the benefits about delays of several weeks in receiving the money into their accounts. The Labour Minister attributed the delays to the large volume of applications and to the mistakes located in applications mainly from migrant workers, adding that even the slightest mistake means that the application cannot be processed and urging the employers to complete and file the applications themselves.<sup>40</sup>

#### 1.2.4 Access to justice

*Focus on:*

- *Restrictions to court proceedings (e.g. adjournment of proceedings, written procedures, extension of deadlines, determination of what constitutes ‘urgent cases’)*
- *Use of alternatives to detention*

##### *Courts*

The courts were closed at the beginning of the lockdown and tried cases only if they were deemed ‘urgent’; the urgency was determined in a case-by-case basis. Following a meeting of the Supreme Court in the presence of the Justice Minister, the Attorney General and the President of the Cyprus Bar Association, it was decided that civil courts will try only interim applications for emergency matters, as this is determined by the judge, appeals regarding property expropriations, habeas corpus applications, extradition cases, mandatory orders of an urgent nature as this is determined by the judge, urgent asylum cases as determined by the judge, urgent appeals as determined by the judge. The criminal court will be trying only cases where the accused persons are in detention or whose detention is being sought, cases relating to the measures concerning Covid-19, cases considered by the judge to be urgent, appeals by persons serving a prison sentence where the judge thins they are urgent.<sup>41</sup> The office of the Registrar was closed, therefore new applications and petitions could not be lodged, unless they were exceptional matters of urgency or criminal matters. All cases were adjourned, to be rescheduled for a future yet undetermined date. It was left to the discretion of the judge to decide whether a case was urgent enough to hear in chambers or in court an application for any prerogative order or other remedy required. On 16 April, the Supreme Court issued an order suspending all deadlines for the submission of any claim or document to the court due to the pandemic.<sup>42</sup> The same order was issued in respect of the Administrative court.<sup>43</sup> Deadlines or limitation periods which expire between 15 March and 30 June 2020 were postponed until 31 July 2020.<sup>44</sup> The violations of the restriction measures against Covid-19 are included in category of exceptional cases which Courts will litigate.<sup>45</sup> During the first phase of the relaxation of the

<sup>39</sup> Offsite (2020), ‘[Υπ. Εργασίας: Τι άλλαξε στα Σχέδια Στήριξης Εργαζομένων](#)’, 03 May 2020. For more information about the schemes see the webpage of the Ministry of Labour [here](#).

<sup>40</sup> Phileleftheros (2020), ‘[Τι απαντά το Υπ. Εργασίας για την καθυστέρηση στα επιδόματα](#)’, 29 April 2020

<sup>41</sup> Reporter (2020), ‘[Αυτές είναι οι υποθέσεις που θα δικάζουν πλέον τα Δικαστήρια-Οι αποφάσεις που πάρθηκαν](#)’, 16 April 2020.

<sup>42</sup> Cyprus, Procedural Rule on Civil Procedure (Amendment) (No. 2) of 2020 [[Ο περί Πολιτικής Δικονομίας \(τροποποιητικός\)\(Αρ. 2\) Διαδικαστικός Κανονισμός του 2020](#)] No. 4126, 10 April 2020.

<sup>43</sup> Cyprus, On the function of the Administrative Court (Amendment) (No. 1) Procedural Rule of 2020 [[Ο περί λειτουργίας του Διοικητικού Δικαστηρίου \(τροποποιητικός\)\(Αρ. 1\) Διαδικαστικός Κανονισμός του 2020](#)] No. 4127, 30 April 2020.

<sup>44</sup> Cyprus, Law on interpretation (Amendment) [[Ο περί Ερμηνείας \(Τροποποιητικός\) 40\(I\) Νόμος του 2020](#)] N. 40(I) of 2020, 30 April 2020.

<sup>45</sup> Cyprus, Press and Information Office (2020), ‘[Το Υπουργικό Συμβούλιο ενέκρινε νομοσχέδιο για επιβολή εξώδικης ποινής στους παραβάτες του περί Λοιμοκαθάρσεως Νόμου](#)’, 26 March 2020.

restrictions, which commenced on 4 May, there will be restrictions on who can attend the court as more hearings will gradually start to take place following the relaxation of the restriction measures.<sup>46</sup>

### *Use of alternatives to detention*

The Prison Department announced a series of measures for the decongestion of the prison and for reducing risks for prisoners and staff. Out of a total of 800 prisoners of the entire prison population, 114 were granted early release, 23 were already under house arrest and 10 were released on the basis of a decision of the Prison Board.<sup>47</sup> The prisoners released are those with a prison sentence of less than 10 years who had served half of their sentence until 19 April 2020 and they have two years remaining for completion of their sentence. Prisoners convicted for murder, manslaughter, attempted murder, sexual offences against adults or children, rape, pedophilia, child pornography are not eligible for early release.<sup>48</sup> The Prison Authority justified its decision for prison decongestion with reference to the calls of international human rights organisations.<sup>49</sup> About 45% of prisoners in the central prison are third country nationals who have not benefited from the early release measure.<sup>50</sup> According to the Association for the Protection of the Rights of Prisoners and Released Prisoners, overcrowding and problems persist, despite some alleviation resulting from the early release measure; the central prison's capacity is around 450 people and the number of inmates today is around 700.<sup>51</sup> A Cypriot penology expert criticised the authorities for failing to release enough prisoners and make use alternatives to detention to properly address overcrowding underscoring the fact that the Prison authorities failed to release any third country nationals.<sup>52</sup>

In addition to the prison population, there are 120 third country nationals detained at the Menoyia Detention Centre awaiting deportation. Two wings of the detention centre remain closed, which will be opened if and when necessary, in case the number of third country nationals awaiting deportation increases. The Menoyia detainees will not benefit from any alternative to detention measures and neither are the detainees in police stations, many of whom were arrested for immigration related offences.<sup>53</sup>

## **1.2.5 Freedom of movement**

*Focus on:*

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<sup>46</sup> Cyprus, Supreme Court (Ανώτατο Δικαστήριο) '[Court Plan for functioning of the Supreme Court and the Administrative Courts](#)', Press statement, 4 May 2020.

<sup>47</sup> Cyprus, Procedural Rule on Civil Procedure (Amendment) (No. 2) of 2020 [[Ο περί Πολιτικής Δικονομίας \(τροποποιητικός\)\(Αρ. 2\) Διαδικαστικός Κανονισμός του 2020](#)] No. 4126, 10 April 2020.

<sup>48</sup> Cyprus Press and Information Office (2020), '[Τμήμα Φυλακών: Αποφυλακίσεις ενόψει της απειλής του κορωνοϊού](#)', 31 March 2020.

<sup>49</sup> The Council of Europe's Committee for the Prevention of Torture (CPT), the United Nations High Commissioner for Human Rights, the United Nations Subcommittee on the Prevention of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment and the International Corrections and Prisons Association (ICPA), the International NGO for Human Rights (PRI) - Penal Reform International, DIGNITY, the Danish Institute against Torture, the International Association for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (APT - Association for the Prevention of Torture).

<sup>50</sup> Consultation with officer of the Ministry of Justice and Public Order, 4 May 2020.

<sup>51</sup> Cyprus News agency (2020) [Βελτιώθηκε η κατάσταση στις Φυλακές, ο υπερπληθυσμός όμως υφίσταται λέει ο Γ. Πολυχρόνης](#), *Cyprus Times*, 8 April 2020.

<sup>52</sup> Spyrou, K. (2020) '[Τα κέντρα εγκλεισμού και η ευθύνη της πολιτείας](#)', Dialogos 30, April 2020.

<sup>53</sup> Consultation with officer of the Ministry of Justice and Public Order, 4 May 2020.

- *Closure of borders/restrictions on movement within the EU and categories of people allowed to enter the Member State (including EU citizens, legally-residing third country nationals and their families, asylum applicants)*
- *Special provisions for cross-border commuters (especially health and care workers) or other workers from neighbouring non-EU countries*

#### *Asylum applicants*

Cyprus continued to keep its borders closed to asylum applicants. Third country nationals who entered the territory of the Republic of Cyprus through the unguarded parts of the buffer were not permitted to file asylum applications and were not given access to reception conditions. As in previous weeks, asylum applicants continued to be transferred into closed reception camps, amongst increased concerns from support NGOs about overcrowding and unsanitary conditions.<sup>54</sup>

#### *Turkish Cypriots affected by the closure of the checkpoints*

The closure of the checkpoints has made it impossible for Turkish Cypriots to access benefits, services and rights in the Republic of Cyprus, including access to hospitals, government services and their jobs in the south. The checkpoints separating north from south remain shut even though, following the lockdown imposed by the Turkish Cypriot authorities, Covid-19 infections were reduced to zero. A group of 1525 Turkish-Cypriots residing in the north but working in the south wrote to the President of the Republic requiring access to their jobs on 4 May when their workplace would commence its activities.<sup>55</sup> Turkish-Cypriots undergoing treatment in hospitals in the south also applied to the President for permission to cross the checkpoints for urgent medical treatment.<sup>56</sup> NGOs and human rights groups have criticised the Cypriot government for not including the opening of the checkpoints in the unlocking of the lockdown. The chief scientist of the advisory committee to the Government has expressed his misgivings about opening the checkpoints because of the relations between the Turkish Cypriot community and Turkey, where there is a massive spread of the virus.<sup>57</sup>

#### *Repatriation of Cypriot students*

Government policy as regards the repatriation of Cypriot students changed several times over the past weeks, starting from requiring students abroad to present a medical certificate to board a flight home, which however was impossible to secure from the health authorities in their host countries because of the pandemic. This measure attracted criticism for being hypocritical and a delaying tactic, which may have put students at risk of contracting Covid-19 in countries with high contagion rate such as U.K.<sup>58</sup> Finally, at the beginning of April 2020, students started to be repatriated in batches with priority given to students with health issues, and placed in quarantine for 14 days, amidst protests that priority is given to the children of politically exposed persons.<sup>59</sup>

<sup>54</sup> Ergatiko Vima (2020), [‘ΟΗΕ: Απαράδεκτες οι συνθήκες φιλοξενίας των προσφύγων στην Κύπρο’](#), 9 April 2020.

<sup>55</sup> Kafkalias, G. (2020) [‘Δημοσιοποιούν επιστολή προς τον Πρόεδρο της Δημοκρατίας: Ζητούν εξαίρεση 1.525 T/K’](#), Politis, 27/04/2020

<sup>56</sup> Consultation with officers of the Ministry of Labour and Ministry of Justice, 4 May 2020.

<sup>57</sup> Sigma (2020) [‘Κωστική: Το μεγάλο πρόβλημα όταν ανοίξουν τα σύνορα—Ανησυχία για οδοφράγματα’](#), 22 April 2020.

<sup>58</sup> Dialogos (2020), [‘Ανάστατοι οι φοιτητές που ζητούν επαναπατρισμό’](#), 15 April, 2020.

<sup>59</sup> Dialogos, [‘Οκτώ φορές η ίδια ερώτηση : «Υπήρχαν φοιτητές;» – Καμία απάντηση από Καρούσο’](#), 3 April 2020.

On 16 April 2020 the Court delivered a decision on a lawsuit brought by a Cypriot student in the UK who was essentially denied the right to enter Cyprus as a result of the Covid-19 measures since she was unable to secure the health clearance certificate from the British health authorities. The student challenged the legality of the regulation requiring that Cypriot students present a health clearance certificate to board a flight home on the ground that her right of entry into Cyprus cannot be subjected to restrictions. The applicant argued that the requirement for a health clearance was a covert and unlawful denial of entry into Cyprus of a Cypriot citizen which put her life at risk. The respondents argued that:

- The regulation fixing the health clearance certificate as a prerequisite for entering Cyprus was not an executory administrative act. It was a governmental regulatory act and as such it could not be subjected to scrutiny by this Court;
- The applicant lacks legitimate interest to bring this claim as she failed to prove the negative impact of the regulation upon herself;
- The act complained of has been modified and the judicial review application therefore lost its object, as flights to Cyprus were subsequently banned, with or without certificates;
- The act challenged by the application is not the right one because the restrictions in entering Cyprus were in fact set by an earlier regulation which had prohibited all flights to Cyprus;

The Court endorsed the argument of the respondents that the act complained of was merely regulatory as it affected a large category of persons and not merely the applicant and as such it was not subject to judicial review. The Court would have examined the claim if the applicant had sought to challenge an individual administrative act which refused the applicant the right to enter Cyprus, but this was not the case here as the applicant ought to challenge the regulatory act affecting all Cypriot students abroad rather than the individual act affecting her personally. Given that the order challenged was aimed at preventing the spread of Covid-19, it was an important act of protecting public health and preventing the collapse of the health system, ultimately affecting the protection of life itself. As such the order had no manifest illegality that would be manifestly recognizable and objectively unchallenged. Combined with the regulatory nature, the judicial review application to set it aside was rejected.<sup>60</sup>

This decision has essentially determined the fate of all other future applications with a similar content. Legal scholars have criticised the decision for its serious repercussions on the right to challenge future Ministerial act, which infringe fundamental rights.<sup>61</sup>

All external borders continue to be closed to all persons, Cypriots, Union nationals and third country nationals. Those who want to enter Cyprus have to contact the Cypriot Consulate in their country of residence to secure a certificate to enter the country. Once they succeed and fly, they will be placed in quarantine for 14 days before they are released.

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<sup>60</sup> Cyprus Administrative Court, Patsalide v. Republic of Cyprus ([\*Πατσαλίδη v. Κυπριακή Δημοκρατία μέσω Υπουργού Υγείας\*](#)), Case No. 301/2020, 16 Απριλίου 2020.

<sup>61</sup> Christophi, C., Paraskeva, C. (2020) '[\*Το Σύνταγμα και τα Ανθρώπινα Δικαιώματα\*](#)', *Δικαιοσύνη*, 29 April 2020.

### 1.3 Impact of measures on particular groups

Select the three most relevant groups from the following:

- *persons with disabilities,*
- *homeless people,*
- *older people (which should include older persons in institutions),*
- *Roma and Travellers (FRA would like to see this group covered in those Member States with significant Roma populations)*
- *detainees*
- *or another group not listed that have emerged in your country as facing particular challenges - before selection, this should be discussed with FRA.*

#### *Persons with disabilities*

The Cyprus Confederation of Disability Organisations addressed an open letter to the President of the Republic complaining about the exclusion of persons with disabilities from the protection measures against the pandemic, highlighting the case of a person with disabilities in critical condition at the emergency unit of the main hospital. The exact number of persons with disabilities infected with Covid-19 is not known; the identity of persons infected is not announced and those infected did not inform their representative organisations. The Confederation is aware that six blind telephonists working at public children's hospitals were infected but do not have any information about anybody else. Given the fact that persons with disabilities have an increased reliance on others in order to access the built environment and in order to go to work, without easy access to protection measures, the Confederation believes that they are at risk of contracting Covid-19.<sup>62</sup> The Confederation, which has an institutionalised role as a social partner on all matters pertaining to disability at the national level, stated that persons with disabilities are more negatively affected by the pandemic compared to non-disabled persons and are particularly vulnerable to COVID-19, which necessitates the adoption of special, distinct and targeted measures for their protection, in line with their fundamental rights. Instead of these special measures, the government adopted no action to inform, guide or otherwise protect persons with disabilities, many of whom continue to work and to be transferred daily to their place of work, risking their own health and the health of their families and colleagues. Many persons with disabilities work at the so called 'front line' servicing the public and facing an increased risk of contracting the virus and falling severely ill because of pre-existing aggravating health issues. Through a long standing quota system, blind persons find employment as telephonists in the public sector and most are placed in public hospitals. Since 2010 a quota is in place for persons with other types of disabilities in the public sector too, which offered employment to persons with disabilities in the public sector, often in positions serving the public. Nevertheless, the Ministry of Labour failed to classify the pre-existing aggravating factors of persons with disabilities as a vulnerable condition receiving protection from the measures announced. With few exceptions, all services supporting the right of persons with disability to independent living were suspended whilst no measures were taken to inform them and to protect them given the fact that a high number of them are institutionalised. It is estimated that there are about 80,000 persons with disabilities in Cyprus, but the precise number of those institutionalised is not known. Many persons with intellectual disabilities reside within their family homes to avoid the withdrawal of the state assistance which happens when a family member is institutionalised. Since 2015 an ongoing project of de-institutionalisation project is in place and the number of persons transferring from institutions to homes in the community is constantly changing.

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<sup>62</sup> Consultation with head of the Cyprus Confederation of Disability Organisations KYSOA, 11 May 2020.

However even in the homes in the community there was no dissemination of information or a protocol for protection measures.<sup>63</sup>

No protection measures were adopted in the safe transfer of persons with disabilities to and from their place of work, despite the pressure put on them to continue working at the front line without any protective measures, such as self-isolation for a period of time, closure of the workplace for 48-72 hours for disinfection, safe distancing between employees or provision of disposables such as masks or antiseptic gels. The Confederation asked the President to ensure that paid leave is granted to those persons with disabilities who refrain from working because of health problems and to ensure that persons with disabilities are consulted in all decisions affecting them.<sup>64</sup>

Organisations of autistic persons also complained that no provision was made in the restriction of movement measures enabling autistic adults and children to take walks outside the house, which are necessary for their mental balance, following which the restriction measures were modified to include a special permit for autistic persons to leave home with a medical certificate confirming their condition.<sup>65</sup>

#### *Asylum seekers, migrants and refugees*

The NGO Ypatia addressed an open letter to the government and the Ombudsman complaining about the fact that none of the relief measures issued in support of workers affected by the crisis included men or women migrants. The information is published in languages not understood to them, there are no support measures in case they are fired and no health care if they get sick with Covid-19. The NGO described the lack of measures in the refugee camps as ‘criminal’ since the overpopulation and the lack of information threaten public health in general. The letter focused on migrant women domestic workers, many of whom lost their jobs during the pandemic without having access to any welfare or assistance with food, clothing or housing, even though they have contributed significantly to Cypriot economy.<sup>66</sup> There is no data as to how many domestic workers lost their jobs during the pandemic and indeed the number of domestic workers in Cyprus is not known either. The only record available is the number of permits issued every year; for the year May 2018-May 2019 the Migration Department issued 20,543 residence permits for third-country nationals to work as domestic workers.<sup>67</sup> There is an unknown number of migrant domestic workers working informally in an irregular situation, estimated by experts at around 30,000,<sup>68</sup> who were unable to access work as a result of the restriction measures because they could not secure an exit permit through SMS.

Two NGOs who offer support to asylum seekers and refugees, namely Caritas and the Cyprus Refugee Council, issued a joint statement regarding the prevailing conditions in the Center for asylum seekers in Kokkinotrimithia. The report states that the Centre was established with EU funds to act as the First Registration Reception Center where asylum seekers would stay for 72 hours to undergo medical testing and be registered with the Cypriot authorities, whilst since the Covid-19 outbreak the Center was unlawfully converted into an overcrowded detention center made up of tents where people are

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<sup>63</sup> Consultation with head of the Cyprus Confederation of Disability Organisations KYSOA, 11 May 2020.

<sup>64</sup> KYSOA(2020), Open letter to the President of the Republic from the President of the Cyprus Confederation of Disability Organisations KYSOA, 2 April 2020.

<sup>65</sup> Consultation with the Committee for Persons with Mental Disabilities, 15 April 2020.

<sup>66</sup> Demetriou, M.(2020), ‘[Πλήρης αδιαφορία για μετανάστες στην Κύπρο εν μέσω κρίσης του κορωνοϊού](#)’, 24Hours, 5 April 2020.

<sup>67</sup> In Cyprus (2019), ‘[More than 20,000 residence permits for domestic workers issued last year](#)’, 14 June 2019.

<sup>68</sup> Hadjigeorgiou, N and Alkiviadou, N.(2020), ‘Exploring the Socio-legal Challenges Faced by Foreign Domestic Workers in Cyprus’ (forthcoming),



living in appalling conditions and not allowed to leave. The report states that at the beginning of April 2020, there are over 600 people in what has effectively become a tent prison, many lacking access to hygiene infrastructure or adequate Covid -19 protective measures, leading to risks for both residents and staff.<sup>69</sup>

## **2 Users' data - privacy and data protection**

### **2.1 Arrangements between public authorities and other actors to allow collection, sharing and processing of user data**

#### *The COVTRACER app*

A smart device App called COVTRACER<sup>70</sup> was launched by the RISE Research centre, a joint venture between universities and a municipality,<sup>71</sup> to enable users on a voluntary basis to keep log of their movements. The app uses GPS to keep log of their location every five minutes for last 14 days. All data are stored exclusively on the user's device and are not transmitted to any other device or platform and no third party can access and / or process the user's personal data in any way without their consent. Only the user can choose when and how to export the data and to whom it will supply it.<sup>72</sup>

No user registration or sign-up is necessary and no central database is used; the data are stored encrypted on the user's mobile device and they are not accessible by public authorities or service providers. The Deputy Ministry for Research, Innovation and Digital Policy supported this initiative and encouraged people to install this App but there is no record of how many have installed it. The technical details of the app are not publically available. There have been no arrangements between public authorities and service providers because, the COVTRACER app stores location data only on users' devices. Public authorities and the app developer do not have access on users' location or any other data. The app allows users found Covid-19 positive to extract information on their location for the past 14 days. If some users wish, they can voluntarily send this extracted information to the Ministry of Health, by any means they prefer, such as email, messenger etc. No public authority or private entities, such as mobile application developers, collect, process, share or store the app users' data through COVTRACER. The Data Protection Authority provided the Deputy Ministry for RIDP and the RISE research centre with the guidelines of the European Data Protection Board on the use of Covid-19 Apps and the relevant Commission's recommendations to initiate discussion on various data protection issues including the use of GPS. There is no plan to develop a legal framework to regulate the use of this app.<sup>73</sup>

#### *SMS for permit to leave home during lockdown*

In the frame of lockdown measures taken in Cyprus, persons are allowed to leave their homes only for eight specific reasons and only after having received an authorization by SMS, in respect of which a special SMS message system was set up. Persons can send an exit request by SMS to a free four-digit number citing the reason for their exit, symbolised by a number between 1 and 8, their personal identity number and the postal code of their residence address. The system sends an automatic reply

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<sup>69</sup> Cyprus Refugee Council and Caritas(2020), '[Cyprus Refugee Council and Caritas Cyprus: Inhumane conditions in Kokkinotrimithia for asylum seekers](#)', Press statement, 5 April 2020.

<sup>70</sup> For more information, please see the product webpage [here](#).

<sup>71</sup> For more information about the joint venture please see its webpage [here](#).

<sup>72</sup> The privacy policy of the app is available [here](#).

<sup>73</sup> Communication to the FRANET contractor from Data Protection Authority, 5 May 2020.

authorising or declining the request, according to the number of exits per day permitted: initially one exit per day and as of May 4 onwards, three exits per day. Police officers encountering people in the street may ask them to show the authorisation SMS they have received on their devices, in the absence of which, fines may be imposed. Requests and authorisations are received and sent by users' Electronic Communication Service Providers (ECSP). The government does not keep a database of messages received or sent. The location data from the telecommunications services are not used by the State for any purposes. ECSPs are obliged to provide the Government with statistical data, on a daily basis, which includes the number of exit permits requested and the purpose for which they were requested. The SMS messages are stored by ECSPs for a period of 72 hours, after which they are deleted. No analysis is performed on the data stored by the ECSP and no identification of the sender is carried out.<sup>74</sup>

Persons without an identity number, such as irregular migrants, cannot use the SMS system and cannot lawfully leave their place of residence. Persons without mobile phones or knowledge of how to send SMS, including persons with mental disabilities are also at risk of being located and fined by the police.

## **2.2 Legal framework enabling collection, processing, sharing and storage of user data.**

Contacts of persons who tested positive on COVID-19 are not traced electronically, except for users who have voluntarily used the COVTRACER app described above. Protection measures for social distancing, contact tracing, tracing and monitoring individuals in quarantine/lockdown and/or informing people about contacts with other individuals who have contracted the virus, are regulated by Decrees issued by the Council of Ministers, by virtue of the Law regulating contagious diseases (CAP.260, as amended) which are revised regularly. Decrees provide that health service providers, such as hospitals, clinics, clinical labs and individual doctors are obliged to communicate to the Ministry of Health, information regarding patients diagnosed Covid-19 positive and channels of communication in the form of communication protocols have been established, to promptly facilitate the communication of this information, establish referrals, monitoring and follow up of cases.<sup>75</sup>

## **2.3 Privacy and data protection concerns and possible solutions**

The Data Protection Commissioner announced having received several enquiries regarding the legality of the installation and operation of various application and measures such as the use of thermal cameras in workplaces, supermarkets and premises servicing the public. The Commissioner stated that the use of applications and measures which involve the processing of special categories of personal data, such as health data, is permitted only if the principles of limitation of purpose and minimization of data as well as the provisions of article 9(2) of the GDPR are met. There are several forms of thermal cameras, she added and only the persons responsible for processing are aware of their technical capabilities. Some measures that will contribute to combating Covid-19 are understandable and justified, according to data protection principles, but the pandemic should not serve as an excuse for applications infringing the protection of privacy family life and personal data. The Commissioner added that the European Data Protection Board has issued guidelines available on its website regarding applications which can be downloaded on mobile phones and other smart equipment which controllers should study and follow. The guidelines provide that data subjects must

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<sup>74</sup> Communication to the FRANET contractor from Data Protection Authority, 5 May 2020.

<sup>75</sup> Communication to the FRANET contractor from Data Protection Authority, 5 May 2020.

be informed in a transparent manner of the purpose of the processing and the time for which their data should be retained and there must be measures in place to safeguard the confidentiality of their data.<sup>76</sup>

## 2.4 Any other privacy and data protection concerns

Discussions on conducting university examinations whilst universities remain closed were dominated by proposals about the use of cameras in order to invigilate students whilst taking the exam. The use of cameras emerged as a key issue of concern for university students who had enrolled for the conventional face-to-face on-campus teaching but were forced to adopt on-line teaching and on-line examination techniques. Scholars opined that unless there is explicit and free consent and specific stipulations and procedures in place for the processing, storage and sharing of the data, provisions adopted by Universities for on-line platform teaching may infringe the principles of privacy and data protection protected by the GDPR.<sup>77</sup> In one instance, students have set up an on-line petition expressing their objection to the on-line examination and invigilation with the use of the e-Proctorio system.<sup>78</sup>

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<sup>76</sup> Cyprus, Data Protection Commissioner (2020), Installation and operation of thermal cameras in premises accessible by the public and by employees ([\*Εγκατάσταση και Λειτουργία Θερμοκαμερών και άλλων εφαρμογών σε χώρους που έχει πρόσβαση το κοινό/ εργοδοτούμενοι\*](#)), 24 April 2020.

<sup>77</sup> Koupoti, C. (2020) “[\*Προσωπικά δεδομένα και ιδιωτικότητα στη διαδικτυακή μάθηση την εποχή του Κορωνοϊού\*](#)”, *Paideia News*, 23 April 2020.

<sup>78</sup> For more details see the on line petition [here](#).