

# ANNUAL REPORTS 2017-2018-2019

(SUMMARY)

## COMMISSIONER FOR ADMINISTRATION AND THE PROTECTION OF HUMAN RIGHTS (OMBUDSMAN)



1991 OMBUDSMAN

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**COMMISSIONER FOR**  
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**PROTECTION OF HUMAN RIGHTS**  
**(OMBUDSMAN)**



The current booklet includes short summaries of the Reports/Interventions of the Commissioner for Administration and the Protection of Human Rights, regarding Ombudsman Institute Core Issues, as are described in the Annual Reports for the years 2017, 2018 and 2019.

**2017**

► *Department of Environment, Real Estate, Development and Local Government*

**Violation of article 9 of the Law on General Principles of Administrative Law Care and Rehabilitation Service for Displaced Persons (C/N 1141/2015, C/N 106/2016, C/N 281/2016, C/N 785/2016)**

While the complaints of the complainants for housing assistance, according to the relevant housing plans for displaced persons, were pending, the criteria, terms and conditions of the Council of Ministers for housing assistance were amended twice. Therefore, when the Housing Assistance Committee took decisions on the applications, three years after their submission, it took into account the new / revised criteria of the Council of Ministers. As a result, the applications of two complainants were rejected, because according to the new / revised criteria they were not beneficiaries of housing assistance, while the applications of the other two complainants were approved, but for a reduced housing assistance of 50%. According to Article 10 of the General Principles of Administrative Law, "the competent authority must exercise its competence in a reasonable time, so that its decision is relevant in relation to the factual or legal facts to which it refers. The determination of the reasonable time depends on the specific circumstances of each case ", on the other hand, according to the article, when the competent authority fails to examine the application in a reasonable time, it must take into account the legal regime in force at the end of the expiration. As noted in the Reports, "the delay in examining and deciding on the complaints of the complainants was also the cause of the unfavourable outcome of their applications, due to the change in the legislation in force at the time of their submission and the Acknowledge this delay and act in accordance with Article 9 of the General Principles of Administrative Law, i.e. to take into account the previous legislative status, the decision of the Council of Ministers that was in force at the time of submission of their applications." Therefore, in view of the aforementioned decision of the Administrative Court, the decisions taken by the Commission on the complaints of the complainants were illegal and, consequently, there was a suggestion to "review the complaints of the complainants, based on the time of their submission, as soon as possible".

**Disturbance from the operation of an uncontrolled waste disposal site (C/N 344/2016)**

A complaint filed in our Office against the Ministry of Agriculture, Rural Development and Environment and the Community Council, concerned the non-taking of the necessary measures, in relation to causing inconvenience to a private plot in which there is an illegally abandoned quarry. As it turned out, the site was not included in the contract concluded by the Ministry of Interior in 2009, and continued, in violation of the provisions of the Law on Waste, to be used for waste disposal. The Report refers to Directive 2008/98 of the European Parliament and of the Council, which seeks, as stated in its preamble, to "protect the environment and human health", as well as the obligation of the Member States "in accordance with Article 13 of the Directive, must ensure that waste management, i.e. its collection, transport, recovery and disposal, including the supervision of such operations, as well as the supervision of landfills and the actions of traders or brokers, without endangering human health and without harming the environment and in particular, without (a) creating a risk to water, air, soil, plants or animals; (b) to cause nuisance by noise or odors; and (c) the

landscape or sites of particular interest to be adversely affected." It was noted that "the tolerance of actions that affect the environment and the compromise with practices contrary to the legislation seeking to protect and upgrade it, are observed mainly because, unfortunately, the principle of sustainability is not a major priority yet its value is not sufficiently widespread in conjunction with human health. However, since the Waste Act prohibits the uncontrolled dumping of waste which continues to be dumped on the site, even if it is a private piece, inaction is not allowed if the imposition of extrajudicial fines on offenders seems ineffective. The continuation of the inspection of the site by the Department of Environment and application of the provisions of the Law on Waste, whenever it is ascertained that the dumping of waste in the area is mandatory. At the same time, however, something more is needed and this is the termination of the operation of the site immediately, that is, to find a way to make waste disposal inaccessible to it, while at the same time measures must be identified and implemented to restore it, thus prohibiting the induction of fires". For the implementation of the suggestions, it was deemed necessary "the cooperation of the Community Council with the Larnaca District Administration, to determine the specific actions that must be taken in order to free the community from the annoying and illegal use of the private plot".

#### Non-completion by the Municipality of the examination of the application for the issuance of a fencing permit for two pieces (C/N 713/2015)

A complaint was submitted regarding the non-completion of the examination of the application submitted in 2009 by the Municipality, because the fencing of the plots was proposed to be placed within an existing of soiled road. In the relevant Report submitted on this issue, the soiled road is part of this plot, while the two plots were demarcated at the suggestion of the Municipality. As noted, the Roads and Buildings Regulation Act "gives the competent building authority, the power to require, prior to the granting of a permit, the applicant to submit, inter alia, tactics or amendments to the plans already submitted to ensure further improvement of the road network of the area "and" to impose a condition on a building construction permit for the expansion, continuation and construction of a road network in appropriate cases ". By applying for a permit to fence the plots, the complainants sought to "preserve their entire area and thus achieve the termination of their use of part of the vehicle for traffic." This relevant right is protected by Article 23 of the Constitution, which requires respect for private property and abstention of third parties, whether private or public authorities, from actions, acts or omissions that entail the deprivation of even part of it. Pursuant to Article 10 of the General Principles of Administrative Law Act, each competent authority must exercise its jurisdiction within a reasonable time and, as the Supreme Court suggests, should act as soon as possible, within the framework of good administration, to avoid unjust results to the detriment of applicants". The suggestion submitted to the Municipality was to complete the examination of the complainants' application and to decide in relation to it, within one month.

Illegal possession and use of Turkish Cypriot property by non-beneficiaries (C/N 2007/2016, C/N 1949/2016, C/N 1482/2016, C/N 1456/2016, C/N 2130/2014, C/N 986/2016, C/N 303/2017, C/N 228/2017, C/N 1442/16)

Several cases involving the Office for the Administration and Protection of Human Rights in recent years have shown the Ministry of Interior's tolerance of the illegal occupation and use of Turkish Cypriot property by non-beneficiaries. In this regard, the Ombudsman recommended the acceleration of the procedures required in relation to the recovery of illegally detained homes / premises so that they can be made available to pending applicants / beneficiaries.

#### Non-implementation of development license terms (C/N 219/2017)

During the investigation of a specific complaint, reluctance of the competent District Office of the Department of Urban Planning and Housing (Urban Planning Authority) to take measures in relation to the non-implementation of all the conditions set in the urban planning permit, as well as the development intervention in public road, was found. After the intervention of our Office, she called the owner company of the plot in which the development had taken place, to remove the illegal intervention from the public road and to implement all the conditions of the urban planning permit, within a regular deadline, as its issuance was based to incorrect spatial work submitted by the company.

#### Delay in examining applications from the District Cadastral Offices

It is pointed out by the Office of the Commissioner for Administration and Protection of Human Rights for about 20 years and still remains unsolved. Particularly worrying is the fact that, despite the suggestions in the relevant reports that were repeatedly submitted to the Director of the Department of Lands and Surveys and the Director General of the Ministry of Interior, for the need to address it, no decisive measures were taken. Therefore, a large number of complaints submitted to our Office, concern the delay in processing the applications they submit and / or the untimely completion by the Department of the necessary processes regarding their real estate. As has been found during the investigation of these complaints, when the issue of delay is brought before the Department or its District Offices, for the most part, the necessary actions are taken on their behalf to complete them as soon as possible. The following cases are noted that, after the intervention of our Office, the Department and / or the competent District Land Registry Offices took care of their promotion and completion:

- 1) Application that has been pending for several years for the concession of a portion of the loaf that passed through a private piece from the piece. **C/N 959/2017**
- 2) The assessment of the market value of plots that had been affected by the widening of the road, for the purpose of promoting the expropriation of their affected part by the Prefect. **C/N 537/2017**
- 3) The completion of the assessment and control of the rents for the use of part of the plot by the National Guard before a relevant decree is issued ordering the necessary part of the plot, as well as the calculation of the compensation payable with the legal interest. **C/N 36/2015**

- 4) The number of cases related to the delay of the Department of Lands and Surveys to issue property titles of trapped buyers was also important. **C/N 684/2017, C/N 1897/2016, C/N 116/2015, C/N 1787/2016, C/N 168/2015, C/N 3/2017, C/N 1185/2015**

#### Return of transfer fees imposed

A number of complaints submitted to our Office, related to the delay in the examination of requests by the Department of Lands and Surveys, for the return of the additional transfer fees imposed on the acceptance of transfer applications, which had been calculated, taking into account the amount of VAT for sale. Regarding this issue, the Council of Ministers decided to approve the return to all beneficiaries of the transfer fees they had paid on the amount of VAT, for the purchase / construction of real estate, including default interest. Therefore, as the Director of the Department of Land Registry and Surveying informed our Office, instructions were given to all the Provincial Land Registry Offices for the implementation of the aforementioned decision of the Council of Ministers. **C/N 2211/2016 and C/N 50/2017**

#### Violation of citizens' right to petition

Article 29 of the Constitution guarantees the right to petition, and the public authorities must notify them in writing and duly substantiated their decision, within a period of 30 days. Pursuant to Article 35, if a decision on an application or complaint is not possible within 30 days, the competent authority must, within the same period, provide written information to the person concerned on the progress of its case. In relation to these complaints, after pointing out to the services involved their violation of the above right of citizens, they are advised to send a reply letter to the complainants as soon as possible. In most cases, the response of the involved services, by sending a reply letter, is immediate. **C/N 2242/2016, C/N 1332/2017, C/N 1374/2017, C/N 959/2017 etc.**

#### Surgery on a splint

Following the submission of a relevant complaint to our Office regarding interventions on a sluice, with the consequence that its waters are channeled to an adjacent soiled road and end up in the plot of the complainants, specific suggestions were submitted to the competent District Engineer of the Department for Development. The operation on the Argaki was confirmed by the Department of Lands and Surveys and the District Engineer, in order to implement the suggestions of our Office. They took the necessary actions to ensure the functionality and the smooth flow of the waters of the Argaki, by placing the culvert at the point of culvert existing road. **C/N 1936/2015**

#### Annual contribution of community services (C/N 258/2017, C/N 1317/2017, C/N 1738/2017, C/N 1842/2017 etc.)

Many complaints concern the amount of the annual Community service levy imposed by the Community Councils, under the Communities Act, on property owners within their

administrative boundaries. It is argued by the complainants that this is a high financial burden, without documenting its objectivity and correctness in relation to their property. In such cases, the complainants are informed of the statutory amount of such taxes and fees that the Community Council is entitled to impose on them, as well as of the relevant case law of the Supreme Court, according to which the annual contribution of Community services is tax. However, for another year, it has been found that the Community Councils have a wide discretion in calculating the annual contribution of Community services in relation to each property owner, without at the same time having uniform tools at their disposal. Objections to the hierarchical review of the legality of the decisions of the Community Councils, when they concern the imposition of an annual contribution of Community services, contribute little, because, while in some cases the amount of the annual contribution may be reduced by the District Commissioner, however, satisfactory answers are not provided to the concerns of opponents who usually focus on how their annual contribution was calculated. The Prefects respond to the opponents either that the annual contribution in relation to their property was correctly calculated or that it was reduced, without justifying their decisions, although the reasoning is necessary in each case, according to the General Principles of Administrative Law. The above problems are a consequence of the legislation itself, due to the generality of the provision of the Law on Communities which provides for the institution of the annual contribution of community services, but the possibility of correction cannot be ruled out, by amending the provision or adopting regulations, which will determine how the Community Councils will calculate the annual contribution of Community services, as well as specific criteria which they will take into account when calculating it.

### Tolerance of the building authorities in illegal developments

A significant number of complaints are submitted, concerning the tolerance of the Municipalities in illegal developments, which they can cause inconvenience and adversely affect the comforts and the quality of life of the locals. The investigation of complaints confirmed their reluctance or failure to intervene in cases involving chronic consolidated building arbitrariness, as well as in relation to illegal additions-conversions to buildings and changes of use of premises. While they are acting in this direction only after relevant complaints from affected and / or when the issue is brought before them by our Office, after the submission of a relevant complaint by the affected. Relevant complaints submitted to our Office are the following:

- 1) Arbitrary change of use of premises. **C/N 878/2017**
- 2) Carrying out construction works or additions to premises without permission. **C/N 956/2017**
- 3) Illegal construction of premises. **C/N 212/2017**

In all cases, the relevant Municipalities were called upon to act in accordance with the provisions of the Law on the Regulation of Roads and Buildings for the restoration of legality.

### Removing the danger of buildings

Pursuant to Article 15A of the Law on the Regulation of Roads and Buildings, when the competent authority finds that a building is in such a condition that it poses a danger to

passing or neighboring buildings and it is necessary to take measures to remove the danger, it may issue a written notice to the owner of the building to take adequate, in his opinion, measures to remove the danger of the building within a specified period. During the investigation of a complaint regarding a dangerous building within the administrative boundaries of a specific Municipality, it was found that the Municipality, although a competent authority for the implementation of the above Law, nevertheless failed to intervene, while parts of the balcony of the building fell on the sidewalk and endangered the safety of pedestrians. Following the intervention of our Office to the Municipality, we sent a written notice to the management committee of the building to take the necessary measures to remove its danger, within a regular time. **C/N 126/2017**

## Nuisance

Local authorities often fail and / or are reluctant to take legal action to address nuisances near homes. Indicatively, the following sources of annoyance are mentioned in relation to which the relevant local authorities regularly fail to take measures to reduce them:

- 1) Preservation of illegal commercial premises and / or illegal use of plots as business premises. **C/N 642/2017**
- 2) Illegal conversion and use of plots as parking spaces. **C/N 1420/2017**
- 3) Preservation and breeding of animals and birds in the yards of houses. **C/N 550/2017**
- 4) Keeping dogs in inappropriate places in residential yards. **C/N 848/2017**
- 5) Smoke and strong odors from the chimneys of dining areas. **C/N 449/2017, C/N 498/2017, C/N 501/2017 etc.**
- 6) Gatherings of people in public places during the evening hours. **C/N 647/2017, C/N 1374/2017 etc.**
- 7) Deposit of rubbish and useless objects in open public or private spaces. **C/N 594/2017**
- 8) High volume of music transmitted in leisure centers, as well as shouting and noise from their patrons. **C/N 1089/2017**

When handling complaints about harassment, because it is an issue that affects the comforts of the neighborhood in a multidimensional way, in several cases the Ombudsman 's immediate intervention is promoted by submitting specific suggestions to the involved local authorities to address / suppress them. In most cases, the authorities involved respond and implement these suggestions, but there are cases where their response occurs with a long delay and / or there is hesitation in dealing with the nuisance.

Noted the case in which after submitting a complaint for causing harassment by a recreation center within the municipal boundaries of a specific Municipality, which, as it was found, operated without a license and without licenses to use loudspeakers and transmit music and sell alcoholic beverages, the Police was informed in this regard, our Office took the necessary steps to restore legality. **C/N 481/2017**

In another case, following the intervention of our Office after receiving a complaint regarding the inconvenience caused by the parking of trucks / tankers on a plot near a house, the relevant Municipality promoted the taking of the measures provided by law against both the owner and the head of the vehicle company and against the owner of the part in question. **C/N 644/2017**

## ► *Department of Social Insurance and Economic Affairs*

The complaint **(C/N 2127/2015)** was directed against the Paphos Sewerage Council, regarding the subsequent imposition on the complainant of additional sewerage fees for the years 1999-2015, after the change of the value of its co-owned property in Paphos. In the Ombudsman's Report, it was suggested that the Paphos Sewerage Council reconsider the whole issue of the imposition of the additional sewerage fees on the complainant for the years 1999-2015 and seek ways to remedy the injustice which, in violation of the principle of good administration, the administration itself created.

Civil Servants, members of the Pancyprian Union of Civil Servants (PA.SY.D.Y.) submitted a complaint **(C/N 140/2017)**, regarding the decision of the General Accountant of the Republic to deduct from the salary of January 2017 an amount of € 3, without have previously obtained their consent. It was judged that this decision is not in line with the provisions of the Laws on the Protection of Wages and a Report was submitted to the General Accountant of the Republic, in order to avoid a recurrence of similar incidents in the future.

From the examination of the complaints concerning decisions' rejecting or delaying the processing of applications for benefits, pensions, allowances, sponsorships, as well as the amount of these applications, the Department concluded that the complainants appealed to the Office, or because they considered that the decisions were made. on their applications, they had relied on legislative provisions which were unfair, either because the reasoning put forward was not convincing. With regard to the latter cases, it was found that, despite the fact that the rejection decisions had a legal basis, which was referred to in the letters, they were not reasoned convincingly and comprehensibly for the complainants, who, in most cases, having ignorant of the provisions of the law, they treated these decisions with skepticism or suspicion. The justification of administrative decisions, as mentioned, is absolutely necessary to build a culture of public trust in the Public Administration. This position was repeatedly expressed by our Officers, in their contacts with members of the administrative authorities, in the context of the investigation of complaints.

A number of cases concerned the amount of benefits, which the complainants considered to be low and / or insufficient for the needs that the benefit is intended to cover and, in that regard, requested its increase. The complainants were informed that, since no illegal administrative action had been identified, there was no scope for the Ombudsman to intervene to increase the amount of benefits.

Some complaints concerned the amount of contributions of self-employed employees to the Social Insurance Fund. The investigation of the cases revealed that the contributions paid by the complainants were calculated/determined on the basis of the provisions of the Social Security (Contributions) Regulations of 2010 to 2014.

In a number of cases the complainants appealed to the Office, about the amount and way of calculation of fees and taxes imposed on them by the Central Administration, by Public Entry and local authorities. In particular, it was considered that the framework set by the relevant decision of the Community Council is extremely precarious, because the property of each holder is categorized and, consequently, leveled with its inclusion in a category, which can only be approximated falls, while the legislation requires an individual calculation of the annual contribution.

An applicant for a funeral allowance has lodged a complaint with the Social Insurance Administration concerning their decision to offset the amount of funeral allowance which he requested to receive, owed by the deceased. Following the mediation of the Sector, the Social Insurance Services paid the allowance.

In the case of another complaint against the Social Insurance Services, which was submitted by an elderly woman of Georgian origin, claiming a social pension, regarding their request to obtain information from the competent authority of Georgia, in order to complete the application examination process. After the mediation of the Sector, the SIS was persuaded to take the necessary actions themselves, in order to secure the data.

A number of complaints, mainly from foreigners, were directed against Cypriot Investment Services Providers. In the context of handling these cases, the complainants were informed that, based on the Laws on the Commissioner of Administration from 1991 to 2014, it is not possible to investigate complaints against legal entities under private law.

A number of complaints were also filed against banks, insurance companies and other financial companies. These cases were handled similarly to the previous ones and the complainants were informed about the Ombudsman's lack of competence to investigate their cases, as well as their ability to appeal to the Finance Ombudsman.

## ► *Health Sector*

### Coverage of Treatment Expenses in the Private Sector or Abroad

In a specific case (**C/N 1599/2016**), the Ministry of Health rejected a patient's request for ex-post coverage of the treatment costs, to which he was submitted, in the private sector. Following the intervention of the Office and the submission of an objection by the applicant, the Ministry of Health decided to satisfy his request for the subsequent coverage of his medical expenses, on the basis of a recommendation of the Review Board, which reviewed the case.

In another case (**C/N 149/2016**), following actions of the Office, a request submitted by a patient to go for treatment to a specialized medical center abroad, which was delayed to be examined, was satisfied and the payment of € 16,215 was approved, which was calculated on the basis of an offer sent by that medical center.

### Provision / Supply of pharmaceutical preparations

In a specific case (**C/N 1696/2016**) brought to the attention of our Office, a patient who had been diagnosed with aggressive metastatic prostate cancer, appealed to our Office against the Ministry of Health, because his request for a special drug had been rejected. The intervention of the Office was of catalytic importance, since the request for the provision of the relevant medicinal product was satisfied, after the reversal of the rejection decision of the Committee of Nominal Requests to the Review Board.

### Refusal to submit a patient to surgery

A patient in despair, submitted a complaint (**C/N 2146/2016**) to our Office, claiming that a public doctor refused to undergo surgery, due to his old age, although two private doctors claimed that he was able to undergo surgery. The patient's inability to pay the particularly high cost of this treatment in the private sector and the neurosurgeon's refusal to take over his case, led him to my office, whose intervention was immediate after the patient was admitted to Neurosurgery Clinic of the Nicosia General Hospital and underwent the necessary surgery successfully.

### Excessive Delay / Omission of the Ministry of Health to respond

The reason for raising this serious issue was specific complaints for which, even though comments and opinions had been requested from the Ministry of Health, as well as all the documents related to their investigation, no answers have been received (**C/N 422/2016, C/N 1624/2016 and C/N 2219/2016**). Any refusal to provide information, obstruction or obstruction of the work of the Ombudsman, constitutes according to article 11 of the same Law, a criminal offense.

## ► *Department of Social Protection*

### Rejection of applications for MGI and / or other social benefits

Examination of the complaints concerning the decision to reject the application for a MGI revealed that the issue of reasoning was as prominent as in previous years, with the following allegations made by the complainants:

- The reasoning presented by Welfare Allowance Management Service was not sufficient and / or specific.
- The reasoning given was the result of a mistake about things.
- The legislative provisions on which they were based, the decisions rejecting their applications, were unfair.

As mentioned in other cases, the issue of reasoning would have been avoided if the Ministry of Foreign Affairs, in a language simple and understandable to applicants, provided with precision and clarity, the relevant legislative / regulatory provisions, as well as the essential facts and data of each case.

### Delay in examining applications

In cases where a delay was found in the processing of applications, the involved services were intervened for faster processing. The need to process the applications in question quickly is crucial, because they relate precisely to meeting the basic needs of the most vulnerable groups of the population.

### Amount of the provided SNE

The complainants considered that the amount of benefit paid to them was low and / or insufficient for the needs that the benefit is intended to cover and demanded its increase. The complainants were informed that the amounts of the MGI are set out in Regulatory Administrative Acts of the Council of Ministers (i.e. in secondary legislation) and that there was no scope for the Ombudsman to intervene to increase the amounts, as this would exceed the limits of the authority given by the Laws on the Commissioner of Administration.

### Non-inclusion of foreign spouses of Cypriot citizens as dependents in the public aid (C/N 771/2014, C/N 2419/2014, C/N 1954/2016)

A number of complaints lodged in our Office, related to the established policy of the Social Welfare Services (SWS) not to consider the spouses of Cypriot citizens, who are recipients or applicants for public assistance, as dependent on their spouse, on the grounds that they do not have the Cypriot citizenship, or because they are in Cyprus under the status of a visitor. The consequence being that the basic, special and / or other needs of these persons are not included in the amount of public assistance provided to the spouse. In the relevant Reports submitted on the above issue, it was pointed out that the specific approach of the SWS is a

consequence of misinterpretation and application of the provisions of the relevant law. It was suggested that the SWS review the cases of the complainants and include in the amount of the paid public aid and the spouses of the beneficiaries, as well as for the return of the amounts that had been cut from the public aid.

#### Delay in examining an elderly woman's application for payment of care allowance (C/N 1090/2016)

In the relevant report submitted on the above issue, it was emphasized that the age of each applicant in relation to the provision of care is directly intertwined and interrelated, not only with the conditions for the positive approval of the request, but also with the time period of the consideration and final decision in this regard. Therefore, in addition to the other key parameters taken into account in the process of examining applications for welfare benefits, the category of the vulnerable group to which the applicant belongs should be taken into account so that the time of provision, responds directly to the needs.

Other issues that were addressed and resolved immediately for the benefit and satisfaction of the complainants, either by telephone intervention or by on-site visit to the offices of the services involved:

- The Social Welfare Services approved, on the basis of new certificates submitted, the provision of public assistance, with retroactive effect. **(C/N 1336/2016)**
- The examination of the objection was forwarded and completed, which was submitted to the competent Minister and the provision of a minimum guaranteed income to the applicant was approved. **(C/N 40/2017)**
- The provision of financial assistance to cover the costs of care and payment of retroactive fees was approved. **(C/N 1050/2017, C/N 2013/2016)**
- The examination of an application for the provision of a minimum guaranteed income to the applicant has been promoted and completed. **(C/N 1247/2017, C/N 1344/2017)**

## ► *Issues of education, training and employee relations*

### **Appearance of students during the official graduation ceremonies/official photography (C/N 1713/2016)**

The issue of the appearance of the students during the official ceremonies and the photo shoots, as well as the legality of the decision to exclude them, in case they do not meet the requirements for characterization of their appearance as decent, was the subject of Statement, after submitting a relevant complaint. As noted, the Regulations on the Operation of Public Secondary Schools do not provide for any penalty/pedagogical measure of removal from a school ceremony or in the Regulations, the exclusion from the official photo shoot. Therefore, the imposition of such penalties is an illegal decision. It was suggested that the Ministry of Education and Culture inform with a circular the Directorates of Secondary Schools, that the tactic of taking such measures should be terminated, as it has no basis in the current legislation, and that the Ministry send a copy of the relevant to all the Principals of these schools. It was emphasized that what is mentioned in the Statement should not be taken as a support and/or as an encouragement for anarchic appearance of the students.

### **Movement of a person serving in the National Guard (C/N 1710/2016)**

The complaint was about the way the Ministry of Defense treated a person who serves in the National Guard. The complainant claimed that, while the Service was aware of the serious health problem he was facing - due to which there was a medical recommendation to avoid trips longer than 5km, sunlight, dust, cold and other aggravating factors, a decision was made to transfer him. which he described as vindictive. The complainant was twice referred to a Medical Council, which issued opinions of dubious validity. At the same time, he was transferred to a workplace that was anything but in line with the recommendations of his treating doctors. Specifically, the Report submitted, without any intention to interfere in the work and responsibilities of the Medical Council, commented on the manner in which its decisions were taken, especially when it was concluded that the complainant was able to perform his duties fully, while has already stated that it was not possible to establish his visual acuity, arguing that the complainant had not provided relevant medical certificates. The suggestion was the re-referral of the complainant to the Medical Council and the provision, by the Ministry of Defense, of sufficient information to the Medical Council, in relation to the case of the complainant.

### **Delay in the process of examining the application of a national guard, for his final dismissal from the National Guard, on the basis of "special and family reasons" (C/N 2197/2016)**

In this case, a socio-economic report was requested from the Social Welfare Services, which was supported, as such research is in line with the provisions of Article 45 of the General Principles of Administrative Law. The Social Welfare Services completed and submitted the report after seven months. The magnitude of the delay in the examination of such applications was emphasized that it could lead from an inversely proportional adverse

restriction, to the annulment of the right granted to the national guards, for their temporary or permanent dismissal, when there are special or financial reasons. The report recommended that the Ministry of Defense and the Advisory Committee, in cooperation with the Social Welfare Services, adopt such procedures and/or reasonable timetables, so that this process can be completed quickly and, in any case, within a period of time does not make these requests pointless.

Following a complaint concerning the delay of the Ministry of Education and Culture in informing the candidates of the Pancyprian Examinations, that in order to register in the HEIs of Greece, it was necessary to have an identity card of the Republic of Cyprus, the Office asked the Minister to submit a request to the Ministry of the Interior, so that these cases can be handled immediately. The involvement of the Office was of catalytic importance, since the risk of losing positions in Greek HEIs was eliminated. **(C/N 1081/2017)**

A student with learning disabilities attended a qualifying examination for the purpose of transferring from a private to a public secondary school, in which he failed, and was not granted any facilities. After the intervention of the Office, the student underwent new qualifying examinations, for the purposes of which he was granted facilities and in which he succeeded.

After immediate intervention, the transfer of a student whose mother is visually impaired, to a school near her home was approved, so that she could be offered the opportunity to visit her child's school. **(C/N 1132/2017)**

## ► *State-Citizen Relations*

Issues that were addressed and resolved immediately for the benefit and satisfaction of the complainants, either by telephone or by on-site visit to the offices of the services involved:

- An air conditioner was installed in the complainant's workplace, a process which had been pending for more than two years.
- After the intervention of the Office, the electricity supply of the complainant's house was restored, who was facing particular medical problems and serious financial problems, which had been interrupted due to debts to the EAC. **C/N 957/2017**
- A number of letters were pending before various services and other state-controlled entities. **C/N 574/2017, C/N 1048/2017**
- After a long delay, the rent allowance was paid by the Welfare Allowance Service.
- The Road Transport Department registered, with a long delay, as "immobilized", after a relevant request, a vehicle which was in the ownership of the complainant and only after the intervention of the Office.
- After a long period of time, from the day of submission of the relevant request, the Ministry of Health referred the complainant for examination by a Medical Council.
- The Department of Labor corrected the date of the match in the registers of job applicants, which concerned the complainant. **C/N 1940/206**
- The Department of Road Transport, after its initial refusal, issued a final certificate of suitability for a specific motor vehicle. **C/N 769/2017**
- CYTA, despite its initial reservations and refusal to comply with a particular court decision, reconsidered its position and decided to comply after the intervention of my Office.
- The Student Welfare Service granted, despite its initial refusal, state student care to two sisters, after the previous investigation showed that there was a legal basis for this concession. **C/N 1069/2017**
- The Student Welfare Service paid, after the intervention of the Office, the amount of student sponsorship to which the complainant was entitled, following a relevant suggestion of the Office for the evaluation of new evidence, which was submitted for this purpose.

**2018**

► *Department of Environment, Real Estate, Development and Local Government*

The complaint concerns the pending application regarding error correction for 34 years at the Land Registry Office of Nicosia District, which had not been forwarded to the Head of the Land Registry and Surveying Department to decide whether he could correct the error. The suggestion in the Report of the Ombudsman to the Head of the Department of Land Registry and Surveys was, he should deal directly the pending application and decide whether to correct the error, based on the powers provided by Article 61. **(C/N 996/2016)**

The report concerns the multi-year delay in advancing the process of returning excess expropriated property to its previous owner. Part of a piece in Limassol was expropriated in 1970, but was not used for the purpose of expropriation and in 2006, at the request of the owner company to the Ministry of Transport, Communications and Works, the Department of Public Works undertook the process of returning the property to the company. However, the Department of Lands and Surveys took nine years to submit the necessary documents to the Department of Public Works. However, the calculation by the Limassol District Land Registry Office of the return price of the property to the company was still pending. In the report of the Ombudsman, a suggestion was made for "immediate assessment and verification of the amount to be paid by the complainant for the purpose of returning to his property, by the Limassol District Land Registry Office", as well as for "immediate implementation of the decision of the Council of Ministers... by the Ministry of Transport, Communications and Works ". **(C/N 1219/201)**

The related report concerns the non-granting of financial assistance to displaced persons who had already been approved for the granting of state plots for the construction of houses. A common denominator was that the complaining beneficiaries had already signed an agreement / license to use the land approved for the concession, which provided, inter alia, the payment of specific financial assistance against the cost of building their home, which, however, several years later they were finally informed that they would not be granted financial assistance. In 2013 and 2016, the Council of Ministers decided to abolish the housing plan for the allocation of money for the construction of a house, as well as the housing plan for the allocation of housing to a government settlement and terminated the financial assistance granted to already approved beneficiaries of a housing plot. The investigation showed that the decision is outside the scope of its Housing Assistance to Displaced Persons, Victims and Other Persons of the Law. In the Report, it was noted that the subsequent partial revocation of a lawful administrative act does not find any legal basis and, therefore, the decision taken should be re-differentiated, bringing things to their former state. The Ombudsman's suggestion was that the Ministry of the Interior "accelerate the process of separating the long-pending plots, in order to enable the transfer of possession to the complainants and consequently the formation of their homes", as well as, to "reconsider the issue of financial assistance to complainants who have already signed the land use agreement accompanied by financial support, as the subsequent withdrawal of financial assistance due to the cancellation of projects does not seem to be supported either by the relevant law or by the rules governing revocation of a favourable administrative act for the administrators ". **(C/N 400/2017, C/N 413/2017, C/N 514/2017, C/N 1270/2017, C/N**

**1370/2017, C/N 1719/2017, C/N 3/2018, C/N 5/2018, C/N 27/2018, C/N 28/2018, C/N 44/2018 and C/N 86/2018)**

Concern complaints about the delay on the part of the Turkish Cypriot Property Management Service, in considering applications for approval of the concession of Turkish Cypriot residences and/or premises, even though the complainants meet the criteria. When the complainants apply to our Office, the involved service forwards the application and proceeds to approve it, meaning that they meet the relevant criteria. **(C/N 102/18, C/N 794/16, C/N 768/16, C/N 791/16 and C/N 771/18)**

Concern about the delay observed by the Ministry of Interior in the examination of hierarchical appeals submitted against the decisions of the Planning and Building Authorities in urban and building applications, respectively. The Ombudsman has no authority to investigate complaints for which a hierarchical appeal is pending before any administrative authority, and a recommendation is submitted to the Ministry of Interior to expedite the examination. **(C/N 1203/2018 and C/N 799/2017)**

A complaint concerned about the failure of the Department of Public Works to build a retaining wall of sufficient height after the widening of a road in Kapilio, resulting in the continuous erosion of the slope between the road and the plot and then the erosion of the part of the plot bordered. After the intervention of our Office, the Department of Public Works proceeded to increase the height of the retaining wall, and the chronic problem was addressed. **(C/N 15/2018)**

The complaint concerns the refusal of the Ministry of Labor, Welfare and Social Insurance to grant a resettlement allowance to the occupied Kormakitis under the Resettlement Plan. Following the intervention of our Office, the Ministry reviewed the application and approved the granting of resettlement allowance. **(C/N 1812/2017)**

Complaint against the Hunting and Fauna Service, concerned the expansion of the permitted hunting area in Kalavassos, with the result being the hunting area to be adjacent to houses and the physical integrity of the neighborhood is endangered. After the intervention of our Office, the Service proceeded with a complete ban on hunting in a large part of the specific area. **(C/N 201/2018)**

The complaint concerns the non-implementation of a decision of the Council of Ministers, in 2011, for the return of expropriated property to its former owner. After the intervention of our Office, the Department of Lands and Surveys took the necessary steps to implement the aforementioned decision of the Council of Ministers. **(C/N 453/2018)**

A complaint submitted to our Office by the management committee of an apartment complex by the lake of Paralimni, concerned the failure of the Municipality to address the poor condition of the roads and sidewalks in the area. To the best of its financial ability, the Municipality only "partially cleaned the empty plots of weeds and trees (acacias), as well as part of the sidewalks. However, there has been no improvement on the road, the condition of which has further deteriorated... while most of the sidewalks are worn / broken and need to be rebuilt to be safe for pedestrians and people with disabilities. " Recommendation in the Ombudsman's Report: "the Municipality should specify the execution schedule" of the works, "taking into account both the serious delay that has existed and the risks to public safety

that exist while the roads and sidewalks remain in a difficult condition". **(C/N 879/2015 and C/N 1185/2016)**

The Report concerns the failure of the Municipality of Lakatamia to take measures to deal with the accumulation of rainwater in a house, when there are severe weather phenomena. In this case, the Municipality acknowledged the inadequacy of the rainwater drainage system, but stated that "at this stage it cannot bear the financial cost of expanding the culvert which will be a permanent improvement measure." The Ombudsman noted in her report that the Municipality should, in the first phase, "complete the strengthening of the water intake grilles with transverse grilles and any other immediate improvement measures that can be done directly by it and study, in the coming years, the possibility of including the necessary budget in its budget for the expansion of the culvert". In particular, it should, on the one hand, "take measures that are relevant to its current capabilities, such as the strengthening of water intake grilles with transverse grilles" and, on the other hand, "guide the owners to take measures on their part, technically, appropriate, to reduce and/or prevent the risk of damage from heavy rainfall ". **(C/N 1235/2017)**

The specific complaint concerns the refusal of the Municipality of Agios Dometios to return to the complainants the amount they had paid for the purposes of the condition of the acquisition of a parking space, for the construction. Although they had not paid the Municipality the specified amount for the acquisition, the licenses expired three years after their issuance, without the complainants proceeding with the development authorized by them. The Ombudsman in her Report pointed out that "the Municipality should not continue to withhold the amount of money of the complainants, in the absence of the reason for which it was delivered" and suggested to the Municipality "to return to the complainants the amount paid for the acquisition of the space parking as soon as possible because after the expiry of the development permit for an existing building, the reservation of the amount does not correspond to any justified reason ". **(C/N 1687/2017)**

One of the most common causes of complaints to the Ombudsman is the failure of the Local Authority to take the necessary measures, either because it fails, or is reluctant or ineffective, to reduce nuisance that affects their comfort and quality of life. residents within their administrative boundaries. The Ombudsman intervenes directly to them and submits specific suggestions to them in order to deal with / suppress the sources of nuisance. The cases concerning the keeping or breeding of dogs in premises, illegally or not, near houses, in relation to which, after the intervention of the Ombudsman, the involved Local Authorities addressed the issue and took measures. In another case, the Labor Inspection Department filed a lawsuit against the owner of a factory company in a residential area, regarding the operation of an installation without having obtained an industrial emission permit. **(C/N: 520/2017, 197/2018, 550/2017, 182/2017, 631/2018, 237/2018, 698/2017, 1047/2017, 1876/2017, 449/2017, 498/2017, 501 / 2017, 1374/2017, 505/2018, 526/2017, 99/2018)**

A complaint filed with our Office concerned an arbitrary change of use of an industrial building into a car wash and a martial arts school. A suggestion was submitted to the Municipality to take immediate action in case the owners / tenants of the building do not comply with the content of the notices that had already been sent to them. **(C/N 1661/2017)**

## ► *Department of Social Insurance and Economic Affairs*

A number of complaints about the rejection of applications for pensions, allowances, sponsorships and allowances were directed against:

- a. Social Insurance Services, in relation to the handling of applications for various benefits, and old-age, disability and disability pensions,
- b. of the Welfare Allowance Management Service, regarding the handling of applications for child and single-parent family allowances and allowance to low-income retirees,
- c. of the Student Welfare Service of the Ministry of Education and Culture, in relation to the handling of applications for the provision of student sponsorship and student allowances.

The complainants considered that the (rejection) decisions taken on their applications were based on unfair rules of law or considered that the reasoning put forward was not convincing. In the first cases, it was explained to the complainants that the activities of the administrative authorities are determined and limited by the rules of law, the administrative authorities must always act in accordance with the provisions in force, and there was no possibility of intervention, because the Ombudsman, does not exercise control over legislative provisions. In the latter cases, they were not reasoned convincingly and comprehensibly, and the Sector Officers in turn informed the staff of the administrative authorities.

In cases where delays in processing requests or objections were identified or suspected, the services involved were mediated for faster settlement, with priority given to applicants who fall into vulnerable groups. The Office's firm position is that applications should be investigated "as soon as possible" for the additional reason that benefits are paid to meet the needs of policyholders at a time when they have been deprived of their normal income.

In addition, a number of cases concerned the level of benefits, in particular, the complainants considered that they were low and / or insufficient for the needs that the benefit is intended to cover. In all cases it was found that the number of benefits was either, what was explicitly defined in the relevant legislation, or what was calculated on the basis of its provisions, as the case may be. Each complainant was informed in detail about the outcome of the investigation carried out in the context of the examination of his complaint, as well as that since no illegal administrative action was identified, there was no scope for the Ombudsman to intervene.

Some complaints concerned the number of contributions of self-employed workers in the Social Insurance Fund. In particular, the complainants alleged that the minimum amounts of their insurable earnings (imputed income) were higher than their actual incomes, resulting for them paying higher contributions than they were required to pay. The investigation of the cases revealed that the contributions paid by the complainants were calculated / determined on the basis of the provisions of the Social Insurance (Contributions) Regulations. Each complainant was informed of the outcome of the investigation. In a number of cases, they complained about the amount and method of calculation of fees and taxes imposed on them by the Central Administration, by the Public Entity and by local authorities. The complainants were provided with the necessary explanations, with reference to the relevant

legal provisions and data of each case, and questions submitted by them were answered. Some of the complaints were filed by people who, lost their jobs, exhausted their right to unemployment benefits, did not have any other income and, while waiting for the Welfare Management Service to respond to their applications for a Guaranteed Minimum Income, received notifications from Public Entity, such as the Cyprus Electricity Authority, the Water Supply Councils and the Local Authorities, for interruption of the supply of electricity and / or water, as the case may be. These complaints were handled as a matter of priority, as they concerned the coverage of basic needs. After the mediation of the staff of the Department to the competent officials of the said Public Entity, in the context of which the latter were informed about the conditions in which the complainants (/clients of the Public Entity) lived and the financial difficulties they faced, they agreed to settle Debt settlement, adapted as far as possible to the financial capacity of the complainants. The Office received a small number of complaints about the rejection of requests from widowed spouses of retired civil servants and recipients of occupational pensions, for the granting of a widow's pension, on the grounds that the marriage had taken place after the deceased retired from the Civil Service. The investigation revealed that the rejection was based on the relevant legislation.

In another case (**C/N 1021/2018**) that concerned significant delays in the payment of compensation for overtime work, after intervention to the relevant authority, there was a commitment from it, as, from now on, the compensation is paid "per month", In accordance with Article 9 of the Laws on the Protection of Wages of 2007 and 2012.

In the event of a complaint against Social Insurance Services alleging their refusal and / or failure to submit a specific form to the competent authority of the United Kingdom, in order to be able to examine the application for pension rights, the matter was settled immediately afterwards the intervention of the Office.

A number of complaints, mainly from foreigners, were directed against Cypriot Investment Services Providers. In the context of handling these cases, the complainants were informed that, based on the Laws on the Ombudsman from 1991 to 2014, it is not possible to investigate complaints against legal entities under private law, such as the specific Cypriot Investment Services Providers.

A number of complaints were also lodged against banks, insurance companies and other financial companies and they were informed of the Ombudsman 's lack of competence to investigate their cases, as well as their ability to appeal to the Financial Commissioner.

## ► *Health Sector*

Regarding the case **C/N 790/2016**, the patient suffered an epileptic seizure and was transferred to the General Hospital of Nicosia, where her doctor on duty recommended her to visit a Neurologist, who scheduled an appointment no later than eight months. The patient was referred to a neurologist at a private hospital in Nicosia, who underwent a diagnostic examination on the same day and underwent surgery. The beneficiary of free medical care, requested the reimbursement of her expenses from the Ministry of Health, where she had rejected in her request, to cover the costs of surgery and treatment, in the private sector, because this operation could have been performed in the public sector and also because it was judged that the time interval between the day of diagnosis and the day of its submission (approximately two weeks) was quite long. The Report of the Office contained a suggestion that the Ministry should cover, at least, the costs incurred by the patient for the diagnosis of the problem in the private clinic. Despite my suggestions, the Ministry of Health did not comply with my suggestion.

Regarding the case **C/N 1054/2017**, following the actions of my Office, a request submitted by a patient for the subsequent coverage of his treatment costs in the private sector, based on the Financial Assistance Plan for Health Services that are not offered in the Public Sector, the payment of the relevant amount was satisfied and approved.

Regarding the case **C/N 1091/2017**, a patient suffering from amyloidosis appealed to the Office against the Ministry of Health for delay in examining his request for the supply of the medicinal product, with the result of the Office's intervention being positive.

The delay observed in recent years in the preparation of Medical Certificates / Reports continues to occupy the Office on a regular basis. In the cases **C/N 893/2015 and C/N 1716/2017**, after the interventions of the Office, the Medical Reports were prepared and given to the patients, so that they could present them as evidence in the context of lawsuits pending before a Court and / or for future lawsuits they intended to file.

Regarding the case **C/N 1293/2018**, the President of the Transgender Support Association of Greece, appealed to our Office on behalf of a member of the Association, for the inappropriate behavior and treatment that occurred, by a Nurse at Larnaca General Hospital. The General Director of the Ministry of Health informed the Office that an investigation had been carried out, which revealed that the particular nurse had shown inappropriate and unprofessional behavior, but acknowledged the mistake and expressed apologies. The Director of Nursing sent a letter of apology to the victim of this behavior, in which he expressed his regret and stated that strict recommendations were made to all the nursing staff.

The problem of excessive delay / failure of the Ministry of Health to respond to letters from the Office for the provision of information is unfortunately timeless, permanent and has repeatedly occupied the Health Sector, as this attitude hinders research and does not allow any comment and evaluation in regards to the merits or not of the complaints lodged. The Office's repeated remarks on this phenomenon did not lead to a substantial improvement, with the result that, in some cases, the excessive delay would invalidate any attempt to redress the injustice suffered by the complainants.

## ► *Department of Social Protection*

Non-payment of retroactive rights, after the termination of public assistance. In my report on this subject, I noted the following: The provision of Public Aid is governed by the Public Aid and Services Act, which has not been repealed and remained in force until all rights to the Minimum Guaranteed Income have been transferred. However, under the policy adopted by the SWSs for not approving any additional rights to public aid that may have arisen before the final examination for approval or rejection of the current recipient's application to the MGI, the complainants were deprived of any additional rights from the Public Aid, without finally being able to be covered by the MGI. YDEP does not and cannot have the jurisdiction but also the power to provide, either retroactively or in any other way, any rights deriving from the Law on Public Aids and Services. In view of the above, a recommendation was made to the SWSs to reconsider the cases regarding the payment to the complainants of their full rights, as they correspond to the periods before the beginning and completion of the examination of their applications for MGI and were timely in its issues. Public Aid. Indicative evaluation of issues in the field, which were addressed and resolved, immediately, for the benefit and satisfaction of the complainants, either by telephone or by on-site visit to the offices of the services involved, are listed below:

- i. The objection examination which was submitted to the competent Minister, was forwarded and completed, and the provision of a minimum guaranteed income to the applicant was approved. **(C/N 1034/2018)**
- ii. The provision of financial assistance to cover rent and retroactive expenses to the applicant was approved. **(C/N 1139/2018)**
- iii. The request for payment to the applicant has been forwarded and completed. **(C/N 1590/2018)**
- iv. Retroactive payment to cover the costs of care to a recipient of the Minimum Guaranteed Income. **(C/N 2105/2016)**
- v. The service involved, acknowledged its mistake after our intervention, for depositing the Minimum Guaranteed Income in the bank account of a third party, and transferred the lost amount to the account of the complainant.
- vi. After the intervention of our Office, the applications of the complainants who submitted to receive a Minimum Guaranteed Income, and who were delayed in being examined by the Welfare Benefit Management Service, were approved. **(C/N 945/17, C/N 570/2018, C/N 1302/2018, C/N 279/2018, C/N 926/2018)**
- vii. The complainant filed a complaint to our Office, against the Welfare Allowance Management Service (WAMS), alleging a delay of the Service in examining the revised data that it had submitted for rent allowance, within the framework of the MGI that it receives. In a telephone communication with an Officer, my Office was informed that after the submission of the additional data, the WAMS proceeded to renew the rental period. Following our intervention, the complainant's rent rights, as well as all additional disability rights, have been paid retroactively to the receiving MGI. **(C/N 1054/18)**

- viii. A complaint was lodged against the unjustified, as the complainant claimed, decision of the Welfare Allowance Management Service to approve the application it had submitted, in order to receive an MGI, from 1/8/2017 instead of 1/2/2017. After our intervention and the submission of the additional information requested, she has retroactively received all her rights, which corresponded to the period. **(C/N 50/2018)**
- ix. A complaint regarding the delay in the examination of the new data regarding the payroll of the complainant's spouse, which concerned the MGI, disappeared after our intervention. **(C/N 1625/2018)**
- x. The complainant lodged a complaint alleging a delay in the examination of the application for reimbursement of a dependent amount of a dependent of her family unit, within the framework of the MGI she receives. Following the intervention of the Office, the matter has been settled. **(C/N 691/17)**
- xi. Following the intervention of the Office to the Service, a complaint, which concerned a delay in the provision of retroactive and rental rights by the Welfare Allowance Management Service, was settled and an intervention was made to the Welfare Allowance Management Service to expedite the process. **(C/N 2029/2017)**
- xii. The complainant lodged a complaint regarding the refusal of the Welfare Allowance Management Service to discuss the provision of retroactive rent rights, in the context of the MGI he receives. After the intervention of the Office to the Service, the whole issue of payment was settled. **(C/N 313/2018)**
- xiii. The Ombudsman examined a complaint concerning the delay of the Welfare Allowance Management Service in paying the complainant retroactive rent allowances, which had not been paid to her for a period of 4 months, for an estate which she rented to a beneficiary of an MGI. The Office contacted the Welfare Allowance Management Service, which informed the Ombudsman that the rent allowance for the month of June 2016 was paid normally, while the amounts corresponding to the months of July and August 2016, were to be paid with the payment of September 2018. This payment was confirmed to have taken place by telephone with the complainant. Given the positive development that followed the intervention of the Ombudsman in the case, its monitoring was terminated. **(C/N 788/2018)**
- xiv. The Ombudsman examined a complaint concerning the termination of the payment of rent allowance to the owner of the house where the complainant was staying, where the Ombudsman secured the positions of Welfare Allowance Management Service and from the evidence, it was found that the non-payment was related to the fact that the landlord informed of his intention to terminate the rental agreement between himself and the complainant. With the submission of a new valid rental document by the complainant, the payment of rent allowance resumed, while, after the intervention of the Ombudsman, the payment of retroactive rent allowances for

the period for which it was terminated was approved. Given the positive development that followed the intervention of the Ombudsman, the monitoring was terminated. **(C/N 1039/2018)**

- xv. Following our intervention in relation to a complaint about the delay of the SWSs in providing care for nursing homes, the complainant's rights were paid to her retroactively. **(C/N 1839/2013)**
- xvi. The Ombudsman examined a complaint lodged by a person receiving public assistance, due to partial disability, in connection with the delay in examining his request for a care allowance from the SWS. In her intervention, the Ombudsman asked the Director of Public Health, to inform her about the regulatory / institutional basis of the procedure followed for the approval and final granting of care allowance, as well as to be informed whether she is concerned about the fact and whether it intends to speed up the process for the benefit of the beneficiaries. Following the intervention, the check concerning the retroactive rights of the complainant was issued and sent to him. **(C/N 1840/2016)**
- xvii. The complainant lodged a complaint alleging a delay in examining the application for municipal and other fees under the MGI she receives. After our intervention, the whole issue was settled, after the complainant was paid the amounts of municipal fees for garbage and for the real estate fee. **(C/N 1534/2016)**
- xviii. A recognized refugee from Iran lodged a complaint concerning the interruption of the public assistance she was receiving for herself and her children, as well as the rejection of her application for MGI, due to the fact that she had been granted a residence permit as a "visitor / mother of a Cypriot citizen". After she obtained a certificate from the Asylum Service that she maintained her refugee status, her request was granted, however, certain amounts were cut as, as she stated, not all the real data of the family were taken into account. Following the investigation of the complaint, through correspondence with the Welfare Allowance Management Service, the Ombudsman informed the complainant about them, and instructed her to disclose the real data of the family to the competent service, for re-evaluation of the needs of the family. **(C/W 1565/2016)**

### ► *Education, training and employee relations issues*

There are 5 complaints, against the Ministry of Education and Culture and the University of Cyprus, regarding the decision of the University of Cyprus to differentiate, for the academic year 2018-2019 and in relation to what was valid until last year, regarding the process of applying for a position through B' and C' distribution, for the national guards, who had attended the Pancyprian Examinations in the year 2017 and would be ready to study at the University in September 2018. For the year 2018-2019 it was decided at the end of the year and completely unexpectedly to hold a separate B distribution for the males who had participated in the Pancyprian Examinations in 2017 and were serving until September 2018 during their military service. This decision ruled out an important fact that was valid until the end of the 2018 school year, based on which the persons who served their term in the National Guard, expected this second opportunity that was valid on a regular basis. As noted in the Report, the issue of comparability of the access points of the year 2017 with those of the year 2018, concerned both the University and the examination service, which concluded that due to the change that had taken place, the fairest regulation was this followed, for which candidates from previous years benefited. Therefore, it was not possible to submit any suggestion for reconsideration and any differentiation of the decision that had been taken, since third parties had already acquired rights. It was stressed, however, that the issue remained for the cases of the candidates of the year 2017, where it was suggested that the University of Cyprus was exploring the possibility of granting additional transfer positions to the candidates whose degree of access, they had secured in 2017 was not lower than the degree of access with which in 2018 the last candidate in a specific part of their desire was introduced, through the process of B' and C' distribution. The Report was submitted to the Rector of the University of Cyprus, to the General Director of the Ministry of Education and Culture, as well as to the Head of the Examination Service. **(C/N 917/2018)**

The complaint, against the Limassol District Administration, concerns its refusal to employ, as lifeguards, persons who have received relevant training from the complaining company, which was based on the opinion of the Cyprus Lifeguard Federation, that persons who hold Lifeguard diplomas which are not "confirmed" by the Federation, they are not considered qualified. The Report stressed the urgent need to take measures to address the lack of a legislative framework, the lack of proper research and the absence of an independent expert on lifeguarding issues. The following recommendations / suggestions were made in this regard: (i) The Governor of Limassol, to seek an independent opinion from another appropriate body, in or outside Cyprus, which has proven to have no interest or curiosity in the issue for which it will give an opinion. (ii) He should pave the way for the creation of a legal framework, in which the criteria and conditions required for obtaining a recognized lifeguard diploma will be recorded in a transparent manner, (iii) the certification of lifeguard diplomas should be assigned to an independent and impartial body. A copy of the Report was communicated to the Director General of the Ministry of Interior, for his information and coordination of the necessary actions, regarding the implementation of the suggestions included in it. **(C/N 587/2018)**

Cases in which, after the intervention of our Office, the complaint was settled, to the satisfaction of the complainant:

1. An employee of the Cyprus Tourism Organization, complained about the huge workload in her view, which was assigned to her and which, as she stated, was humanly impossible to cope with. After the involvement of my Office, it was found

that the allegations of the complainant were well-founded, and the Branch in which the complainant was employed was supported in terms of staff, while part of the tasks she performed was assigned to another member of staff. **(C/N 997/2017)**

2. A nursing officer in a public hospital, through her lawyer, filed a complaint regarding the non-satisfaction of her request for transfer, which was based on her family circumstances. While initially the answer was that it would be decided as soon as possible, after the intervention of my Office it decided to move her. **(C/N 196/2018)**
3. An employee of the Army of the Republic complained to me that, since February of the previous year, he had submitted a specific service request to his Office, without receiving any reply. By letter I informed the Ministry of the complaint and asked for further information. In the end, about two months later this request was granted. **(C/N 673/2018)**
4. A home caregiver, who has serious health problems which do not allow her to travel long distances, complained to the Paphos District Welfare Office and the Department of Public Administration and Personnel, claiming that, due to reduced needs in the area where she works, it was decided to assign to her, essentially, civil servants tasks, for two days each week, at the Paphos Welfare Office. After my intervention order was restored, both by appointing the complainant to perform the duties for which she was hired to and, in an area close to her place of residence, and by the fair distribution of duties among all home caregivers, which served the same geographical area. **(C/N 994/18)**
5. There were two complaints from teachers with health problems regarding transfer decisions, which seemed to have been taken, without taking into account their health problems. My Office mediated so that the Educational Service Committee decided to relocate the complainants to their place of residence. **(C/N 1204/18, 1527/18)**
6. An official of the Cyprus Tourism Organization lodged a complaint following a decision of the Organization to revoke a previous decision, which for health reasons and based on the recommendations of the Medical Council, was placed in the Inspectors' offices in Larnaca and to invite her to work at the headquarters in Nicosia, without any substantive justification. The Office, intervening immediately, suggested that the Organization refer the complainant to an examination by a competent Medical Council. The CTO accepted the Office's proposal and decided to place it temporarily in Larnaca, pending a decision. **(C/N 266/2018)**
7. Complaint against the Ministry of Health concerning significant delays in the payment of compensation for overtime work. After the intervention of my Office, there was a commitment as from now on the compensation will be paid "per month". **(C/N 104/18)**
8. A student filed a complaint for the rejection of his application for enrollment in the Hotel and Food Arts Department of the Makarios Technical School of Nicosia.

Following the intervention of my Office, the Ministry involved re-examined the case, with a positive result. **(C/N 1140/18)**

9. A complaint was submitted against the Ministry of Finance, which concerned the rejection of the request, to correct the title of his position in the Municipality of Lefkara, by Traffic policeman / Clerk [A1-2- 5 (ii)] to Traffic policeman [A2-5-7 (ii)]. The Office, exerting pressure on the competent Ministry, asked that the request be reconsidered, given the consent of the Ministry of Interior, as well as the admission, on the part of the Municipality of Lefkara, of the error. In the end, the Minister of Finance approved the position of Traffic policeman / Clerk [A1-2-5 (ii)] upgraded to position of Traffic policeman [A2-5-7 (ii)]. **(C/N 690/16)**
  
10. The Office submitted a written statement to the Chief of Police, raising the concerns created by the procedure and the evaluation criteria of the candidates for promotion purposes in the Police. The Ombudsman considered that the decision on the relevance of a degree should not be limited to police duties, in a general context. Finally, it was stressed that the Commission's positions should be in line and that there should be coherence and consistency in decisions. **(C/N 1743/2017, C/N 1744/2017, C/N 1793/2017, C/N 1891/2017, C/N 52/2018, C/N 65/2018).**

## ► *State-Citizen Relations*

Complaint against the Department of Fisheries and Marine Research, regarding the rejection of a citizen's request for permanent mooring of a boat at the Zygiou fishing shelter, which had been submitted late and could not be approved. The Department, however, failed to inform the complainant about the reason, as well as the procedure to be followed for the approval of such requests, resulting in his unnecessary inconvenience. The Report pointed out the need for adequate and clear information to the citizens by the administration in order to avoid any inconvenience and prolong the agony of the administrator without a legal reason. **(C/N 103/2017)**

1. A person residing abroad has encountered a problem in the process of renewing his passport. After a telephone intervention of the Office, the details of the complainant were identified and the process of renewing his passport was immediately forwarded. **(C/N 1528/18)**
2. After a complaint was submitted by the parents of a national guard, in relation to a delay in the examination of a request for early dismissal of their son by the National Guard, due to family situations and health problems they faced as a family, the Office intervened immediately and the request was granted. **(C/N 1130/2018)**
3. A new car owner has filed a complaint against the Department of Road Transport, in connection with the Department's failure to respond to letters as to whether he was responsible for covering debts, for which the previous owner was responsible. After the intervention of our Office, the competent Department responded to the letters of the complainant and explained to him the provisions of the current legislation **(C/N 992/2018)**
4. A complaint was filed against the Larnaca District Administration, in relation to a delay in the examination of an application for registration of a specific association. After the intervention of the Office, they sent a relevant letter, requesting changes and / or additional information, so that it could be further promoted and / or approved. **(C/N 437/18)**
5. After submitting a complaint, in relation to a delay observed in the payment of the amount, which corresponded to the services provided by the complainant during the conduct of the Pancyprian Examinations, for the year 2017, the Office acted immediately and the amount was paid to the complainant. **(C/N 1695/17)**
6. Complaint regarding the rejection of a student application for enrollment in the Hotel and Food Arts Department of the Technical School, Makarios C' Nicosia, was resolved with a positive result after the intervention of our Office. **(C/N 1140/2018)**
7. After the rejection of the request for registration in the List of Registered (Special) Psychologists, the complainant submitted a relevant complaint. Following an extensive correspondence and exchange of views between the Office and the Council, it decided to proceed with its registration in this List. **(C/N 407/2015)**

8. Complaints were filed against the District Office of the Department in Paphos, regarding the conduct of employees towards the public, and lack of information regarding procedures and information about responsibilities, and thus the Office sent a letter to the Director, requesting to take the appropriate actions and give the appropriate instructions, especially to the Officers. **(C/N 1665/17, C/N 1898/17)**
9. A complaint was submitted for a delay in the examination of a disciplinary procedure, which was pending before the Scientific and Technical Chamber of Cyprus. The Office investigated and informed the complainant, but a recommendation was made to Scientific and Technical Chamber of Cyprus to advance the process and complete it as soon as possible. **(C/N 1678/2017)**
10. Complaint against the Mental Health Services for unjustified delay in the issuance of a certificate for a training license of the Private Security Guard. After the intervention of our Office, the involved Service satisfied his request. **(C/N 1848/17)**
11. Complaint regarding the decision to suspend the operation of the vehicle inspection team of the Paphos Road Transport Department. After the intervention of my Office, the Department of Road Transport referred the vehicles for inspection, to the competent Department in Limassol or to private garages in Paphos. **(C/N 189/18)**
12. Complaint against the EAC, whose technicians cut off the electricity supply to the complainant's house at the request of third parties, who claimed to have property rights in her house, without investigating these allegations. After my Office intervened, they admitted the mistake and restored the power supply. **(C/N 644/18)**
13. The complaint concerned the rejection of a request for a social card and the failure to update the website of the Social Insurance Services. During the investigation, the service recognized the mistake and after the intervention of the Office, it granted a social card to the complainant and corrected the mistake on its website. **(C/N 786/18)**
14. Residents of Pera Chorio Nisos, filed a complaint against the Community Council, in relation to the non-collection of garbage. An on-site investigation was carried out and it was clear that there was room for alternatives. The service involved asked the company to take action. **(C/N 970/18)**
15. Complaints against the Ministry of Transport, Communications and Works and the Department of Surveying and Land Registry, concerned the attempts to contact by telephone, to no avail. After the intervention of my Office, the involved services responded and served the complainant. **(C/N 970/18, C/N 1432/18)**
16. Complaint against the Ministry of Education and Culture regarding unpaid school bus services. After our intervention, the amount was paid by the competent School Tax Office. **(C/N 1848/19)**
17. Complaint against the Nicosia General Hospital regarding excessive delay in making an appointment with a specialist doctor. After the intervention of my Office, the complainant received a notice and a date of examination with his specialist doctor **(C/N 1894/18)**

2019

## ► *Department of Environment, Real Estate, Development and Local Government*

### Failure to take action on illegal additions and conversions

Indicative cases, are the complaints **(C/N 1541/2017 and C/N 1984/2018)**, submitted against the Paphos District Administration and the Paphos District Office of the Department of Urban Planning and Housing, regarding illegal additions and expansions to a residential complex in Kissonerga and conversion of some residencies in hotels / tourist apartments. In the Report, the suggestion of the Ombudsman to the District Officer of the Department of Urban Planning and Housing and the District Commissioner of Paphos that was included, was to take the necessary measures provided by the legislation, in order to remove all the illegalities that exist in the unit, as soon as possible. Furthermore, another suggestion to the General Director of the Ministry of Tourism was included, in order to examine the illegal operation of the complex as a hotel/tourist apartments and for taking the measures provided by the relevant legislation, in case of violation of its provisions.

Our Office also examined a complaint **(C/N 837/2015)** against the Municipality of Agios Dometios, regarding the failure of taking measures for illegal addition to a building. The Municipality was instructed to immediately complete the definition of a policy for the handling of arbitrary constructions on the facades of stores in order to reveal the appropriate measures that can be taken in any case.

### Nuisance

Good examples are the complaints **(C/N 1191/2017, C/N 1214/2018 and C/N 1385/2019)** submitted to our Office against the Municipality of Paralimni, regarding the non-taking of measures for stopping nuisance within its administrative limits. In a Report by the Ombudsman, it was suggested to the Municipality to control the legality of the premises without further delay, and in case a violation of the relevant provisions was found, to take the necessary measures to restore legality and end any harassment.

### Interventions in private property and influence of private units by actions of the administration

A complaint was examined **(C/N 10/2017)** against the Ministry of Defence, and the Department of Lands and Surveys, regarding a multi-year illegal intervention in private property for defensive purposes. The Ombudsman's suggestions were as follows:

- a. The Ministry of Defense shall intensify its efforts to the Department of Lands and Surveys for the issuance of the necessary decree, ordering the affected part of the disputed unit; and

- b. The Department of Lands and Surveys shall take care of the implementation of the necessary actions that will allow the Minister of Defense to proceed with the issuance of the relevant decree; and (c) the Ministry, in cooperation with the Department of Lands and Surveys, shall ensure the registration of private property used for defense purposes without having been ordered and / or compensated to its owners, so that it is possible to enforce it and pay the relevant compensation to the affected owners, in case this is still necessary for defense purposes.

In another case, complaints **(C/N 2248/2013, C/N 1958/2015, C/N 1209/2016 and C/N 173/2017)** were examined against the Nicosia District Administration and the Community Council of Fterikoudi village, regarding the intervention of a road in a private unit in Fterikoudi. As it is the responsibility of the competent authorities to comply with the constitutional and legislative provisions, it was suggested that the District Administration and the Community Council take care of either the removal of the intervention or the expropriation of the unit part that belongs to the complainant, and which is being occurred and the payment of the compensation to which she is entitled.

Complaint **(C/N 328/2015)** was submitted against the Nicosia District Administration and the Community Council of Fterikoudi, again regarding their failure to take care of the removal of the illegal intervention of a road in private property, as well as for omission and/or denial on behalf of the Community Council to fulfill the terms of an agreement concluded with the complainants during the construction of the road. The competent authorities were instructed to ensure the implementation of their part which was included in the agreement concluded, by taking the necessary steps and also to consider the possibility of compensating the complainants for the restriction and deprivation of their property.

A complaint **(C/N 264/2016)** was examined, against the Nicosia District Administration and the Community Council of Korakou village, regarding their omission to take care of the removal of illegal road intervention on private property. The Ombudsman, suggested to the District Commissioner and to the Community Council, to take immediate action either to remove the road intervention from the complainant's unit, or to compensate his market value, in consultation with his purchase.

Complaint submitted **(C/N 1790/2017)**, against the Nicosia District Administration, concerned the alleged influence of a private unit by an unregistered groove as well as the work implemented by the Irrigation Department "Kousouliotis" in the groove.

Following an investigation by the Office of the Commissioner of Administration and Protection of Human Rights, the District Commissioner was instructed to:

- Confirm, through the District Cadastral Office, whether or not the groove is registered, in order to disappear any doubts.

- Get informed by the same Office for any intervention of another groove in the complainant's unit and in case of a positive answer, to take care of its removal by the Irrigation Department.
- Ensure that the procedure provided by the Irrigation Departments Law (Villages) is observed, in any case where work needs to be carried out in the groove, given the construction of the complainant in the unit.
- Examine the building permit application of the complainant as soon as possible, in case it is still pending.
- Take measures regarding any illegal building constructions in units adjacent to the complainant's unit.

### Handling of applications from the Department of Lands and Surveys and the District Cadastral Offices and delays in processing cases

A significant number of complaints were submitted to our Office in relation to the handling of applications by the Department of Lands and Surveys and its District Offices, as well as delays in the processing of cases. The complaints concerned:

1. Handling applications for demarcation of pieces in Korfi, which are affected by a request for error correction (**C/N 1285/2016 and C/N 2222/2016**). It was suggested that the District Cadastral Office immediately complete the investigation of the possible error concerning the plot and make a relevant decision in this regard, so that it is possible to complete the examination of the complainant' application for demarcation of her unit.
2. The delay in completing the examination of an application for error correction under the Article 61 of the Real Estate Law (**C/N 2306/2018**). A suggestion was made for the rapid completion of the examination of the application by the Director of the Department of Lands and Surveys, as defined by the aforementioned article 61 of the Law.
3. In the multi-year pending of the application for the settlement of a border dispute (**C/N 1220/2016**). It was suggested to expedite the process of completing the pending re-measurement of the area where the complainant's unit is located and then to immediate examine the complainant's application, so that it can be forwarded without further delay to the Director of the Lands and Survey Department.
4. Rejection of an application for the separation of a piece (**C/N 1641/2017**). A suggestion was made so that the Land Registry Office, to review the application as soon as possible after taking into account the content of the Report and consult with the Department of Agriculture regarding the quality of the olive trees that exist in the complainant's unit, the suitability of the unit for this purpose and the correct way

of

planting.

5. Delay in the execution of a warrant for the sale of real estate at a public auction **(C/N 1173/2018)**. Ombudsman made a suggestion to the relevant Office, to immediately proceed with the procedure provided by the Law for the execution of the warrant for the sale of the company's units.
6. Delay in the examination of notices claiming compensation, under articles 67 and 68 of the Law on Urban Planning and Spatial Planning **(C/N 2201/2016)**. It was suggested that the Ministry submit a written offer of compensation to the complainant as soon as possible.

#### Delay in examining an application for a building permit

Complaint **(C/N 264/2019)** was submitted against the Larnaca District Administration, regarding its delay in examining an application for a building permit with the consequent of the expiration of the relevant urban planning permit. In a report of the Ombudsman, it was suggested that the District Commissioner take such measures that will ensure that a similar incident will not happen again to the detriment of any applicant for a building permit and that the examination of each application will be completed and a decision will be made before the relevant planning permit expires and where it is impossible, to notify the applicant for purposes of renewal before its expiry. A copy of the Report was shared to the General Director of the Ministry of the Interior with a suggestion to examine the complainant's case for either his complete release from the obligation to pay royalties to the Planning Authority for re-issuance of the planning permit or the payment of significantly reduced royalties, since the termination of the planning permission was not the responsibility of the person himself, but of the administration.

#### Road network configuration and safety

Complaint submitted **(C/N 996/2018)** concerned the failure of the Municipality of Paralimni to proceed with the complete configuration of the road in accordance with the terms of the relevant urban planning permit obtained. A suggestion was made to the Municipality for the implementation of all the terms of the aforementioned urban planning permit, the issuance of a road approval certificate and their submission to the District Cadastral Office in order to enable the registration of the road in public.

A complaint **(C/N 1717/2017)** was examined against the District Administration of Limassol and the Ministry of the Interior, regarding the delay in taking measures to face the danger of the road Agios Tychonas-Parekklesia. For the purpose of preventing any accidents by the drivers who use this dangerous road, a suggestion was made to proceed, without further delay, with the implementation of all the suggestions of the Police, including research for the

alignment of the double turns of the road. To this end, a proposal was made to redefine the total cost of rebuilding the road, based on modern construction standards.

Another complaint that was examined (**C/N 949/2019**), was against the Municipality of Agios Athanasios, regarding problems of road safety and nuisance from the operation of an illegal road network within its administrative boundaries. It was suggested that the Municipality to stop the illegality based on its powers provided by the Law on the Regulation of Roads and Buildings. It was also suggested to the Municipality that, in consultation with the Department of Public Works and the Police, they take the necessary actions in relation to the increased schematic traffic that passes in front of their residencies, due to the aforementioned traffic arrangements.

#### Imposition of a condition on the division permit issued by the Municipality for the payment of an amount by the complainant for future irrigation of a green space resulting from the separation of his unit

Complaint submitted **C/N 1575/2017** against the Municipality of Lakatamia, concerned the imposition of a condition on the division permit issued by the Municipality for payment of an amount by the complainant, for the future irrigation of green space resulting from the separation of his unit. The suggestion submitted to the Municipality was to reconsider, as soon as possible, the condition for the amount payment by the complainant.

#### Recovery of possession of Turkish Cypriot property

Complaint submitted (**C/N 101/2019**), against the Ministry of the Interior, concerned the recovery of possession of Turkish Cypriot property. A suggestion was made to the Guardian to reconsider the retrieval of the possession of the unit, in order to comply with the court decrees, through the legal court.

#### Rejection of a request for housing assistance to buy an apartment, as a mother-parent refugee

In the Report (**C/N 525/2018**), it was noted that the introduction of criteria for the provision of housing assistance that are not related to the refugee identity, but to the time of purchase of the housing unit, in combination with the time of submission of the application for financial assistance, are exogenous factors that affect the nucleus in gender equality. Therefore, it was suggested that the competent departments take all appropriate measures to inform the Council of Ministers, in order to review the conditions set by the criteria for the provision of financial assistance to refugees (mother-parented), in a way that makes it possible for them to exercise their right, in combination with the financial possibilities of the State.

## ► *Department of Social Insurance and Social Affairs*

### Rejection or delay in processing applications for pensions, benefits, grants and allowances, as well as their amount

In several cases of complaints, it was found that, even though the rejection decisions had a legal basis, which was mentioned in the letters, they were not reasoned convincingly and comprehensibly for the complainants, who, in most cases, being ignorant for the provisions of the law, they treated these decisions with skepticism or suspicion. Therefore, it was emphasized by Officers of the Ombudsman Office, that the justification of the administrative decisions is a necessary condition for building the public's trust in the Public Administration.

Indicative case is the complaint **C/N 519/2018**, against the Social Insurance Services, where the complainant became beneficiary of unemployment allowance in August 2016 but she did not receive sufficient information about the procedure she should follow to receive the allowance. The Social Insurance Services were advised to (a) review the case of the complainant about the payment of unemployment allowances; (b) preparation of informational documents explaining the rights, obligations and procedure that applicants must follow when it comes to securing unemployment benefits and (c) take measures to avoid similar incidents in the future.

### Delays

In cases where a delay in processing requests or objections was found or suspected, the involved services were mediated for their faster settlement.

Complaint (**C/N 455/2019**) against the Ministry of Labor, Welfare and Social Insurance in relation to the Hierarchical Appeal submitted by the complainant, remained unanswered. Considering that the examination of the Hierarchical Appeal was pending for a period exceeding six months, the Ombudsman shared to the Minister of Labor, Welfare and Social Insurance the letter sent to the complainant, with the request to expedite the decision and respond to the complainant.

### Amount of Benefits and Amount of Contributions to the Social Insurance Fund

The complaint C/N 981/2019, against the Social Insurance Services, concerned the action of the Department to send a letter and to demand the payment of contributions by a self-employed person for a period during which he was not obliged to pay contributions. Following the intervention of the Office of the Commissioner for Administration and Protection of Human Rights, the Social Insurance Services withdrew their letter and apologized to the complainant.

### Imposition of taxes, fees, additional charges and their amount

In several cases, the complainants appealed to the Office of the Commissioner of Administration, complaining about the amount and way of calculation of fees and taxes imposed on them by the Central Administration, by the Public Entity and by local authorities. After the intervention of the Ombudsman, the necessary explanations were

provided to the complainants in all cases, with reference to the relevant legal provisions and Imposition of taxes, fees, additional charges and their amount in the essential elements and data of each case, and questions were answered.

#### Cases of people who, due to serious financial problems, failed to repay debts to Public Entity

Some of the complaints investigated were filed by people who lost their jobs, exercised their right to unemployment benefits, did not have any other income and, while waiting for the Welfare Benefit Management Service to respond to their applications for Minimum Guaranteed Income, received notifications from Public Entity, for interruption of electricity and/or water supply.

These complaints were handled as a matter of priority, as they concerned the coverage of basic needs. Following the mediation of the Office of the Commissioner of Administration, the officers in charge of these Public Entities agreed to settle a gradual debt settlement, adapted, as far as possible, to the financial capabilities of the complainants.

## ► *Health Sector*

### Coverage of Treatment Expenses in the Private Sector or Abroad

In the case **C/N 1471/2018**, the Ministry of Health, rejected a patient's request, to subsequently cover the costs of a kidney transplant to which he underwent abroad. The Ombudsman, in the Report submitted to the Ministry of Health, suggested, as the patient's request, for ex-post coverage of treatment costs abroad, to be immediately and thoroughly re-evaluated, and all the peculiarities and parameters under which, the patient and his wife decided to go to a medical center abroad, should be taken into account. The Ministry of Health implemented the Ombudsman's suggestion and reconsidered the case, however, rejected the request again, noting that the decision of the Transplant Center not to transplant the patient was based on criteria and protocols adopted by the Cyprus Transplant Center.

In case **C/N 895/2018**, after submitting a Report by the Office of the Commissioner for Administration, a request submitted by a patient for post coverage of his treatment's expenses abroad, based on the Financial Assistance Plan for Health Services which is not provided by the State, whose examination was pending for 10 years, was finally satisfied and the relevant amount was approved.

In the cases **C/N 750/2014, C/N 670/2016, C/N 753/2016, C/N 1182/2016, C/N 469/2017 and C/N 1947/2017**, after the actions of our Office, requests made by patients and / or their relatives for financial assistance under the Financial Assistance Plan for Services not provided in the Public Sector were approved by the Ministry of Health and part of the costs were paid to the beneficiaries.

### Provision of Medicines

In case **C/N 750/2014**, a patient, who underwent a liver transplant, appealed to our Office against the Ministry of Health for delay in examining her request for the provision of specific drugs. The result of the intervention of the Office was positive, since the request for the provision of the relevant medicinal drugs was satisfied.

### Loss of Medical Records / Many months delay in the preparation of Medical Reports

In case **C/N 1135/2018**, a patient came to my Office, for the loss of her medical file from the General Hospital of Paphos. In her intervention, the Ombudsman made recommendations to the Director of the Hospital, to proceed with all the necessary actions to locate the original file of the patient and give strict instructions to avoid similar issues in the future.

In case **C/N 604/2019**, after the intervention of our Office, the medical reports were prepared and given to the patient's lawyer, so that he could present them as evidence in the context of lawsuits pending for the Court.

### Inappropriate behavior of Medical and Nursing Officers

In the case **C/N 700/2017**, a patient was referred to our Office, for the inappropriate and indecent behavior that occurred, by a Pharmaceutical Officer, during his visit to the Limassol General Hospital. The Director of the G.H. Limassol informed the Office that a relevant intra-departmental investigation was carried out into the incident, from which it was clear that the specific officer did not show proper behavior, and recommendations were made to her, in order to show better behavior when serving the patients.

### Difficulties in accessing Public Health Services

In case **C/N 407/2016**, a patient appealed to our Office, complaining about the conditions prevailing at the Kofinou Health Center and the delay observed in the service of patients. After the intervention of our Office, the patient would be sent an apology letter and instructions were given to the staff for better service of the patients who come to the Medical Center.

In case **C/N 1280/2017**, after the actions of our Office, the examination and approval of a couple's request for a subsidy for IVF expenses was expedited.

In case **C/N 298/2019**, after the intervention of our Office, the request of a patient's relatives for transfer from a private clinic to the ICU of the General Hospital of Nicosia, was satisfied.

The involvement of the Office in the case **C/N 196/2019** had a similar positive outcome. A pregnant patient was facing difficulties in arranging an appointment for an ultrasound examination at Makarios Hospital. The intervention of the Office was immediate and catalytic and the appointment was scheduled and held in a short time.

In case **C/N 74/2019**, a private gynecologist asked for the help of our Office, on behalf of a foreign domestic worker, regarding the urgent need to undergo surgery. The intervention of the Office, resulted in the awareness of the Ministry of Health, which through our Office told the patient to go immediately to the Gynecology Clinic.

In cases C/N 829/2019 and C/N 882/2019, foreign citizens, legally living in the Republic of Cyprus, were contacted at our Office, for the delay and difficulties they faced for their registration in the Gesy (GHS). The mediation of the Office resulted in overcoming the obstacles and satisfying their requests.

## ► *Social Protection Sector*

### Cases of termination of Minimum Guaranteed Income (MGI) reporting, for which reports have been submitted

The complaint **C/N 721/2018** concerned the termination of the provision of MGI to the complainant, for the reason that he was considered voluntarily unemployed, after, the rejection of two jobs on his part. The Report noted that the reasons why the complainant rejected both the first and the second job offered to him, did not seem to be taken into account. In addition, it was stressed that a possible decision to reject the grounds for non-acceptance of a job and, ultimately, to declare a beneficiary voluntarily unemployed, should be sufficiently substantiated, so that this decision can be evaluated and checked legally. The Report was submitted to the Head of the Welfare Allowance Management Department, with the suggestion to take the necessary steps to prepare instructions, so that the future operations of the Welfare Allowance Management Department, in similar cases, comply with the instructions in the Report.

Complaint **C/N 1022/2018** was submitted by a woman from Belarus, that is married to a Cypriot citizen, who is disabled and unable to work, and concerned the termination of the payment of MGI to her family. The Report noted that the handling of the case should concern the Welfare Allowance Management Department since, as it was found from the investigation, not all the possibilities of supporting the family were examined in time and as a result, the complainant faced a particularly difficult situation. The Report was submitted to the Director General of the Ministry of Labor, Welfare and Social Insurance and to the Head of the Welfare Allowance Management Department, with the suggestion that appropriate measures should be taken so that in the future, when handling the same or similar cases, the necessary vigilance is shown and every effort is made, for effective guidance and support of people.

Complaint **C/N 1208/2018**, concerned the termination of the MGI provision, because the complainant was not consistent in his obligations as a recipient of the provision. However, as it emerged from the investigation, the complainant was consistent in the suggestion of the Human Resources Development Authority, for his placement in the Land Registry Office and worked in this position for more than a month. A suggestion was submitted to consider the payment to the complainant of the MGI benefit, at least for the period when he was working in the District Cadastral Office. The Ministry of Labor, Welfare and Social Insurance agreed with the proposal and the complainant was paid the amount of MGI for the relevant period.

### Rejection of applications for MGI or other social allowances

Through the examination of the complaints concerning the decision to reject the application for MGI provision, it became clear that the issue of reasoning was as prominent as in previous years, with the following allegations made by the complainants:

- The reasoning presented by Welfare Allowance Management Department was not sufficient and / or specific.
- The reasoning given was the result of a mistake.
- The legislative provisions on which they were based, the decisions rejecting their applications, were unfair.

As mentioned in other cases, the issue of **reasoning** would have been avoided if the Welfare Allowance Management Department, in a simple and understandable language to applicants, provided with precision and clarity, the relevant legislative / regulatory provisions, as well as the essential facts and data of each case.

### Delay in examining or re-examining applications for MGI

Some of the complaints investigated concerned cases of applicants who were in despair (**e.g C/N 1253/2018 and C/N 1088/2019**), because they did not have any source of income and all their financial resources had been exhausted, as a result of which they are unable to meet their basic needs. These cases were immediately brought to the attention of the Minister of Labor, Welfare and Social Insurance, as urgent. The Minister responded immediately to these cases.

Similar interventions were made for other cases of applications, with a positive outcome for the complainants:

- For the provision of MGI (**C/N 899/2017, C/N 1302/2018, C/N 881/2019, C/N 1069/2019 and C/N 1088/2019**)
- For the provision of rent and retroactive allowance (**C/N 971/2017 and C/N 1249/2018**)
- For providing allowances to low-income retirees (**C/N 1416/2019**)
- For the provision of care allowance or increase of the amount of the allowance (**C/N 163/2018, C/N 1790/2018 and C/N 1590/2019**)
- For the provision of allowances to family with child/children and/or single parent family (**C/N 202/2018, C/N 414/2018, C/N 1033/2018, C/N 1277/2018, C/N 1627/2019 and C/N 2032/2019**)
- For the provision of disability allowance (**C/N 265/2019**)

### Amount of MGI

In some cases (**e.g C/N 1333/2018, C/N 1916/2019**), the complainants considered that the amount of benefit paid to them was low and/or insufficient for the needs for which the benefit is intended to cover and asked for its increase. The complainants were informed that the amounts of the benefits are determined in Legislation or Regulatory Administrative Acts of the Council of Ministers, depending on the case and that there was no room for the Ombudsman to intervene to increase the amounts.

- *Education and Employee Relations Sector*

#### Procedure for hiring 20 fixed-term employees in the Audit Office

**C/N 509/2019**, by the Sectoral Council of the Employees of the Audit Office against the Audit Office Department of the Republic of Cyprus, regarding the illegal procedure of hiring 20 fixed-term employees in the Audit Office, due to the absence of an approved Service Plan of the new positions of Auditors and Technical Control Auditors. Based on the findings of the Ombudsman, a recommendation was submitted to the Auditor General to reconsider his decision and not to proceed with the preparation of these employment contracts, until the issues raised are solved, in cooperation with the Department of Administration and Personnel. It was pointed out that in case these fixed-term employees become indefinite, it will be possible to fill the existing permanent vacancies with other people and with a contract of indefinite duration who will either not claim or will not be selected, resulting in an increase of the Budget of the Office of the Auditor General. Finally, the Department of Public Administration and Personnel was instructed to proceed with the publication of a relevant manual, where the basic provisions of the Law are clearly explained in order to ensure proper treatment of issues arising from the implementation of the Law and similar cases in the future.

#### Deprivation of the right to exercise the teaching duty

An assistant professor at a Higher Education Institution in Cyprus filed a complaint against the University, which deprived him of the right to exercise his teaching duties, without a legal reason for such a decision (**C/N 2111/2016**). The relevant Report submitted by our Office contains the statement that the non-observance of the prescribed information procedure for the granting of sick leave to the complainant, did not constitute a legal reason for deprivation from him of his right to exercise his teaching duties. This decision was deemed as not proper, which is why a suggestion was made that, in the future, the University involved should take seriously the content of the Report.

#### Salary deduction and non-satisfaction of request for refund of deducted amounts

**C/N 799/2018** dated 19 June 2019, by an employee of indefinite duration at the Nicosia General Hospital, against the Department of Medical Services and Public Health Services, regarding an unjustified, according to him, deduction of salaries and non-satisfaction of his request to return the deducted amounts to him. Disciplinary investigation against the complainant was conducted after the intervention of our Office, when the complainant was imposed the disciplinary penalty of postponing the annual increase for four years. Given this, it was judged that this cut was decided in excess, which is why a recommendation was submitted for the complainant to return his cut salaries.

### Receiving and not examining an application for a rent subsidy

**C/N 1637/2017**, against the Displaced Persons Rehabilitation Care Service, regarding the non-receipt and non-examination of his application for a rent subsidy. It was suggested that the relevant legislative provisions should be taken into consideration by the Ministry of the Interior, in order to be revised and avoid discrimination and inequalities. For this purpose, the Report was communicated to the Director General of the Ministry of the Interior. It also underlined the obligation of the Department involved, to receive all applications, which is why it was suggested that the Directors give relevant instructions to their Officers.

### Cases in which, after the intervention of our Office, the complaint was settled, to the satisfaction of the complainant

- The father of an immigrant biography student (**C/N 663/2019**) filed a complaint for rejection of her request for transfer to a secondary school closer to her family's place of residence than the one where she should have attended. In communication of the Office with the competent District Education Office, it was decided to instruct the father to resubmit his request, which, in the end, was met positively and was satisfied.
- The issue of transferring a child to primary education (**C/N 706/2019**) was addressed through telephone communication. The complaining mother requested the transfer of her eldest child to an Elementary School adjacent to a public kindergarten in which the youngest child attended. A response to the request was not received and the complaint was lodged. The request was satisfied.
- Complaint concerned the non-satisfaction of an application for employment in Primary Education (**C/N 1554/2018**). Comments and opinions were requested immediately upon receipt. The application for employment, and actually in the school of preference of the complainant, was satisfied.
- Two complaints (**C/N 1418/18 and C/N 1490/2019**) came from the same teacher who serves under a contract in secondary education and who is registered in the special list of disabled people. One aspect concerned his placement (by contract) outside his city of residence and the other his non-invitation for Pre-service training. The first aspect was settled, and for the second the complainant was informed the reasons why he has not, so far, been invited to a pre-service program.
- A contracted secondary school teacher submitted a complaint, regarding her placement in Paphos, while she lives in Nicosia (**C/N 1438/2019**). The marital status of the complainant was taken into account and she was offered the best possible placement for the current school year.

- A secondary school teacher complained (**C/N 1196/2019**) that the duties and responsibilities of the school where she serves are assigned, not in a fair and democratic way, but favorably and collectively, to the same persons. After the intervention of our Office, the teaching association has a meeting immediately and it was decided to assign to the complainant tasks that she had repeatedly shown interest in undertaking.
- In a complaint for which a report was submitted (**C/N 578/2018**) and concerned the criteria for hiring lifeguards in the Limassol District Administration, the Administration complied with the suggestions made in the report, after finding that such criteria are not provided by law.
- Employee in the public sector with the status of indefinite time, for a long time she refers to health problems, which in her opinion, justify her exclusion from the Transfer Plan that applies in her case (**C/N 1381/2018**). After the intervention of our Office, it was decided to exempt the complainant from the transfers for a specific period of time, until she completes the treatment she was receiving at the time.
- A group of employees at a public hospital complained of a delay in the payment of overtime, for a period of more than nine months. After sending a letter for comments and opinions, their fees were paid (**C/N 2027/2018**).
- An employee of an Organization under Public Law submitted a complaint (**C/N 1059/2018**), for the reason that while he was hired in a specific position, he was asked for a long time to perform the duties of another position. After we have been asked for the comments and opinions of the Organization involved, the employee exercises the duties of the position he holds.
- An employee has repeatedly complained of harassment - work bullying in the past. This was done in the year 2019 (**C/N 272/2019**), when, with a letter from our Office, which always intervened in the case in question, suggestions were submitted to the Ministry involved, to take all the necessary measures and ensure a friendly and safe working environment for the complainant.

## ► *State – citizen Relations Sector*

### Report on the actions of the Real Estate Registration Council

The Ombudsman examined a complaint against decisions of the Real Estate Registration Council (hereinafter "RERC" or "the Council"), which rejected the applications of eight (8) people, employees of the company.... Ltd, for their registration in the Register of Assistant Real Estate Agents. The Ombudsman concluded that it is not within the competencies and / or powers of the RERC, what will be included in the employment contract between employer-realtor and employer-assistant realtor. She also ruled that the decision of RERC to reject the requests of the employees involved, for registration in the Register of Assistant Real Estate Agents, can not be justified. The Report was submitted to the President of RERC It was suggested that he proceed with the reconsideration of his decision in relation to the eight persons involved, on the basis of what is set out in the Report. In addition, a suggestion was made such as the S.E.K. move in the same context and with regard to the circular January 14, 2019 which, among other things, states that the assistant real estate agents should receive a salary of at least € 480 per month.

Owner of a licensed Funeral Office filed a complaint **C/N 1604/2018**, in our Office against the Ministry of the Interior, claiming that he neglects and / or fails to implement his provisions on the Control of Funeral Offices and Registration of Funeral Officers of 2013, regarding the taking of measures against those Funeral Offices that did not obtain an operating license. Following the intervention of our Office, the Ministry of the Interior filed a complaint against 15 unlicensed Funeral Offices. He also informed me that a total of 19 applications were submitted for obtaining a license to operate a Funeral Office, of which 11 have been licensed and the examination of the remaining 8 applications is being promoted, in full compliance with the provisions of applicable law.

The complaint **C/N 2011/2019**, concerned the amount of water consumption bills in a house, which, according to the complainants, was incorrect, due to the type of water consumption meter. The President of the Community Council agreed to install a second meter, electromagnetic, at the residence of the complainants, for a period of twelve months, in order to determine whether there is a discrepancy in the records of the two meters and, if so, the Community Council would take the necessary corrective action. The installation of the second meter took place on the same day, to the full satisfaction of the complainants.

**C/N 1440/2016 and C/N 1843/2016** - The complaints concerned the refusal and / or omission of the Municipal Councils of Larnaca and Aradippou, each within the limits of its jurisdiction, to take measures against the owners of gyms who had not secured the necessary permits. Following the intervention of our Office, these local authorities sent letters to the owners of the gyms asking them to take all necessary steps to comply, otherwise they would take legal action against them.

The complainant **(C/N 1025/2019)** appealed to our Office, filing a complaint against the Ministry of Justice and Public Order, regarding its omission to pay the Supervisors of the Prisoners' Release Board on Leave, for services provided by January, 2019 until the date of submission of the complaint on June 8, 2019. After the intervention of my Office, the involved department paid the amount due.

The complainant **(C/N 475/2019)**, submitted a complaint to our Office claiming that, after many years of litigation with the State, he secured a decision in his favor, for the amount of approximately 70 thousand euros and, despite the lapse of 10 and more months after the relevant court decision, he had not been paid any amount. Following the intervention of our Office, the amount due was paid to the complainant.

The complainant **(C/N 951/2018)** contacted our Office, complaining about the omission of E.A.C to respond, in essence, to his letter, which he brought to the attention of the Limassol Regional Office of the E.A.C. as well as to supply him with recorded conversations that he had with a specific answering machine of the E.A.C.. on a specified date. After the intervention of our Office, the requested answer was given and the complainant had access to the digital disc that includes the recorded conversation he had with the specific answering machine.

The complaint **C/N 1233/2019**, concerned a delay in the payment of the Maternity allowance by the Social Insurance Services. Following the intervention of our Office, the matter was settled immediately.

Complaint **C/N 568/2019**, focuses on the failure of the Labor Inspection Department to respond to a letter from the complainant, which was answered after the intervention of my Office.

After the intervention of our Office, the Cultural Services of the Ministry of Education, Culture, Sports and Youth responded to a letter addressed to them by the complainant who remained unanswered until then. **(C/N 517/2019)**

The subject of the complaint **C/N 838/2019**, was the delay for examining the request of the complainant for correction of her date of birth. After the intervention of our Office, the involved service requested an opinion from the Attorney General of the Republic of Cyprus and then approved the request of the complainant.

