

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

Provide information on emergency laws/declarations of states of emergency, including actions taken by police to enforce them and court rulings concerning the legality of such measures.

No state of emergency was announced at any stage. At the beginning of May, the lockdown measures started to be relaxed, as more reasons for leaving the house were added and various establishments returned into operation.

The third month of the COVID19 pandemic in Cyprus saw a continuation of measures that sparked debates over the legality and the delimitation of the restrictions on fundamental rights. People in Cyprus have generally complied with restrictions of their rights, as in other countries in the world which introduced restrictions in response to the pandemic. ¹ However, people have developed innovative online and other symbolic forms of collective expression. The Mayday celebrations for instance, which in other years brought out many thousands in parades, were cancelled with trade unions restricting themselves to cultural events on-line.

On 11 May the first measures were eased, to be followed by a gradual lifting of the lockdown and other restrictions, which permitted the opening of parks, playgrounds, sports grounds, open air markets, door-to-door sales, worship places beaches and squares. Scholars have argued that some of the measures imposed, for instance the curfew and the banning of swimming at sea were disproportionate and could not be justified as necessary in a democratic society. Matters became more absurd during the first phase of the lifting of some other restrictions: training, walking and swimming was allowed, however it was prohibited to sit or sunbathe at the beach - some persons were fined for merely sitting down or watching their children play in the sea. Human rights lawyers have questioned the legality of such measures, particularly the strict liability measures of fining of persons.²

A controversial issue remains the decision to retain the ban on public assemblies, demonstration and meetings, whilst removing the restrictions on free movement, the opening of the above places and most private businesses. Some scholars, lawyers and NGOs have questioned the legality of the retention of the ban of public assemblies and demonstrations as neither necessary, nor proportional in a democratic society,³ as required by the ECHR,⁴ the Charter for Fundamental Rights⁵ and the Constitution.⁶ In Cyprus, constitutionally and other rights granted by international and national law

¹Jarman, N. (2020) Protest in Time of Pandemic, ECNL, 24 April 2020.

² Kaoulla, L. (2020) '<u>Πρόεδρος Νομικής ΠΚυ: Αντισυνταγματική εφαρμογή των μέτρων στις παραλίες</u>', SigmaLive, 18 May 2020.

³ Kathimerini (2020) 'Καθηγητής Παν. Κύπρου: Η πανδημία ξεσκέπασε χρόνια δομικά προβλήματα της δικαιοσύνης', Kathimetini, 30 May 2020.

⁴ Council of Europe, <u>European Convention on Human Rights</u>, article 11. Cyprus. <u>Law ratifying the European</u> convention of Human rights and Fundamental Freedoms plus the Protocol) (Νόμος επικυρών την Ευρωπαϊκή Σύμβαση για τα Δικαιώματα του Ανθρώπου και Θεμελιωδών Ελευθεριών μετά προσθέτου Πρωτοκόλλου), 6 November 1962. Tornaritis, G. (1983) *The Operation of the European convention for the Protection of Human rights in the Republic of Cyprus*, Republic of Cyprus Publications, Nicosia.

⁵ EU Charter of Fundamental Rights, Article 12, which is connected to article 10 and article 11

⁶ Cyprus, Constitution of the Republic of Cyprus (Σύνταγμα της Κυπριακής Δημοκρατίας) article 21.

are actionable and are protected by the courts. As in the case of Germany, where the Court ruled that there cannot be a blanket ban of the right to assembly, there are similar concerns pertaining to the authorities attempt to ban and restrict protests against racism and in solidarity to asylum-seekers.

Protests were sparked following the decision of the Council of Ministers, dated 20 May 2020, to issue a decree declaring scabies a "dangerous infectious disease" and declaring the reception centre Pournaras as an "infected area", essentially extending the detention of asylum-seekers indefinitely.⁹ There were two demonstrations in the Capital Nicosia against the decision to extend detention of asylum-seekers and to express their solidarity about the conditions at the camps.

There was however another anti-immigrant demonstration of a few dozens in the second largest city, Limassol, organised by religious and right -wing groups against the 'conspiracy' to impose 5G and against 'illegal anti-immigration'.

On 24 May 2020 antiracist and antifascist group of about 70 activists demonstrated against the detention of asylum-seekers. The demonstration took place outside the Pournara 'reception centre', which was turned into a detention centre after the pandemic. The camp is located about 20 kilometres outside the capital Nicosia. The demonstrators observed the hygiene rules and kept a distance for every 10 activists.¹⁰ On the same day there was another demonstration in the city of Limassol anti-immigrant demonstration, where the police did not interfere.

On 31 May 2020, after the second anti-racist and pro-migrant demonstration with over 500 demonstrators had finished, the police fined a number of demonstrator for violating the ban on demonstrations. The Police had attempted to prevent the organisers from demonstrating by attempting to persuade them not do so by charging some of the organisers. A number of demonstrators were fined with 300 euros after the march finished. The Police stated that they are looking into the leaders of the demonstration to bring criminal charges, while efforts will be made to identify others present to fine them. Antiracist protesters complain about the selective and discriminatory use of the powers against them arguing that the ban on demonstrations is not legal and disproportional.

The demonstrations were condemned by the Minister of Interior, who issued an official statement pledging to stamp out such "phenomena of anarchy". The statements by the Minister of Interior provoked a strong response by the main opposition party, which accused the Minister of stirring up anti-immigrant and xenophobic hatred and authoritarianism. Anti-immigrant and conservative

⁷ Cyprus, Appeal Court (Εφετείο) <u>Γιάλλουρος ν Νικολάου</u> (2001) 1 ΑΑΔ 558, Πολιτική Έφεση Αρ. 9931, 8 May 2001.

⁸ DW (2020) Germany's top court overturns Stuttgart's protest ban, DW

⁹ Cyprus, the Quarantine (Determination of Measures to Prevent the Spread of COVID-19 Coronavirus) Decree (No.24) of 2020, (Διάταγμα 900/2020 δυνάμει του περί Λοιμοκαθάρσεων Νόμος, Κεφ. 260), No. 5276, 218/2020, Cyprus Gazette, 20 May 2020. English version of the Quarantine (Determination of Measures to Prevent the Spread of COVID-19 Coronavirus) Decree (No.24) of 2020.

¹⁰ Interview with organisers of demonstrations, 1 June 2020.

¹¹ Interview with organisers of demonstrations, 1 June 2020.

¹² Theodoulou, N. (2020) '<u>Demonstrators at Nicosia rally fined for breaking Covid measures</u>', *Cyprus Mail*, 1 June 2020.

¹³ Interview with organisers of demonstrations, 1 June 2020.

¹⁴ Ministry of Interior (2020) 'Δελτίο τύπου για τα πρόσφατα συμβάντα στο ΚΕΠΥ Πουρνάρα', Statement by Ministry of Interior, 26 May 2020.

¹⁵ AKEL (2020) '<u>AKEΛ: Ο Νουρής αναλώνεται σε δηλώσεις τρομολαγνείας αλλά αποφεύγει να δώσει απαντήσεις</u>', *Dialogos*, 28 May 2020.

commentators argue that NGOs 'profiteer' from migration and refuse that there are any other 'real' refugees, seeking asylum in Cyprus, beyond the Greek-Cypriots who were displaced in 1974. Also, they advocate harsher anti-immigration measures and detention of asylum-seekers in response to what they refer to as "an immigration problem". Some of the media outlets hostile to the promigrant and refugee demonstrations have been condemned by the Journalists Complaints Commission for xenophobia and hate speech.

Many of the debates during this period pertained to the protection of human rights, constitutional and penal theory and practice for the ensuring the correct balance between protecting and safeguarding public health by containing the spread of the disease, including the vulnerable, on the one hand, whilst to the other, safeguarding individual and collective freedoms. Given that no state of emergency was declared, as provided by the constitution, the government instead prefer 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. Human right scholars expressed concern about the Government and the courts have made use of a Colonial statute, to be used the way it is used, is testing the limits of democratic constitutionalism and the importance of solidarity.¹⁹ Moreover, the fact that the Republic of Cyprus has a highly problematic tradition of use and abuse of emergency powers, established and embedded in its' constitutional and political order in the form of the 'doctrine of necessity' makes the study of additional emergency powers, in the context of a kind of new 'hygiene regimes', may be seen as yet another type of proliferation of the 'Cypriot states of exception'.²⁰ Should there be a second wave, or in case of future pandemics or disasters, the precedent and legal analysis pertaining to the scope, the legality and the limits of powers to address such situations provided may be crucial.

During this period there has been little Parliamentary scrutiny and participation, whilst the Courts have not provided any real check on the Government actions. Given that the measures adopted restrict movement, freedoms at large and operation of businesses, which were rigorously enforced by the police, the matter raises import issues in legal, constitutional, and human rights.

Scholars note there has to be close scrutiny and evaluation of the legal measures. Some lawyers conferred that although very strict, these measures 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.' Others have argued 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. However, human rights experts and legal practitioners have criticised the suspension of fundamental rights derived from the constitution, by invoking the

 $^{^{16}}$ Michaelides, A. (2020) '«Μισός πλανήτης πρόσφυγες»*', *Pileleftheros*, 2 June 2020.

¹⁷ Michaelides, A. (2020) '<u>Τι εύκολο να βαφτίζεις όλους τους άλλους ρατσιστές</u>', *Pileleftheros*, 2 June 2020.

 $^{^{18}}$ SigmaLive (2020) 'H απόφαση της Επ. Δημοσιογραφικής Δεοντολογίας για το «Μεσημέρι και Κάτι»', 17 May 2020.

¹⁹ Kathimerini (2020) 'Καθηγητής Παν. Κύπρου: Η πανδημία ξεσκέπασε χρόνια δομικά προβλήματα της δικαιοσύνης', Kathimetini, 30 May 2020; Kaoulla, L. (2020) 'Πρόεδρος Νομικής ΠΚυ: Αντισυνταγματική εφαρμογή των μέτρων στις παραλίες', SigmaLive, 18 May 2020; Astra (2020) 'Στέργιος Μήτας - Η Δικαιοσύνη και η Αλληλεγγύη την εποχή της Πανδημίας', Astra, 27 April 2020.

²⁰ Astra (2020) 'Στέργιος Μήτας - Η Δικαιοσύνη και η Αλληλεγγύη την εποχή της Πανδημίας', Astra, 27 April 2020; Trimikliniotis, N. (2018) 'The Proliferation of Cypriot States of Exception: The Erosion of Fundamental Rights as Collateral Damage of the Cyprus Problem', Cyprus Review, Vol. 18, 30, no. 2, Fall 2018; Mitas, S. (2017) 'The Case of Ibrahim', Cyprus Review, Vol. 18, 30, no. 1, spring.

emergency powers to address the pandemic.²¹ For instance, the legality of police action to impose fines on persons exercising the right to freedom of assembly and expression is currently being tested in Cyprus, as a result of the selective lifting of the restrictions on rights. The only court ruling was contesting the government-imposed ban to enter the Republic, including Cypriot citizens, unless certain strict conditions applied, referred to period of the hight of the pandemic. The legal system has not done particularly well in protecting rights as chronically unresolved issues and systemic failures have been revealed.²²

1.2 Measures affecting the general population

1.2.1 Social distancing

Focus on:

- Lifting of stay at home orders, and measures/rules for general physical distancing when in public or at home
- Enforcement and penalties

The second phase of exit from the lockdown lasted from 4 May until 21 May during which:²³

- Exit permits were increased from one to three daily;
- Travels between cities were permitted in order to care for persons belonging to vulnerable groups or who cannot service themselves, as well as for swimming.
- The duration of the exit permit was for a 'reasonable amount of time; no exit was permitted between 22.00 and 06.00 the following day.
- Hunters were permitted to go out to train and exercise their dogs, subject to restrictions.
- Fishing was permitted subject to restrictions.
- Retail shops could open provided they had masks and antiseptic alcoholic gels at the entrance for all visitors. Shops should be aired and cleaned daily on the basis of a specific protocol regarding the cleaning of surfaces, permitting one customer per eight square metres. Small retail shops could permit only one customer at a time, whilst larger shops should have a sign stating how many customers could be allowed inside on the basis of their square metres. A duty was placed on employers to provide masks for all employees; masks had to worn all the time when servicing customers and where the distance between employees was less than two metres.
- Supermarkets and bakeries were permitted to open again on Sundays.
- Open air fruit markets were permitted with 50% of their normal capacity, permitting entry of only one person in every eight square metres. The markets should serve only vulnerable, elderly (over 60) or disabled customers until 10am. Masks, hand gels and one use gloves should be made available for persons working at the markets; hand gels should also be made available for customers. Fruit and vegetables should only be available in paper or plastic bags.
- Schools re-opened in different phases for different ages. Children at the final grade of the Lyceum were the first to return to school on 11th May. The second group of children were the

²¹ Kathimerini (2020) 'Καθηγητής Παν. Κύπρου: Η πανδημία ξεσκέπασε χρόνια δομικά προβλήματα της δικαιοσύνης', Kathimetini, 30 May 2020; Kaoulla, L. (2020) 'Πρόεδρος Νομικής ΠΚυ: Αντισυνταγματική εφαρμογή των μέτρων στις παραλίες', SigmaLive, 18 May 2020.

²² Kathimerini (2020) 'Καθηγητής Παν. Κύπρου: Η πανδημία ξεσκέπασε χρόνια δομικά προβλήματα της δικαιοσύνης', Kathimetini, 30 May 2020.

²³ Cyprus, Law on infections (<u>Ο περί Λοιμοκαθαρσεως Νόμος</u>) Cap 260, Regulatory Administrative Act No. 5256, Ref. 183, 30 April 2020.

primary school students, aged between 6 and 12, and the gymnasium students, aged between 13 and 15, for whom schools re-opened on 21 May. Children with disabilities were initially not permitted to return to school and were allowed following a series of protests from the parents and criticisms from the child ombudsman.

- The use of mask by members of the public is recommended but is not obligatory. The use of mask is obligatory for persons working in means of public transport such as bus drivers, private and public organisations in closed spaces serving the public, persons working in retail business serving the public.

The second phase of the exit from lockdown started in 21 May. At this phase:²⁴

- The use of SMS, through which automated permission from the police was secured in order to leave the house, was abolished and people could leave their homes freely without having to secure police permit.
- Groups of people up to 10 persons was permitted.
- As of 23 May, church mass and other religious worship was permitted subject to complying with health protocols.
- Parks, playgrounds, squares and other public areas could re-open but only groups of up to 10 persons were permitted.
- The prohibition of movement between 10.00 and 06.00 was abolished.
- Visits to houses for up to 10 persons are permitted.
- Restaurants could re-open in open air spaces for groups of up to ten persons each.

The third phase of the measures is planned for 9 June-13 July and the fourth phase from 14 July onwards.

Several complaints were reported about police exercising their powers in an excessive and uneven manner. Legal scholars criticised police practices of reporting people sunbathing or playing ball at the beach as disproportionate and unreasonable, adding that even after the relaxation of the restrictions, the order continues to include unnecessary and unhelpful prohibitions and contradictions: whilst the government assures the public that closed spaces such as schools and supermarkets have low infection risks, the police punishes harmless activities in open air spaces such as sunbathing even if there are no crowds and congestion.²⁵

In May a three member police committee, especially appointed by the Chief of Police, continued to examine complaints from members of the public for police excesses in the implementation of the Covid-19 measures. By 13 May the committee had received 710 complaints, examined approximately 400 and decided that 127 were well founded, ordering suspension of the prosecutions. These concerned mostly fines imposed in cases were the police arbitrarily decided that the reasonable duration of the exit permit had been exceeded. Complaints about police misconduct continued to be examined by the Independent Authority for Complaints against the Police regarding more serious incidents, including complaints of use of violence by police officers who are being investigated by criminal investigators. The Authority mid-May the Authority had received about 70 complaints for police misconduct for the two months' period of Covid-10 measures, two thirds of which were deemed

²⁴ Cyprus, Press and information office (2020), 'Σταδιακή άρση των περιορισμών Δεύτερη Φάση'.

²⁵ Sigmalive (2020), '<u>Πρόεδρος Νομικής ΠΚυ: Αντισυνταγματική εφαρμογή των μέτρων στις παραλίες'</u>

to be outside the jurisdiction of the Authority and have to be resolved in Court, while others were deemed to be of minor significance and were referred back to the police for handling.²⁶

In May an official investigation was launched into an incident which took place on 21 March, during which the police prohibited the entry of an ambulance with a critically ill patient through the checkpoint separating the territory under the control of the Republic of Cyprus from the territory under Turkish control. The patient, a 49 year old Greek Cypriot man who had suffered a heart attack, was finally let through and arrived at the hospital with one hour's delay. The policemen involved were accused of putting his life at risk and a complaint was filed at the Independent Authority for Investigating Complaints against the Police.²⁷

On 12 May the criminal court convicted a person for violating the Covid-19 regulations issued under the Law on Infections when he was driving his car from his workplace to his residence without having obtained a permit through SMS. The police officers claimed that the suspect had refused to show them his permit, he claimed he was going to visit his girlfriend and that they had informed him that he was going to be prosecuted. The suspect claimed that according to the regulations applicable at the time, he could exit having only a written statement with him as the SMS was not obligatory yet, that he had his statement with him and that the police never told him he was going to be prosecuted. The judge chose to believe the version of events as presented by the police and found him guilty, imposing a prison sentence of 45 days.²⁸ The court decision gave rise to considerable criticism and reactions including an on-line appeal asking for the reversal of the sentence imposed by the court, leading the President of the Republic to grant him a presidential pardon.²⁹

1.2.2 Education

Focus on:

- Steps to reopen educational institutions (schools, third level educational facilities and kindergartens/day care). Please include any specific measures aimed at children from socioeconomically disadvantaged backgrounds
- Measures to protect students and staff as they return to educational institutions (e.g. related to physical distancing, shift patterns, health and hygiene, etc.)

The decision for the return of children to schools was marked with constantly changing instructions from the Education Ministry, reactions from parents, teachers and students' associations, interventions from the Commissioner for the Rights of the Child, revocations of Education Ministry decisions and last minute changes. The issues that raised objections were the following:

Whether return to schools was obligatory under the circumstances and what measures if any would be taken against parents or children who choose to stay at home. The Ministry of Education insisted that school attendance was obligatory under the law and absences would be taken, possibly leading to some students having to repeat the year from exceeding the maximum number of absences.³⁰ On May 11, the Commissioner for the Rights of the Child issued a public statement clarifying that all persons or bodies making decisions about a child

²⁶ Reporter (2020), '<u>Αναστέλλονται διώξεις πολιτών, πάνω από 700 τα παράπονα στην τριμελή επιτροπή</u>', 18 May 2020.

²⁷ Offsite (2020), <u>Πειθαργική έρευνα εναντίον αστυνομικών στο οδόφραγμα Αστρομερίτη,</u> 20 May 2020

²⁸ Cyprus, District Court of Famagusta, Famagusta Police Director v. XXX, Case No. 1797/20, 12 May 2020.

²⁹ Financial Mirror (2020), 'COVID19: President releases man jailed for breaking curfew to see girlfriend', 14 May 2020.

³⁰ Dialogos (2020), 'ΥΠΠ: Απουσίες σε όσους μαθητές δεν παρευρεθούν στο σχολείο-Τι ισχύει για ευπαθείς ομάδες μαθητών', 8 May 2020.

must be in a position to justify how this was determined to be in the child's best interests under the specific circumstances.³¹ Following the intervention of the Child Commissioner, the President of the Republic clarified that no measures would be taken against parents or children who decide not to return to school for this school year.³² Nevertheless, the Ministry's instructions to schools to record absences was not revoked and additional instructions were issued not to offer distant learning to children who stayed at home as a precautionary measure without health issues. As many schools in practice disregarded these instructions and offered distant learning to all children not attending schools for whatever reason, the subject was no longer debated. Parents were also informed from their schools that decisions about absences exceeding the ceiling would be made on a case by case basis at the end of the year.³³

- A circular from the Ministry of Education required that cameras be placed in classrooms in order for the class to be made available on line for children staying at home. The measure met with considerable residence from teachers' organisations as a violation of the personal data of both teachers and students, since it was inevitable that the children's participation would also be recorded. The issue was finally resolved by the Data Protection Commissioner who clarified that the measure could not be implemented without the teacher's consent and the measure was abandoned.³⁴
- Children with disabilities were initially not permitted to return to school alongside other children. This led to protests from parents, academics and independent bodies, which is discussed in detail under section 1.3 below.

1.2.3 Work

Focus on:

- Steps for specific sectors/the general population to return to work and measures to protect employees in the workplace (physical distancing, health and hygiene, shift patterns, etc.)
- People in precarious work

The social implications of the lockdown and the concern about the closures of businesses, the rise in unemployment and the danger of mass poverty have been major subject in public debates between political parties and social partners during May 2020. As a consequence, the Government has agreed to continue with special support benefits under various schemes. The numbers workers receiving special benefits for being out of work is massive: save for those deemed as essential services and those who had exceptional permit to operate, as discussed in the previous Covid19 and Human Rights Report. However, the unemployment figures do not show this massive rise in persons out of work. The registered unemployed in April 2020 (data published 8 May 2020) do not show a significant rise in unemployment, when seasonally adapted.³⁵ This is also not shown in the Labour Force Survey,³⁶ as national statistics do not show the numbers of persons receiving special benefits.

³¹ Cyprus Press and Information Office (2020), '<u>Ανακοίνωση Επιτρόπου Προστασίας των Δικαιωμάτων του Παιδιού για διασφάλιση των δικαιωμάτων του παιδιού στην εκπαίδευση</u>', Press release, 11 May 2020.

³² Cyprus, Pancyprian Confederation of Parents' Associations (2020), 'Ερωτήματα Γονέων Δημόσιων και Κοινοτικών Νηπιαγωγείων στον Προδρόμου', Press release, 11 May 2020.

³³ Interview with representative of teachers union POED, 26 May 2020.

³⁴ Dialogos (2020), '<u>Λοϊζίδου: Μόνο με συγκατάθεση του εκπαιδευτικού η κάμερα στις αίθουσες',</u> 21 May 2020

³⁵ Cyprus Statistical Service (2020) *Registered Unemployed*, 8 May 2020.

³⁶ Cyprus Statistical Service (2020) <u>Labour Force Survey</u>, 1st Quarter, 14 May 2020.

A concern by trade unionists relates to the effect on the hotel industry, whose collective agreement provides for claiming seasonal unemployment benefit. The hospitality industry is badly hit by the Covid19 pandemic and the lockdown, the restrictions in free movement and the resulting cancellation of May bookings.³⁷

From 16th of March, the Ministry of Labour, Welfare and Social Insurance has launched a number of Special Schemes to support workers and help alleviate the social and economic consequences of the COVID-19 pandemic. The Ministry has begun and continues the payment of special benefits related to the COVID-19 schemes, for both periods of the Schemes (16/3/20-12/4/20 and 13/4/20-12/5/20), as follows:

- Beneficiaries supported under the Complete and Partial Suspension of business Schemes:
 143 857
- Beneficiaries who received Child Care benefit: 11.127
- Beneficiaries under the Special Sick Leave Scheme: 8.507
- Self-Employed supported: 20.911

In addition to the above, 1088 unemployed people received a special unemployment benefit during the second period of the Schemes.

A number of the applications above have been approved for beneficiaries who have either not submitted bank account details (IBAN), or the account details they have submitted with their application have not been approved by their banking institutions, or the account they have declared is closed. Government checks have been issued for these beneficiaries.

The three-month lockdown period and the rest of the COVID-19 restrictions led to a deterioration of the income of employees. Studies³⁸ based on the Eurostat figures³⁹ show that since 2013, at the height of the last economic crisis in Cyprus, employees contributed 7.5% less in the share of the gross domestic product compared to the pre-2013 period. About one in twelve employees was faced with poverty and social exclusion. Cyprus has a special category of the working poor, who are in relative poverty and at risk of social exclusion, in spite of being in employment because their wages are low: Eurostat figures⁴⁰ show that in 2008-2011 the percentage of the population at risk of poverty or social exclusion based on the 2008 poverty line was 16% of the population, the corresponding rate in 2018 was 26%. The Eurostat figures⁴¹ show that, based on the 2008 poverty line, one in four Cypriots today is at risk of poverty or social exclusion compared to one in six in 2008.⁴² The pandemic and the lockdown has accentuated child poverty, which was the main topic in the deliberations of the Children's Parliament in 2020.⁴³ Eurostat statistics show that the percentage of children living at the brink of poverty and social exclusion in 2018 in Cyprus was 24.2%, above the European Union average, while at the same time 8% of households with children in Cyprus, which is above the 6.6% of the

³⁷ Interview with trade unionist 29 May 2020.

³⁸ Cyprus Labour Institute INEK-PEO (2020) Εκθεση για την Οικονομία και την Απασχόληση 2019, p. 5.

³⁹ Eurostat (2020) <u>At-risk-of-poverty rate anchored at a fixed moment in time (2008) by age and sex - EU-SILC survey</u>, Last update 17 June 2020.

⁴⁰ Eurostat (2020) <u>At-risk-of-poverty rate anchored at a fixed moment in time (2008) by age and sex - EU-SILC survey</u>, Last update 17 June 2020.

⁴¹ Eurostat (2020) <u>At-risk-of-poverty rate anchored at a fixed moment in time (2008) by age and sex - EU-SILC survey</u>, Last update 17 June 2020.

⁴² Cyprus Labour Institute INEK-PEO (2020) Έκθεση για την Οικονομία και την Απασχόληση 2019, p. 5.

⁴³ Tsangarides, M. (2020) '<u>Πιο θανατηφόρα η "πανδημία της φτώχειας" που έπεται του κορωνοϊού</u>', *Phileleftheros*, 3 May 2020.

European Union average faced food insecurity. Breakfast programs and free meal products which were provided to children during school breaks were suspended when the schools closed down for three months.⁴⁴

With the pandemic, which enforced strict enclosure for detained populations, there has been an expansion of both what scholars refer to as "the economies of migration control". 45 Given that in the de facto divided, which has 140km long ceasefire line which receive about 60% of asylum applications, and the way migration and asylum is increasingly conflated, there has been a proliferation of borders, bordering process and surveillance regimes in Cyprus.⁴⁶ This is in line with other EU research findings where there is development "border control industry" as "border management serves other interests than those it claims to defend, notably it leads to the development of an economy of security services, provided by specialized multinational firms".⁴⁷ The boosted security concerns generate markets for high-tech surveillance and control equipment entangling and making more complex relations in migration management between civil society, government, and private actors. 48 Of particular concern is how funding for integration and migration control becomes entangled in this process, a subject highlighted during pandemic in May 2020. There has been controversy about the use of EU and public funds, which should have been devoted for the integration of migrants, who are a major component of the irregular and precarious labour. The UNHCR, the opposition parties and NGOs have raises concern about the spending of 5 million euro by the Ministry of Interior for developing the infrastructure of a one-stop-shop for immediate evaluation of vulnerable asylum-seekers at the reception centre of "Pournara"; however, the Ministry instead has turned "Pournara" into an asylumseekers detention centre during the pandemic. ⁴⁹ There has been controversy over the funding a TV channel which has an anti-immigrant approach and has been condemned for xenophobia and inciting racial hatred⁵⁰ and yet received 1.3 million euros from the EU integration funds for integration via gastronomy.51

1.2.4 Access to justice

Focus on:

• Strategies /steps to lift measures or restrictions previously imposed on court proceedings (e.g. resuming physical hearings)

• Measures to address the backlog in cases/proceedings prompted by lockdown restrictions

⁴⁴ Tsangarides, M. (2020) '<u>Πιο θανατηφόρα η "πανδημία της φτώχειας" που έπεται του κορωνοϊού</u>', *Phileleftheros*, 3 May 2020.

⁴⁵ Bartolini, L., Mantanika, M., Triandafyllidou, A. (2020) '<u>Emerging Reception Economies: A View from Southern Europe</u>', Bartolini L., Mantanika R., Triandafyllidou A. (2020) Emerging Reception Economies: A View from Southern Europe. In: Spencer S., Triandafyllidou A. (eds) Migrants with Irregular Status in Europe. IMISCOE Research Series. Springer, Cham, First Online: 21 May 2020.

⁴⁶ Trimikliniotis, N. (2020) <u>Cyprus as a new refugee "hotspot" in Europe? Challenges for a Divided Country</u>, Report for Friedrich-Ebert-Stiftung, January 2020.

⁴⁷ Gammeltoft-Hansen, T., & Sorensen, N. N. (2013). *The migration industry and the commercialization of international migration*. London: Routledge.

⁴⁸ Gammeltoft-Hansen, T., & Sorensen, N. N. (2013). *The migration industry and the commercialization of international migration*. London: Routledge.

⁴⁹ Dialogos (2020) 'Σκάφη και χορηγίες για εκπομπές μαγειρικής στο Sigma με τα ευρωπαϊκά κονδύλια για το μεταναστευτικό', *Dialogos*, 7 March 2020.

⁵⁰ SigmaLive (2020) '<u>Η απόφαση της Επ. Δημοσιογραφικής Δεοντολογίας για το «Μεσημέρι και Κάτι»</u>', SigmaLive, 17 May 2020

⁵¹ Ministry of Interior (2020), 'Κατάλογος έργων / Τελικών Δικαιούχων, Μονάδα Ευρωπαϊκών Ταμείων Ταμείο Ασύλου, Μετανάστευσης και Ένταξης Κατάλογος Τελικών Δικαιούχων', Ministry of Interior.

At the end of April, the Supreme Court reviewed the data and, having consulted the national and local bar associations and the district court presiding judges, announced the normal operation of all Court Registries as of 4 May, so as to enable the lodging of fresh court applications in line with the protection measures announced by the Ministry of Health. Trial Courts were asked to schedule for hearing all cases before them and first appearances are to be organized by the Registrar in a manner so as to avoid crowding. The Supreme Court judges are instructed to regulate the trials before them and monitor the compliance of the above measures by the trial courts and the Registrar. Court holidays in August will be cut short in order to proceed with the trials delayed as a result of the coronavirus.⁵²

1.2.5 Freedom of movement

Focus on:

- Steps to repen borders/lift restrictions on freedom of movement to (external borders) and within the EU (internal borders), including rules or restrictions applying to certain categories of people (citizens; 'essential workers'; cross border commuters etc). Please mention what requirements are in place for various categories of people to enter country (e.g. negative COVID-19 test result and/or obligation to self quarantine; work certificate etc).
- Any changes to asylum application procedures (e.g. lifting of temporary suspensions or restrictions on procedures, or mentioning whether such restrictions are rather still in place)

Opening external borders

During May Cypriot nationals residing abroad were gradually being repatriated. Air travel to Cyprus to non-Cypriots will be permitted as of 9 June onwards. Initially and until 20th June, all passengers arriving to Cyprus will be asked to take a COVID-19 PCR test in the source country within 72 hours prior to travel. No quarantine measures will be applied upon arrival. By 20th June, all restrictions will be lifted for a number of countries, the list of which will be updated on a weekly basis depending on their epidemiological status. The evaluating team on country data will comprise of scientists, epidemiologists, statisticians and public health professionals who will be examining the latest data and adding or removing countries accordingly. Transport and destination protocols were published, setting out the protection measures and documentation needed.⁵³

Crossing points between north and south

In May the government announced its decision for the partial lifting of restriction measures at crossings between the Republic of Cyprus and the Turkish controlled north of the island, to take effect as of June 8 as a first stage. The groups to be allowed through crossing points as of that date will be:

- Turkish Cypriots who work or study in the south; Turkish Cypriot students will be permitted to cross through the Ledra Palace checkpoint, from where buses will take them to their schools.
- Turkish Cypriots receiving treatment at hospitals and other medical institutions in the south.
- Enclaved Greek Cypriots or Maronites permanently residing in the north.

⁵² Cyprus Press and Information Office (2020), '<u>Ανακοίνωση Ανωτάτου Δικαστηρίου για την επαναλειτουργία</u> των Δικαστηρίων', Press release, 30 April 2020.

⁵³ Republic of Cyprus (2020), <u>Resumption of international air traffic to Cyprus</u> 26 May 2020

The government will be collecting samples to be checked for Covid-19 randomly from people crossing through checkpoints.⁵⁴

Asylum

There was no formal announcement by the government suspending the country's asylum system or returning to the asylum system upon exit from the lockdown. The Asylum Service stopped receiving asylum applications without notice and has since not returned to operating any form of asylum system, invoking the pandemic. In May 2020, the Government introduced a set of bills to Parliament, including a proposal for amending the Constitution, seeking to curtail 'fake marriages' and reform the asylum system, introducing restrictions on the right to appeal⁵⁵ The Interior Ministry sought to prioritise the bills as urgent during the restrictive procedures imposed as a result of the pandemic, however the Committee on Legal Affairs scheduled the matter to be debated in the normal way.⁵⁶ The proposed reform aimed at addressing fake marriages was justified on the ground that there was a rise of such marriages in 2019.⁵⁷ The Minister gave a number of interviews arguing that the immigration reforms were rendered more urgent because of the pandemic.⁵⁸ Parliamentary discussion on the bills was still pending at the time of writing.

NGOs condemn the March pushback of vessel with Syrian refugees

On 20 May, 24 NGOs from Cyprus and other countries issued a joint statement condemning the pushback of a boat with 175 Syrian refugees by the Cypriot government in March, all of whom had relatives in Cyprus and sought to be reunited with them, adding that the act amounted to refoulement infringing the 1951 Geneva Convention on Refugees, EU asylum aw and article 3 of the ECHR. The boat had ended up in Turkish Cypriot shores whereupon the Syrians were received by the Turkish Cypriot authorities for a number weeks before sending them back to Turkey.⁵⁹

1.3 Impact of measures on particular groups

Select the three most relevant groups from the following:

- persons with disabilities,
- homeless people,
- Roma and Travellers (Note for those countries requested to collect additional data on the impact of COVID-19 on Roma Service request No 33 (Belgium, Bulgaria, Czechia, Ireland, Greece, Spain, France, Croatia, Italy, Hungary, Netherlands, Portugal, Romania, Slovakia and Sweden), information submitted on Roma for Bulletin 3 should not be duplicated in this additional data collection)
- Detainees (including measures on early release or alternatives to detention)
- or another group not listed that have immerged in your country as facing particular challenges before selection, this should be discussed with FRA.

⁵⁴ Kathimerini, 'First steps taken for the reopening of checkpoints, 21 May 2020.

⁵⁵ Interview with officer of Human rights NGO. 30 May 2020.

⁵⁶ Interview with member of Parliamentary Committee on Legal Affairs. 30 May 2020.

⁵⁷ Shkurko, J. (2020) 'Sham marriages on the rise says interior ministry', Cyprus Mail, 27 May 2020.

⁵⁸ Interview with Human NGO officer. Lyritsas, L. (2020) 'Κύπρος: Αντιμεταναστευτικός οίστρος με αφορμή την πανδημία', *DW*, 30 May 2020.

⁵⁹ Joint statement of NGOs, 'Syrian refugees in Cyprus pushed back to Turkey, 20 May 2020.

Persons in detention

The population in the generally congested prison gradually started to be reduced from April onwards in order to minimise the risk of Covid-19 infections. ⁶⁰ By mid May there were about 700 prisoners detained, 45% of whom were non-Cypriots. No one with a migrant status was granted release out of the 114 who were released in April. ⁶¹ The open prison has a capacity of 593 persons but only Cypriots are eligible for it. Between April and June, seven Greek-Cypriot and 101 foreign prisoners were released, after the airports became operational and it became possible to fly non-Cypriots out of Cyprus. This reduced the prison population to approximately 620 inmates by end of May, against a capacity of 435.

In addition to the prison population, there are 120 third country nationals detained at the Menoyia Detention Centre awaiting deportation. The Menoyia detainees did not benefit from measures for alternatives to detention and neither were the detainees in police stations, many of whom were arrested for immigration related offences. Deportations commenced with the gradual opening of the airports, as some media outlets praised the swiftness of fast-track procedures in the case of the deportation of 110 migrants to Georgia.

In May two street demonstrations were held in spite of the Covid-19 restriction measures, in protest against the detention of asylum-seekers in the closed sub-standard camps.⁶⁴ Protests centred on the conversion in early March by the Interior Minister of the Pournaras camp into a closed detention centre, where asylum seekers were detained indefinitely in sub-standard conditions. The camp, which had been initially intended to serve as a one-stop shop for 72 hours, for which EU funds were secured, was turned into an overcrowded prison lacking basic amenities. The Interior Ministry reportedly gave the detained asylum seekers the option of returning to their countries of origin with a nominal sum or remaining detained in the camp indefinitely. There are currently 774 asylum-seekers in a camp with a capacity of 350.65 Asylum seekers who lived in the community in relatively safe accommodation were rounded up and transferred to the camp without explanation and placed in makeshift tents where social distancing is impossible due to overcrowding, as the camp is currently at double its capacity. The crowded tents are extremely hot during the day and freezing cold at night. There are no groundsheets and when it rains the tents are inundated with water. Some meals consist of nothing more than bread or plain pasta. Access to water, toilets and washing facilities are all limited. The detainees are under constant police guard by the police; some of the detainees who have already been incarcerated in the camp for several months went on strike to protest at the conditions. ⁶⁶Local NGOs, including the Cyprus Refugee Council and KISA denounced the detentions as an abuse of human rights lacking legal justification.⁶⁷ Médecins Sans Frontières warned that the overcrowded refugee camps at Pournaras and Kofinou create a greater risk for Covid-19; nevertheless, despite the ending

⁶⁰ Consultation with officer of the Ministry of Justice and Public Order, 24 May 2020.

⁶¹ Spyrou, K. (2020) "<u>Τα κέντρα εγκλεισμού και η ευθύνη της πολιτείας</u>", *Dialogos*. 30 April 2020.

⁶² Consultation with officer of the Ministry of Justice and Public Order, 24 May 2020.

⁶³ SigmaLive (2020) '<u>Πάφος: Απελάθηκαν 110 πρόσωπα από την Γεωργία</u>', SigmaLive, 26 May 2020.

⁶⁴ Dialogos (2020), 'Μεγάλη αντιρατσιστική πορεία στη Λευκωσία ', 31 May 2020.

⁶⁵ Observers (2020) 'Migrants forced to stay in Cyprus camp despite easing of Covid-19 lockdown' FRANCE 24 Observers, May 2002.

⁶⁶ Knews (2020) 'Asylum seekers continue to protest confinement at Pournara camp', Knews, 27 May 2020; Refugee Support 2020, 'The Pandemic's Hidden Victims: Abuses in Cyprus', 15 May 2020; Kanali 6 (2020) Έχουν κουραστεί οι άνθρωποι στο «Πουρνάρα» δηλώνει στο Κανάλι 6 ο διαχειριστής του Κέντρου στην Κοκκινοτριμιθιά', Kanali 6, 27 May 2020.

⁶⁷ Refugee Support 2020, <u>'The Pandemic's Hidden Victims: Abuses in Cyprus'</u>, 15 May 2020

of the lockdown measures on 21 May, the asylum seekers continue to be detained inside the Pournaras camp.⁶⁸ The Interior Minister of the Interior announced that the detainees must be detained in the camp—for health reasons, either because they are awaiting verification of their identification data or because they intend to apply for asylum and many do not have traveling documents. The Minister added that those who do not honour their host country have no place in Cyprus, without clarifying the context of his allegations, and that they will be repatriated as soon as circumstances allow.⁶⁹

On 20 May the Council of Ministers issued a decree⁷⁰ declaring scabies a "dangerous infectious disease" and the entire reception centre into an infected area, prohibiting entry and exit from the centre, except for those authorised by the Minister of Interior for humanitarian or medical reasons or for purposes of access to court. The decree extended the detention of the asylum-seekers just days before the lifting of the restrictive measures, leading to strong reactions from the detainees⁷¹ including hunger strikes,⁷² as well as criticism by NGOs and the main opposition party.⁷³

The main opposition party AKEL, NGOS and UNHCR have expressed concern: AKEL criticised the Government and demanded that the matter be debated in Parliament, accusing the Minister of Interior of scaremongering.⁷⁴ The Interior Minister declined the request of the opposition party to visit the camp so as to inspect the conditions. Human rights NGOs⁷⁵ and journalists⁷⁶ criticised the Government's portrayal of scabies as a parasitic disease, as the symptoms comprised of little more than itching, curable with the appropriate medication. ⁷⁷ NGOs cited the UN Working Group on migration which propose a blueprint on COVID-19 and immigration detention, claiming that the standards of the persons detained in Pournaras fall short of the basic provisions required by international standards.⁷⁸ Legal experts pointed out that the decision to detain the asylum-seekers and declaring the area scabies-infested is unlikely to meet the proportionality test.⁷⁹

The number of scabies-infected persons at the camp is disputed. The Interior Ministry claimed that 30 persons were infected with scabies, whilst the manager of the Pournaras camp stated that only four

⁶⁸ Refugee Support 2020, 'The Pandemic's Hidden Victims: Abuses in Cyprus', 15 May 2020

 $^{^{69}}$ Cyprus, Ministry of the Interior (2020), 'Δελτίο τύπου για τα πρόσφατα συμβάντα στο ΚΕΠΥ Πουρνάρα', 26 May 2020.

⁷⁰ Cyprus, the Quarantine (Determination of Measures to Prevent the Spread of COVID-19 Coronavirus) Decree (No.24) of 2020, (Διάταγμα 900/2020 δυνάμει του περί Λοιμοκαθάρσεων Νόμος, Κεφ. 260), No. 5276, 218/2020, Cyprus Gazette, 20 May 2020. English version of the Quarantine (Determination of Measures to Prevent the Spread of COVID-19 Coronavirus) Decree (No.24) of 2020.

⁷¹Knews (2020) '<u>Asylum seekers continue to protest confinement at Pournara camp</u>', *Knews*, 27 May 2020. ⁷² Shkurko, J. (2020) '<u>Refugees at Kokkinotrimithia reception centre go on hunger strike</u>', *Cyprus Mail*, 5 May 2020.

⁷³Knews (2020) 'Asylum seekers continue to protest confinement at Pournara camp', Knews, 27 May 2020.

⁷⁴ AKEL (2020) 'The Interior Minister is engaging in fear-mongering statements and xenophobia, but avoids giving answers AKEL on the refugee issue', AKEL C.C. Press Office, 28th May 2020.

⁷⁵ KISA (2020) 'The government's new measures on asylum violate human rights and endanger public health', KISA, 7 April, 2020.

⁷⁶ Zenonos, V. (2020) '<u>Ας μιλήσουμε για ψώρα</u>', *Philelftheros*, 21 May 2020.

⁷⁷ Zenonos, V. (2020) '<u>Ας μιλήσουμε για ψώρα</u>', *Philelftheros*, 21 May 2020.

⁷⁸ UN Working Group on migration (2020) <u>COVID-19 & Immigration Detention: What Can Governments and</u> Other Stakeholders Do?, UN

⁷⁹ Kathimerini (2020) 'Καθηγητής Παν. Κύπρου: Η πανδημία ξεσκέπασε χρόνια δομικά προβλήματα της δικαιοσύνης', Kathimerini, 30 May 2020; Drymiotou, E. (2020) "Ανθρώπινα Δικαιώματα σε περίοδο κρίσης", *Phileleftheros*, 2 April 2020; Drymiotou, E. (2020) "Ειδικά Αξιολογικά Κριτήρια των Περιορισμών των Δικαιωμάτων Λόγω Πανδημίας", *Phileleftheros*, 2 April 2020.

persons were actually diagnosed with scabies.⁸⁰ A Police officer at Pournaras confirmed that there were only three or four cases, it is "nothing serious" as is a mere skin rash that goes away with an ointment and that the number 30 is a gross exaggeration by the media.⁸¹ Further statements by the Interior Minister led to reactions from NGOs accusing of racism and xenophobia.⁸²

Human rights experts and NGOs are currently preparing to challenge the indefinite detention of asylum seekers in court.⁸³ There are a number of considerations that may weigh against the legality of further detention of the asylum-seekers at Pournara for failing the proportionality test:

- The justification of the extension of detention by extending new healthcare exemptional and emergency measure by declaring scabies as an 'infectious disease' for the purposes of the Quarantine law is unprecedented and may be deemed a disproportional measure.
- It is a harsh and punitive measure for 750 asylum-seekers as a collective punishment for all
 given that only four have been diagnosed and have recovered. It would seem disproportional
 to declare the area as scabies- infested
- The way of handling the matter with the public declaration scabies as an infectious disease is
 in danger of creating new panic, fear, racism and xenophobia against refugees who treated as
 the "miasmic other".⁸⁴

Another issue is that the continued detention may make them prone to infection with Covid19.⁸⁵ The difficulties faced by those who fled life-threatening situations were highlighted in a teleconference that marked the completion of the UNHCR Aware campaign.⁸⁶

Children with disabilities and their return to school

On 20 May, the eve of the scheduled return to school, the Ministry of Education announced that students attending special units or having special needs which require attendance by assistants or escorts should not go to school on 21 May, pointing out that they would only be allowed to school following medical opinion from their personal doctor about their state of health.⁸⁷ The opinion would then be assessed by a special committee that would decide on whether they would be allowed to go to school and what measures ought to be taken for their protection. The Ministry circular warned that the same measure would apply for the future re-opening of special education schools.⁸⁸ The decision

⁸⁰ Kanali 6 (2020) <u>Έχουν κουραστεί οι άνθρωποι στο «Πουρνάρα» δηλώνει στο Κανάλι 6 ο διαχειριστής του Κέντρου στην Κοκκινοτριμιθιά</u>, *Kanali* 6, 27 May 2020.

⁸¹ Interview with police officer at Pournaras, 24 May 2020.

⁸² Lyritsas, L. (2020) 'Κύπρος: Αντιμεταναστευτικός οίστρος με αφορμή την πανδημία', DW, 30 May 2020.

⁸³ Interview with officer of refugee and migrant support NGO, 30 May 2020; Interview with human rights lawyer, 30 May 2020.

⁸⁴ Interview with refugees at Pournara, 27 May 2020; Interview with protesters outside Pournaras, 27 May 2020. Sitas, A., Damodaran, S., Keim, W., Trimikliniotis, N., Garba, F. (2014) *Gauging and engaging deviance*, Tulika Academic Press, India; A. Sitas, S. Damodaran, W. Keim., Trimikliniotis, N. (2015) "Deviance", Immanuel Wallerstein (ed.) *The World is Out of Joint: World-Historical Interpretations of Continuing Polarizations*, Fernand Braudel Center Series, Paradigm Publishers, USA.

⁸⁵Knews (2020) 'Student and detainee two of three new coronavirus cases', 2 June 2020.

⁸⁶ Knews (2020) 'Racism, xenophobia rife in Cyprus, refugees say', 27 May 2020.

⁸⁷ Cyprus, Ministry of Education, Culture and Sports (2020), 'Ανακοίνωση του Υπουργείου Παιδείας, Πολιτισμού, Αθλητισμού και Νεολαίας αναφορικά με τη φοίτηση παιδιών με ειδικές ανάγκες', Press release, 20 May 2020.

⁸⁸ Cyprus, Ministry of Education, Culture and Sports (2020), 'Ανακοίνωση του Υπουργείου Παιδείας, Πολιτισμού, Αθλητισμού και Νεολαίας αναφορικά με τη φοίτηση παιδιών με ειδικές ανάγκες', Press release, 20 May 2020.

led to several negative reactions including street protests by parents of children with disabilities⁸⁹ and was criticized by the Commissioner for Administration⁹⁰ and by academics⁹¹ for being discriminatory and unlawful. On 29 May the Ministry announced that 323 children of special education without any Covid-19 symptoms could return to school, 92 however concerns remained about the remaining children with disabilities who were met with preconditions as regards obligatory testing and documents to be submitted in order to be allowed to return to school.

Women: Victims of abuse and women in front-line and in precarious jobs

- Women suffering from domestic violence: NGOS working on domestic violence report an increase in domestic violence in May 2020.93 The Association for the Prevention and Handling of Violence in the Family (SPAVO) reported a dramatic rise in domestic violence, on average 10 domestic violence attacks per day during the lockdown,⁹⁴ which is estimated to be increased by about 30% since the beginning of the lockdown.95 A number of reports and articles refer to the increase in violent incidents of domestic violence and violence against women where the perpetrator was someone known to the victim.⁹⁶ Violence included physical, psychological and sexual violence as well as harassment.⁹⁷
- Domestic workers (women): Although little data is available about the situation of workers in an irregular situation during lockdown, NGOs report that the vast majority were faced with the dilemma of either working under exploitative conditions at the risk of getting caught in violation of the strict restrictive measures and having to pay a fine, or alternatively, face destitution. 98 Domestic workers are by far the largest category of migrants in Cyprus many of whom are in an irregular situation and exposed to the risk of deportation, multiple discrimination, violence and even murder. A series of murders of migrant women domestic workers discovered in 2019 exposed the deeply-rooted institutional racism and sexism in the police which failed to investigate the disappearances, despite the repeated complaints about missing domestic workers.⁹⁹ The vulnerable situation of domestic workers derives from the

⁸⁹ Omegalive (2020), Έξω από το Υπουργείο Παιδείας οι γονείς μαθητών της ειδικής εκπαίδευσης², 22 May 2020; Dialogos (2020), ' Ξ ανά έξω από το Υπ. Παιδείας οι γονείς παιδιών με αναπηρίες', 25 May 2020.

⁹⁰ Kathimerini (2020), Έπίτροπος Διοικήσεως: Παραβίαση των δικαιωμάτων των παιδιών ΑμεΑ' 21 May 2020.

 $^{^{91}}$ Symenidou S. (2020), 'Για άλλη μια φορά τα παιδιά με αναπηρία εκτός σχολείου...', 21 May 2020.

⁹² Ministry of Education, Culture and Sports (2020), <u>Απόφαση της Ειδικής Επιτροπής για άμεση φοίτηση</u> παιδιών στις Ειδικές Μονάδες ή στις γενικές τάξεις, 29 May 2020.
⁹³ Interiew with officer of NGO working against domestic violence.

 $^{^{94}}$ SPAVO (2020) ' Δ έκα περιστατικά την ημέρα για Βία στην Οικογένεια τον πρώτο μήνα του περιορισμού λόγω COVID-19 – 230 αναφορές σε διάστημα 23 ημερών', Association for the Prevention and Handling of Violence in the Family (SPAVO), 25 April 2020.

⁹⁵ SPAVO (2020) 'Αύξηση ενδοοικογενειακής βίας κατά γυναικών σε συνθήκες κορωνοϊού', Association for the Prevention and Handling of Violence in the Family (SPAVO), 25 April 2020.

⁹⁶ Koupari, Κ. (2020) 'Ο αόρατος και ο ορατός εχθρός στην Κύπρο του ιού COVID-19', 24h, 19 April 2020.

⁹⁷ Pavlou, V. (2019) Cyprus Country report on Gender equality: How are EU rules transposed into national <u>law?</u>, Reporting period 1 January 2018 – 31 December 2018, Directorate-General for Justice and Consumers p. 38.

98 Interview with migrant-support NGO Caritas-Cyprus, 2 June 2020.

⁹⁹ Financial Mirror (2019) 'CYPRUS: Murders of foreign women points to justice deficit and racism', Financial Mirror, 26 April 2019, https://www.financialmirror.com/2019/04/26/cyprus-murders-of-foreign-women-pointsto-justice-deficit-and-racism/

- institutional inadequacies, the low social and legal status as women, the nature of domestic work and widespread social prejudices and stereotypes. 100
- Trade unionists report that in the third month of the lockdown the situation for women in non-standard, unprotected and precarious work deteriorated, as these women workers were desperate in seeking work.¹⁰¹ Research indicates that the majority of workers performing unprotected, non-standard and precarious work are women and young persons.¹⁰² There has a dramatic rise of a category known as the working poor: between 2008 and 2018 there has been a 10% increase to 26% of those in risk of poverty or social exclusion.¹⁰³ It is difficult to calculate the numbers of persons in precarious work in Cyprus; nonetheless, within the informal economy, they are estimated to be at 25%,¹⁰⁴ in precarious and insecure jobs.¹⁰⁵ During lockdown, workers in the informal sector continued to work under unsafe and exploitative conditions, contrary to the restriction measures of the lockdown.¹⁰⁶

2 Impact on fundamental rights of older people

Please provide information under each title / sub-title; and indicate n/a when no information available.

2.1 Data/statistics

At the time of writing, statistics on infection, death and recovery rates were limited. By 12 May, 23 deaths were reported in COVID-19 incidents. The COVID-19 death rate per 100,000 population was 2.5%. Seventeen deaths (73.9%) were reported in men and six (26.1%) in women. The median age of persons with COVID-19 who died was 76. COVID-19 was reported as reason of death in 16 cases out of the 23; this renders COVID-19 death rate at 1.8%. By 12 May, the number of tests carried out were 8,923.4 per 1000,000 residents.¹⁰⁷

By 26 May, deaths rose to 24, bringing the COVID-19 death rate to 2.6%; seventeen deaths concerned men (70.8%) and seven concerned women (29.2%). The median age continued to be 76 years, based on an intra-quarterly range of 66-79 years.¹⁰⁸

Overall, the median age of COVID-19 cases of infection was 45 years, based on an intra-quarterly range of 32-59 years. The number of incidents per age group was:

- 58 infants, children and teenagers aged 0-17 (6.2%)
- 652 adults aged 32-59 (69.4%)
- 229 persons aged 60 and over (24.4%).

¹⁰⁰Demetriadou, T. (2019) 'Αυταπάγγελτη Τοποθέτηση της Επιτρόπου Διοικήσεως και Προστασίας Ανθρωπίνων Δικαιωμάτων για την Οικιακή εργασία στη Κύπρο '(Report on the status of domestic workers in Cyprus), 21 October 2019.

¹⁰¹ Interview with trade unionist of the Pancyprian Federation of Labour, 2 June 2020.

¹⁰² 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.

¹⁰³ Cyprus Labour Institute INEK-PEO (2020) Έκθεση για την Οικονομία και την Απασχόληση 2019, p. 5.

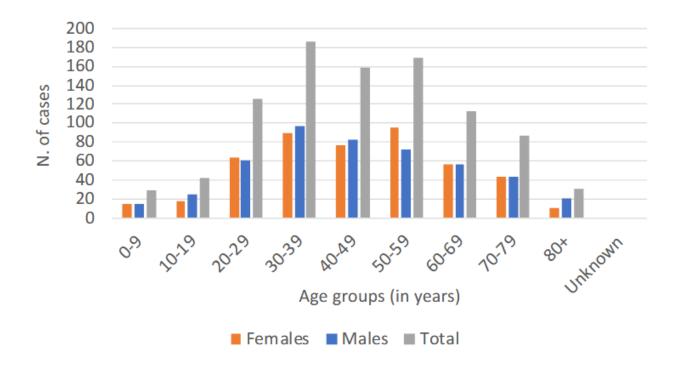
¹⁰⁴ OECD (2015) *Policy Brief on Informal Entrepreneurship Entrepreneurial Activities in Europe*, European Union/OECD, 2015.

¹⁰⁵ Interview with trade unionist of the Pancyprian Federation of Labour, 2 June 2020.

¹⁰⁶ Interview with trade unionist of the Pancyprian Federation of Labour, 2 June 2020.

¹⁰⁷ Ygeia Watch (2020), 'Στο 2,5% η θνητότητα της COVID-19 στην Κύπρο', 14 May 2020.

¹⁰⁸ Dialogos (2020), '<u>Τα επιδημιολογικά στοιχεία του κορωνοϊού στην Κύπρο'</u>, 28 May 2020.



Source: Ministry of Health, <u>Laboratory confirmed incidents of COVID-19 in Cyprus per sex and age group</u>, 26 May 2020.

2.1.1 Share of persons 60+ in the total number of persons in the community infected, recovered and died in relation to COVID-19.

- Infected by COVID-19
- Recovered from COVID-19
- Died in relation to COVID-19

The median age of COVID-19 cases, which is $76.^{109}$ According to data released by the Ministry of Health, up until 2 June: 110

- 229 persons aged 60+ had been infected with Covid-19, amounting to 24.1% of the total number of persons infected;
- 186 persons aged 60+ recovered from Covid-19;
- 21 persons aged 60+ died from Covid-19;

¹⁰⁹ Dialogos (2020), 'Τα επιδημιολογικά στοιχεία του κορωνοϊού στην Κύπρο', 28 May 2020.

¹¹⁰ Cyprus, Ministry of Health (2020), 'Νόσος Κορωνοϊού 2019 (COVID-19)- Εθνική Αναφορά μέχρι 02/06/2020', 4 June 2020.

Seven persons aged 60+ died from other causes, after having been infected with Covid-19.
 The cause of death is determined on the basis of the codification ICD-10 using the software IRIS.¹¹¹

2.1.2 Share of persons 60+ in the total number of persons in institutional settings infected, recovered and died in relation to COVID-19.

- Infected by COVID-19
- Recovered from COVID-19
- Died in relation to COVID-19

In mid-April, two elderly residents of a care home were found positive in COVID-19. They were separated from other residents and transferred to isolation whilst at the same time the care home was evacuated in order to be infected. There were no other reports about COVID-19 incidents in institutional settings. No persons died within institutional settings. No statistical data is available. It is a validable.

2.1.3 Number and type of institutions affected

Incidents were reported in only one institution. ¹¹⁴ There were no reports about other institutions.

2.1.4 Do official statistics on mortality rates from COVID-19 include deaths of older persons in care homes? Has there been any critique of data collection with respect to care homes?

There were no deaths in residential care homes. 115

2.1.5 Independent studies published on the situation of older persons with respect to the impact of and responses to COVID-19

Please reference up to three studies and provide brief information on their focus.

There were no such studies conducted in Cyprus.

2.2 COVID-19 measures targeting older people

Please indicate the age group/s concerned; e.g. 60+, 65+, 70+ etc.

Please consult and refer in particular to measures related to existing or planned national exit strategies (policies/measures).

Please report on developments for the reference period 1 May - 31 May (inclusive) and on any changes/revisions of measures reported in the 1st and 2nd bulletin regarding older people.

¹¹¹ Communication from the Ministry of Health to the FRANET contractor, 9 June 2020.

¹¹² Avant-garde (2020), 'Εκκενώνεται οίκος ευγηρίας στην Αραδίππου', 12 April 2020

¹¹³ Communication to the contractor from the Ministry of Health, 29 May 2020.

¹¹⁴ Avant-garde (2020), 'Εκκενώνεται οίκος ευγηρίας στην Αραδίππου', 12 April 2020

¹¹⁵ Communication to the contractor from the Ministry of Health, 29 May 2020.

Work protocol

In mid-March the Cypriot government announced that all persons over 60 years of age are automatically classified as vulnerable and should refrain from going to their place of work. ¹¹⁶ By the end of April, the government stated that persons aged 65- could go to work provided they are in spaces where they do not come into contact with the public and there is no high flow of persons where they are stationed. ¹¹⁷

2.2.1 National guidelines/protocols in response to COVID-19 addressing older people

• in residential care homes (including protective equipment, visits etc.)

The following measures were put into place as of 11 April with regard to the residents, visitors, employees and contractors working at residential care homes:¹¹⁸

- o For workers: daily check of bodily temperature, monitoring for symptoms suggesting chest infection such as coughing or breathing difficulties), wearing of a simple surgical mask throughout their working hours, leaving the premises immediately if they have symptoms, training in wearing and removing of mask, protective clothing and gloves, systematic compliance with cleaning and disinfection of areas and surfaces, regular airing of spaces, periodical laboratory check of staff for COVID-19, urging the managers of homes to utilize the program of 20,000 laboratory checks of their employees who come into contact with residents.
- For visitors: A sign must be placed at the entrance prohibiting entry to all. Relatives are to be informed of the residents' health through telephone. Visits are permitted only if the resident is at pre-death stage and only by one person for humanitarian reasons; visitors must not have symptoms of chest infection, must apply precautionary measures for hands and breathe hygiene and must wear a simple surgical mask.
- For residents: daily check of bodily temperature, monitoring for symptoms relevant to COVID-19, suspension of unnecessary activities such as exercise and group recreation, serving of food in their rooms rather than in the dining area, suspension of visits which are unnecessary and unrelated to health issues.
- o For residents with COVID-19 symptoms: they must be moved into another space where health services are provided, the Unit of epidemiological surveillance and the ambulance must be informed immediately so as to take all measures to stop the spread of the virus. Pending transfer, the resident with symptoms must isolated in a private room with a private toilet, move only if absolutely necessary and with a simple surgical mask, the staff servicing the resident must use personal protection equipment and follow precaution guidelines. Antiseptic alcoholic gels, liquid hand soap, paper napkins and foot-operated bins with lids must be placed in every room, the rooms and all surfaces must be cleansed and disinfected, the patient must maintain good mouth hygiene and use simple surgical mask if tolerated and the patient's personal doctor must be notified.

¹¹⁶ Cyprus Ministry of Health (2020), 'Ποια άτομα εμπίπτουν στις ευπαθείς ομάδες πληθυσμούκαι πρέπει να περιοριστούν από τον εργασιακό τους χώρο', 16 March, 2020.

¹¹⁷ Cyprus Ministry of Health (2020), Κατηγορίες πολιτών με παράγοντες κινδύνου για σοβαρή νόσηση από COVID-19, 29 April 2020.

¹¹⁸ Cyprus Ministry of Health (2020), '<u>Οδηγίες προφύλαξης από λοίμωξη κορωνοϊού COVID-19 για τα άτομα που διαμένουν σε Στέγες Αναπήρων και Ηλικιωμένων'</u>, press release, 11 April 2020.

In spite of the above declarations of measures, by end of April two organisations for the elderly told the media that they were still awaiting tests and checks to be conducted in care homes. The organisations reported having received several complaints from employees in care homes, from relatives of residents and from other members of the public about the conditions prevalent in care homes, including allegations that no protection measures were taken, staff members do not have protective equipment whilst many staff members were also working as nurses in hospitals, thereby putting elderly residents at risk of contracting COVID-19. Relatives of residents told an organisations that they were preventing from visiting their relative in the home but nevertheless located gaps in protection measures from video calls with the residents. 119 The organisations held a meeting with the advisory team of the Health Ministry on 13 April demanding that the government performs all necessary tests and checks on care homes where many of the residents have a medical history, including free testing of all care home staff members, pointing out that the care homes have already covered significant sums to defend themselves against COVID-19. The organisations expressed their agreement over the non-visitation orders but further asked that measures be taken against the practice of homes hiring hospital nursing staff to service the home's residents after their hospital working hours. The organisations referred to an incident where a carer at an institution asked that he be tested for COVID-19 and he was referred to private laboratories. 120

Statistics do not show whether infections or deaths reported concerned persons in care. However in mid-April, media reports referred to two incidents of persons in care homes infected, who were transferred out of the home to a location that was not announced. Subsequent testing to other residents in the same home and to the staff members did not show any further infections.¹²¹

in the community in general

There were no special measures targeting old people living in the community. The same measures applicable to the entire community also applied in the case of old people.¹²²

2.2.2 National <u>guidelines/protocols</u> on patient triage that apply age as the <u>main and</u> decisive criterion

Hospital referral protocol

The protocol for handling suspected incidents of COVID-19 provides that persons with chest infection without any specific cause must be referred to a public hospital if one at least one of the following conditions is in place:

- Heart condition, diabetes, immune system deficiency, chronic lung illness, or similar;
- Fever:
- Difficulties in breathing;
- Symptoms persisting over two days;
- Chest pain;
- Having travelled abroad or having come into contact with an infected person within 14 days from first symptoms; or
- Over 60 years of age.

¹¹⁹ Psyllou, D. (2020), 'Κορωνοϊός: Αναμένουν ακόμη ελέγχους στα γηροκομεία', Phileleftheros, 23 April 2020.

¹²⁰ Kathimerini (2020), 'Ανησυχίες για τα κρούσματα σε οίκους ευγηρίας', 13 April 200.

¹²¹ Sigmalive(2020), '<u>Αραδίππου: Πληροφορίες για 2 ασθενείς με κορωνοϊό σε γηροκομείο</u>', 12 April 2020.

¹²² Communication to the contractor from the Ministry of Health, 29 May, 2020.

If one or more of the above conditions are present, the patient must be referred to a hospital, be tested for COVID-19 and subjected to the risk assessment procedure.¹²³

2.2.3 Targeted testing of residents and staff in residential care homes

Is this laid down in a targeted policy/measure or done on an ad-hoc basis when a case has been detected?

A program purporting to perform 20,000 tests to persons in the labour market, launched on 11 April 2020, gave the opportunity to workers, including those working at old people's homes, to test for COVID-19. By 15 April, testing became obligatory for those working at old people's homes. ¹²⁴ Nine days later the government made available 2,000 further free tests to enable testing for those employees who did not have the chance to test under the previous program, earmarking 20% of these tests, totalling 400 in number, for employees in the residential care homes. ¹²⁵ The free government tests are available for Cypriot citizens or persons permanently residing in Cyprus, which excludes the vast majority of economic migrants who sometime staff residential care homes.

As a matter of policy, testing is carried out in targeted groups as well as on an ad hoc basis in the frame of tracing contacts. In those cases where residents of care homes tested positive for COVID-19, all other residents and staff members were also tested.

• Data/statistics on testing & frequency of testing – institutions, residents, staff There are no statistics on testing. ¹²⁶

2.2.4 Restrictions/bans on visits to residential care settings, and any (conditional) lifting of these restrictions

Please report on the conditions applied.

During the first phase of the lockdown and until 21 May, visits were permitted only if the resident is at pre-death stage and only by one person, who must have had no symptoms of chest infection and had to apply precautionary measures. ¹²⁷

On 21 May the government announced partial lifting of the restriction measures in care homes. Each resident is thereafter permitted visits of a relative up to twice a week following an appointment with the management of the institution. Each visit must not be longer than an hour, all previously announced protection measures will be taken and care will be taken so as to avoid crowding. Residents

 $^{^{123}}$ Press and Information Office (2020), 'Νέος ορισμός κρούσματος και κριτήρια εργαστηριακής εξέτασης', undated.

¹²⁴ Cyprus, Ministry of Health (2020), 'Υποχρεωτική η δειγματοληψία σε εργαζόμενους της εφοδιαστικής αλυσίδας εταιρειών λιανικού εμπορίου τροφίμων και ποτών και των οίκων ευγηρίας', Press release, 15 April 2020

¹²⁵ Cyprus, Ministry of Health (2020), 'Επιπλέον 2,000 εργαστηριακές εξετάσεις θα επιχορηγηθούν από το Υπουργείο Υγείας για εργαζόμενους', 24 April 2020.

¹²⁶ Communication to the contractor from the Ministry of Health, 29 April 2020.

¹²⁷ Cyprus Ministry of Health (2020), '<u>Οδηγίες προφύλαξης από λοίμωξη κορωνοϊού COVID-19 για τα άτομα που διαμένουν σε Στέγες Αναπήρων και Ηλικιωμένων</u>', press release, 11 April 2020.

can go out only if absolutely necessary and subject to compliance with protection measures; day trips and other recreational activities continue to be prohibited. 128

2.2.5 Restrictive measures for older people living in the community

Please report on any restrictions for older people after gradual lifting of confinement measures (e.g. use of public services, work, and participation in voluntary and social activities).

For persons aged 65 and over, movement was exceptionally allowed during lockdown after securing permission, using one of three methods: SMS, carrying a printed and signed form available on line, or handwritten personal statement.¹²⁹ This measure was only permitted for persons aged 65+; the rest of the population had to send a codified SMS and receive an automated response from the police in order to leave the house. From 21 May onwards, all restrictions in movement were lifted and all persons can leave he house without a permit and without carrying any documentation A telephone centre with IVR (Interactive Voice Response) was set up to assist persons with securing permit to leave the house.¹³⁰

2.2.6 Access to healthcare for older people for conditions unrelated to COVID-19

Please report on measures targeted at older people living in the community and in institutional care settings (e.g. home-based visits, mobile health care, other hospital treatment).

No official data is available regarding healthcare to patients with non Covid-19 related conditions. However the international spotlight on how each country dealt with the pandemic inevitably led to other health conditions being overlooked. In May, the central public hospital of the capital, Nicosia had 128 hospital beds earmarked for Covid-19 patients whilst only eight Covid-19 patients were hospitalised, leaving 120 much needed hospital beds unutilised as non Covid-19 patients were awaiting urgent treatment. Reportedly there were two incidents of emergency patients who died whilst awaiting their turn to be operated, which was delayed as a result of the Covid-19 protocol. Criticisms against the health services at the outset of the pandemic about people entering hospitals with other conditions and getting infected with Covid-19 inside the hospitals led to strict disinfection protocols and admission procedures that inevitably had a negative impact on other patients. The success of Cyprus in combating Covid-19 has to be examined in comparison with the picture as regards all the other incidents not treated because of Covid-19.¹³¹

¹²⁸ Cyprus, Ministry of Health (2020), '<u>Παράταση των μέτρων που είχε εξαγγείλει το Υπουργείο Εργασίας για αντιμετώπιση του Κορωνοϊού, προστασία των ηλικιωμένων και των ευπαθών ομάδων', 21 May 2020.</u>

¹²⁹ Cyprus, Deputy Ministry of Research, Innovation and Digital Policy (2020), 'Τροποποιήσεις στον μηχανισμό εξασφάλισης έγκρισης για κατ' εξαίρεση μετακίνηση πολιτών', 1 April 2020.

¹³⁰ Cyprus, Ministry of Research, Innovation and Digital Policy (2020), 'Δειτουργία Τηλεφωνικού Κέντρου για πολίτες που αδυνατούν να εξυπηρετηθούν μέσω της υπηρεσίας γραπτού μηνύματος στο 8998 για σκοπούς κατ' εξαίρεσης μετακίνησης', 9 April 2020.

¹³¹ Information supplied to the FRANET contractor by a medical doctor at the main public hospital, 28 May 2020.

2.2.7 Support measures and promising practices targeting older people, including access to goods and services online and offline, social/psychological support, and use of digital tools and technology

Please also report on any targeted measures for people with dementia.

Pharmacies and supermarkets were designated to serve until 10am only persons belonging to vulnerable groups because of a health condition, persons aged 60 and over and persons with disabilities.¹³² There was no other measure targeting specifically older people.

The Mental Health Services established a telephone line for providing support and counselling as well as referrals to psychologists or psychiatrists to members of the public in general who were affected by the quarantine. ¹³³

2.2.8 Consultation of older people's organisations and/or other civil society organisations in the design, implementation and review of COVID-19-related measures

There was no consultation with organisations on the design or implementation of the measures.

133 Cyprus Public Health Organisation, Mental health services (2020) 'Ανακοίνωση προς το κοινό: Λειτουργία υπηρεσίας τηλεφωνικής υποστήριξης λόγω της πανδημίας του κορονοιού', 10 April 2020.

¹³² Cyprus, Law on infections (*Ο περι Λοιμοκαθαρσεως Νομος*) Cap 260, Regulatory Administrative Act No. 5256, Ref. 183, 30 April 2020.https://www.pio.gov.cy/coronavirus/diat/30.pdf