



**PERMANENT MISSION OF THE REPUBLIC OF CYPRUS
TO THE UNITED NATIONS**

NV 461 /2023

The Permanent Mission of the Republic of Cyprus to the United Nations presents its compliments to the Permanent Mission of Brazil to the United Nations and the Permanent Mission of Portugal to the United Nations, and with regard to their letter dated 3rd July 2023, in their capacity as co-facilitators of the intergovernmental process to consider the existing international framework of the human rights of older persons and how to address them, has the honour to attach herewith the contribution of the Office of the Commissioner for Administration and the Protection of Human Rights (Ombudsman) of the Republic of Cyprus, to the questionnaire prepared by the co-facilitators.

The Permanent Mission of the Republic of Cyprus to the United Nations avails itself of this opportunity to renew to the Permanent Mission of Brazil to the United Nations and to the Permanent Mission of Portugal to the United Nations the assurances of its highest consideration.

New York, 22 November 2023



To
Permanent Mission
of Brazil
to the United Nations
New York

Permanent Mission
of Portugal
to the United Nations
New York

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Att.: 8 pages

Nicosia, November 21, 2023

**Identification of possible gaps in the protection of the human rights of
older persons and how best to address them**

Identification of gaps

- In the context of our mandates as the National Human Rights Institution and as an Equality Body, we have repeatedly stressed the importance of non-discrimination and the equal enjoyment by all citizens, without exception, of all human rights and fundamental freedoms.
- In particular and when it comes to older people and the unequal and discriminatory treatment they may receive, priority should be given to promoting, in all cases, healthy ageing and the removal of any discrimination against them, so that they can enjoy, without any deduction, all the rights enjoyed by the rest of their fellow human beings.
- To this end, it should be noted that the harmonisation of national law with the European Directives 2000/43/EC και 2000/78/EC, the

Commissioner was given the competence to act as an Equality Body. Specifically, the Commissioner, as Equality Body, has, on the basis of Law 42 (I)/2004, the jurisdiction to investigate individual complaints for the existence of discrimination, both in the public, and in the private sector of activities, for reasons related, among others, to age.

- Regarding the right of older persons to work and access to the labor market, it should be pointed out that there is a necessity to have plans that will provide motivation for older persons to remain active citizens, as well as for private companies to employ older people. Combined with the lack of motivation for elderly people to remain active citizens, as well as for private companies to employ elderly people, the elderly is directly dependent on their pension which, in view of the ever-increasing cost of living, does not provide them with the necessary financial independence and security.
- As regards to the elderly shelters and their supervision by the competent governmental services, it should be noted that is not in all cases adequate, with the consequence that the rights of their residents are violated. Furthermore, the domestic workers who provide care for the elderly in their own homes often lack the training and skills to handle them properly, and cases and publications of their abuse often come to light in the media.
- Additionally, in many cases the right to long-term care is directly linked to the confinement of older people in elderly people's homes. On the contrary, adequate motivation (including financial support) should be provided to ensure that long-term care for

older people is provided in their own homes, close to family and friends.

- In all cases, it should be noted that the abuse of older persons may be not only physical but also psychological and, therefore, must be detected as early as possible. A form of abuse that is directly linked to the conditions of poverty and deprivation that older people may experience is living in inadequate conditions, such as without heating or air conditioning, inadequate or outdated housing infrastructure. Psychological abuse may take the form of harassment or mental abuse or pressure against them, neglect resulting in their psychological deterioration, institutionalisation with direct negative effects on their psychology, economic exploitation, etc.
- Concerning the right to health and access to health services, is underlined that the accessibility of persons with disabilities, as well as persons with reduced mobility (such as in several cases elderly people) has been a matter of concern for our Institute. We have recently submitted a binding recommendation to the Ministry of Health and the Health Insurance Organisation to ensure that all health services provided by the General Health System are accessible, and that health care providers contracted by the General Health System are housed in accessible facilities and have accessible equipment. The Ministry of Health and the Health Insurance Organisation is already drawing up a list of accessibility criteria and will not renew the contracts of health care providers who do not meet them, nor will it contract with new providers who do not offer accessible health care services.

- On the case of the right to accessibility, infrastructure and habitat, is noted that even though by law public transport must be accessible, and even though elderly people are entitled to reduced fares, we still receive complaints from people with reduced mobility that buses are not accessible. As a matter of principle, these complaints are being dealt with under our mandate as Independent Mechanism for the Promotion, Protection and Monitoring of the UN Convention on the Rights of People with Disabilities.
- Furthermore, in some cases the issues and problems faced by the elderly are common to those faced by persons with disabilities, especially in cases where people with reduced mobility are concerned. Therefore, several of the provisions of the UN Convention on the Rights of Persons with Disabilities also apply to elderly persons. However, they cannot directly invoke these provisions (e.g. in relation to accessibility) because they are not persons with a particular disability.
- Indicatively, in relation to work, in many cases the elderly may need reasonable accommodations to enable them to continue to work adequately. However, this is not explicitly provided for in legislation, unlike in the case of persons with disabilities, and employers are not obliged to provide such reasonable accommodation to the elderly.

Engagement with international and regional human rights mechanism

- Concerning our engagement with human rights mechanisms, it is firstly noted that we have very close cooperation with European Union Agency for Fundamental Rights and we are members of Association Ombudsman Mediterranean (AOM), International Ombudsman Institute (IOI) and Network of European Ombudsman. Additionally, we are members of EQUINET, ENNHRI and Commonwealth Forum of NHRIs and we participate in their working groups, seminars, training and events.
- With respect to the rights of older people in particular, we actively participate in the ENNHRI Core Group on the Human Rights of Older Persons, as well as in the UN Open-Ended Working Group on Ageing. In relation to the latter, it is noted that we co-signed a joint statement with other NHRIs regarding the need for a new binding convention on the rights of older persons, which was delivered on the first day of 13th Session of UN Open-ended Working Group on Ageing (OEWGA) in New York.
- Furthermore, we participate and contribute to the preparation of the Universal Periodic Review, to the preparation of the periodic report of Cyprus on the Covenant on Economic, Social and Cultural Rights, to the preparation of the periodic report of Cyprus on the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, we cooperate with the Office of the United Nations High Commissioner for Human Rights for the preparation of the OHCHR Report on the Question of Human Rights in Cyprus, in April 2023 we have submitted our comments on the Draft General Comment of the Subcommittee

on the Prevention of Torture (SPT) on article 4 of the Optional Protocol to the Convention against Torture (OPCAT) etc..

Positive impact of those engagements in strengthening the protection of the human rights of older persons

- In the context of the above engagements, we have the opportunity to exchange views and good practices with national and international human rights bodies, as well as with civil society, on issues related to the rights of older people, thus enabling the identification of common points of concern in relation to particular areas related to the rights of older people, which need to be addressed and dealt with universally.
- Furthermore, it gives us the opportunity to focus on more specific aspects of the rights of older people that are violated in order to promote the removal of discrimination against them for the full realisation of their equal and non-discriminatory treatment.

Other options to strengthen the protection of older persons

- In addition to the above, is noted that our Institute works closely with representative organisations that defend the rights of older people. For instance, the President of the Observatory for the Elderly participates in the Human Rights Advisory Committee that we have set up to strengthen the pluralism of our Institute and to enhance two-way cooperation with civil society and human rights groups. Therefore, the Observatory raises directly and at any time whatever problems that concern or confront older people in Cyprus and it is possible for us to respond immediately to solve them.
- In particular, it should be pointed out that the direct cooperation with civil society organisations that are focused on the protection of the rights of the older people, is of vital importance for the immediate addressing of key issues and problems that concern this particular group of the population.
- Moreover, simultaneous cooperation with the competent governmental bodies is also important for their promotion and protection of human rights. To this end, an important factor is the provision of training in the wider protection of human rights to both public officials and private sector actors.
- Furthermore, under Commissioner's mandate as the National Mechanism for the Prevention of Torture, we carry out regular visits to the homes of the elderly, to record any problems and to ensure

that the residents are treated with dignity. We submitted relevant interventions on this issue following our visits to a large number of homes of the elderly, while other interventions were submitted during the pandemic period when the older persons were restricted and isolated in the homes of the elderly.

- In any case, it should be stressed that the preparation of a United Nations Convention on the rights of older people will be an important recognition that older people are equal and contribute significant value to the wider society. Consequently, the Convention and its subsequent ratification by States will both recognize and strengthen the rights of our older fellow human beings, while making States obliged to respect and implement these rights and to eliminate all forms of discriminatory treatment against their older citizens.

Maria Stylianou-Lottides

Commissioner for Administration
and the Protection of Human Rights

National Human Rights Institution