**Response to joint questionnaire of special procedures**

**Impact on human rights**

The pandemic is considered a public health crisis, involving a dangerous infectious disease as outlined by the Quarantine law (Cap. 260).

According to this law, a number of measures were taken. These included:

* The prohibition of any unnecessary - movement between 18:00 and 06:00
* The prohibition of movement except for movement for the purposes of work; necessary visits to state institutions, visits to doctors or pharmacy, visits to banks, provision of aid to elders or people not able to self-cater; assembly in funerals, weddings and christenings in groups up to 10 people; movement for personal exercise or for the needs of pet animals.
* The prohibition of the use of parks and places of mass gathering such as squares, exercise areas, excursion areas and ports/marinas
* The suspension of operation of open markets, construction sites, attendance of places of religious worship
* The suspension of operation of all trade companies, with the exception of medical companies, cleaning companies, pet shops, broadcasting companies, post offices, tyre and bike repair services, crop protection companies, car and parts services, funeral homes, and florists. Home delivery and electronic trade was encouraged
* Supermarkets, food markets, liquid fuel services, and pharmacies were also to remain open
* The suspension of commercial air travel to all foreign countries

Cypriot citizens and permanent residents residing abroad at the time when the measures were introduced, were able to return to the country but had to be placed in 14 days quarantine, in accordance to the above law, in an effort to fulfil the requirements of articles 13 & 14 of the Constitution. All other foreign travel was prohibited.

Following the proclamation of COVID-19 as a pandemic by the World Health Organisation (WHO) and by the law, these measures were necessary in safeguarding public health. In both articles 13 and 21 of the Constitution, which refer to free movement and peaceful assembly of citizens correspondingly, there are clauses referring to the precedence of public health in the protection of citizens.

These measures were proportional having in mind the severity of the pandemic in other countries, as well as the infectivity of the virus. Given the size of the country, a greater number of infections would have placed a significant strain on public health resources and would have led to a need to take prolonged measures at a later point in time as shown by responses in other countries.

The aforementioned measures, with the exception of the limitation on foreign travel, are progressively being lifted and are planned to be fully lifted by July 14.

Access to health services and sexual and reproductive services was not limited. To our knowledge there was no adverse effect on gender-equality or LGBT persons and persons with disabilities.

In the long term it is expected that there will be any real impact of the pandemic on human rights, given the gradual ease of the measures in view of return to the previous situation.

An economic programme has been announced to alleviate the social economic impact of the measures. This involved the support of small and medium size companies, in the form of a scheme for providing Government Guarantees to the European Investment Bank, with favourable loan terms. Liquidity amounting to EUR800 million through the Cyprus Entrepreneurship Fund was also agreed. In addition, EUR100 million subsidisation was agreed to be given to very small and small enterprises and self-employed people, as well as the extension of deadlines for submission of documentation concerning the ESTIA scheme for the protection of primary residence.

Compromised people could be cared for by other people, as it was one of the accepted reasons for movement

There was no interruption of services for elderly or disabled people.

**Accountability and justice**

During the Covid- 19 crisis the Cyprus Commissioner for Administration and the Protection of Human Rights (Ombudsman), after receiving several complaints regarding various matters, released the following Reports covering the following subjects:

1) On 26/3/2020 acting as Cyprus’ s national Preventive Mechanism, the Ombudsman issued a Statement (addressed to the Ministry of Justice and Public Order, the Ministry of Health and the Ministry of labour, Welfare and Social Insurance), regarding the measures that should be taken to prevent the spread of Covid 19- pandemic in places where people are deprived of their liberty. The statement contained a list of relevant guidelines and recommendations drafted by Cyprus Public Transport (CPT) in view of the COVID-19 pandemic.

(It should be noted that the intervention was positively received by the Government, which, on the 30/3/2020 announced a number of measures to be taken in penitentiary institutions in an attempt to combat the spread of COVID – 19 – including: the early release of number of detainees from the Nicosia Central Prison, the placement of a number of detainees under the Open Prison Scheme, and the arrangement for some detainees to serve the remainder of their sentence at home, under electronic monitoring (bracelet)]

2) On April 3rd, 2020, acting as the Independent Mechanism for the Promotion, Protection and Monitoring of the UN Convention on the Rights of Persons with Disabilities (PwDs), the Ombudsman issued a Statement in relation to the specific circumstances and needs of PwDs in situations of risk, such as in the period of the COVID-19. In the intervention they called the State authorities to take all necessary measures in close cooperation with PwD representative organizations, to ensure the protection and safety of persons with disabilities, and especially their right for access to transparent and accessible information regarding the pandemic and the protective measures that need to be taken.

3) On 23/4/2020 acting as NHRI and NPM, the Ombudsman issued a Report regarding the measures taken to prevent the spread of the coronavirus COVID-19 at the 2 Reception and Accommodation Centers of Asylum seekers in Cyprus, with specific recommendations on how to improve the situation. The Report was forwarded to the Ministers of: Interior, Justice and Public Order, Health and Labour, Welfare and Social Insurance.

On 8/5/2020, acting as an Equality Body, the Ombudsman made an intervention regarding the protection of women’s maternity rights, during the COVID-19 protection measures. The Report was drafted after complaints that (public and private) hospitals had decided, in view of the pandemic, to prohibit fathers from being present during the childbirth of their children. It was pointed out that implementation of such practice, in an absolute way, is not in line with the relevant World Health Organizations’ (WHO) guidelines, and the non-discrimination rule in relation to the obligation. The Ombudsman recommended that hospitals review the controversial practice and consider allowing fathers who test negative on COVID-19, to be present during the birth of their children.

5) On 21/5/2020, acting as an Independent Mechanism for the Promotion, Protection and Monitoring of the UN Convention for the Rights of PwDs and Equality Body, the Ombudsman published a Report regarding decision of the Ministry of Education not to allow children with disabilities,), to return to school, after the reopening of primary and secondary schools on 21/5/2020. The Ministry of Education argued that it had taken the controversial decision because «special or enhanced protective measures» needed to be taken before students with disabilities were to return to schools. The Ombudsman concluded that the controversial decision was discriminatory and was in violation of both the state obligations arising from the UN Convention on the Rights of PwDs and the national Laws protecting PwDs from discrimination. The Report was submitted to the Minister of Education, with the recommendation to immediately re-examine the controversial decision.

The activities of the justice system that were temporarily suspended include the suspension of trials in all Courts from 16/3/20 – 30/4/20, with the exception of applications for exceptionally urgent cases, auctions, applications for prerogative orders, (Habeas Corpus), the grant of political asylum and extraditions. With regard to criminal cases, the ones that were not suspended included cases where the accused were under detention, cases relating to the Quarantine law, urgent orders, and appeals where any of the parties was under detention or imprisonment.

These measures also served to protect individuals from arbitrary arrest and detention.

In Cyprus, about ten cases of domestic violence have been recorded in the last month, according to the helpline of the Association for the Prevention and Handling of Violence in the Family (SPAVO).

In Cyprus, The Violence in the Family (Prevention and Protection of Victims) Law of 2000 (119/(1)/2000) with regard to domestic violence, applies, which defines every behaviour that constitutes violence or offence as behaviours which result in direct infliction of physical mental or sexual injury, and punishes such behaviours.

There were no cases regarding victims of xenophobia, women’s access to justice, and no homeless person has been fined or prosecuted to our knowledge.

Article 21 of the Constitution protects the right to peaceful assembly, with restrictions possible which are absolutely necessary for the protection of public health. However, to our knowledge, no such assemblies were stopped for the duration of the measures.

There were no public or parliamentary investigations with regards to the response of public authorities.

All foreign commercial air travel was banned in Cyprus. Even Cypriot students studying abroad, during the initial stage of the measures, were not allowed to be repatriated to Cyprus.