



Functional Review of the Office of the Commissioner for Administration and Human Rights (Ombudsman) under Phase II of "Cyprus Public Administration Reform – Strengthening the Efficiency of the Public Sector"

FINAL REPORT

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Preface

This Functional review of the Office of the Commissioner for Administration and Human Rights (Ombudsman) was conducted as a part of the comprehensive Public Administration Reform (PAR) program which the Government of Cyprus (GoC) has launched. The PAR promotes both sectoral and horizontal reforms. All ministries and Constitutional and Independent Services will be scrutinized carefully. The aim of these functional reviews is to create more efficient, modern and productive public service.

The Government of Cyprus agreed with the office of the Ombudsman of Finland on composition of a Functional Review of the Office of the Commissioner for Administration and Human Rights. The review was conducted by the Finnish team consisting of Petri Jääskeläinen, the Ombudsman of Finland, as the team leader and Pasi Pölönen, Substitute for Deputy Ombudsman, Marika Tammeaid, Development Manager (State Treasury) and Senior Adviser Eija-Leena Linkola as members of the team. The work was committed in fruitful interaction and co-operation with the Presidency, the Public Administration and the Personnel Department (PAPD) and the Office of the Commissioner.

The functional review will aim to examine the role of the Commissioner for Administration and Human Rights (hereafter: the Commissioner) in the light of modern principles of institutional efficiency and effectiveness, as well as in the light of the major transformation which has taken place, within a relatively short period of time, from a complaint handling institution to an umbrella human rights institution, with diverse functions, mandates and responsibilities and a proactive, promotional and educational role. The review will provide reform options to improve the effectiveness and efficiency of the Office of the Commissioner for Administration and Human Rights (hereafter: the Commissioner's office or the office).

During the assignment the team made two fact finding missions to Cyprus. The first mission in December 2015 aimed to generate an overview on the role and functioning of the Commissioner's office but also to scope the office's cooperation with external collaborators and stakeholders. The second mission in February 2016 concentrated to examine more deeply the internal capacity and resources of the office to meet its objectives.

The team appreciated highly the support and assistance of the Cyprus counterparts; the Presidency, Public Administration and the Personnel Department (PAPD) and the Commissioner's office, that enabled successful fact finding as well as remarkably constructive and frank consultations within the office's personnel and with external collaborators. Open sharing of information and statistics as well as active participation in meetings and workshops during the reviewers' visits indicated valuable support and commitment by the Cyprus counterparts to the review.



The team is grateful for the standpoints and suggestions received during consultations with government officials of the Republic of Cyprus, primarily representatives of the Ministry of Finance, the Ministry of Justice and Public Order and the Ministry of Interior and the NGO organisations cooperating with the Commissioner's office.

INTRODUCTION

Background

The Government of Cyprus (GoC) is implementing a set of fiscal consolidation reforms aimed to overcome short and medium-term financial, fiscal and structural challenges. For this purpose, the GoC has agreed with EC/ECB/IMF a Memorandum of Understanding on Specific Economic Policy Conditionality (MoU). Both parties agreed in Section 3.9. of the MoU to launch an independent external review of the public administration which includes a horizontal and a sectoral element.

The sectoral element of which this review forms a part will examine the role, competences, organisational structure, size and staffing of relevant ministries, services and independent authorities. The GoC's main objective is that the independent external review will contribute to identify reforms aimed to improve the operation and delivery functions of public institutions.

The reviews of the ministries were conducted in two phases and they were concluded according to the MoU by December 2015. The reform plans for all ministries have to be approved by the Council of Ministers by Q1 2016 and the reforms will start to be implemented by Q3 2016.

The second phase of the sectoral studies concerned the Constitutional Services (Law Office, Audit Office, Public Service Commission) and Independent Services (Educational Service Commission, Internal Audit Service, Office of the Commissioner for Administration (Ombudsman), Office for the Commissioner of Personal Character Data Protection, Tender Review Body and Refugee's Review Body).

In addition of the vertical reviews of the Ministries, services and Independent Authorities the GoC decided to conduct review of cross-cutting human resource management policies and practices. This study was completed in April 2014 by the World Bank and the UK National school of Government International, NSGI. The emphasis of the study was to examine

- the appropriate system of remuneration and working conditions of the employment of the public sector compared to best practices and applications in the private sector and in the other EU countries.
- the introduction of the new performance based appraisal system in the public sector, for development and promotion purposes, linking performance with the remuneration system/increments.

Terms of reference of the functional Review

The Minister of Finance of Cyprus, Harris Georgiades, has requested technical assistance through the European Commission to support the achievement of the adjustment programmes. As concerns composing the review of Office of the Commissioner for Administration and Human Rights (Ombudsman), the Cyprus counterpart and EU commission contacted Finland in order to probe the interest of the Office of the Parliamentary Ombudsman in Finland to contribute to this review. The Finnish Ombudsman met very positively this proposal which offers a valuable and fruitful opportunity to mutual sharing of experiences in dealing with corresponding functions.

The counterparts agreed that the Finnish team in which the Ombudsman Petri Jääskeläinen acting as a team leader with Substitute for Deputy Ombudsman Pasi Pölönen, Development Manager Marika Tammeaid (State Treasury) and senior Adviser Eija-Leena Linkola as members of the team would make a Scoping visit to Cyprus on 14-20 December 2015. During this visit the further negotiations on committing the review took place and the content of Terms of Reference (ToR) and Service Agreement (SLA) were mutually agreed. The second fact finding mission by the Finnish team was conducted in February 1-5, 2016.

According to the Terms of Reference (ToR) the objectives of this functional review are to provide reform options to improve the effectiveness and efficiency of the Office of the Commissioner for Administration and Human Rights (Ombudsman). The review will focus on aspects related to strategic planning, potential overlapping or irrelevant mandates, organizational structures and other general organizational and functional failures. A benchmark of the Commissioner's office with colleague offices in certain other EU member states will be included. Additionally, the reviewers should align their analysis with the ongoing cross-cutting reforms in public administration.

The main deliverables are a review and analysis of

1. the current organizational structure, role, functions and staffing levels (including numbers of staff) of the Office of the Commissioner for Administration and Human Rights (Ombudsman); The analysis shall include, but not be limited to, an examination of the following issues:
 - The existing legal framework under which the office is functioning

- The functions and activities currently being undertaken
 - The current organizational structure
 - The rationale of the above functions
2. The current levels of staffing (qualifications and number of staff) in relation to the functions of the office. Options to address specific resource and operational management constraints
 3. Recommendations on the organizational structure and resources, including human resources (staffing) (recommendations on the level of staffing, i.e. qualifications and number of staff needed to fulfil the required functions), in order for the Office of the Commissioner for Administration and Human Rights (Ombudsman) to effectively fulfil its role/ roles
 4. Action plan and implementation timelines with detailed intermediate steps. The reviewer will suggest change management strategies to facilitate the implementation of proposed reforms.

Methodological Approach

The reviewers carried out two fact finding visits to Cyprus. During the scoping visit in December contacts with the Cyprus counterpart were established. The scoping visit concentrated on environment scanning specially to examine the stakeholders' experiences on cooperation with the Commissioner's office. A series of meetings with outside stakeholders was organised in order to provide perceptions of the office from the outside. During the second mission to Cyprus the reviewers mainly focused to scan the office itself particularly on organisation, management structure, workflows and resource management issues. The reviewers collected the data for their analysis by interviews which covered the whole staff, workshops, meetings and by getting acquainted with the relevant written documents and data on the Commissioner's office.

Additionally, the reviewers benchmarked the office with respective institutions in Scandinavian and Baltic countries and certain other countries. Information was collected from public sources and by conducting a thematic query in the Extranet of the European Network of Ombudsmen in January-February 2016 (<http://eno.ombudsman.europa.eu/cms/home.html>).

In their analysis the reviewers were centred upon the circumstances and drawbacks within the Commissioner's office which currently degrade the functional efficiency and have impact on the internal working conditions and culture. Attention was also put to elements affecting the independent role of the Commissioner. Furthermore, the reviewers engaged to establish the strengths and the development options to which the future development could be anchored. The reviewers were pleased to identify many optional drivers for change within the office which forecasts that the Commissioner's office more likely shall manage the forthcoming reform process successfully.

The scoping visit

The Scoping visit was to concentrate to establish the cooperation between the Finnish counterpart and the Ombudsman's office as well as Public Administration and Personnel Department (PAPD) as well as to collect relevant information

and experiences on the role and daily activities (management, procedures, workflow, outcomes, HRM practices) of The Commissioner's office for the further review of the office's activities.

The Program for the Scoping visit taking place in December 2015 was prepared in smooth cooperation between the Finnish and Cyprus counterparts: Task Force team of Ombudsman Office, Team for the Reform of the Civil Service and the Public Administration and Personnel Department. The program for four days enabled meetings with wide range of experts within the Commissioner's office. A significant amount of meetings was devoted to discussions with pivotal external collaborators. The aim was to gain a good initial stage orientation on the role and the activities of the Commissioner's office in Cyprus also among external stakeholders and citizens.

The Cyprus counterpart finalised the programme and composed the meetings on an excellent way enabling to meet the primary target of the Scoping visit. In altogether 15 meetings the Finnish team was provided an opportunity to interview not only the personnel of the Commissioner's office but also various collaborators of the office such as representatives of NGO organisations, police, Migration department, Asylum service, social sector, Land registry, Ministry of Finance and Ministry of Justice and Prison Order. These numerous meetings with external stakeholders offered a crucial introduction to Finnish team to the office's external activities, cooperation practices and relationship with its collaborators.

The meetings and workshops with the staff were valuable and clarified the daily functions and role of the Commissioner's office from various angles. The reviewers appreciated highly that the civil servants and experts they met in these meetings were very cooperative and active in sharing their experiences with the Finnish team.

During the scoping visit two relatively work intensive workshops were organised for the staff members for the purpose to deepen the fact finding and additionally to enclose the personnel of the Commissioner's office with the review. The participation in the both workshops was particularly high as concerns both amount of participants and motivation to contribute to the results of the workshops. About 30 members of the staff of Commissioner's office attended these half day workshops of which the first was targeted for experts and the second one for the management. The detailed program for the scoping visit is attached.

The targets of the Scoping visit were successfully met by the review team. Especially the two workshops for the staff of the Commissioner's office brought up many relevant topics to be further elaborated by the team. The first impressions of the work of the Commissioner's office were positive. The reviewer's main observations were that the Commissioner's office has an exceptionally broad mandate. In addition to the investigations of complaints the office has a variety of other activities pertaining to the institution's other functions. The comprehensive participation on awareness raising campaigns and education and issuing guidelines for public administration show reactivity, innovativeness and high motivation in influencing their task field.

The reviewers paid attention to certain organisational and managerial problems such as the lack of substitute for the Commissioner, the absence of management group, missing opportunity to appoint the own staff and minor emphasis on managerial functions such as strategic planning and human resource management. The organisational structure with many levels seemed to be cumbersome for a relative small organisation like the Commissioner's office. The reviewers took note of the good image and respect the Commissioner's office enjoys among the external stakeholders. The active cooperation with external stakeholders has borne fruit.

The pivotal findings were outlined in the Scoping report (January 2016).

Second mission

The purpose of the second visit to Cyprus was to conduct a series of structured interviews and meetings to understand the context and expectations of the work in respect to the identified priorities for the review. The second visit to Cyprus looked in more depth at the issues raised on the first visit what concerned the internal situation of the office. The team conducted a series of interviews and one workshop with different groups of staff to delve deeper into views previously expressed. The team also used the visit to explore perceptions of change management.

The reviewers concentrated to get more precise information and desk level experience on workflows and practices guiding the daily work in the office by interviews and site visits of administrative and legal staff. These discussions brought up many crucial facts hindering the efficiency. On the other hand, the reviewers noticed that some of the gaps had already been identified by the staff but they had not found channel to get attention to them. The reviewers took note that the technical facilities of the office including the impractical office space and ICT equipment would need urgent upgrading to serve better the efficient performance in all functions of the office.

The other topic of concentration was the level and practices of human resource management. The reviewers observed the low degree of attention paid to the HRM issues within the management. The HRM function was also not properly resourced. This has reflected to the working conditions of the staff. Ongoing horizontal public administration reforms have not so far led to improvements in the HRM field.

During the visit the reviewers put specific attention also on the management functions and its capacity and practises. The management structure seemed to be very multi-layered relative to the size of the organisation. Nor is it conducive towards setting clear goals or performance targets for the office or efficient budget planning. In absence of the board of managers there is no platform to strategic planning or setting shorter or longer term priorities aligned with resources. The reviewers were however pleased to notice during the strategy workshop that the first steps towards more strategic approach have been taken. There is a strong pressure by the Ministry of Finance to apply the strategic plan

and key performance indicators (KPI) in the forthcoming budget proposals of the office.

The reviewers interviewed the whole staff either individually or in small groups. Discussions were conducted in open and constructive atmosphere and they strengthened the reviewers' opinion on the high motivation and engagement in the office's work which was met with all groups of staff.

Alignment to Government's ongoing Public Administration reforms

The Government of Cyprus implements an ambitious Reform Program which aims to fulfill the necessary structural reforms and set the foundations for a long-running sustainable growth in order to attract foreign investments and create the country's new economic model. The Growth Strategy sets as one of the main targets the reduction of the administrative burden on national legislation by 20% and improving the efficiency of the Public Sector. This highlights and boosts the importance of the reforms of the Public Administration. The GoC has outlined a challenging program for sectoral and horizontal reforms of Public Administration. In order to achieve efficient results and to ensure the coherence, the necessary monitoring and oversight mechanism of the Public Administration Reform and the Growth Strategy are put under the same institutional umbrella and political supervision of the Presidency.

The Growth Strategy is also linked to the reform of Public Finance Management, which sets to ministries and Independent services a demand of upgrading their budgetary planning, defining strategies and setting performance targets as well as establishing appropriate performance evaluating and monitoring mechanisms. The Public Financial Management (PFM) reform is envisaging a model of bringing together the Strategic Planning and Budgetary Process, in order to achieve overall fiscal discipline and allocation of resources to growth priority needs.

The priority sectors and the actions/measures for the reform of the Public Administration are included in the Action Plan for Growth which was approved by the Council of Ministers in 2015, as well as in the MoU on Specific Economic Policy Conditionality.

Based on the MoU the independent external review on horizontal elements specific cross cutting issues were finalised in 2014. They serve as a base for the GoC's reforms of Human Resource Management (HRM). The HRM reform focuses on developing the appropriate system of remuneration and working conditions of employment in the public sector and on the introduction of a new performance based appraisal system in the public sector and additionally on development and promotion purposes.

The ongoing horizontal and sectoral reforms aimed at more modern, efficient and accountable public administration are comprehensive and deep going. They introduce new structures, concepts and approaches which when implemented successfully shall substantively revise the administrative culture and modify the customary routines and procedures. The implementation will need to be sustained over several years. They will require active leadership, coordination and

monitoring of the implementation from the Presidency and the Ministry of Finance (MoF) and the full cooperation of line ministries and Independent Services if they are to succeed.

The change is not only a technical. The most demanding challenge is to create change in the mind-set of civil servants and to mitigate the change resistance. It is necessary that the Commissioner's office puts an effort in renewing its structure and management procedures in order to achieve better functional capacity and to ensure good working conditions for its personnel.



1 MANDATES OF THE COMMISSIONER FOR ADMINISTRATION AND HUMAN RIGHTS

1.1 *Scope of activities of the Commissioner*

The Office of the Commissioner for Administration and Human Rights was set up in 1991 by virtue of Law no. 3(I)/1991. The law has subsequently been amended six times, each time enhancing the institution's powers or expanding its mandate. Entirely new kinds of functions, in addition to the traditional Ombudsman task, have been introduced from 2004. The institution has operated as the National Human Rights Institution (NHRI) as from 2011. The past decade has subjected the Commissioner to major functional and organizational changes, while at the same time the size of the office has not grown.

Today the office constitutes an umbrella Institution which has six (6) distinct functions:

1. Ombudsman (1991–)
2. Anti-Discrimination Body (2004–)
3. Equality Authority (2004–)
4. NPM (OPCAT function) (2009–)
5. NHRI (2011–)
6. IARPWD (CPRD function) (2012–).

Four of these functions handle complaints (Ombudsman, Anti-Discrimination, Equality and CRPD); three latter ones also include various promotional, educational and awareness rising functions in addition to complaints handling. Two functions (NPM and NHRI) do not include examination of complaints.

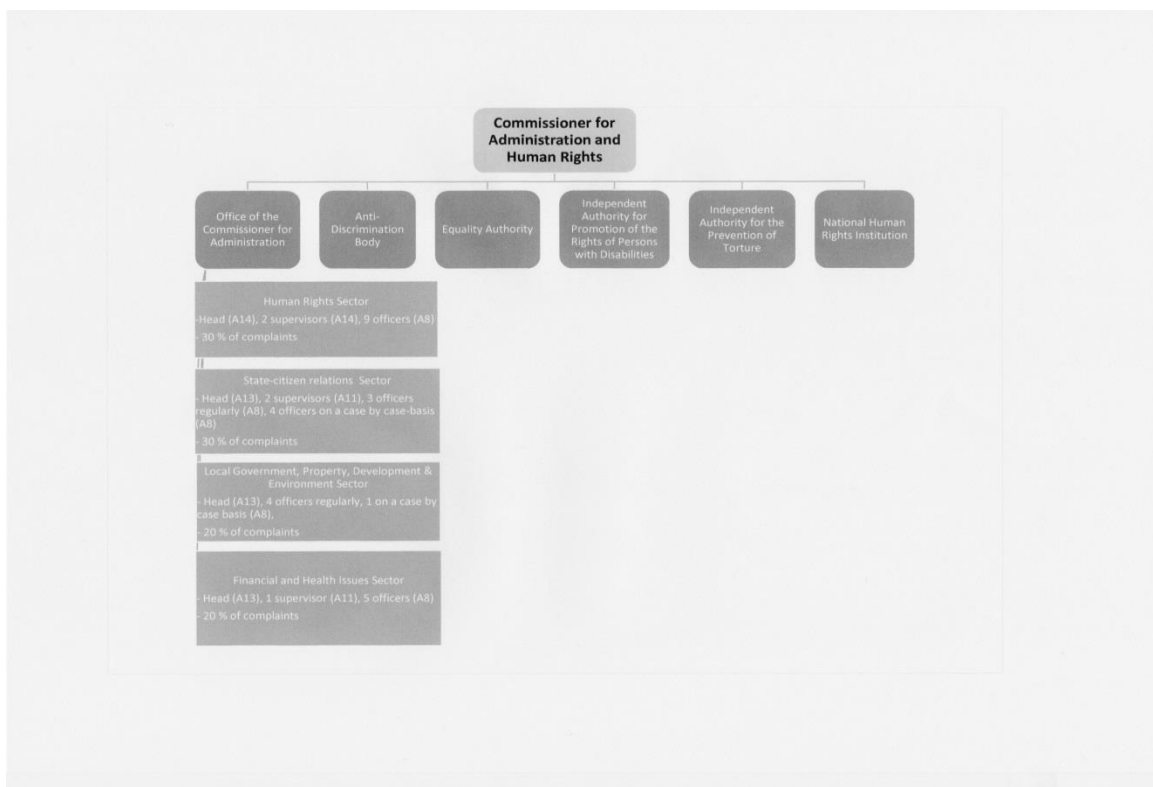
The Commissioner issues 70–75 reports as Ombudsman and about 60 in other capacities annually. On the whole, in 2014-2015 the Commissioner, under all of the mentioned four complaints handling mandates was able to reduce the number of pending complaints, i.e. reduce the backlog, by about 15 %. The backlog is still quite heavy (more than 1 500 complaints pending from previous years).

As an overall impression from the two visits it can be maintained that the Commissioner is regarded as a valuable partner in cooperation in many issues. The fact that the Commissioner acts under several functions was not regarded as confusing or negative; on the contrary, flexible and wide-ranging powers were accepted and regarded well-functioning. The Commissioner was seen as a very well-known institution in the society. It was maintained that the Commissioner has had a lot of visibility in the media. The Commissioner's role as independent, constructive and neutral opponent ("middleman") to the government was respected and emphasised.

As mentioned, the functions of the NPM and the NHRI do not include examination of complaints. Instead they contain a broad spectrum of preventive, mediatory, promotional, educational, awareness rising, consultative, study and research and cooperative (domestic and international) tasks. The external collaborators heard under this functional review have praised the Commissioner’s engagement in education and training within the Public Administration, towards NGOs and the society in general, as well as active utilization of various opportunities to act as an opinion leader for stronger human rights orientation.

Several activities under the Commissioner’s new functions, such as organizing and attending seminars, lectures and campaigns etc. are not entered in the office’s registry in the manner complaint matters are (individually) registered. These new functions are however often time consuming and laborious. Based on the interviews and other available information these kinds of activities take up cumulatively seven (7) person-years of the work of the officers, i.e. about 25 % of the office’s capacity, at least/in the minimum. It is foreseeable that the amount of this kind of work will be increasing in the future.

The UN’s International Coordinating Committee for National Human Rights Institutions’ (ICC¹) Sub-Committee on Accreditation noted on 25 November 2015 with appreciation the extensive work undertaken by the office. It noted the wide range of promotional activities that are carried out in practice by the office, despite the financial constraints it faces. It also pointed out that the mandate of the office has increased significantly over the past years, with no concurrent increase in allocated resources.



¹ In March 2016 the name of the ICC was changed into Global Alliance of National Human Rights Institutions (GANHRI). In this report we will however use the previous name of the ICC.

Head of the Office: Commissioner for Administration and Human Rights

Total number of officers: 28 persons²

Hierarchical structure

- First Officer (1 person)
- Senior Officers (3 persons)
- Officer A' (3 persons)
- Officers (21 persons)

Secretarial staff: 12 persons

The reviewers' conception is that the proportion of administrative staff, about 30 % of the whole staff, corresponds to typical figures in other Ombudsman institutions.

1.2 Ombudsman

The Ombudsman institution's activities are mainly focused on handling of complaints, own initiatives and reports (in the public sector). More precisely, the activities comprise:

- Investigation of complaints (written or oral correspondence and on site meetings)
- Inspection visits
- Participation in Parliamentary Committees during legislative process or discussions on issues relating to the Commissioner's work
- Reports
- Mediation
- Interventions
- Consultations with government authorities and NGOs
- Presence in the media
- Participation in seminars/ workshops/ events through speeches/presentations
- Participation in trainings or public awareness activities.

The work was previously divided into six thematic sectors, but is presently divided into four main thematic sectors. Several members of staff deal with different aspects of the office's mandate: 16 officers deal exclusively with the traditional Ombudsman's tasks whereas 12 officers deal with the Ombudsman's competences while at the same time performing other tasks regarding the work and activities of Independent Authorities functioning within the Commissioner's Office. They allot more than half of their work time for the new functions.

² Given the expanded mandate of the Office-all members of staff deal with several aspects of the Institution's work.

Number of Ombudsman complaints

Year	Submitted	Concluded
2011	2445	2443
2012	2776	2769
2013	2555	2679
2014	2597	2795
2015	2385	2365

The Commissioner has received an average of almost 2 600 complaints each year in the last four (4) years (300 complaints per 100 000 people). The relative amount of complaints, in light of the population of Cyprus, is very high. In Finland the Parliamentary Ombudsman, the Chancellor of Justice and the Non-Discrimination Ombudsman receive in total 8 100 complaints annually, i.e. 150 complaints per 100 000 people.

In the Ombudsman's office of Finland, the average amount of complaints by an officer (where 36 deal with complaints) in one year is 138, in the office of the Chancellor of Justice (where 22 deal with complaints) 113 and in the office of the Finnish Non-Discrimination Ombudsman (where 8 deal with complaints) about 63. Combined the average of these three is 122 complaints / officer (8 100 complaints/66 officers). In the office of the Commissioner for Administration and Human Rights the average amount of (Ombudsman) complaints per officer is about 92 (2 600 complaints/28 officers). These figures do not include those submitted under the Anti-Discrimination Body (100 annually during the last five years), Equality Authority (86 annually during the last five years) or the CRPD (amount not available). Taking also these complaints into account (without the CPRD-complaints), the more accurate corresponding amount is 100 complaints per officer in Cyprus.

These absolute numbers come quite close to those in Finland. The numbers do not however lend themselves to exact comparison, for various reasons (see also 5.2 below):

- the complaints under the Anti-Discrimination Body and the Equality Authority are different and more burdensome in nature, and take up more time (this is the case also in Finland)
- the Commissioner has more “new” functions than the Finnish counterparts, and is much more active in these human rights functions
- significant amount of the Commissioner's officers has to divide their work to other functions than examining complaints, whereas in Finland, officers dealing with complaints can focus more or less full-time on complaints (90 % of their work time, whereas in Cyprus the share is on average about 75 %) – this factor alone accounts for most of the difference of average amount of complaints per officer between Finland and Cyprus
- the administrative personnel support the work of the officers in Finland (e.g. by requesting statements and drafting simple cases), whereas there is much less of this kind of support in the Commissioner's office
- in the Commissioner's office the officers have to take care of administrative tasks (such as financial issues, rental issues, organizing office

maintenance etc.) besides their main tasks, whereas in Finland a separate administrative unit takes care of these kinds of issues.

It may also be mentioned that

- the applicable legislation in Cyprus does not enable as efficient use of the Commissioner's powers as would be necessary (see below Section 2 in this report)
- the organization, working methods and infrastructure could be improved in order to make the work of the Commissioner more efficient (see below Section 3 in this report).

In 2014-2015 (two years) the Commissioner issued about 250 Reports (about 5 % of all cases). In addition to the Reports the Commissioner gave about 400 decisions to successful complaints (satisfaction after intervention/mediation or other intervention; about 8 % of all cases). Combined the share of decisions containing some measure by the Commissioner was thus about 13 %. This corresponds to best practices/normal figures of other countries' Ombudsmen. If one includes into the overall measures by the Commissioner also letters with suggestions and/or recommendations after Report (about 250 in two years; 3 %), guidance/assistance (about 70 in two years; 1 %) and letters with suggestions and/or recommendations (about 310 in two years; 6 %), the total share of successful complaints is about 23 %. This is a high percentage (the percentage of the Finnish Ombudsman, calculated in a corresponding way, is about 17 %. In other Nordic countries the percentage is even less.

The Commissioner follows the press and the media on a daily basis in order to institute own initiative investigations, if needed. It was maintained that the office's limited resources hinder these kinds of activities. Own initiatives focus on minority groups and the rights of the most vulnerable people. Own initiatives are prioritized and examined as expeditiously as possible. The Commissioner's report on own initiative may be followed up by awareness raising and educational campaigns. For example, in November 2015 the Commissioner held 8 separate seminars to social workers following just one own initiative.

Also inspection visits are conducted under the Ombudsman's competences. Inspections focus in places for which complaints are submitted (30-40 visits), in checking the accessibility of facilities to persons with disabilities (about 10 visits), Departments/Services and Municipalities (50-60 visits) and minors' homes and homes for elderly and persons with disabilities. In addition, there are 3-4 visits per month to public departments to monitor the level of service provided to the public or the respect of vulnerable groups' rights.

The Commissioner's office has advisory services, which are provided by a weekly rotating staff member. People calling or visiting the office are advised face to face about available legal avenues and about the Commissioner's powers. This way the officer gets acquainted with the issue and may pose further questions to the customer about the case, and give advice and information on the handling process. A significant amount of prospective complaints is prevented from being

filed, as people are directed to competent authorities elsewhere. This method is considered effective and time-saving.

It was pointed out to the reviewers that shortcomings in Cyprus's legal aid system emphasize the role of the Commissioner in society and the institution's importance to citizens. The Commissioner's importance is further heightened by the lack of statutory complaints handling procedures within the administration itself and by the fact that there are seldom possibilities to appeal against administrative decisions.

The statistics indicate, and support the information gained from the interviews, that the examination of complaints is meticulous and careful. High proportion of complaints leads to measures from the Commissioner's side. Processing times of complaints in 2014 (Ombudsman complaints and CRPD function) was less than one year in 79 % of cases. In 21 % it took more than 12 months to conclude the examination of a complaint. There is room for improvement in reducing the processing times.

The order in which complaints are examined is not precisely defined. Some individual cases take up to 2 years before conclusion. The office has set up a target to resolve all old complaints and to maintain a maximum time of 2 years for complaint handling. In the Commissioner's office there is however an overall commitment to quality over quantity or speed, and the Commissioner emphasises the importance of the rule of law.

1.3 Anti-Discrimination Body

Main tasks of the Anti-Discrimination Body are applied to both private and public sector:

- Investigation of complaints (both the public and the private sector)
- Conducting public surveys
- Submission of Reports after complaint or by own initiative
- Issuance of Press Releases/Public Statements, on important issues of interest or concern
- Preparation of Codes of Practice & Policy Guidelines
- Consultations with stakeholders and regular contacts with civil society
- Participation in Parliamentary Committees' hearings
- Provision of training to professionals (civil servants, local government officers, police officers, prison guards, teachers etc.)
- Provision of training and empowering groups of citizens and NGOs (NGOs, trade unions, parent's associations etc.)
- School and University lectures
- Organization of and/or participation in events
- Organization of and/or participation in public awareness campaigns
- Replying to questionnaires/research projects of universities, NGOs or international networks
- Briefings and updates to European and International Organizations
- Participation in European and international Networks.

There are six (6) officers (who also deal with the handling of complaints to the Commissioner) dedicated to the tasks of the Anti-Discrimination Body. As far as complaints are concerned, the number of cases has doubled during the last five years (from 51 in 2011 to 103 in 2015). The percentage of interventions and Reports is very high in this category of cases, ranging between 50-75 % of all complaints.

Correspondingly, the processing times under this mandate are the longest of all types of complaint matters: 57 % of complaints under the Anti-Discrimination Body take more than one year to conclude. However, the examination times under the Anti-Discrimination Body have to be evaluated differently from those under the traditional Ombudsman role. The process in anti-discrimination cases is governed by a separate act (The Combating of Racism and Other Discrimination (Commissioner) Law; 42(I) of 2004). The process is more formalized and rigid than that under ombudsman complaints. The Commissioner is mandated, e.g. to impose fines under this mandate, and as a consequence the rights of the parties to these proceedings have to be guaranteed by rules of formal process, and by securing the possibility to have recourse to the Supreme Court. The nature of these proceedings differs quite much from those of “normal complaints”, and should be evaluated separately from them.

Other tasks (besides complaints) are versatile and in many cases time-consuming. Exact amount of the use of human resources to these activities is not available. The nature of the activities excludes simple numerical ways to measure or evaluate these kinds of functions.

1.4 Equality Authority

Main tasks of the Equality Authority apply to both the public and the private sector, and include:

- Investigation of complaints/on the Equality Body's own initiative
- Reports
- Training programs
- Participation at Parliament meetings
- Consultations
- Participation at Networks
- Participation at conferences/seminars
- Codes of Practice
- Awareness raising actions
- Meetings with NGOs.

There are three (3) officers (who also deal with the handling of complaints to the Commissioner) dedicated to the tasks of the Equality Authority. The number of complaints in this sector has varied from 57 to 98 (average of 75 during the last five years). The percentage of interventions and Reports is very high also in this category, ranging between 30-50 % of all complaints.

Tasks of the Equality authority include, amongst others, also gender equality issues. The Commissioner for Gender Equality does not examine complaints.

Processing times for complaints concluded under the Equality Authority are longer than under the Ombudsman function: 44 % of all complaints take more than a year to conclude.

There are also many other activities besides the complaints. As referred to above (under Anti-Discrimination Body), it is not feasible to expect exact data about these kinds of activities. As has been mentioned, it can be maintained that approximately 25 % of the office's expert resources are devoted to the totality of various awareness raising functions under different mandates. The promotional, educational and awareness raising work, neither under the Equality Authority function nor under any other function, is not systematically recorded in the office's statistics, and there is no overtime compensation for this kind of work, even though a remarkable share of work is done this way "ex gratia".

The Commissioner participates in various education programmes and campaigns to promote human rights by, e.g. holding regular lectures, workshops and seminars to social workers and others. The Commissioner is regarded independent and reliable. Many stakeholders heard maintained that the Commissioner's resources are too limited in relation to her wide-ranging duties and tasks.

1.5 NPM function

The Commissioner was established as a National Preventive Mechanism (NPM) in 2009. The Commissioner has not been granted any additional personnel for this task. There are no external experts taking part in the monitoring visits. Visits are mainly conducted by one staff member (supervised by the Head of the NPM), who also deals with the handling of complaints to the Commissioner.

The Commissioner has issued a broad scale of recommendations following the monitoring visits, conducted follow-up visits and otherwise followed the implementation of their suggestions and recommendations. The NPM publishes visit reports after each visit and expresses opinions in the Parliament concerning relevant law bills. The NPM publishes annual reports and an English summary of it to the SPT.

Authorities' cooperation with the Commissioner was held to be good. It was maintained that the Commissioner has adopted flexible and result oriented (mediatory) working methods with regard to prisoners' complaints and complaints from the detention centre.

The NPM has also, e.g. established a working group for the prevention of torture, taken part in special education program of police officers employed in the detention centre for migrants, been actively involved in the legislative drafting process concerning the operating framework for the detention centre for migrants, participated regularly in educational programmes for the said centre, held discussions with the Deputy prison director in order to modernize prison laws and regulations,

presented and discussed the NPM Annual reports in the Parliamentary Human Rights Committee, and cooperated with the Minister of Justice and Public Order, the Health Minister, the Chief of Police, the Minister of Labour, Welfare and Social Security, the Director of the Department for Social Inclusion of Persons with Disabilities and the Director of Mental Health Services concerning the implementation of the NPM's findings and suggestions.

In 2014 the NPM established a Working Group of Non-Governmental Organizations (NGOs) to exchange experience and information and to monitor the implementation of NPM's recommendations.

The NPM has also had cooperation with the European Commission on the Prevention of Torture (CPT), which visited Cyprus in 2013. The CPT called for strengthening the NPM with adequate staff and resources to implement its mandate.

The NPM has cooperation with the UN Sub-Committee for the Prevention of Torture (SPT). In 2014 there were regular contacts with the SPT. The SPT has corresponded with state authorities requesting information about the legal and operational framework of the NPM with special reference to resources.

There is no standardized model for organizing the NPM. For the time being numerous Ombudsman institutions have opted for different models and structures for the NPM. In this connection reference might be made to paragraph 32 of the Guidelines on national preventive mechanisms adopted by the SPT in November 2010, according to which: "Where the body designated as the NPM performs other functions in addition to those under the Optional Protocol, its NPM functions should be located within a separate unit or department, with its own staff and budget." According to good practices the NPM should consist of permanent staff members and experts enabling the NPM to perform its functions effectively and independently.

The number and frequency of visits to places of detention, as well as the production of reports, will depend on the resources available. Although Article 18(3) of the OPCAT requires States Parties to "make available the necessary resources for the functioning of the NPM", in practice the resources (financial, human and logistical) provided are rarely sufficient for an ideal preventive programme to be undertaken. It is important to note that resources will probably have to be increased over time, as the NPM develops. It is also vital that the NPM has the autonomy to decide on their use independently (Venice Commission opinion no. 637/2011, 28 July, 2011).

There are almost 150 places of deprivation of liberty under the OPCAT in Cyprus, which the Commissioner, in the NPM capacity, is required to visit regularly.

- In 2011 the NPC conducted four (4) monitoring visits (former Famagusta Police Directorate, Lakatamia police, Central Prison and psychiatric hospital Athalassa)

- in 2012 the NPM conducted ten (10) monitoring visits (follow-up visit in the Central Prison, five visits to police detention centres and four visits to homes for elderly people and people with disabilities)
- in 2013 the NPM conducted six (6) monitoring visits (police station in Nisou, four visits in Menogeia detention centre and one visit to the psychiatric hospital Athalassa)
- in 2014 the NPM conducted four (4) monitoring visits (e.g. Paphos police detention facilities and psychiatric hospital Athalassa)

These OPCAT-inspections have been thorough and most of them have lasted for several days. Inspections require advance planning and reporting afterwards. Implementation of the Commissioner's findings and proposals takes many forms, reports being one of them. The non-compliance of the proposals in the Commissioner's reports have, e.g. led to the dismissal from office of the former prison manager and a senior police officer.

The above numbers are quite small. It may however be noted that the present question can be raised also looking at the way in which statistics are compiled. Relevant to this point of view is that in addition to the OPCAT-inspections the Commissioner's staff conducts also other kinds of inspections in closed facilities. These include, e.g. regular visits to the prison 2-3 times per week and weekly visits to the detention centre. The latter ones are presently not categorized as OPCAT-inspections. The reviewers' opinion is that also these kinds of visits could well be placed under OPCAT statistics – if put this way, the scope of activities under this function would be very much more significant than what the numbers now portray.

1.6 NHRI

The tasks of the NHRI consist of various actions to promote, protect and monitor human rights in Cyprus (identifying grave or systemic deficiencies of human rights protection, highlighting human rights issues that have to be given more attention, assessing and monitoring the situation of human rights, encouraging the ratification of international human rights instruments or the implementation of relevant international best practices and human rights education and awareness), and include the following types of activities:

- Submission of own initiative reports / Interventions
- Issuance of Press Releases / Public Statements
- Preparation of Codes of Practice & Policy Guidelines
- Consultations with stakeholders
- Participation in Parliamentary Committees hearings
- Provision of training to professionals (civil servants, local government officers, police officers, prison guards, teachers etc.)
- Provision of training to civil society (NGOs, trade unions, parents associations etc.)
- School and University lectures
- Regular contacts with civil society
- Organization of and/or participation in human rights events

- Organization of and/or participation in public awareness campaigns
- Replying to questionnaires/research of universities, NGOs or international networks
- Briefings and updates to European and International Organizations
- Participation in European and international Networks
- Participation in drafting new legislation.

The NHRI function has six (6) officers. Some of them deal also with other areas of the Commissioner's competences. The mandate of a NHRI, following the Paris Principles, is as broad as is possible with regard to human rights issues, and many human rights issues are interlinked.

This area of activities benefits from synergy of various different kinds of functions within the institution. Activities of the sort listed above do not easily lend themselves to be calculated numerically. Also because of their interlinked nature it is very difficult to present exact amounts of working days devoted to functions under the NHRI-head.

1.7 CRPD function

The main areas of responsibility for the Independent Authority for the Promotion of the Rights of Persons with Disabilities include both the private and the public sector, and focus on:

- Investigation of complaints
- Investigation of own initiatives
- Reports/Interventions
- Consultations
- Meetings with organizations of persons with disabilities
- Functioning of a Consultation Committee with umbrella organization of PwD
- Participation at Working Groups for law-making procedures
- Participation at House of Parliament meetings
- Training/ educational programs
- Awareness raising/promotion activities
- Participation at Networks (e.g. EQUINET, ENNHRI)
- Organizing conferences and participating at conferences/seminars
- Visits to institutions, care homes, places of deprivation of liberty (in coordination with National Preventive Mechanism)

There are two (2) officers (who also deal with the handling of complaints to the Commissioner or other Bodies) dealing with CRPD tasks, with occasional help from a third officer. In practice, according to information obtained from staff interviews in December 2015 and February 2016, the CRPD function is running with even less resources than the small numbers above would indicate (in practice only 0,5 person-years). The nature of activities under the CRPD head is versatile and may be complex. Many cases may be such that they combine several grounds of discrimination in addition to those stemming from one's disability.

2 DEVELOPING LEGISLATIVE FRAMEWORK OF THE COMMISSIONER

2.1 Constitutional basis

According to current European and international standards a constitutional guarantee for the Ombudsman is clearly considered as preferable solution as compared with provision for the institution by ordinary legislation or statute.

Some of the best practices for Ombudsmen and for providing them with sufficient mandate and resources have been formulated and endorsed by the Council of Europe. The Parliamentary Assembly of the Council of Europe (PACE) has called for strengthening the institution of ombudsman ([Resolution 1959\(2013\)](#)). The PACE has called on the member states to ensure that such institutions fulfil the criteria stemming from its [Recommendation 1615 \(2003\)](#), in particular as regards the independence and impartiality of these institutions, whose existence shall be enshrined in law and, if possible, in the constitution.

Most typically the founding legislation for Ombudsman institution is at constitutional level. Constitutional provisions ensure the independence of the institution from the public administration and support the Ombudsman institution's stability and continuity within the state institutions. Also the Venice Commission has called for constitutional basis to Ombudsmen in order to protect one of its most basic features, its independence, and to enable its effective and impartial functioning.

Constitutionally based Ombudsmen cannot be situated in the traditional doctrine of separation of state powers. Even an Ombudsman without a constitutional basis cannot be considered as part of one of the three branches of state powers. The status and role of the Ombudsman cannot be equated with the rest of the state administration. This is due to the fact that the Ombudsman exercises oversight over administrative bodies and civil servants. As an NHRI the Ombudsman has also the task of reporting her findings to international organs before the UN, for instance. In the capacity of the Independent Mechanism for the promotion, protection and monitoring the Convention for the Rights of Persons with Disabilities (CRPD), the Ombudsman has the duty to report about the Ombudsman's actions and findings to the UN organs. Further, in the capacity of the national body for the prevention of torture (OPCAT) there is a *de facto* practice of reporting to the SPT. In these respects, the Ombudsman acts directly in cooperation with the United Nation's monitoring bodies, voicing out independent findings and arguments separate from and in addition to those of the Republic of Cyprus. These are certainly factors requiring independency from the government, in all aspects where possible.

The International Ombudsman Institute (IOI) is the global organisation for the cooperation of more than 170 independent Ombudsman institutions from more than 90 countries worldwide. The IOI's so-called [Wellington declaration](#) (13.11.2012) provides that it is an expression of democratic maturity and the rule of law that governments and parliamentary majorities shall allow criticism voiced by independent Ombudsman institutions. As a consequence, an Ombudsman diligently

fulfilling his/her mandate shall not be subject to any form of physical, mental or unjustified legal coercion.

The ICC has adopted the following [General Observation](#) on the Establishment of NHRIs: “An NHRI must be established in a constitutional or legal text. Creation by an instrument of the Executive is not adequate to ensure permanency and independence.” The ICC has also adopted the following General Observation on the administrative regulation of NHRIs: “The classification of an NHRI as a public body has important implications for the regulation of its accountability, funding, and reporting arrangements. In cases where the administration and expenditure of public funds by an NHRI is regulated by the Government, such regulation must not compromise the NHRI’s ability to perform its role independently and effectively. For this reason, it is important that the relationship between the Government and the NHRI be clearly defined”.

As a matter of principle, the Ombudsman’s funding from the Parliament, instead of the government, which the Ombudsman is overseeing, would provide better guarantees to the Ombudsman’s independency. Provided that the Constitution of Cyprus can be opened for reform, also this point should, in the Finnish team’s view, be taken into account.

In a query sent on the 19th of January 2016 via the Extranet of the European Network of Ombudsmen (<http://eno.ombudsman.europa.eu/cms/home.html>) the network members were asked to briefly describe the process in which the Ombudsman’s budget is prepared and decided. This part of the query received 14 replies. According to the answers provided the Ombudsman’s budget is most typically presented to the Parliament by the Ombudsman him- or herself. There are also countries where the budget is a part of the government’s general budget proposal.

- Finland: the budget of the Office of the Parliamentary Ombudsman, including the Human Rights Centre, is adopted by Parliament’s Office Commission. No approval from any instance is required prior to the actual submitting of the budget proposal to the Parliament. Ombudsman’s budget is included as a separate part of the Parliament’s budget, which, in turn, is included in the whole state budget. For the budgetary purposes the Office of the Parliamentary Ombudsman submits annually a long term (four years) operational and financial plan to the Parliament, including the plans of the Human Rights Centre. These reiterate the objectives of the NHRI and present the possible needs for changes in resourcing the NHRI
- Sweden: the Chief Ombudsman submits a draft to a Parliamentary Committee, the Parliament decides on the budget
- European Ombudsman: draft budget is prepared by the Ombudsman and decided by the EU’s budgetary authority (Council of the European Union and European Parliament)
- Latvia: budget is coordinated with the Parliament and the Government
- Ireland (the Defence Forces): budget is set by the Minister for Defence following consultations with the Ombudsman
- Bulgaria: the budget is prepared by the chief secretary and decided by the Parliament

- Spain: Ombudsman issues a draft budget and it is an item in the Parliamentary budget
- Greece: The upper limit of the budget is determined by the State General Accounting Office of the Ministry of Finance. The Ombudsman's budget is approved by the Parliament
- Lithuania: The ministry of Finance informs about the maximum limits to budgets. The Ombudsman's office prepares the draft according to the strategic planning methodology by submitting an action plan. The Ombudsman's budget is decided by the Parliament
- Slovenia: funds are allocated from the state budget by the Parliament upon a proposal made by the Ombudsman. The budget for the Ombudsman's NPM-function is earmarked within a special sub-programme in the Financial Plan of the Ombudsman's institution
- Estonia: The Chancellor of Justice prepares the draft budget, submits it to the Ministry of Finance for discussions, and the Government proposes budget laws for the Parliament's decision
- Czech Republic: The Ombudsman's budget is prepared by the Head of the Office and discussed with the Ombudsman. The budget is a part of the state budget and decided by the Parliament
- Malta: Ombudsman's budget is prepared by the Ombudsman's Office. The budget is a part of the state budget and decided by the Parliament
- Romania: The People's Advocate institution has its own budget, which is part of the state budget. The draft budget is approved, with the advisory opinion of the Ministry of Public Finance, by the Ombudsman, and is forwarded to the Government to be included separately in the draft state budget under enactment. The Ombudsman's objections to the Government's draft budget shall be submitted to the Parliament for settlement
- Norway: The budget is prepared by the Administration of the Ombudsman and the proposal is submitted to the Presidency the Parliament.

Recommendation

In the long run the Commissioner's budget proposal should be presented to the Parliament, instead of the Government, and the Commissioner should be raised to the Constitutional level. This would provide better guarantees to the Commissioner's independency and increase the overall status of the Ombudsman in the society enabling more influence and effectivity in ensuring and advancing good administration and human rights. **The Commissioner should be equated with Constitutional Services** (Law Office, Audit Office, and Public Service Commission). (**Recommendation 1**)

2.2 Independence and recruitment of staff

Present system

According to the current recruitment procedures with regard to permanent posts the Directors of the Departments have significant role, but the formal decision to appoint to posts is made by the Public Service Commission (PSC). The same applies for the Commissioner.

The present system of recruitment is based on written examinations that are held once per year (for most of the public sector). The method or content of the written examination is not decided by the Commissioner. These exams do not concern the competences of the office of the Commissioner. However, in certain cases, and taking into consideration the specific skills and knowledge necessary for a specific post, there is the option for a special exam to be conducted, instead of the general exam, by the relevant Department, for the filling of its posts. For this to happen, the Commissioner would have to file a request to the PAPD. The request will be examined according to the relevant procedure followed every year for deciding the posts that should fall under the general exam and the posts for which the conduct of a special exam is justified. The final decision for the posts' classification is approved by the Council of Ministers and the Parliament.

When there is an opening in the office the candidates who are interested and fulfil the necessary requirements may apply for the post. From those, three times the amount of the post(s) to be filled are called for an interview before the PSC. The Commissioner, like others conducting the interview, may put questions to the candidates. After the interviews the Commissioner proposes the person(s) to be appointed to the office. The formal decision to appoint is made by the PSC. If the PSC does not agree with the Commissioner it must state the reasons in writing for the decision.

The system described is however currently suspended for the period of recruitment freeze. The procedure is expected to be back in place in 2017, unless a different procedure is decided.

During the current period of recruitment freeze, temporary provisions are in place for the filling of posts for which permission is granted to get unfrozen. According to temporary provisions, a special exam is conducted in topics decided in agreement with the relevant Head of the Service such as the Commissioner. The stages of the interviewing procedure are the same as for the regular procedure as described above (see also section 5.1 below).

The Commissioner has influence in the staffing of her office by making requests to the Ministry of Finance to make changes to the Scheme of Services with regard to posts in the Commissioner's office. The Commissioner can, for example, make a request that there should be a requirement of a Law Degree for a certain (level of) post. The official procedure in changing the Schemes of Service includes the PAPD for reasons of uniformity and for providing technical assistance.

As for temporary posts (so-called casual employees), the appointment decision is made directly by the Commissioner.

With regard to the procedure for secondments the provisions of the public service law are applied, according to which, (article 47(4)) "The secondment shall be decided by the Commission after the recommendation of the appropriate authori-

ty and, if the secondment entails the removal of the officer from one Ministry or Independent Office or Service to another Ministry or Independent Office or Service or his service abroad under paragraph (f) of subsection (1), the matter shall be submitted to the Commission by the Minister of Finance together with his own views, as well as with the views of the two appropriate authorities.” The Commissioner may thus present her view on the matter, but the view is not binding.

The Commissioner has full power to direct and monitor the performance of both casual employees and secondees, including the exercise of disciplinary authority, the same way as with regard to the permanent staff.

During the last years there have been five (5) secondments. Two officers are presently still in secondment.

The Commissioner’s office has currently only one vacant post, which is going to be filled in 2016. In this respect the situation of the Commissioner’s office differs from other Services in public sector, where many posts have been vacant for a long time.

According to obtained information the Commissioner has made demands for new staff posts after the assignments of new functions for the Commissioner’s office. There has however been a general policy in the GoC for not making new recruitments or creating new posts as from 2012 due to the economic crisis and the Memorandum of Understanding with the Troika. In any case the existing legal procedures require more than 1.5 years to establish and fill new permanent posts. Changes in domestic legislation will enable the (start of the) process of filling posts to as from 16 June 2016.

The PAPD has proposed to the Commissioner to exploit the internal market mechanism through which staff can be seconded from other departments of the public services. This proposal has been rejected by the Commissioner as undermining the independence of the Commissioner’s office.

Comparative view

In order to obtain information about the best practices/normal standard as regards the Ombudsman’s possibility to recruit their own staff, a query was sent via the Extranet of the European Network of Ombudsmen (<http://eno.ombudsman.europa.eu/cms/home.html>) on 19 January 2016. It contained the following questions:

- a) Is the Ombudsman mandated to formally appoint his/her own staff (within the allotted budget frame)? If not, which body takes the decision to appoint to an office?
- b) Is there some sort of system of preliminary screening or shortlisting the applicants, conducted by some other body/agency than the Ombudsman him/herself?
- c) Are vacant posts announced publicly and is the application for an office open (i.e. can everybody apply)?

The query resulted with 12 replies in the Extranet and with 3 direct replies by email (by 10th March 2016).³ The number of replies corresponds to typical/satisfactory turnout of queries in the Extranet. Every one of the 16 reporting countries (including Finland) informed that the Ombudsman is mandated to directly appoint their own staff. The Finnish team has no information from other sources, either, about any other country than Cyprus where the Ombudsman would not have direct power to select and appoint their own staff.

Some details may be separately highlighted:

- Finland: The Ombudsman can independently establish posts in his office; the Ombudsman appoints the staff directly, within the budget
- Latvia: there is a requirement of Master's Degree in Law and at least 5 years' experience in particular area(s)
- Ireland (the Defence Forces): there is a secondment process across government departments and agencies
- Greece: for officer posts the Ombudsman appoints a 5-member committee composed of the Ombudsman, two Deputy Ombudsmen and two university professors appointed by the Ombudsman. – Administrative and secretarial staff is selected via Supreme Council for Civil Personnel Selection
- Slovenia: The Ombudsman appoints a commission to interview the candidates and recruits on the basis of common principles of public servants
- Malta: Ombudsman appoints a panel to establish selection criteria and to screen and interview the applicants
- Belgium: the corresponding requirements for each post are specified by the Ombudsman
- Romania: The requirements for filling the management and-non-managerial positions (with the exception the deputies of the Ombudsman) are established by the Ombudsman
- Norway: The Ombudsman appoints all regular staff, except for heads of departments. Heads of divisions are formally appointed by the Presidency of the Parliament based on a recommendation from the Ombudsman.

For any institution of ombudsman it is essential that the Ombudsman is guaranteed sufficient resources for discharge of all responsibilities allocated to the institution, that these resources can be allocated independently of any possible interference by the subject of investigations, and that the Ombudsman should have complete autonomy over issues relating to budget and staff ([PACE Rec 1615 \(2003\)](#), § 7.7).

The Ombudsman's international tasks make it paramount that it is free of even any suspicions concerning the institution's independency. As the Commissioner's activities often pertain to specialised themes and require extensive knowledge and skills about human rights law, it is important that the Commissioner can him- or herself appoint the most suitable staff for these specialised tasks. The present

³ Responding counties were: Sweden, European Ombudsman, Latvia, Ireland (Defence Forces), Bulgaria, Spain, Greece, Lithuania, Slovenia, Estonia, the Czech Republic, Malta, Belgium and Romania.

situation is problematic as the Commissioner does not have the power to independently choose its permanent staff.

The Ombudsman's independence should relate to every element of the institution's legal and constitutional basis, political situation and operational activities. Budgetary allocations must be independent of possible executive interference. The appointment of staff to the Ombudsman's office must be clearly independent of outside influence.

Also UN bodies have addressed the issue of recruitment several times, while also stressing the importance of providing the Commissioner with adequate resources:

- The Committee on the Elimination of Racial Discrimination (Concluding observations on the seventeenth to twenty-second periodic reports of Cyprus, adopted by the Committee at its eighty-third session (12-30 August 2013) has noted "with concern that the institution is not empowered to recruit its own personnel and, according to reports, is not provided with the necessary resources for the effective exercise of its very broad mandates."
- ECRI, in its Report on Cyprus (4th monitoring cycle, 2011) has recommended "that authorities make available to the Commissioner for Administration the human and financial resources that are necessary for this Institution to carry out its functions effectively" (paragraph 48); and "that the independence of the Commissioner for Administration is assured, particularly concerning the freedom to appoint her own staff, in line with ECRI's General Policy Recommendations No. 2 on specialised bodies to combat racism, xenophobia, anti-Semitism and intolerance at national level and No. 7 on national legislation to combat racism and racial discrimination" (paragraph 50).
- Report of the Working Group on the Universal Periodic Review, Cyprus, 2009 – UN High Commissioner for Human Rights contains, e.g. the following recommendation: "Increase human and financial resources allocated to the new antidiscrimination body, within the Ombudsman's office, in order to ensure effective functioning of this institution, as well as further strengthening the financial and human resources of the national machinery for women's rights".
- Report of the Working Group on the Universal Periodic Review, Cyprus, 2014 – UN High Commissioner for Human Rights again recommends to "facilitate the work and the function of the Ombudsman in accordance with the Paris Principles" (paragraph 114.16); and "Adopt measures aimed at strengthening the Independent National Authority for Human Rights in order for it to be fully compliant with the Paris Principles; in particular, providing it with adequate resources and more qualified staff so as to strengthen the National Preventive Mechanism against Torture and undertake information campaigns, especially among vulnerable groups" (paragraph 114.21).

Recommendations

In recruitment matters the Commissioner's *direct* autonomy is limited to hiring casual employees. The Commissioner does not have the last say in deciding

who will be recruited in her office into a permanent post. The situation seems to be less problematical as regards the redefinition of the Schemes of Service, as the PAPP's role has been described as limiting to technical assistance only. Nevertheless, the Commissioner requires outside clearance in these matters, too. It must be concluded that the Cypriot recruitment model does not meet the best practices pertaining to appointment process both with regard to the international recommendations and the actual practices that are followed in other EU countries.

The current system should be developed so that the **Commissioner's influence in appointing her staff within available budget frame would be strengthened as much as possible.** (Recommendation 2) On a longer run the present system concerning the Commissioner should however be amended altogether. There is now a fundamental flaw in the system as the Commissioner cannot be exempted from the process in the Public Service Commission.

It is also problematical that the Commissioner cannot independently **define the Scheme of Service** for posts to be filled. The particularized requirements that are necessary in order to fulfil the tasks of the Commissioner most effectively can only be identified by the Commissioner him- or herself. The Commissioner can presently ask the Ministry of Finance to alter the Scheme of Service. Even though the system is based on technical issues and for reasons of uniformity, this system does not fit well with the requirements with regard to the Commissioner's independency, which should cover also the power to independently define the necessary job requirements.

As it was maintained in the Scoping report, the fact that the Commissioner is presently not able to appoint her own staff will probably exclude any chances of reaching the A status before the ICC. Before this state of affairs is – hopefully – changed, every effort should be made to ensure that the Commissioner's office's posts that may become available are filled respecting the wishes of the Commissioner. As for now the Commissioner should make (more) use of the possibility to apply chances to the Schemes of Service. The Commissioner is also **advised to make request for the procedure of special exams** to be applied to the posts of the Commissioner's office, and develop these exams to better fit the needs of the very specialized tasks of oversight of legality and promotion and protection of human rights (as opposed to standardized questions to civil servants in other offices). Also, the **Public Service Commission should refrain from deviating** from the Commissioner's proposal to appoint to a post.

By raising the Commissioner to Constitutional status the Commissioner could also be developed more independent as regards the recruitment of personnel, and be afforded the same kind of **independency in recruitment matters as the judiciary presently has.** (Recommendation 3) It is self-evident that in the separation of state powers the Ombudsman does not belong to the sphere of judiciary. However, as a state institution, usually fulfilling several tasks directly based on the state's international obligations, the Ombudsman's needs for guaranteeing the independency of the institution, including the direct power to recruit personnel, are close to that of the courts. The reviewers maintain that this is a matter of common understanding in EU countries (see also section 2.1 above).

2.3 *Substitute for the Commissioner*

The Deputy for Ombudsman, or a substitute for the Ombudsman, is recommended by the PACE: “The appointment of an identified deputy on the recommendation of the ombudsman and with parliamentary approval, capable of acting in the full capacity of ombudsman when necessary”, has been identified as one of essential elements for any ombudsman institution ([Rec 1615 \(2003\)](#), § 7.6).

The lack of a substitute for the Commissioner is problematic in any Ombudsman institution. Problems are amplified in a single-head institution which has several different functions, which is the case with the Cypriot Ombudsman.

According to information collected in 2005-2007 about half of the European Ombudsmen have one or more Deputies. The number of single head organisations without a Deputy was 18, Cyprus being one of them.⁴ The study does not indicate whether some or all of these 18 institutions nevertheless have substitution arrangements in the Ombudsman’s absence.

- The Finnish Ombudsman’s institution consists of the Ombudsman and two Deputy Ombudsmen. The Ombudsman chooses a Substitute for a Deputy Ombudsman for a term of no more than four years, having first received the opinion of the Constitutional Committee of the Parliament. The Ombudsman invites the Substitute for a Deputy Ombudsman to perform the duties of a Deputy Ombudsman, if he/she is prevented from attending to them
- Sweden’s Ombudsman Office has the Chief Ombudsman and three Ombudsmen. There are two Substitutes, elected by the Parliament (the Substitutes are former, retired Ombudsmen)
- Norway has a single head organisation. If the Ombudsman is temporarily unable to discharge his duties because of illness or for other reasons, the Parliament may elect a person to act in his place during his absence. In the event of absence for a period of up to three months, the Ombudsman may authorise the Head of Division to act in his place
- The Danish Ombudsman may order that one of his staff members shall carry out his functions temporarily (§ 27)
- Estonia has an office of 50 persons. It is headed by the Chancellor of Justice and two Deputy Chancellors of Justice. The Deputies are appointed by the Parliament following the Chancellor of Justice’s proposal
- Lithuanian Ombudsman’s Office has two Ombudsmen, one of whom is appointed by the Parliament as the head of the Ombudsmen’s Office. In the absence of the Ombudsman, the other Ombudsman shall act for him
- In Latvia the functions and tasks of the Ombudsman are performed during his absence and upon his assignment by a Deputy appointed from among the Heads of Divisions within the Ombudsman’s office

⁴ Kuscko-Stadlmayer, Gabriele: *European Ombudsman-Institutions. A comparative legal analysis regarding the multifaceted realization of an idea.* SpringerWienNewYork, 2008, p. 467-470.

- In Romania the deputies of the Ombudsman are appointed for a term of 5 years, by the permanent bureaus of the Chamber of Deputies and the Senate, at the proposal of the Ombudsman, with the approval of the legal committees of the two Houses of Parliament.

According to Section 4, subsection 3 of the Commissioner for Administration Law the Commissioner has the power, provided that the principle of hierarchy is adhered to, to authorise in writing any officer of her office to exercise on her behalf such of her powers and under such conditions, exceptions and reservations as she shall specify in the authorisation. However, the Commissioner cannot delegate her right to submit any report provided by this Law.

Recommendation

The existing powers to delegate are presently not used, or used very little. Taking into account the heavy workload the office is facing and the average time to responding to complaints, it is **recommended that the Commissioner would make more use of her power to delegate** Commissioner's powers in cases of anticipated absences of the Commissioner (due to travels, holidays, sick leaves etc.) and also as a means of normal organization of the work of the Commissioner. (Recommendation 4) The wording of Section 4, subsection 3 seems to prohibit only the delegation of issuing reports, but is otherwise broadly formulated. The delegation could thus extend to, e.g. final answers to unsuccessful complaints, where no report is issued.

As the present legislation does not allow for the delegation of the power to submit reports, i.e. successful complaints, actual substitution of the Commissioner is not possible without changes to the Commissioner for Administration Law. It is recommended that **the law be changed with the said effect, i.e. by enabling the Commissioner assign a Substitute from among the office's staff.** (Recommendation 5)

2.4 The Council of Minister's regulatory powers

The Council of Ministers has had recourse to the procedure under Section 5, subsection 1 b of the Commissioner for Administration Law (the Commissioner's power to "investigate, upon order by the Council of Ministers, any matter which concerns the functioning of any service, in order to ascertain whether it functions efficiently and in accordance with the laws and the principles of proper administration") only twice, long ago. This possibility has its roots in the British investigatory system and has in practice been replaced with the Commissioner's own initiatives into matters of general interest (Section 5, subsection 1 c of the Commissioner for Administration Law).

The Council of Ministers has never issued any regulations in order to guide the Commissioner's work (Section 15, subsection 1 of the Commissioner for Administration Law).

Recommendations

Section 5, subsection 1 b (Recommendation 6) and Section 15, subsection 1 (Recommendation 7) of the Commissioner for Administration Law should both be abolished due to *desuetudo* and also because both Sections are highly problematical from the principal point of view of the independency of the Commissioner – there cannot be any outsiders giving orders or guidance pertaining to the functioning of the Ombudsman.

2.5 Discretion to issuing Reports

Wording of Section 6, subsection 2 of the Commissioner for Administration Law (“The Commissioner shall draw up a report about *each specific case* examined by him in which the complaint was *found to be justified* or a recommendation, comments, or suggestions were made”) is formed in obligatory terms (emphasis added).

It has however from the beginning been in practice impossible to issue a report in each case of justified complaints. Instead, reports are drawn up only in the most significant cases that represent issues of general importance. Reports are separate from individual answers that are given to complainants, who have “won”, i.e. have issued a justified complaint. This corresponds to customary practices in various countries’ ombudsman institutions, including Finland.

Recommendation

Amending Section 6, subsection 2 to more flexible terms would be advisable. Only most important cases, following the Commissioner’s discretion, warrant a report. (Recommendation 8) There is no benefit to be gained from a legal obligation that cannot be followed in practice, and which, if followed strictly, would only hinder the Commissioner in allocating her resources to where they are most needed.

2.6 Legislative mandate of the NHRI to promote and protect human rights

The Paris Principles state that a national institution shall be vested with competence to promote and protect human rights. An NHRI shall be given as broad a mandate as possible, which shall be clearly set forth in a constitutional or legislative text. The ICC has adopted the following General Observation on Human rights mandate: All NHRIs should be mandated with specific functions to both protect and promote human rights, such as those listed in the Paris Principles. The Paris Principles state that a national institution shall have the responsibility to

- publicize human rights and efforts to combat all forms of discrimination, in particular racial discrimination, by increasing public awareness, especially through information and education and by making use of all press organs.

- assist in the formulation of programmes for the teaching of, and research into, human rights and to take part in their execution in schools, universities and professional circles.
- within the framework of its operation, address public opinion directly or through any press organ, particularly in order to publicize its opinions and recommendations.

Recommendations

One of the reasons behind the fact that the Commissioner was accredited with only B-status before the ICC's Sub-Committee on Accreditation was that **the mandate of the NHRI to promote and protect human rights is not clearly enough stipulated** in the Commissioner for Administration Law. Section 5 of the Commissioner for Administration Law (functions of Commissioner) should thus be formulated more clearly in this respect. (Recommendation 9)

The Commissioner for Administration Law should also contain an **explicit mention of the Commissioner having the function of/being the National Human Rights Institution** (based on the Paris Principles). (Recommendation 10)

2.7 Pluralism

Another obstacle for obtaining the A-status is the lack of pluralism in the Commissioner for Administration and Human Rights. The ICC noted that there is no requirement in the law that the Commissioner's staff be representative of the diverse segments of society.

It is neither in the reviewers' task nor mandate to evaluate the findings of the ICC. The Sub-Committee on Accreditation has however noted that there are different ways in which pluralism may be achieved through the composition of the National Institution, for example:

1. Members of the governing body represent different segments of society as referred to in the Paris Principles;
2. Pluralism through the appointment procedures of the governing body of the National Institution, for example, where diverse societal groups suggest or recommend candidates;
3. Pluralism through procedures enabling effective cooperation with diverse societal groups, for example advisory committees, networks, consultations or public forums; or
4. Pluralism through diverse staff representing the different societal groups within the society

Recommendation

The Commissioner has clearly very active cooperation with diverse societal groups (in the meaning of point 3 above). In addition to this, **the adoption of a model, like the one in place in Finland, could work as an effective organizational structure further addressing the issue of pluralism.** (Recommendation

11) The Finnish NHRI was accredited with A-status despite the fact that there is no requirement in the Parliamentary Ombudsman Act, either, that the Ombudsman's staff be representative of the diverse segments of society. The requirement of pluralism is however satisfied with the Human Rights Delegation. Section 19 e of the Parliamentary Ombudsman Act provides the following:

“The Human Rights Centre shall have a Human Rights Delegation, which the Parliamentary Ombudsman, having heard the view of the Director of the Human Rights Centre, shall appoint for a four-year term. The Director of the Human Rights Centre shall chair the Human Rights Delegation. In addition, the Delegation shall have not fewer than 20 and no more than 40 members. The Delegation shall comprise representatives of civil society, research in the field of fundamental and human rights as well as of other actors participating in the promotion and safeguarding of fundamental and human rights. The Delegation shall choose a deputy chair from among its own number. If a member of the Delegation resigns or dies mid-term, the Ombudsman shall appoint a replacement for him or her for the remainder of the term.”

2.8 Transfer of complaints

The Act of the Commissioner for Administration and Human Rights does not enable the transfer of complaints to a competent authority. More flexible legislation in this respect could enhance the efficiency of the investigation of complaints.

For example, in Finland the Ombudsman can transfer complaints to other competent authorities. The authority is contacted before the transfer. The Ombudsman requests the authority in question to send their subsequent decision/reply to the Ombudsman, who may take up the case for fresh examination as an own initiative, if the authority's response is unsatisfactory. When transferring a complaint, the complainant is also informed by the Ombudsman's office that they may write again to the Ombudsman, if they are not satisfied with the authority's reply.

Recommendation

The Commissioner would benefit from a possibility to transfer complaints to competent authorities, for example to the Data Protection Ombudsman. In some cases, the confidentiality of the complaint might form an obstacle to the transfer. Transfers should always be based on the Commissioner's case by case decisions. (**Recommendation 12**)

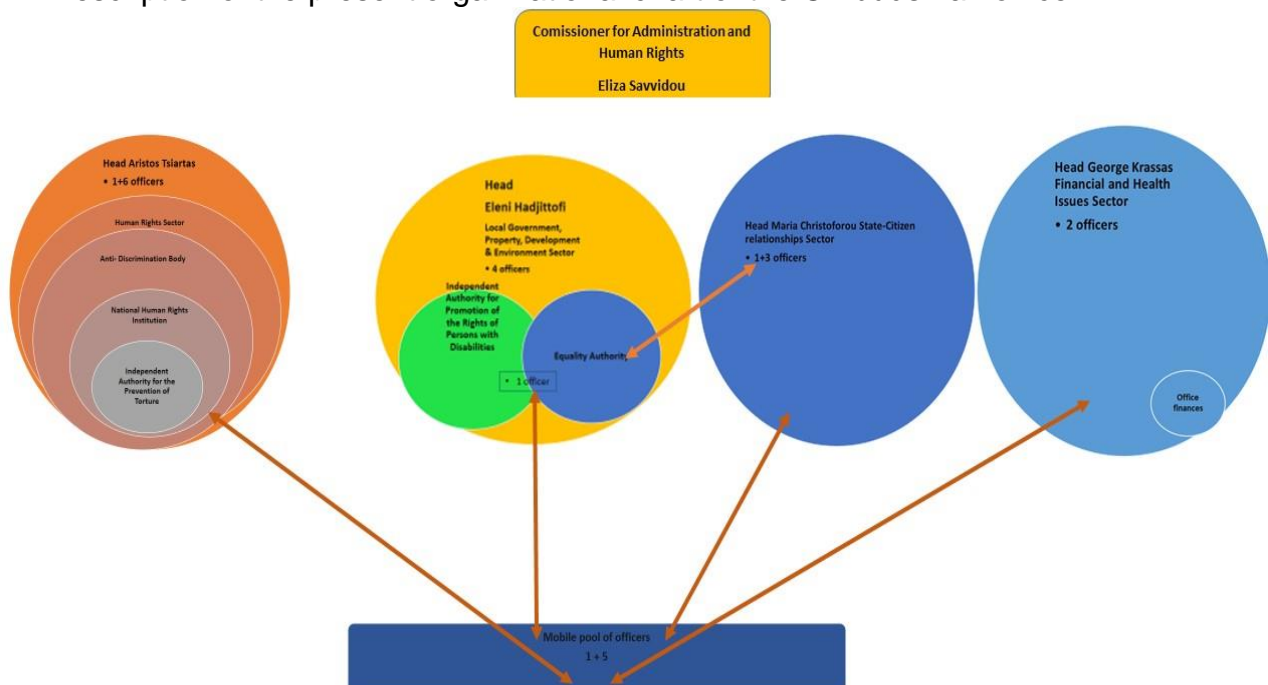
3 DEVELOPING THE ORGANISATIONAL STRUCTURE AND DELIVERY OF SERVICES

3.1 Management structure and organization

In order to function effectively and coherently the Commissioner's office needs a proper management structure and renewal of the organizational model. According to the schemes of service it is the duty of the Commissioner to take care of the management and smooth operation of the office and the duty of the first officer to assist in that work. At the moment the focus of the highest management as well as other levels of the management is on substantial issues, and units vary a lot in size and working manners. In general, the present organizational chart is the result of an evolutionary process and ad hoc coping on broadening mandates of the office.

Three officers (A11*) have a semi-managerial supervisory role at the office, although according to schemes of service they are not fulfilling a managerial post. Their duties vary, but all of them use a lot of time in hands on advising other officers and organizing work. This type of roles with managerial duties without managerial powers can easily bring confusion in any organization and should be avoided. Administrative duties are distributed to single officers all over the organization, and leadership roles are taken sporadically in different units and the present organizational structure.

Description of the present organizational chart of the Ombudsman office:



OFFICE OF THE COMMISSIONER FOR ADMINISTRATION AND HUMAN RIGHTS Eliza Savvidou					
Head Aristos Tsiartas	Human Rights Sector		1 A11 Officer 5 Officers	~ 30% of submitted complaints	~ 23 reports yearly As ADB: ~ 14 own initiatives, reports, interventions, press releases yearly As NHRI: ~ 15 reports, press releases, public statements yearly As NPM: ~ 2 reports, press releases and 4 visits yearly
		Anti-Discrimination Body			
		National Human Rights Institution			
		National Preventive Mechanism			
Head Eleni Hadjittofi	Local Government, Property, Development & Environment Sector		4 Officers	~ 20% of submitted complaints	~ 24 reports yearly
		Equality Authority	2x0,5 Officers = 0,5 A11 Officer (<i>shared with State-Citizen Relationships Sector</i>) 0,5 Officer (<i>shared with independent authority for disability</i>)		~ 11 reports or own initiatives
		Independent Authority for Promotion of the Rights of	0,5 Officer		~ 12 reports, own initiatives, press releases

		Persons with Disabilities			yearly
Head Maria Christoforou	State-Citizen Relationships Sector		0,5 A11 Officer (<i>shared with Equality Authority</i>) 3 Officers	~ 30% of submitted complaints	~ 14 reports yearly
Head George Krassas	Financial and Health Issues Sector		2 Officers	~ 20% of submitted complaints	~ 9 reports yearly
	Mobile pool of officers		1 A11 Officer 5 Officers	Participate in work of all sectors	Participate in work of all sectors
5 persons			23 persons		
1 vacant post			2 on secondment		
			12 secretarial staff		
5 + 1			35 +2		

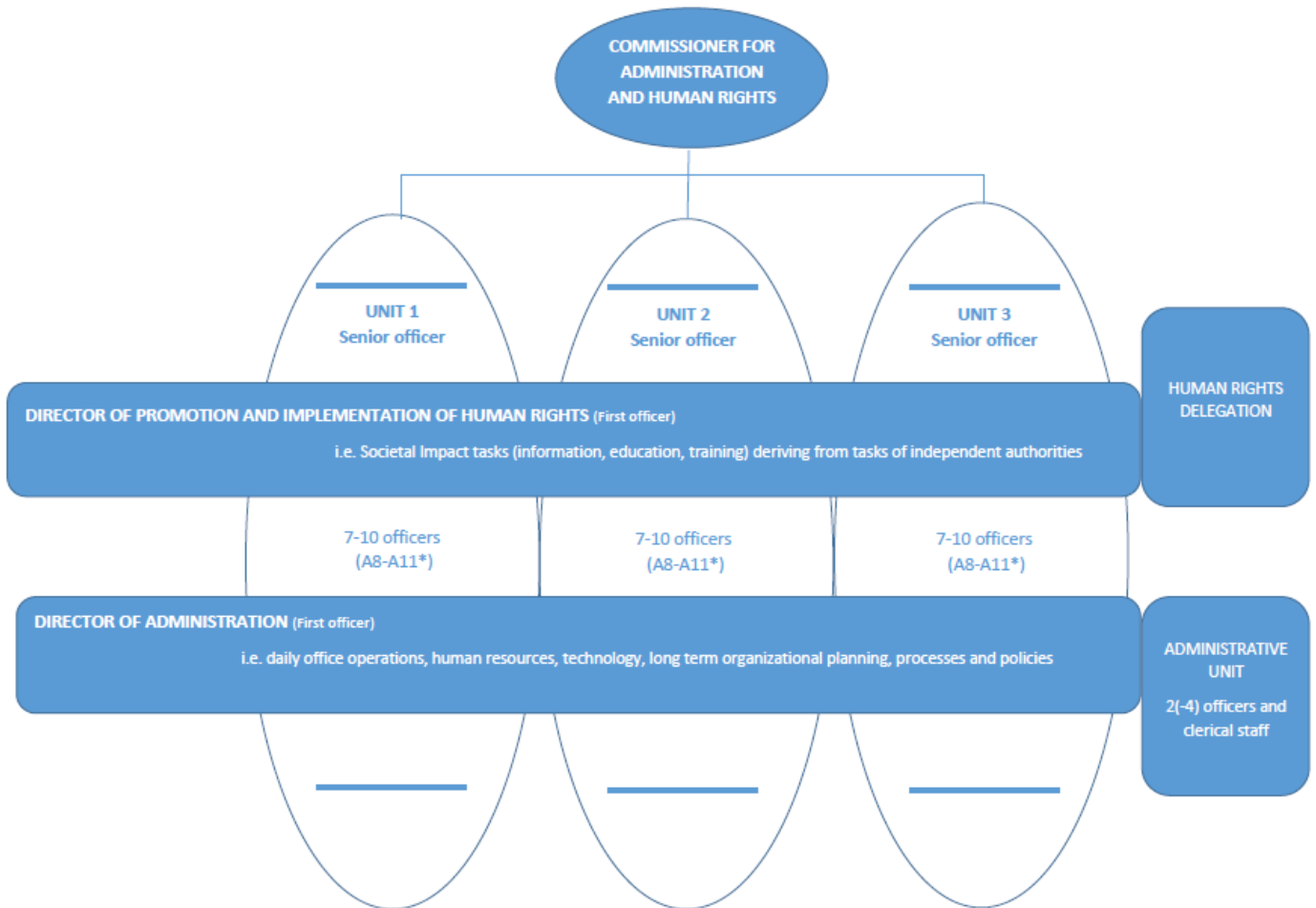
The organizational model needs clarification and unity in order to be clear for the own personnel and outsiders and in order to guide the daily work in an effective manner.

Recommendations

In order to establish a **proper management structure and renewal of the organizational model**, a strong recommendation is to direct the duties and responsibilities of vacant first officer post (A14) first and foremost to **leading the work at the office and making sure that the internal working procedures are renewed, reallocated and unified.** (Recommendation 13) Although being relatively small office, the organization has at the moment various standards for conducting both administrative and substantial tasks. The management spends a lot of daily working time supervising the officers according to various substantial standards and it can take up to 2-3 years for officers to learn different styles of middle managers. A small organization with various duties can't afford this type of "handicraft" management. The personnel of the office consists of very committed and capable officers with talents partly unused. **The broad variety of personnel's backgrounds and strengths is an asset** in taking care of the various and important human rights duties and roles of the office and should be seen as asset also by the management. There is a lot of room for taking ownership of the cases and public awareness duties by the officers independently as well as differentiation of duties according to personal strengths. Same principles could be

adapted in creating a working management structure based on focused director roles covering all the important functions needed in a modern organization.

Proposal for a new organizational chart: (Recommendation 14)



Division of managerial work in the proposal:

The Commissioner – Focus on the Ombudsman role both outside and inside the office and leading foremost the juridical work of the office. (Recommendation 15)

Director of Promotion and Implementation of Human Rights (First officer, DoH) – Focus on leading the societal impact issues (information, education, training, negotiation, visits) deriving from the tasks of independent authorities (National Human Rights Institution, Anti-Discrimination Body, Equality Authority, Independent Authority for Prevention of Torture and Independent Authority for Promotion of the Rights of Persons with Disabilities) of the whole office. (Recommendation 16) These functions go as matrix theme throughout the office, since the office has a good experience of the synergy of combining both traditional ombudsman duties and public awareness issues in work of individual officers. That is strength to be kept and nurtured. If needed the Director of Promotion and Implementation of Human Rights could also take any complaint or investigation under his authority.

The present **communications team** that started as a grass roots initiative by officers working for different units is an excellent example of a strategically highly important work for the whole Ombudsman office. The decentralized communications team should be made a permanent working form under the First officer focusing on social impact issues. (**Recommendation 17**) It is a good example of how to organize societal impact work as a common effort of the whole organization.

Director of Administration (First officer, DoA) – Focus on leading the internal work at the office including daily office operations, human resources, technology development, long term organizational planning, finances, processes and policies. All these issues go as matrix theme throughout the office affecting the work of everybody. A major renewal of the working procedures and creating new modern structures of strategic planning process, budgeting, day to day human resource management and developing the office culture is required during the next few years.

It would be sensible that the first officer would also lead a new **administrative unit** consisting of a few officers concentrating in administrative issues, internal communications and other common duties as well as the present secretarial/clerical personnel working now under the ombudsman. (**Recommendation 18**) That would increase professionalism in conducting administrative and common issues at the office and unleash resources of the case officers to substantial work. At the moment the administrative duties are distributed in small pieces to various officers all over the organization. A well led administrative unit would also allow the present secretarial/clerical personnel gradually to deepen and develop their duties according to altering needs of the organization developing its internal functionalities and ICT-usage.

In the future the office could consist of **2-4 thematic units of relatively even size** (7-10 persons). The **senior officers** (A13) would lead the units concentrating in good leadership of the group of officers both in substantial and personnel matters. (**Recommendation 19**) That would mean organizing and distributing work together with the Ombudsman and First officers both in carrying out investigations and conducting duties rising from societal impact targets of the office. That would mean leading the units more like teams working together, learning from each other and sharing expertise. That is important in order to hinder officers only specializing in too narrow fields, which brings with itself problems in viability sustainability of the knowledge base.

For thematic organization there are several possibilities, the evaluation of which can be carried out only by the Commissioner's office itself. The reviewers put forward the following as one possible starting point for this division of tasks between the proposed three units:

- Unit 1: Migration, asylum, police and prison + NPM-function
- Unit 2: Social welfare, social protection, social insurance, employment, education, financial issues, development of property, environment and local government

- Unit 3: health and civil rights + Equality Authority function + Anti-Discrimination Body function + CRPD-function

The reviewers find that the NHRI function must not definitely be placed in any given unit, but could be an overarching function of the entirety of the Commissioner's office.

The present mobile pool of officers would be abolished. (Recommendation 20) The mobile pool has provided good flexibility to use of the personnel resources at the office with expanding duties and it has also provided good opportunities for at the office learning for the officers. However, it has also brought with itself a lot of negotiations of resources and sometimes too many roles to handle in the same time. The long and broad experience of A11* officers is in best use in demanding cases and for example in running campaigns or taking over all responsibility of specific projects.

A well-functioning management structure requires also a steady and trustful working manner between the managers, and therefore it would be important to **establish a Management Board** to coordinate all the issues concerning the organization. (Recommendation 21) A regular meeting structure is highly important for a well-functioning Management Board. It could come together every week, for example every other week in concise form (consisting of the Ombudsman and two First Officers) and every other week in comprehensive form (consisting of the Ombudsman, two First Officers and unit heads). The task of the Management Board would be to provide manageable size of responsibility areas for all the managers, safeguard the necessary changes and strategy based work coordination between case handling and societal impact task as well as ensure long term development and good leadership in the Ombudsman office.

Going over to the Management Board model in office leadership is a major change to present single head model. In order to make it work well already from beginning it would be important that the new **Management Board gets professional coaching for creating common vision, good working practices and trustful relationships between each other and towards the organization.** (Recommendation 22) The coaching should go on for at least one year; first with shorter intervals, later with longer intervals.

The need to establish the function of a **Substitute to the Commissioner** (recommendation 5), and the issue of **strengthening the pluralism** in the Commissioner's office (recommendation 11) have been addressed above (see sections 2.3 and 2.7).

3.2 Changes to working structure and internal procedures

Renewing the structure of the office and implementing more effective working manners include also scrutinizing the internal procedures. Office guidelines and data bank of model phrases would be good help in achieving simpler and more effective procedures. Some guidelines exist already now, but they are not in everyday use and need to be updated.



3.3 Discretion in complaint examination

The Commissioner's threshold to start investigating a complaint is presently quite low. This means that the Commissioner will proceed in complaint handling even with small indications justifying examination. In other words, the Commissioner does not usually use her discretion in the direction of dismissing complaints. The current legislation would allow for more flexible ways in complaints handling.

The depth and manner in which complaints are examined falls in the remit of the Commissioner's independency, and there can be no outside influencing in the matter. It can however be said that the experiences gained during some four years (from 2011) of using more discretion in complaints handling by the Finnish Ombudsman are very positive. The share of complaints that have been investigated thoroughly by formally inviting statement from an authority has dropped from the prior level of 33-39 % to 24-27 % (of all complaints). In practice this means, e.g., that more cases have been resolved by informal contacts by phone or email from the Ombudsman's office (for example correcting authorities' clear, individual shortcomings of delays in answering the complainant in their matter). When inviting an authority's statement, the Ombudsman may also limit the scope of issues to be examined so that only some aspects of the complaint may be investigated. The examination of a complaint indicating a possible error may also be altogether dispensed with, on case-by-case discretion by the Ombudsman, for example if the matter is trivial, does not represent a more general problem, there are no major basic or human rights issues involved, the authority in question is already aware of their mistake and has corrected their actions, or there is for some other reason no weighty grounds for the Ombudsman's intervention. This is not so say that "small" cases would not be examined – on the contrary, if there is a possibility for the Ombudsman to help correct an issue, no matter how small, the Ombudsman can and will interfere (quickly).

By applying the said new proceedings as from 2011 the average handling times have been shortened by almost a half (from 6 to 3 months), the backlog of cases has reduced significantly and most importantly, it has been possible to put more emphasis to such cases, where the Ombudsman's intervention can effectively and timely help either the individual complainant or address more broadly a general problem.

Recommendations

The key idea behind the use of the Ombudsman's **more flexible discretion** is to guide the use of available resources to important matters, where the Ombudsman can actually help or make a difference. (**Recommendation 23**) It is recommended that in the internal strategic planning in the Commissioner's office more emphasis is put in issues of **prioritising between different kinds of complaints** and identifying and formulating **general guidelines that help individual officers in deciding the urgency and need to investigate** (parts of) a complaint. One example would be the broad criteria applied in the work of the Finnish Ombudsman, which criteria are further elaborated in the office's internal guidelines and the training of the staff:

- can the Ombudsman help?
- is there need for the Ombudsman's criticism?
- is there need for the Ombudsman's recommendation?
- is there any other reason for Ombudsman's actions?

There should be a target of **one year's maximum duration** for the examination of complaints at least under the Ombudsman function and the CRPD-function. (**Recommendation 24**) It may be argued that replies to - even successful- complaints longer than one year after the lodging of the complaint may not satisfy the complainant. Also other complaint matters (those under the Anti-Discrimination Body or the Equality Authority) that involve specific procedural rules should also strive to achieve the one year's target.

Discretion in complaints handling is paramount in reducing the examination times of complaints. Other measures to speed up the handling of cases are proposed below (section 3.4).

3.4 Handling of cases

The Commissioner is personally involved in the beginning of complaint handling. Also each outgoing decision and report is signed by the Commissioner personally. All complaints and letters go first through the hands of the Commissioner personally, who designates the case to proper section/function. The Commissioner may issue instructions about the handling of the case. After this the case proceeds to one of the sectors dealing with Ombudsman complaints or to one of the three other functions that handle complaints (i.e. Anti-Discrimination Body, Equality Authority or CRPD). Section heads may issue further instructions to their officers about necessary investigatory steps (e.g. whether the matter falls under the Commissioner's remit and if not, under what grounds, and how to make con-

tact with the object of the complaint). Interim letters e.g. inviting an authority's comments are usually signed by the section heads; however the most important cases are signed by the Commissioner. The section heads also check all draft letters before they proceed to the Commissioner's review. The three supervisory advisers perform similar review with regard to those junior to them.

There are possibilities to make the process lighter. It is recommended to erase the double and triple checking manners which at the moment imply to many letters, statements and reports produced by the officers. It is crucial both for the effective workflows and sensible use of human resources to minimize the need for several persons handling the same cases and papers moving back and forth in order to be rewritten and checked by several levels.

Recommendations

In particular, the early stages, i.e. the distribution of cases within the office, and notification to the complainant of the person taking care of the complaint, could be simplified and expedited. **Letters informing the complainant** that their complaint has been received and registered and about the person taking care of the case **could be signed by someone else than the Commissioner herself**, e.g. by respective head of unit. (Recommendation 25)

Also, as a detailed observation, **it should not take up to two weeks, as now may be the case, to deliver a new case to the drafting officer**. Internal working methods should be developed so that this phase would take 1-3 days at most. (Recommendation 26)

Two, possibly three stages in the internal processes can be regarded as excessive. This kind of hands on guidance on a case by case basis is indeed very diligent quality control, but it is done at the expense of expeditiousness. Several levels of internal steps are not conducive towards boosting independent working by the officers, who are all experienced in their work.

It is recommended – taking also into account the proposed changes to the organizational structure of the Commissioner's office – that in the future **the distribution of cases would be taken care of by the senior officers**. (Recommendation 27) These (thematic) unit leaders would be best placed to know both the individual strengths of persons working in their units and also their changing day-to-day work situation. Senior officers could organize and distribute the work in cooperation with the Commissioner and the first officers, as it is recommended that the senior officers would take part in the work of the office's management board.

Conversely, the senior officers would be best placed to conduct the **checking of drafts** before they go to the Commissioner. (Recommendation 28) This way there would be, as a rule, only one intermediary level between the Commissioner and the officers both with regard to incoming and outgoing letters and drafts. This would make the process simpler, more effective, better manageable and quicker.

As the nature of the Commissioner's mandates is versatile and flexible, the division of cases and the checking of drafts could also, on *ad hoc* basis e.g. concerning important reports, be taken care of directly by the Commissioner or by the first officers.

3.5 NPM inspection visits

The Commissioner's NPM inspection visits are conducted by the office's own staff. No external experts participate in monitoring visits. Outside expertise from, e.g., medical doctors, psychologists, health and safety experts, is thus not available. Given the educational background (mostly legal) of the office's staff, many issues may be left undetected in inspection visits without the use of other kinds of expertise.

It is recommended by the SPT⁵ and in the best practices of an NPM to be able to use outside experts. For example, the Danish NPM has close cooperation with an NGO on matters of specific medical and human rights nature, the Slovenian NPM has cooperation agreements with several NGOs in specified thematic areas, the Estonian and Norwegian NPMs have outside experts and the Georgian NPM has a pool of experts. In Finland the Ombudsman Act (article 11 g) provides for the use of outside experts during inspections. The expert must have knowledge that is relevant from the point of view of the inspection (e.g. a medical doctor, representatives of minorities or civil society).

As for the entire NPM, it is paramount that also the outside experts are independent from the government and the places of detention. The use of outside experts is not to be understood as outsourcing of public tasks or the tasks of civil servants, but instead as an additional means to improve the NPM's right to obtain relevant information and to carry out its function effectively.

The Law 2(III)/2009 ratifying the OPCAT and establishing the NPM within the Ombudsman's Office (Section 13, subsection 1) refers to the provisions of the Ombudsman Law as regards the staff and office (Section 4 of the Ombudsman Law). It is considered that, in the exercise of her duties, including the NPM, the Ombudsman is assisted by the Office staff who are recruited through a specific procedure of the public service and are considered to be public servants. There are no provisions in place regarding the possibility of using external experts and the procedure for their election and participation.

Recommendation

Legislative obstacles, mentioned above, should be removed so that the Commissioner could have recourse to external experts in the NPM function. (**Recommendation 29**). It is also recommended that the Commissioner applies, and is afforded, **funding for recruiting outside experts who could participate as**

⁵ SPT (25.1.2016): Analytical assessment tool for national preventive mechanisms (CAT/OP/1/Rev.1), at http://www.ohchr.org/Documents/HRBodies/OPCAT/AnalyticalToolsNPM_en.pdf (paragraphs 16(e), 20, 23 and 43)

experts in NPM-inspection visits ([Recommendation 30](#)) Other questions pertaining to the resources of the NPM-function are addressed later (section 5.2).

3.6 Internal procedures and guidelines

PACE recommends internal procedures guaranteeing the highest administrative standards in the Ombudsman's own work, in particular fairness, efficiency, transparency and courtesy ([PACE Rec 1615 \(2003\)](#), § 7.8).

The process of compiling office guidelines for handling cases and collecting model phrases should be organized as a common effort of all the officers and the management. It is a unique opportunity for common learning, exchange of experience and setting common standards and discussing deeply the strategy and priorities of the work. In order to manage the multitude of roles the office needs to start a proper strategy process very soon and producing the common guidelines is a natural part of the process. It would bring the strategy alive and help in prioritizing challenges.

Recommendations

The effectiveness of the work of the Commissioner could benefit from clearly set and generally applied standards, models and workflows. The Commissioner's office is **recommended to create the necessary guidelines and rules for internal work and organization.** ([Recommendation 31](#)) Written rules or guidelines of procedure that are followed for example in complaints handling, customer service, issues of international cooperation, various awareness raising and educational campaigns, issuing press releases and taking part in working groups are well founded from the perspective of managing and developing the work inside the office. Written guidelines are good also from the point of view of individual officers, who can benefit from uniform standards.

Overall, the inefficiency caused by differentiated working methods within the office may be reduced by adhering to more systematic rules of procedure. Also, in the case of on boarding a new staff member, written guidelines help the initial learning period to the office's practices. Written guidelines, including descriptions of workflows and methods of work, also make the creation and adoption of possible new ICT-systems much easier and more cost effective.

3.7 Better use of ICT

The present technical methods of producing documents and searching for relevant legal background seem ineffective and outdated. The nature of Ombudsman's work is highly specialised and requires expertise and good knowledge base. Given the present **lack of intranet, shared drives and case and document management system** the necessary specialised knowhow is largely dependent on individual sources of information (officer's own hard drive, asking colleagues, inquiries to paper archives, several levels of checking drafts) and the system is therefore vulnerable and not nearly as effective as it could be.

More effective work flows and making better use of ICT possibilities are an important development at the Ombudsman office and that development will change the work of the present clerical personnel. Many roles important now in conducting manual document processing and manual archives will be abolished or altered in the future. One important part of preparing to these changes is developing the contents of work of the clerical personnel towards modern working methods and taking more responsibility of conducting administrative duties independently. For example, at the Ombudsman office in Finland, the administrative personnel are conducting advanced information searches for case officers and also sometimes participating in substantial duties. A long term plan and training should be drawn for the future work of the clerical personnel of the Cyprus Ombudsman office.

This is an important recommendation also from the point of view of the Growth Strategy undertaken by the Presidency. When the present type of clerical work gradually disappears alongside with making better use of ICT and other modern integrated working methods at the Commissioner's office and all over the public sector, it is important that the work contents of the present clerical personnel are developed, both in what comes to schemes of service and building new capabilities. In case the present work contents and schemes of service are seen as hindrances in this process, it will slow down the necessary change and growth. It is important that schemes of services are used as a development tool and an enabler, and that they are driven from the needs of the mission of each organization, not from the past or present working methods.

All the ICT development does not need to wait for new systems. There is also room for making better use of the present working tools at the office. For example, using common and shared outlook calendars would be a good step in better coordination and also a remarkable in daily information flow at the office. Now some of the officers are using the electronic calendars, but only privately. Some of the officers are not aware of these or other good tools available already now. This reflects the fact that an overall development of working methods and induction to duties and working methods is not taken care of at the moment, and the work of the office is spread to small cells both physically (in several floors) and in every day leadership of the work. In the future it is important to ensure that proper ICT training for using the office hard ware and software is given to whole personnel and also sufficient ICT support is available on constant basis. Integration of the present hardware stock is also important in the future in order to whole personnel to be able to use same systems.

Recommendations

It would be very important to make a concise joint effort to **create models and templates** to be used in most often recurring issues (e.g. model answers to repetitive complaints and templates for requests for statements), and to make these templates electronically available for each officer's use. (**Recommendation 32**) Equally if not even more important would be to **create a joint electronic knowledge base** concerning the Commissioner's own case law. (**Recommendation 33**) It would enable the officers to search independently for prior similar cas-

es or legal interpretations, and to use the prior cases as models for new decisions. This would enhance the speed, quality and uniformity of the examination of legal issues by the Commissioner's staff, and also enable more simple processes within the office, for example by reducing the levels of draft checks before the case is presented for the Commissioner's approval. Copy & paste technique in simple and often recurring cases would be beneficial for the overall effectivity of the Commissioner, as more time and resources would be available to difficult cases that require in-depth examination of facts and complicated legal argumentation.

It is of utmost importance that the project of **creating a new case management system** is implemented effectively. (**Recommendation 34**) The funding for this project, 40 000 euros, however seems very limited (it may be noted that the costs of creating a comprehensive case and document management system to the Ombudsman's office in Finland is about 240 000 euros, including license fees and the implementation process). The funding should be flexible (generous) enough in order to secure the achievement of this vitally important tool for the Commissioner. There are always risks associated with creating and adopting new ICT-systems. Very careful planning and functional definition of the new system, jointly with outside ICT-expertise, is absolutely necessary in order to avoid delays and unnecessary extra costs in the further development of the system. The system's architecture and interface should be open enough to allow future changes based on user's operational needs.

4 STRATEGIC FRAMEWORK AND GOAL ORIENTED MANAGEMENT PROCESSES

The government of Cyprus recently launched a fundamental reform plan for renewing the country's public financial management (PFM) system towards performance oriented Public Financial Management. The reform targets to efficiency gains to promote sustainable growth.

It will create for line ministries and Independent Services more flexibility in managing their staff and other resources and invites them to focus efforts on improving the quality of their services. Increased flexibility is connected to the need for greater accountability. The introduction of strategic planning provides necessary tools for ministries and Services/ Authorities to meet this requirement in the future.

The adaptation of strategic planning approach within the public administration proceeds in stages. By July 2015 the 10 Ministries and 2 Independent Services were requested to submit to the Ministry of Finance a draft of Strategic plan (SP) indicating the objectives to be achieved for 2016-2018 and activities and measures to be taken in order to meet the objectives. They were submitted to the Council of Ministers with the 2016 Budget Proposal. The rest of the ministries and Independent Services including the Commissioner for Administration and Human Rights are in turn in the next stage targeting to provide the respective documents in context of the budget proposal of 2017.

4.1 *Tight timelines to adapt strategic planning approach*

The Commissioner's office faces the same challenges of modernisation as concerns the other Public organisations. The path ahead the office has in applying the principles and practices of strategic planning and performance management takes a lot of additional effort and commitment to pass through. The further introduction to the office management practices revealed that the office does not have a tradition of activity planning or strategic priority setting. The office has no strategic plan or activity plan for short term priority setting. There are many reasons for that but mainly it is due to the fact that the existing management routines of the office have not so far provided a common platform for managers to deal with operational or strategic issues on regular and structured basis. The office has concentrated to run the substance issues but responsibilities of activity planning, financial management and human resource management have been for the time being weakly acknowledged as comes to the time share and resources devoted to those tasks. In the hierarchy no one has clearly pointed out to have responsibility to manage and coordinate the activity and resource planning in a professional way. The need or outside pressure to commit to these exercises has not been perceived.

According to the instructions of Ministry of Finance the Commissioner's office has to create the strategic plan including a scheme of performance assessment and to adopt the key performance indicators. They should be included in the 2017 budget proposal. The time frame is very tight and it calls for prompt activa-

tion of the planning process within the Commissioner's office. Understanding the comprehensiveness of the reforms the Ministry of Finance has offered support to public authorities in launching these reforms to keep the process in move. This option is very valuable for the office since the changes the office faces in coming years as concerns their management, organisation of work and both tangible and intangible resources as well as the working culture are extremely profound. The guidance and share of experiences the MoF could offer is of high added value for the office and additionally may also speed up the implementation.

In summer 2015 all the management level officials of the office were invited to participate in training which introduced the core ideas and concepts of the strategic management and performance orientation. The training was organised by the Cyprus Public Administration Academy. The purpose was to kick off the strategy proses within the office. The definitions for the mission and vision for the office were outlined during this training. However, the strategic work in the office didn't proceed after the training mainly because of the lack of ownership and commitment to promote the process within the management level but also because the adequate management structures and routines engaged with strategic planning were missing. As comes to the activity planning the section heads make in the beginning of every year a plan of activities in their substance field.

The Commissioner's office has an exceptionally broad mandate which results in vast range of special topics to deal with on daily basis. The organisation is unique and has an important role not only in the public administration but in the whole society. It sets high requirements for quality of its services as well as for the knowledge and competences of the staff. The office has recognised the importance of promoting of public awareness in its task field even though the limitations of the human resources have increased with new mandates. The situation where there is discrepancy between scale of activities and resources needed gives impetus for making strategic choices and setting priorities to meet the performance goals with available resources.

Recommendation

The Commissioner's office should **embark urgently on the currently largely disregarded strategic planning process** (**Recommendation 35**) in order to meet the timeframes the MoF has set for the reform of Public Finance Management. The responsibility of the strategic planning belongs to the management. Defining the strategic choices is taken place by top management. Advancing systematically and by components would lay a sustainable foundation for the Commissioner's office's strategy work.



To facilitate the process in the Commissioner’s office would need to

1. establish a routine of management board (which is presented in section 3; recommendation 21) meetings in order to provide a platform to deal with strategic and operational issues. Strategy work is an integral part of top management function.
2. designate a staff member(s) to be in charge to coordination and steering processes of strategic and operational management of the office. This is a full day basis work which does not currently exist in the office but would be beneficial for systematic and scheduled advancement in reforms. This issue has been dealt more thoroughly in this review in the context of recommendations for developing the organisation of the office (section 3).
3. nominate an *ad hoc* team of staff members to act as internal change agents during at least the period of introduction of new approaches and measures. This preferably horizontal team would contribute the adjustment with and commitment to the reforms within the organisation by various means like sharing information, collecting the initial experiences of implementation, making initiatives for improvement of measures or processes applied.
4. share the strategy documents with staff. It must be deeply installed in the office as being shared and owned by every staff member. To communicate it externally is essential too.

To run the process

5. Conduct Internal and external analysis of the environment. Scanning the internal organisational environment (e.g. interaction, organisational structure) helps to identify the strengths and weaknesses of the office which helps the managers to decide the future path. The external analysis would reveal opportunities and strengths of the office which would be of benefit in strategy formulation.
6. proceed in strategy formulation by defining the long term objectives for the office, evaluating the financial, social and other preconditions/constraints having impact on strategic choices, setting qualitative and quantitative performance goals and finally make the strategic choices.

7. translate the chosen strategy into the actions of the office. In this phase a crucial key of success is the strategic leadership. Excellently formulated strategies will fail if they are not properly implemented.
8. identify the key processes needed to deliver the office's strategy
9. identify the critical success factors of the office
10. communicate the strategy documents and using it as a basis for planning of activities and setting of objectives and target throughout the office.
11. develop new skills in critically important areas such as strategic and budgetary planning, developing and monitoring KPIs

To improve

Strategic management is a continuous and iterative process. Evaluation and monitoring the necessary phases is necessary to complete the strategy process successfully. For this purpose, the office would need to

12. create a systematic data collection, reporting and communication system on office's performance for the management to enable sufficient and updated information for regular monitoring and follow up the office's performance, to identify the performance gaps/deviations from the target in time to make corrective measures.
13. evaluate the relevance and effectiveness of office's strategy in the management board periodically and make then corrections needed in strategic decisions and priorities
14. benchmark the performance internationally with similar organisations and pay attention to the stakeholder's feedback
15. evaluate the awareness of the strategy within the organisation and among stakeholders

In strategy work it is important to bear in mind that a good strategic plan is not a shopping list of things wanted but documented choices and directions of the organisation. A strategic plan is the "big picture", a directional document which should last for a longer period. Strategy deals with long term developments rather than routine operations. It should be complemented with an operational plan which has a focus on shorter term goals, usually over one year. A good operational plan includes also a detailed action plan with a budget. As concerns the Commissioner's office one critical success factor in getting good results in implementing strategic approach is to actualise the true transformation towards planning culture within the office.

4.2 Managing financial resources and premises

The financial framework of the Ombudsman office is very limited. In practice the whole budget goes to salaries and rent of the premises. Functional budget is minimal and all the public awareness and societal impact activities belonging to the role of the Ombudsman and independent authorities under it are financed with special project funds (EU) and in co-operation with NGOs and other organizations. This situation, where an organization does not have sufficient funding for

its duties, can't go on for long time. The Commissioner's office has to be active and prepare a request for an increase in its annual finances.

At the present stage the working time invested in financial management at the Commissioner's office is 5% of one senior officer's working time, so it is understandable that more input in administrative leadership is needed to balance the situation with finances as well as other administrative issues and to create good co-operation between the Ombudsman office and the Ministry of Finance. Several international bodies (see section 2.2 above) have voiced out concerns over the Commissioner's financial constraints.

Recommendations

According to the plans originating from the present public service reforms there is an urgent need to start an overwhelming strategy process with transparent and illustrative **key performance indicators** as one of the outputs. (**Recommendation 36**) It is of utmost important that in the future the Commissioner's office has one unified strategy and the whole range of the Ombudsman activities is portrayed both in the budget and in performance monitoring. In future the strategical plan could include for example a yearly theme taken into consideration in all the functions of the office.

Creating good key performance indicators is a process deeply affecting the way an organization is managed, work performed and prioritized. That is why the whole management should participate in the process of planning and implementation of the new measures. In case it is done only by a few officials from the Ombudsman office and a few officials from the Ministry of Finance, there is a danger that the required leap forward is not achieved.

The office has been active in lowering their rent expenditure, when the possibility came with the economic decline. The good feature of the present premises is the central location and accessibility for the public. The present premises are though still quite expensive and non-functional from the point of view of internal cooperation. The personnel are working in small "cells" in six different floors without natural possibilities to see each other on the course of the working day. In the near future, when the present contract is coming to an end, it would be a good opportunity to **change to cheaper and more functional premises** fulfilling the needs of the Commissioner's office. (**Recommendation 37**)

The Ministry of Finance should take in account also the valuable public awareness function of the office in **budget allocations as well as upgrade the share of activity costs** enabling to take modernization measures as concerns ICT and developing the capabilities of staff to meet the demands of changes in working environment. (**Recommendation 38**)

5 IDENTIFICATION OF RESOURCES AND STAFFING NEEDS

5.1 *Turnover of the personnel*

In general, the present personnel of the Commissioner's office have very long working career at the office and even the last recruits have joined the office 2009. Developing clear and transparent working methods and common working guidelines is an important procedure for preparing to on board new personnel sooner or later. The present situation where the on boarding is done mainly based on personal guidance, the onboarding time is too long for effective work start.

Some personnel changes have occurred through secondments to other government organizations. The attitude towards secondments has not been very positive by the Commissioner's office, although it is government policy and a very good form of human resource development and network building. The Commissioner's office has clearly benefited from the secondments accomplished so far. For example, the communications team essential for the office to fulfill its public awareness role in comprehensive and modern way, was established as an active initiative emerging from officers' needs and based on experiences gained during secondments elsewhere.

Recommendation

It would be recommended to **start using secondments as an active tool of human resource management and development** at the Commissioner's office, since an important strategic target of the office is to ensure good public management. **(Recommendation 39)** By actively taking in seconded personnel interested in human rights and willing to work for the Commissioner's office, the office could enlarge the amount on public officials with good knowledge and experience of taking human rights into account in their work where ever they career goes later on. The secondments can be regarded as particularly important in the present situation, where posts have been freezed and other realistic avenues to maintain or increase the staffing resources are unfortunately not available. In the present situation secondments can also be seen as a means to flexibly meet the challenges and needs of human resource management.

The ICC has adopted [General Observation](#) on staffing and on secondment. The key premise in recruitment is that an NHRI should be empowered to appoint its own staff in order to be independent of the government. Secondments are possible within certain bounds.

General Observation's point 2.4 concerns recruitment on a general level:

"2.4 Recruitment and retention of National Human Rights Institution staff
National Human Rights Institutions should be legislatively empowered to determine the staffing structure, the skills required to fulfil the Institution's mandate, set other appropriate criteria (such as diversity), and select their staff in accordance with national law.

Staff should be recruited according to an open, transparent and merit based selection process that ensures pluralism and a staff composition that possesses the skills required to fulfil the Institution's mandate. Such a process promotes the independence and effectiveness of, and public confidence in the National Institution.

National Institution staff should not be seconded or re-deployed from branches of the public service."

The ICC justifies this part of the General Observation, for example, as follows: "Where the National Institution lacks either adequate resources or the legislative ability to recruit its own staff, particularly at the senior-level, and these are instead appointed by the Executive, this undermines the principle of institutional independence."

General Observation's point 2.5 concerns secondments:

"2.5 Staffing of the National Human Rights Institution by secondment

A fundamental requirement of the Paris Principles is that a National Human Rights Institution is, and is perceived to be, able to operate independent of government interference. Where a National Institution's staff members are seconded from the public service, and in particular where this includes those at the highest level in the National Institution, it brings into question the capacity of the National Institution to function independently.

A National Institution must have the authority to determine its staffing profile and to recruit its own staff.

In accordance with the relevant Paris Principle, the Sub-Committee is of the view that:

- a) Senior level posts should not be filled with secondees;
- b) The number of secondees should not exceed 25% except in exceptional or relevant circumstances."

In more detail the ICC justifies its General Observation on secondments as follows:

"Restrictions on the capacity of a National Institution to hire its own staff, or requirements to hire or accept seconded personnel from government agencies, except in exceptional or relevant circumstances, impacts on the real and perceived independence of an Institution and may impede its ability to conduct its own affairs in an autonomous manner, free from government interference. This situation is particularly compounded where senior staff members, who set the direction and foster the culture of the National Institution, are seconded.

The Sub-Committee highlights that this requirement should not be seen to limit the capacity of a National Institution to hire a public servant with the requisite skills and experience, and indeed acknowledges that there

may be certain positions within a National Institution where such skills are particularly relevant. However, the recruitment process for such positions should always be open to all, clear, transparent, merit-based and at the sole discretion of the National Institution.”

The reviewers find that general observation’s point 2.5 is specifically dedicated to the issue of secondments, and is to be interpreted as “lex specialis” with regard to the more generally aimed point 2.4 of the general observation. Consequently, the reviewers’ conclusion is that secondments cannot be totally excluded or turned down as an option. The secondment system is by its nature directed to the public sector.

The underlying rationale behind the ICC’s cautious – but not strictly prohibiting – attitude towards secondments is to guarantee the NHRI’s independency (both real and perceived), and not to let the government dictate the persons working for the NHRI.

As far as secondments *into* the Commissioner’s office from other authorities are concerned, the interference with the Commissioner’s independency cannot be regarded as significant. The main reason is that in order for someone to be seconded to an authority there must first be a request from that authority in question. The Commissioner can also decide on the requirements for and the content of the post. The system works both ways and the case may also be such that the Commissioner may get somebody she wants to work as a secondee despite the objections of the head of authority where that person has their permanent post. The status of the Commissioner and the ICC’s recommendations make it in any case of paramount importance that the independency of the Commissioner is not undermined by way of using secondments excessively or for motives that are aimed to influence the substance of the Commissioner’s activities. The system in place seems to exclude this kind of influencing.

Granted, as the secondee comes from the public sector, there may be instances where that person may have to be relieved of some sorts of the Commissioner’s duties, notably issues that concern the secondee’s own line of administration, or directly the secondee’s colleagues. These kinds of situations can however be satisfactorily dealt with by means of normal employer’s power to direct and distribute work within the office.

It is also important to hold **positive attitude to secondments from the Commissioner’s office to other public organizations.** (Recommendation 40) The reasons are partly the same as above. Additional reason is linked to the several times during the interviews stated wish of the management of the office to have and recruit motivated personnel interested in working especially for the Commissioner’s office. That important goal can’t be fulfilled in case wishes for secondments are refused. There can be several reasons for wishes to be seconded and they should be supported as good personnel policy, natural turnover of the personnel and as one tool for human resources development. As far as secondments from the Commissioner’s office are concerned, there are no foreseeable problems from the point of view of the independency of the Commissioner. Sharing a person’s expertise accumulated from working in the Commissioner’s office

for the use of another authority can in itself be regarded as one way of strengthening public administration and public awareness about human rights.

From the point of view of the principle of independency of the Commissioner's office it may be reiterated that it is of paramount importance that in secondments the office is free to define the background and scheme of service of the recruited personnel as well as free to make the selection. As mentioned above, this is also required by the ICC (free determination of the staffing structure, the skills required to fulfil the NHRI's mandate and to set other appropriate criteria). The management of the Commissioner's office has stated they would like to recruit more personnel with law background. Secondments are one tool for that.

5.2 Staffing levels

It has been emphasized that the Commissioner's status should be lifted to that of a Constitutional Service. Regardless of this, there is in any case need for major changes in the ways that staff is recruited in the Commissioner's office. Principal arguments are strongly in favor of granting the Commissioner independent and direct power to appoint own staff.

As stated above the secondments may, within certain bounds, be one way of ensuring that the Commissioner's office has sufficient staff for fulfilling its functions. In the present situation it could be a means to prevent and reduce work related exhaustion amongst the current personnel.

As described above (section 1.2) the Commissioner's traditional Ombudsman function produces relatively comparable figures to the Finnish Ombudsman as far as numbers of complaints are concerned. However the turnout, or the speed of examining complaints, is significantly slower in Cyprus. Several reasons may explain this relative ineffectiveness; certain shortcomings in the examination process, applicable legislation and the organization of the office have been discussed above and several recommendations have been put forward in order to develop the functioning of the Commissioner to be more effective.

In the context of quantitative comparison of numbers certain qualitative differences have to be taken into account. The Commissioner is very active and effective in following up the implementation of her recommendations (under various functions), for example by organizing seminars and meetings with stakeholders after the recommendation is issued. This kind of work does not translate into numbers but is extremely valuable, indeed something the Finnish Ombudsman could take example of. The Commissioner places also much more emphasis on educational, training and awareness-raising issues than the Finnish Ombudsman. Exact quantifying of these kinds of activities, when they are spread among different overlapping functions and handled by persons responsible also for many kinds of other tasks, is not possible without meticulous time-keeping system in place (which is rare and not used in Finnish Ombudsman's office, either).

The reviewers have estimated, concurred by the Commissioner's office, that at least 25 % of their work is devoted to other tasks than complaint handling. The

reviewers have no reasons to criticize these proportions in the balance of the entire workload of the Commissioner.

The bottom line is that the Commissioner has responsibility for more functions than the Finnish Ombudsman, or any other counterpart that the reviewers' are aware of, and has to deal with all these tasks by a very small organization. Taking into account the amount and versatility of the work of the Commissioner under all the six different mandates and the alarming information concerning sick leaves as well as the evidently heavy burden that the workload subjects the personnel, there is clear need for increased human resources as soon as the economic realities allow, and the Commissioner's office is adequately restructured to increase its effectiveness.

Recommendations

The Commissioner's resources for the NPM function (section 1.5 above) are quite clearly inadequate, and should be strengthened by at least one (1) officer (Recommendation 41; in addition to recommendation 29 concerning external experts) On a longer run a personnel of at least 3-4 would be adequate.

The NPM-functions are presently taken care of by two officers. It is unlikely that the level and amount of "regular visits", as required by the SPT, can be achieved by this small a staff. A personnel of two is also very vulnerable in case of absence from work for whatever reason. The situation is exacerbated by the fact that the Commissioner has not been granted any additional resources to her other tasks / independent authorities working under the umbrella of the office, either. NPM-function can in any case be strengthened by increasing the overall effectiveness of the office, and by distributing NPM-related tasks to a broader group of officers within the office. The latter cannot however be done without resources being pulled away from some other function of the Commissioner.

A recent input into discussion about the adequacy of the NPM's resources can be found from the CPT's findings concerning the Swedish Ombudsman, who has also NPM function ([CPT/Inf \(2016\) 1](#); 17 February 2016). Sweden has allocated additional funds for the NPM function and set up a separate OPCAT unit (four persons plus a part-time medical expert). The staff from the other units of the Office of Parliamentary Ombudspersons reinforces the staff of the OPCAT Unit on an *ad hoc* basis, during some of the visits. The NPM has conducted about 100 monitoring visits since its creation in 2011. The CPT found the staff resources to be "very limited", which prevented its effective functioning. The CPT invited "the Swedish authorities to take steps to increase significantly the financial and human resources made available to the Office of Parliamentary Ombudspersons and, in particular, to its OPCAT Unit."

It may be mentioned that the Slovenian Ombudsman was designated as an NPM in 2007. In 2015 a separate NPM-unit was set up as a pilot project. The unit consist of 4 persons (multidisciplinary team), who do not deal with complaints. The Norwegian NPM (within the Ombudsman's office) consists of six (6) persons. In 2015 they conducted 15 multi-day long

visits, had 47 meetings, attended 29 conferences or seminars and gave 19 lectures.

It may be noted that in the Finnish Ombudsman's office there is no separate OPCAT Unit. NPM visits are conducted by the staff, either on their own or together with the Ombudsman or one of the Deputy Ombudsmen/their Substitute. Total number of personnel taking part in NPM visits is more than 20 (i.e. majority of legal officers and some persons from the office's administrative unit). In 2015 there were 82 OPCAT monitoring visits. It should be mentioned that unlike in Cyprus, these visits were not particularly thorough and usually lasted for some hours only. Finland's OPCAT functions have not yet been evaluated by the SPT or the CPT.

It is also evident that the broad mandate under the CRPD function (section 1.7 above), which requires on-site inspections, examination of complaints, and the various forms of other activities summarised above, **cannot be adequately fulfilled with the present resources** of 0,5 officers, and **should be raised by at least one (1) officer** ([Recommendation 42](#))

The office would certainly **benefit from an ICT-expert**. ([Recommendation 43](#)) The advantages of an in-house ICT-expert that is familiar with the needs of the office and who can "translate" these needs into the technical language that an ICT-service provider uses and understands, are not to be underestimated. Experience has shown many times that ICT-projects will more or less fail without proper understanding of and expertise in ICT-issues, including skills in invitation to tender (procurement expertise). This service can be obtained from outside experts, but "own" expert would in the reviewers' view be likely to lead to better results.

5.2.1 Possible future developments affecting the staffing needs

Possible new Constitution

Provided that Cyprus will in the future have the possibility of writing a new Constitution, the mandate of the Commissioner might extend to the area of entire Cyprus. This scenario would certainly present the Commissioner with further challenges and opportunities both in Ombudsman role and as regards the functions of the independent authorities. This would of course require an entirely fresh examination of the resourcing needs of the Commissioner.

Monitoring forced removals

Several stakeholders heard during this review have expressed as their view that the Commissioner's present resources are incompatible with the prospective new tasks of monitoring forced removals from the country and that of the rapporteur of human trafficking. These tasks require independent monitoring and cannot be entrusted to an authority which is under the government's control.

The NPM has corresponded with the Ministry of Interior and the Ministry of Finance in connection with the appointment of the Ombudsman as the mechanism for monitoring forced returns, according to the Return Directive. The Commissioner has expressed her view that further staffing and financial resources should be allocated before taking any further enlargement of powers. The task of monitoring of forced returns is work-intensive, regardless of the authority taking care of this function. The task of monitoring forced removals is by its nature well suited for the NPM.

In 2013 there were 3 690 forced returns from Cyprus. Monitoring for example 5 % of forced returns would mean 150-180 monitoring missions in a year. Each monitoring would involve at least 2 officers from the Commissioner's office and it could take up their full working day in cases of monitoring only to the point of departure from Cyprus (airport). Significant additional time would be needed to travel to the country of destination and back in cases of accompanied returns. Extra time would also be necessary for:

- the preparation, writing-up and following-up of the reports
- the administrative/logistical/accounting work and
- for the travelling to/from the Office/place of detention/airport.

Time-off for the officers involved would also need to be provided for, as the monitoring could take place outside normal office hours, or, indeed, at any time of the day or night. No time-off arrangements are currently observed in the Office.

As mentioned, the NPM function of the Commissioner is currently already suffering from under resourcing. It is evident that the Commissioner should be **granted new permanent posts if this further new task of monitoring forced returns is to be assigned to the Commissioner**. The reviewers conclude that at least two (2) new posts (person-years) would be needed. These posts should not necessarily be "earmarked" to the new function. Instead the Commissioner should be free, if needed, to independently assign experienced and competent officers to the new task from the existing or "old" personnel, and to assign the newcomers to other tasks in the office. This might also be necessary to avoid conflicting interests with regard to those authorities that the Commissioner oversees in the task of monitoring forced removals. ([Recommendation 44](#))

Rapporteur of Human Trafficking

Another possible new function to be mandated to the Commissioner is that of the Rapporteur of Human Trafficking. This is a task that requires independency from the government. Tasks include: following the situation and how authorities act, following the functioning of assistance system for victims of human trafficking, training of authorities, advising authorities, reporting, international co-operation and acting as legal counsel in court proceedings. Again, fulfilling this new task without corresponding extra resources would not be advisable, as it would amount to reduction in the Commissioner's – already very sparse – resources in her other functions. The reviewers find that at least one (1) new post would be necessary. ([Recommendation 45](#))

5.2.2 Summary of the needs for new posts

As described above there are four functions, either existing (NPM and CRPD) or planned (monitoring forced returns and rapporteur of human trafficking) that are work-intensive but are (or will be) suffering from under resourcing. The fundamental answer to this challenge is dependent on the overall workload and effectiveness of the Commissioner's office.

The reviewers' finding is that the Commissioner has a very heavy workload. This finding is corroborated by various international human rights bodies and local NGOs (see section 1 above). In this report several recommendations have been put forward in order to boost the functioning of the office as a whole. These measures can in part help to channel existing human resources more effectively to the areas now under discussion.

The reviewers however find that the NPM and CRPD functions, let alone added by the two proposed new functions, cannot be adequately performed by the existing number of posts, even taking into account the benefits that are to be gained by implementing the recommendations to improve the efficacy of the office. It is recommended that the Commissioner be afforded, in total, at least six (6) new, preferably permanent posts (that need not be specifically "earmarked") (**Recommendation 46**):

- one (1) new post for the NPM-function
- one (1) new post for the CRPD-function
- two (2) new posts for the monitoring forced removals -function
- one (1) new post for the rapporteur of human trafficking -function
- one (1) new post of ICT-expert.

5.3 Effective working culture

It has been a pleasure to recognize that the Ombudsman office has invested in group working culture at the office by forming case by case small task forces and enhancing collegial work. That is an asset that should be further developed and systematized on unit level and the level of whole organization. At the moment all the working units do not have regular meetings to discuss common issues and the staff meetings organized do not include the secretarial personnel. It is impossible for people to know which process they are part of, in case the issues are not discussed openly and regularly together.

The regular meeting structure with possibility to discuss current issues would be an important step towards more effective working culture and shared vision. There are constantly contradicting objectives and timetables linked to the different objectives of the Ombudsman office and as long as the management discusses the prioritizing mainly between themselves the shared view of the vision and line of the office may seem vague even for the own personnel. It results easily in feelings of constantly changing priorities and lack of possibilities to af-

fect one's own work. It is important to bring these discussions of prioritizing to open forums and write down guidelines that help making every day decisions.

Recommendations

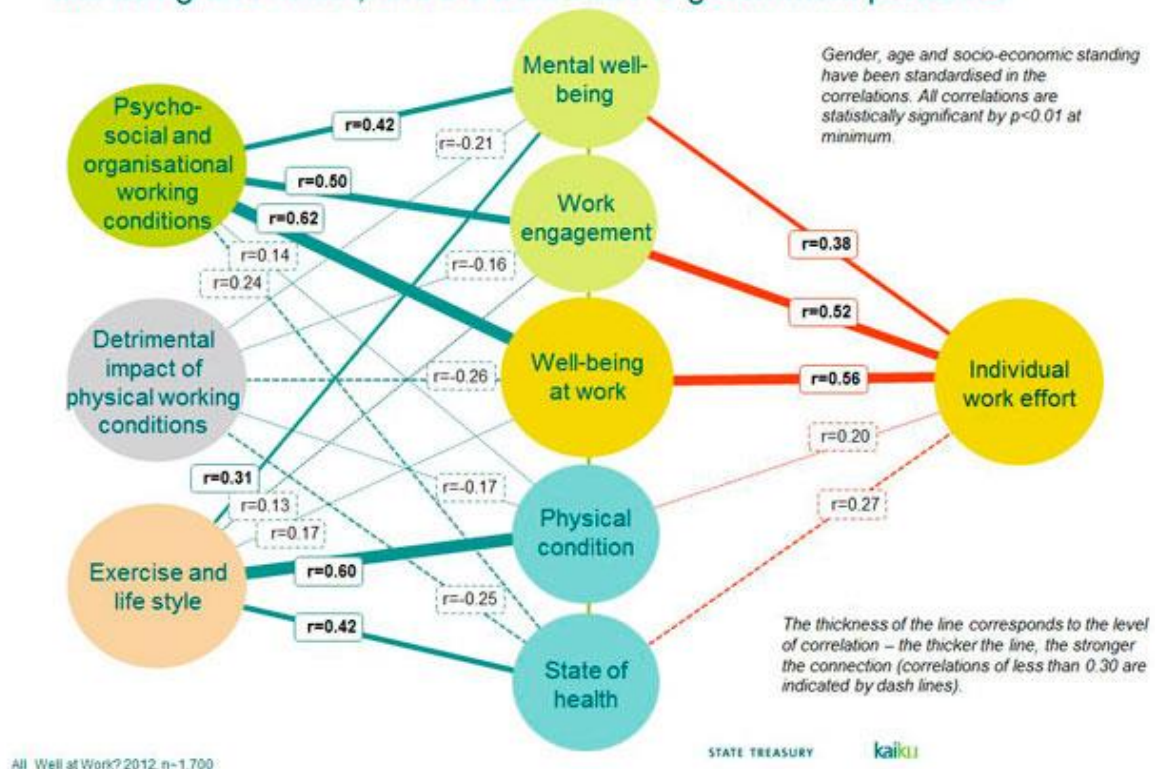
Regular unit and all staff meetings should be part of the office routines in future. (**Recommendation 47**) It is important to invest in dialogical and participatory nature of these meetings, so that the common ownership of office issues is established. Good face-to-face meetings are far better method for sharing information than the written circulars now in use. It is also important that the staff now working in many different floors come regularly together.

Special attention should also be laid in **minimizing written procedures of communication between the managers and the staff**. (**Recommendation 48**) It is important both for increasing effectively and occupational well-being to adapt an engaging and appreciative management style with straight informal connections between people. This applies also to conducting the yearly performance appraisals. In connection with other planned changes to the performance appraisal system, special attention should be laid in yearly face-to-face development discussions in order to enable common view of the work and its priorities.

5.4 Occupational well-being risk factors

The sick leave rates of the office are record high among the Cyprus public administration and also internationally. This is the major actualized risk identified during the functional review. The increased amount of work as the result of the broadened mandates of the office is probably one of the background factors in this issue. In addition to that the organization of the work, management style and the nature of work have a clear effect on the issue and should be considered in order to tackle the present situation and minimize the risk in the future (see the picture below). Deep understanding of the enablers of effective work needs to be strengthened in the working and leadership culture of the Ombudsman office.

Correlation of working conditions and life style with factors of occupational well-being and health, and the work effort of government personnel



Recommendations

The Commissioner's office deals with cases that can often cause remarkable psychological stress for the personnel. During the interviews some of the officers reported psychological and somatic symptoms as a result of the psychological burden originating from work. Easy access to **psychological counseling** and for example regular group counseling at the office could have a remarkable effect of the effectiveness and well-being of the personnel. (**Recommendation 49**) Developing internal **debriefing and defusing procedures** could also be a good tool for tackling the situation. The officers need counseling skills also themselves at their work, so training on these skills should be also added to the human resources development program of the office.

It is also one of the important **leadership duties to follow the well-being of the employees and give support in overcoming difficulties**. This is happening sporadically already now, but should be available to all in the future. (**Recommendation 50**) Providing good time management training could also help the staff in dealing with the multitude of the tasks. (**Recommendation 51**)

Another important issue causing unnecessary load for the personnel of the Commissioner's office, are the rigid working time regulations not suitable for the real working hours in duties of the office personnel. Public awareness and social impact duties of the Commissioner's office personnel include regularly also evening work and week-end work related to trainings, campaigns, visits, inspections and media relations. This work is not at all taken into account in working time

control conducted at the office. **Working time regulation should always reflect the real working time driven from real duties and the work done outside customary office hours should be timewise compensated during the next days or one week before or after evening or weekend work.** (**Recommendation 52**) At the moment the personnel of the Commissioner's office is very committed to their public awareness duties and do not complain of the long days. The working time system should though be a viable one also in the perspective of the next 10 years. Drive and motivation carry a long way, but can't be exploited. It is in interest of everybody that the working time arrangement is an asset in achieving good working results in the long run, gives a possibility to sufficient rest and supports occupational well-being and private life.

One issue affecting the working climate and occupational well-being of the personnel of the Commissioner's office is the **inequality of the benefits of the permanent staff and casual staff**. There is no difference in quality of work, duties, motivation or commitment of these staff groups, so it is understandable that the differences in leave time, sick leave procedures and possibilities for promotion are felt most unfair. It is not in the powers of the Commissioner's office to alter these circumstances and in this functional review we can only point out that this state of affairs has a negative impact in the work of the Commissioner's office. In the connection of renewals of the Cyprus public service systems, this grievance should be looked at seriously and altered. (**Recommendation 53**) Situation permitting, it would be advisable to seek the transformation of casual posts into regular permanent posts in connection with yearly budgetary planning.

6 CONCLUDING REMARKS

The Commissioner's office has been in a pressured situation during many years due to expanding roles and duties. The present way of following the performance of the organization need to be renewed, since it at the moment still concentrates mainly in processed complaints and comprehensive reports. The work of the Commissioner's office consists however also of other kinds of outcomes (letters, inspections, negotiations) and a remarkable number of public awareness and social impact duties, which have to be included both in strategic planning and key performance indicators of the office.

There are certain functions at the Commissioner's office (Independent Authority for the Promotion of the Rights of the Person with Disabilities and Independent Authority for the Prevention of Torture), which are insufficiently resourced at the moment and the office can't undertake any more new roles or duties without getting also new resources. However, it is important that also the internal functioning procedures, guidelines and management structures of the office are renewed. Before that the office can't make proper use of the new resources and induct them to their work in an effective manner.

6.1 *Evoking information management*

The bureaucratic, cumbersome and time-consuming workflows and handling procedures of the office cause inefficiency and loss of already scarce resources and lead to underperformance. Also the technical facilities e.g. modern ICT solutions have not so far applied in that degree which could valuable support the daily work in the office. The reviewers identified a lot of opportunities for rationalization and increase of efficiency by upgrading the technical level of ICT together with modern information systems. This would have benefit not only for the office as more efficient performance and better information flow within the organisation but for the external stakeholders as better service and cooperation. The steps toward this have already been taken in the office by newly founded communication team of staff members who seem to have a great interest and motivation to promote the information systems of the organisation. This originally ad hoc based born "forerunners" team would urgently need more official mandate and support from the management as well as some capacity development in modern ICT. The reviewers regard this group one of the strengths of the office.

6.2 *Emphasis on Human resource management*

The other strength of the office is the highly professional and motivated personnel. The office is appreciated workplace among the job seekers. The reviewers noticed that the turnover is exceptionally low in the office and the officials tend to have a long career. The low turnover for longer period can lead to stagnation since the organisation cannot benefit from the experiences and aspirations the new employees may bring with him/her.

The office has applied measures to boost internal mobility between the thematic sectors but only in limited grade the staff members are encouraged to the external mobility even though Ministry of Finance has tried to motivate towards greater mobility within the public sector.

New responsibilities are taken on-board without a proper resource planning. The gaps in the strategic management and planning of activities combined with resources may lead to situations where the workload is unevenly divided, sectors are competing between themselves for the best experts, and overtime work is a necessity to cope with all work. The office has no practice to follow up or control the amount of overtime work done which according to the staff interviews can be relatively continual and tends to accumulate to most motivated experts adding their working hours to the limit of exhaustion. Neither the overtime work nor the extra costs of business trips outside the office are compensated in any way to the official in question. For the longer period the uneven division of workload and continuous high degree of overtime work can bring with them fatal problems for the office. These can be avoided with appropriate activity and human resource planning complemented with updated HR information systems.

6.3 *Many strengths to emphasise*

The way of working at the Commissioner's office is proactive and energetic. The office is able to work effectively with serious issues under pressure and it has a broad network among stakeholders. It has already done remarkable work in cultivating the citizen friendly culture within the public service and is determined to continue the work.

A lot of good practices can be found in the daily leadership work at the office. Leaders enhance co-operation and teamwork by creating task force teams around specific issues. The leaders of the office recognize the importance of enhancing good internal communication within the office. The personnel are capable in following the changes in the society and handling difficult and varying issues. A lot of integrity, inspiration and courage to express their views is found amongst the personnel. They also have mediation, resolutions and investigation skills. High motivation and commitment is a significant asset for reformation process. The reviewers paid attention to many "unofficial" efforts to develop the work routines or internal processes. Creating channels to collect the initiatives and aspirations of staff members and common platform to deal with them would lead to inventions promoting e.g. efficiency or working methods. Motivation is a good motor but what is needed is updated steering mechanisms of the office to steer to the right direction.

7 ACTION PLAN

The urgency of the action is indicated by colors in the table as follows:

Immediate action

As soon as possible

ACTION PLAN			
Office of the Commissioner for Administration and Human Rights (Ombudsman)			
Nr	RECOMMENDATION	Action(s) taken by/ responsible bodies	COMMENTS
DEVELOPING LEGISLATIVE FRAMEWORK OF THE COMMISSIONER			
1	The Commissioner should be raised to the Constitutional level and equated with the Constitutional Services (Law Office, Audit Office, and Public Service Commission).	Legislature	Also closer affiliation with the Parliament in budgetary matters
2	The Commissioner's influence in appointing her staff within available budget frame should be strengthened as much as possible	Commissioner Public Service Commission Council of Ministers Parliament	Special exams Schemes of Service
3	Affording the same kind of independency in recruitment matters as the judiciary has	Legislature	
4	Delegation of Commissioner's powers (during absences and as a means of normal organization of the work of the Commissioner)	Commissioner DoA	DoA = Director of Administration (see Recommendation Nr 13 below)
5	Enabling the Commissioner to assign a Substitute from among the office's staff	Legislature Commissioner	

6-7	Abolishing section 5, subsection 1 b and Section 15, subsection 1 of the Commissioner for Administration Law	Legislature	
8	Amending Section 6, subsection 2 (duty to issue a report should be made discretionary to be used only in the most important cases)	Legislature	
9	The NHRI mandate should be formulated more clearly in the Commissioner for Administration Law (Section 5)	Legislature	
10	An explicit mention of the Commissioner having the function of / being the National Human Rights Institution based on the Paris Principles	Legislature	
11	Establishing a Human Rights Delegation as an organizational structure addressing the issue of pluralism (of the NHRI)	Legislature Commissioner	
12	Transfer of complaints to competent authorities should be made possible	Legislature	
DEVELOPING THE ORGANISATIONAL STRUCTURE AND DELIVERY OF THE SERVICES			
13	Direct the duties and responsibilities of vacant first officer post (A14) first and foremost to leading the work at the office and making sure that the internal working procedures are renewed, reallocated and unified. Establishing a post of Director of Administration (First of-	Commissioner Ministry of Finance/ PAPD	

	ficier=DoA)		
14	Renew the organizational structure of the office (proposal for a new organizational chart in section 3.1)	Commissioner Board of Management DoA	
15	In the new organizational structure focus the Commissioner's time on the Ombudsman role both outside and inside the office and leading foremost the juridical work of the office	Commissioner	
16	Establish a post of the Director of Promotion and Implementation of Human Rights (First officer=DoH)	Commissioner Ministry of Finance	
17	Make the decentralized communications team a permanent working form	Commissioner DoA DoH	
18	Establish an administrative unit under the Director of Administration	Commissioner Board of Management DoA	
19	Organize the office to 2-4 thematic units of relatively even size (7-10 persons); senior officers leading the units concentrating in good leadership of the group of officers both in substantial and personnel matters	Commissioner Board of Management DoA	
20	Abolish the present mobile pool of officers	Commissioner, DoA	
21	Establish a Management Board to coordinate all the issues con-	Commissioner	

	cerning the organization	DoA	
22	Acquire professional coaching for the good start of the Management Board	Commissioner, DoA Ministry of Finance	
23	Adopt more discretionary approach to complaints handling	Commissioner	
24	Set a target of one year's maximum duration for the examination of complaints at least under the Ombudsman function and the CRPD-function	Commissioner	
25	Simplifying the procedure of signing letters	Commissioner DoA	
26	Develop internal working methods so that delivering a new case to the drafting officer would take 1-3 days at most	Commissioner DoA	
27	Let the Senior Officers take care of the distribution of cases	Commissioner	
28	Only one intermediary level, as a rule, between the Commissioner and the officers both with regard to incoming and outgoing letters and drafts	Commissioner Board of Management DoH	
29	The Commissioner should be able to have recourse to external experts in the NPM function	Legislature Commissioner	
30	Funding for and recruitment of outside experts to participate as experts in NPM-inspection visits	Legislature Commissioner	
31	Creating (renewing) the necessary guidelines and rules for internal work and organization	Commissioner DoA	As participatory process with all officers

32	Creating models and templates to be used in most often recurring issues and making these templates electronically available for each officer	DoA Ministry of Finance	As participatory process with all officers
33	Creating a joint electronic knowledge base concerning the Commissioner's own case law	DoA Ministry of Finance	
34	Creating a new ICT based case management system with architecture and interface open enough to allow future changes based on user's operational needs	Commissioner Ministry of Finance	
STRATEGIC FRAMEWORK AND GOAL ORIENTED MANAGEMENT PROCESSES			
35	Embark urgently on the strategic planning process in order to meet the timeframes the MoF has set for the reform of Public Finance Management	Commissioner	
36	Start an overwhelming strategy process with transparent and illustrative key performance indicators as one of the outputs	Commissioner Board of Management	Visibility and transparency of strategy work and strategic documents
37	Changing to cheaper and more functional premises when the present contract is coming to an end	Commissioner DoA	At the expiry of the present contract
38	Include the valuable public awareness function of the office in budget allocations as well as upgrade the share of activity costs enabling to take modernization measures as concerns ICT and developing the capabilities of staff to meet the demands of changes in working environment	Commissioner DoA Ministry of Finance	Coordination of ITC upgrading with ITC reforms in the public sector

IDENTIFICATION OF RESOURCES AND STAFFING NEEDS			
39	Starting to use secondments as an active tool of human resource management and development at the Commissioner's office	Commissioner Board of Management	
40	Hold positive attitude to secondments from the Commissioner's office to other public organizations	Commissioner Board of Management	
41	The Commissioner's resources for the NPM function should be strengthened by at least one (1) post	Commissioner Ministry of Finance Parliament	
42	The Commissioner's resources for the CRPD function should be raised by at least one (1) post	Commissioner Ministry of Finance Parliament	In a longer run a personnel of at least 3-4 would be adequate
43	Recruiting an ICT-expert	Commissioner Ministry of Finance Parliament	
44	The Commissioner should be granted at least two (2) new permanent posts for the possible new task of monitoring forced returns	Commissioner Ministry of Finance Parliament	Depending on future development
45	The Commissioner should be granted at least one (1) new permanent post for the possible task of Rapporteur of Human Trafficking	Commissioner Ministry of Finance Parliament	Depending on future development
46	The Commissioner should be granted in total at least six (6) new posts, to be used discre-	Commissioner Ministry of Finance	Posts should not be "earmarked"

	tionally to enable more effective functioning	Parliament	
47	Regular unit and all staff meetings should be part of the office routines	Commissioner DoA, DoH, Senior officers	
48	Minimizing written procedures of communication between the managers and the staff	Commissioner DoA	
49	Easy access to psychological counseling and/or regular group counseling at the office in order to enhance the effectiveness and well-being of the personnel	Commissioner DoA	Also developing internal debriefing and defusing procedures and training counseling skills is recommended
50	Following the well-being of the employees should be highlighted in leadership duties	Commissioner DoA, DoH, Senior officers	
51	Time management training to help the staff in dealing with the multitude of the tasks	DoA	
52	The work done outside customary office hours should be time-wise compensated during the next days or one week before or after evening or weekend work	Commissioner, DoA Ministry of Finance	
53	Inequality of the benefits of the permanent staff and casual staff should be looked at seriously and altered in connection of renewals of the Cyprus public service systems	Legislature Ministry of Finance Commissioner DoA	Also applying for casual posts to be transformed as permanent posts during budget process



Annex 1: Terms of reference for activities to be executed by the Functional Review (ToR)

TERMS OF REFERENCE FOR ACTIVITIES TO BE EXECUTED BY

Functional Review of the Office of the Commissioner for Administration and Human Rights (Ombudsman) under Phase II of

“Cyprus: Public Administration Reform - Strengthening the Efficiency of the Public Sector”

1. PROJECT BACKGROUND

1.1 The Government of Cyprus (GoC) is implementing a set of fiscal consolidation reforms aimed to overcome short and medium-term financial, fiscal and structural challenges. For this purpose, the GoC has agreed with EC/ECB/IMF a Memorandum of Understanding on Specific Economic Policy Conditionality (MoU). Section 3.9 of the MoU provides for a review of the public administration which includes a horizontal and a sectoral element.

The sectoral element will examine/examines:

- the role, competences, organizational structure, size and staffing of relevant Ministries, services and independent authorities;
- the possibility of abolishing, merging or consolidating non-profit organizations or companies and state-owned enterprises; and
- the possibilities for the re-organisation and re-structuring of local government.

1.2 The first batch of the sectoral studies, which has been completed, examined the Ministry of Health, the Ministry of Education and Culture, the Ministry of Agriculture, Rural Development and Environment (the reviews were carried out by the World Bank), the Local Government and the Department of Registrar of Companies and Official Receiver which falls under the competences of MECIT (the reviews were carried out by the National School of Government International – NSGI of the UK). According to the MoU, the reforms of this first phase will start to be implemented within 2016.

1.3 Following the aforementioned actions, a second phase of the sectoral reviews covers the remaining seven Ministries, separated in the following two categories:

- the “political” Ministries, i.e. Defence / Justice and Public Order / Foreign Affairs. The review of these Ministries has been undertaken by the UK public administration (NSGI). The results of these studies were presented to the GoC in mid July 2015. They have included proposed action plans with implementation timelines and detailed intermediate steps.

- the “economic” Ministries, i.e. Interior / Labour, Welfare and Social Insurance / Transport, Communications and Works (their reviews are carried out by the Institute of Public Administration- IPA) / Energy, Commerce, Industry and Tourism (the review is undertaken by NSGI). The results of the reviews of the economic Ministries were presented to GoC in December 2015, in accordance to the MoU requirement.

The reform plans for all Ministries of the 2nd phase have to be approved by the Council of Ministers by Q1-2016 and the reform will start to be implemented by Q3 2016.

- 1.4 The second batch of studies includes also the **Constitutional Services** (Law Office, Audit Office, Public Service Commission) **and Independent Services** (Educational Service Commission, Internal Audit Service, Office of the Commissioner for Administration (Ombudsman), Office for the Commissioner of Personal Character Data Protection, Tender Review Body, Refugee’s Review Body). According to the MoU, the results of the Constitutional and Independent Services reviews will be presented by **March 2016** and approved by the Council of Ministers by **May 2016**.
- 1.5 In order to ensure consistency of approach, the sectoral reviews⁶ will have to take into consideration any decisions taken regarding the horizontal element (cross-cutting issues). In this respect a study has been undertaken by the World Bank and the UK public administration (NSGI) which has been completed in April 2014. Further elaboration on the developments on these issues follows in paragraph 4.3 below.
- 1.6 The GoC’s main objective is that the sectoral and horizontal review will contribute to identify reforms aimed to improve the operation and delivery functions of public institutions, including the Constitutional and Independent Services.

2. CURRENT STATE OF AFFAIRS

- 2.1. The Office of the Commissioner for Administration and Human Rights (Ombudsman) was set up in 1991 by virtue of Law no. 3(I)/1991 (the Law on the Commissioner for Administration), as the independent authority responsible to deal with individual complaints concerning maladministration, misbehavior and human rights violations by state authorities or officers. The basic law has since been amended six times and each amendment either enhanced the Institution’s powers or expanded its mandate. During the period between 2004 and 2012, the Institution has, in essence, been transformed from a complaint – handling office to a human rights institution with multiple functions, mandates and responsibilities (see organizational chart – Annex 1).

⁶ The final studies mentioned in paragraphs 1.2, 1.3 and 1.5 can be found at www.reform.gov.cy

- 2.2. The Commissioner for Administration (Ombudsman) acts as an independent state official and for his/her appointment the Executive and the Legislative power act together. The Ombudsman is appointed by the President of the Republic, at the suggestion of the Council of Ministers, and with the agreement of the majority of the House of Representatives. Since 16/3/2011, Ms Eliza Savvidou heads the Office.
- 2.3. For the better organization and operation of the Office of the Commissioner for Administration, the handling and investigation of the cases/complaints is done by classifying them according to their subject in Thematic Sectors. The heads of these sectors are experienced Principal Officers, Senior Officers, or Officers A, who supervise the staff of the sectors. In this way, the preliminary control is introduced before the details of the investigation end up to the Commissioner for evaluation and approval or further steps. These sectors deal with:
- (i) Human Rights
 - (ii) State-Citizen relations
 - (iii) Local Government, Property, Development and Environment
 - (iv) Financial and Health Issues
- 2.4. In addition to the above, further discrete legislations have expanded the role and mandate of the Office. In particular, following EU Directives (2000/78/EC and 2000/43/EC) which were transposed by Law no. 42(I)/2004, the Office was assigned to act as **Equality Authority and Anti-discrimination Body** with their mandate to extend both in the public and the private sectors. Their institutional competences, apart from the investigation of individual complaints and the provision of independent advice to the victims of discrimination, include a wide frame of activities of preventive, mediatory, repressive and educational character.
- 2.5. Furthermore, after the ratification of the Optional Protocol of the UN Convention against Torture in March 2009, by enactment of Law no. 2(III)/2009, the Office was nominated as the **National Mechanism for the Prevention of Torture** (NPM) with a broad mandate to perform regular visits to places of deprivation of liberty and to report observations and to submit recommendations.
- 2.6. Moreover in 2011, the institution was renamed to Commissioner for Administration and Human Rights Protection and it was provided with broad functions of protecting, promoting and guaranteeing human rights as **National Institution for Human Rights** (NHRI) in line with the Paris Principles. In practice, from its day-to-day experience and its communication with NGO's or other stakeholders, the Office ascertains problematic areas of human rights protection and submits recommendations of a broad nature. Furthermore, the Commissioner expresses its opinion on proposed legislation or other issues, related to human rights, before the Parliament.
- 2.7. Finally, with the Council of Ministers' decision of 9 May 2012, the Office was appointed as the **Independent Authority for the Promotion of the**

Rights of Persons with Disability (IARPWD), in accordance with article 33(2) of the UN Convention on the Rights of Persons with Disabilities (UNCRPD).

2.8. It derives from the above, that the Office constitutes an “umbrella” Institution which functions as:

1. Ombudsman
2. Anti-Discrimination Body
3. Equality Authority
4. Independent Authority for the Prevention of Torture
5. National Human Rights Institution
6. Independent Authority for the Promotion of the Rights of Persons with Disabilities

2.9. Budget and staff

A total of 44 persons serve in the Office of the Commissioner for Administration and Human Rights, including the Ombudsman and secretarial staff. 30 of them are Officers (19 permanent Officers and 11 Officers on indefinite term contracts) and the rest are secretarial and auxiliary staff. Two out the 30 Officers are seconded to other Services, therefore in practice the Office is staffed by 28 Officers.

The Office is not empowered to appoint its own staff who are public servants, appointed in accordance with the Public Service Law in force. In the procedure of selection, the Commissioner’s opinion is only advisory.

The Office has a budget totaling approximately €2 million to perform all competencies whilst 97% of the budget covers wages and operating costs. Following the approval of its budget by the Parliament, the Office has restricted flexibility in the allocation of funds. Furthermore, despite the expansion of the Office’s competence, there has been no increase in budget or staff since 2009.

The Commissioner has repeatedly put forward her views on the need for further increase in budget and staff in order to be able to fulfill the full potentials of her mandates in a proper manner. In addition, during talks for the appointment of the Office as the Monitoring Body for Forced Returns, in accordance with the obligations derived by the article 8 of the Return Directive (Directive 2008/115/EC), the Commissioner has requested 5 new Officers posts and 1 administrative post to be awarded to her Office, but with no result so far. The Commissioner expects that, during the functional review, budgetary and staff needs will be thoroughly examined.

3. PROJECT ORGANIZATIONAL ARRANGEMENTS

3.1 In order to monitor the implementation of the public administration reform and to promote the timely decision making for the adoption of suggestions/recommendations relevant to the said Reform, a Ministerial Committee has been appointed, by the Council of Ministers. The Committee consists of the Ministers of Finance (President), Agriculture, Rural Develop-

ment and Environment, Justice and Public Order, Labour, Welfare and Social Insurance and the Deputy Minister to the President.

- 3.2 The Council of Ministers, in September 2014, decided that the supervision for the Reform of the Civil Service, which falls under the overall initiative of the Growth Strategy, is undertaken by the Presidency, under the political responsibility of the Deputy Minister to the President, Mr Constantinos Petrides, in cooperation with the competent Governmental Departments.
- 3.3 The reviewer will be guided by the current Terms of Reference drafted by the GoC and agreed between the parties, and which are within the framework of the updated MoU.
- 3.4 The review will be interactive and the reviewer will work closely as a partner and facilitator for the Presidency, the PAPD and staff identified by the Office of the Commissioner for Administration and Human Rights (the **Task Force team**).
- 3.5 Any communication regarding this advisory service will be sent to the Project Team for the Public Administration Reform.

4. GENERAL METHODOLOGICAL APPROACH

- 4.1 Within the general context of the Government's efforts to modernize the public service and its procedures so that it can meet the challenges of the future, there are currently various initiatives and reforms taking place. Hence, any decisions taken at a horizontal level (HRM issues, Public Financial Management issues, Growth Strategy⁷ - analyzed in the paragraphs below) should provide the basis for any organisational reform proposals, in order to achieve a holistic and integrated approach.
- 4.2 In order to ensure consistency of approach, the review exercise should be aligned with other Government's on-going Public Administration reforms as well, including the ongoing work on cross-cutting HRM reforms and link institutional and service delivery reforms to the allocation of resources.
- 4.3 Currently, the GoC, based on the recommendations provided by the independent reviewers, is drafting its own proposals. The HRM reform is based on the following main principles: (i) improving the effectiveness and efficiency of government (ii) enhancing the human resource development (iii) safeguarding fiscal sustainability.
- 4.4 The review should also be coordinated with the work on Public Financial Management (PFM) reforms undertaken in collaboration with the TA pro-

⁷ The design of the Growth Strategy is closely aligned with the Public Administration Reform, both under the same institutional umbrella and political supervision of the Presidency. The relevant composition consists of five (5) Units, under the political mandate of the Deputy Minister to the President: (1) Public Administration Reform Unit, (2) Strategy Unit, (3) Smart Regulation Unit, (4) Investments and Entrepreneurship Unit and (5) E-government Unit.

vided by the IMF Fiscal Affairs Department. In summary, PFM supports aggregate control, flexibility, prioritization, accountability and efficiency in the management of public resources and delivery of services, which are critical to the achievement of public policy objectives. To this end, the Fiscal Responsibility and Budget Systems Law (FRBSL) has been enacted as the legislative framework for the implementation of the PFM related processes in the public sector. Based on the activity based budgeting system the allocation of resources, i.e. people and finance, should be done in a strategic and efficient manner, which should be aligned with priorities.

- 4.4.1 Already all Ministries (apart from Ministry of Defence) prepared activity based budgets along with the traditional ones and are in the process of accommodating their structure in order to fit in with the PFM requirements (e.g. the creation of Strategic Planning Units/ Directorates). The aforementioned reform has not yet been applied across the Constitutional/ Independent Services, but those are expected to be covered until the budget year 2018.
- 4.4.2 In terms of HRM practice, policies are to be developed to accommodate the enhanced flexibility and accountability of line ministries which will also depend on the degree of devolution of responsibility in HRM decisions.
- 4.5 The review will take into consideration the national context, legal framework, political economy and culture including factors ranging from workforce capacity and availability and the country's overall fiscal condition.
- 4.6 It is mentioned that in March 2014 the Commissioner for Gender Equality was appointed for the first time by the President of the Republic. The Commissioner is supported at her duties by the Equality Unit of the Ministry of Justice and Public Order, which acts also as the Secretariat of the National Machinery for Women's Rights. The Commissioner has a consultative role to the President.
- 4.7 Concerning the legal framework, last July, the House of Representatives unanimously voted the enactment of the Eighth Amendment of the Constitution (Act of 2014), which allows the establishment of the Administrative Court. This is expected to bring serious and substantial changes in the judiciary system and practices, but it is still premature to assess the impact on the appeal processes/ complaints to the Ombudsman. It is expected that the Administrative Court will be functioning as at 07.01.2016 in order to examine recourses against administrative actions and decisions.
- 4.8 The review will take into account existing analytical studies conducted by the GoC and best practices of other EU countries with characteristics comparable to those of Cyprus.

5. SCOPE OF SERVICES-ACTIVITIES

- 5.1 The review will provide reform options to improve the effectiveness and efficiency of the Office of the Commissioner for Administration and Human Rights (Ombudsman). The review will focus on aspects related to strategic planning, potential overlapping or irrelevant mandates, organizational structures and other general organizational and functional failures.
- 5.2 A comparative approach, taking into account best practices followed by other independent authorities of EU member states, may provide a substantial basis for putting forward recommendations in improving the efficient and effective functioning of the Office. Provided that comparisons in terms of competences and relative size are allowed, then a benchmarking exercise among other EU counterparts might also bring useful insight in terms of staffing levels analysis.
- 5.3 Overall, it is anticipated that the functional review will aim to examine the role of the Commissioner for Administration and Human Rights (Ombudsman) in the light of modern principles of institutional efficiency and effectiveness, as well as in the light of the major transformation which has taken place, within a relatively short period of time, from a complaint handling institution to an umbrella human rights institution, with diverse functions, mandates and responsibilities and a proactive, promotional and educational role. In doing so, the review shall analyze some of the pre-identified factors assumed to limit the efficiency and effectiveness of the delivery of services and will provide practical recommendations on how to address constraints. Analytically, the review may touch upon the following indicative list of functional aspects related to:
- 5.3.1 Strategic framework and goal-oriented management processes:
- Keep and strengthen the independence of the Institution
 - Establish a strategic planning and goal-setting capacity of the Office.
 - How the organizational structure could be restructured to be more effectively aligned with the strategic objectives of the Office.
- 5.3.2 Organizational structure and delivery of service:
- Organizational structure and coordination of decision-making and implementation.
 - Potential overlapping or irrelevant mandates.
 - Identification of organizational and functional failures.
 - Management principles within the Office; decentralization, delineation of responsibilities, management span of control, information flows, clear lines of command, etc.
- 5.3.3 Identification of resources/staffing needs:
- Assess the appropriateness of staffing numbers and composition at the Office [qualifications and number of staff (FTE)] needed to fulfill these functions and assign the appropriate grade for posts.
 - Set the appropriate skill mix composition. Adequate balance between administrative and technical skills ensured in the staffing of the Office. The skills to be identified are comprised by the overall skills required

by the Branch/Unit at large to carry out its function (and not by each person in the Branch/Unit).

- Provide suggestions, where necessary, on how to improve skillsets and resources to better suit the demands of the services delivered.

5.3.4 Action plan:

- The reviewer will provide a detailed action plan which will cover all the suggested for reform aspects and will include:
 - ✓ Implementation timelines with detailed intermediate steps
 - ✓ Provide critical risks and possible controversial aspects for the proposed implementation of the improvements and recommended changes; and identify possible measures to mitigate those risks
 - ✓ Suggest change management strategies to facilitate the implementation of proposed reforms

6. **DELIVERABLES**

The functional review will result in a report, which will cover the following areas:

- Review and analysis of the current organizational structure, role, functions and staffing levels (including numbers of staff) of the Office of the Commissioner for Administration and Human Rights (Ombudsman); The analysis shall include, but not be limited to, an examination of the following issues:
 - The existing legal framework under which the Office is functioning.
 - The functions and activities currently being undertaken.
 - The current organizational structure.
 - The rationale of the above functions.
- The current levels of staffing (qualifications and number of staff) in relation to the functions of the Office. Options to address specific resource and operational management constraints;
- Recommendations on the organizational structure and resources, including human resources (staffing) (recommendations on the level of staffing, i.e. qualifications and number of staff needed to fulfill the required functions), in order for the Office of the Commissioner for Administration and Human Rights (Ombudsman) to effectively fulfill its role/ roles.
- Action plan and implementation timelines with detailed intermediate steps. The reviewer will suggest change management strategies to facilitate the implementation of proposed reforms.

7. **TIMEFRAME**

According to the MoU the results of the review shall be presented by Q1-2016. Therefore, a draft timetable for the review might be as follows

	Indicative Milestones	Indicative Dates
1.	Scoping mission – data gathering and meetings with stakeholders. Agreement on the final set of the Terms of Reference for the study.	Mid December 2015

2.	Submission of Scoping Report	January 2016
3.	First mission – further discussion with stakeholders	01-05.02.2016
4.	Submission of Draft Report	Late February 2016
5.	Delivery of Final Report	Mid March 2016
6.	Presentation of Final Report	End March /April 2016

Annex 2: Programs of the scoping visit and fact finding mission

SCOPING MISSION TO CYPRUS AGENDA 15-18/12/2015					
Office of the Commissioner for Administration and Human Rights (Ombudsman)					
TIME	MEETING	VENUE	REPRESENTATIVES	EXPERTS	
TUESDAY, 15 DECEMBER 2015					
9:00 - 10:30	One to one meeting between Mrs. Eliza Savvidou and Mr. Petri Jääskeläinen	Office of the Commissioner for Administration (Address: Era House, Diagorou 2, Nicosia)	<ul style="list-style-type: none"> Task Force Team of Ombudsman Office Representatives of the Team for the Reform of the Civil Service Representatives of Public Administration and Personnel Department 	Finnish Ombudsman - Mr Petri Jääskeläinen, Mr. Pasi Tapio Pölonen, Mrs. Ritva Eija-Leena Linkola, Mrs. Marika Tammeaid	
10:30-12:00	Meeting with Representatives of the Ministry of Labour, Welfare and Social Insurance	Office of the Commissioner for Administration (Address: Era House, Diagorou 2, Nicosia)	<ul style="list-style-type: none"> Task Force Team of Ombudsman Office Representatives of the Team for the Reform of the Civil Service Representatives of Public Administration and Personnel Department 		
12:00-13:30 - Break					
13:30-15:30	Meeting with NGO's Representatives	Office of the Commissioner for Administration (Address: Era House, Diagorou 2, Nicosia)	<ul style="list-style-type: none"> Task Force Team of Ombudsman Office Representatives of the Team for the Reform of the Civil Service Representatives of Public Administration and Personnel Department 		
15:45-16:45	Meeting with the Public Administration and Personnel Department	Ministry of Finance (Room 6165, 3rd floor, Address: Michael Karaoli & Gregori Afxentiou, Nicosia)	<ul style="list-style-type: none"> Representatives of the Team for the Reform of the Civil Service Representatives of Public Administration and Personnel Department 		
WEDNESDAY, 16 DECEMBER 2015					
09:00-12:00	Workshop with the Office staff	Office of the Commissioner for Administration (Address: Era House, Diagorou 2, Nicosia)	<ul style="list-style-type: none"> Task Force Team of Ombudsman Office Representatives of the Team for the Reform of the Civil Service Representatives of Public Administration and Personnel Department 	Mrs. Ritva Eija-Leena Linkola, Mrs. Marika Tammeaid	
09:00-10:30	Parallel meeting - With the Sector Heads (Mr. Tsiartas, Mrs. Christoforou, Mrs. Hadjittofi, Mr. Krassas)	Office of the Commissioner for Administration (Address: Era House, Diagorou 2, Nicosia)	<ul style="list-style-type: none"> Task Force Team of Ombudsman Office Representatives of the Team for the Reform of the Civil Service Representatives of Public Administration and Personnel Department 	Finnish Ombudsman - Mr Petri Jääskeläinen, Mr. Pasi Tapio Pölonen	
12:00-12:30 - Break					
12:30-14:00	Meeting with Representatives of the Ministry of Interior (Asylum Service and Civil Registry and Migration Department)	Office of the Commissioner for Administration (Address: Era House, Diagorou 2, Nicosia)	<ul style="list-style-type: none"> Task Force Team of Ombudsman Office Representatives of the Team for the Reform of the Civil Service Representatives of Public Administration and Personnel Department 	Finnish Ombudsman - Mr Petri Jääskeläinen, Mr. Pasi Tapio Pölonen, Mrs. Ritva Eija-Leena Linkola, Mrs. Marika Tammeaid	
14:00-15:30	Meeting with Representatives of the Ministry of Interior (Land Registry Department and Administration of the Ministry)	Office of the Commissioner for Administration (Address: Era House, Diagorou 2, Nicosia)	<ul style="list-style-type: none"> Task Force Team of Ombudsman Office Representatives of the Team for the Reform of the Civil Service Representatives of Public Administration and Personnel Department 		
15:45-16:45	Meeting on Public Financial Management issues	Ministry of Finance (Room 6165, 3rd floor, Address: Michael Karaoli & Gregori Afxentiou, Nicosia)	<ul style="list-style-type: none"> Representatives of the Team for the Reform of the Civil Service Representatives of Public Administration and Personnel Department 		

THURSDAY, 17 DECEMBER 2015					
09:00-10:30	Meeting with Representatives of the Ministry of Justice and Public Order (Prison Department)	Office of the Commissioner for Administration (Address: Era House, Diagorou 2, Nicosia)	<ul style="list-style-type: none"> Task Force Team of Ombudsman Office Representatives of the Team for the Reform of the Civil Service Representatives of Public Administration and Personnel Department 	Finnish Ombudsman - Mr Petri Jääskeläinen, Mr. Pasi Tapio Pölonen, Mrs. Ritva Eija-Leena Linkola, Mrs. Marika Tammeaid	
10:30-12:00	Meeting with Representatives of the Ministry of Justice and Public Order (Police)	Office of the Commissioner for Administration (Address: Era House, Diagorou 2, Nicosia)	<ul style="list-style-type: none"> Task Force Team of Ombudsman Office Representatives of the Team for the Reform of the Civil Service Representatives of Public Administration and Personnel Department 		
12:00-12:30 - Break					
12:30-15:30	Workshop with the Commissioner, A' Officer, Senior Officers and Officers A'	Office of the Commissioner for Administration (Address: Era House, Diagorou 2, Nicosia)	<ul style="list-style-type: none"> Task Force Team of Ombudsman Office Representatives of the Team for the Reform of the Civil Service Representatives of Public Administration and Personnel Department 		
15:30-16:30	Wrap up meeting of the Team for the Reform of the Civil Service	Ministry of Finance (Room 6165, 3rd floor, Address: Michael Karaoli & Gregori Afxentiou, Nicosia)			
FRIDAY, 18 DECEMBER 2015					
09:00-10:30	Meeting with personnel of the Human Rights Sector	Office of the Commissioner for Administration (Address: Era House, Diagorou 2, Nicosia)	<ul style="list-style-type: none"> Task Force Team of Ombudsman Office Representatives of the Team for the Reform of the Civil Service Representatives of Public Administration and Personnel Department 	Mrs. Ritva Eija-Leena Linkola, Mrs. Marika Tammeaid	
10:30-12:00	Meeting with Financial issues of the Ombudsman office	Office of the Commissioner for Administration (Address: Era House, Diagorou 2, Nicosia)	<ul style="list-style-type: none"> Task Force Team of Ombudsman Office Representatives of the Team for the Reform of the Civil Service Representatives of Public Administration and Personnel Department 		
13:00-15:00	Wrap-Up Meeting with the Team	Office of the Commissioner for Administration (Address: Era House, Diagorou 2, Nicosia)	<ul style="list-style-type: none"> Representatives of the Team for the Reform of the Civil Service Representatives of Public Administration and Personnel Department 		
18:00 - 21:00	Reception at the residence of the Finnish ambassador Anu Saarela	5, Indira Gandhi Street			

FIRST MISSION TO CYPRUS – AGENDA				
Monday – 01.02.2016	Tuesday – 02.02.2016	Wednesday – 03.02.2016	Thursday – 04.02.2016	Friday – 05.02.2016
<p>9.00- 11.30 Presentation on activities of the Ombudsman of Finland - discussion - open to all staff</p>	<p>9.00-11.30 Interviews on the workflows and practices * site visits with 2-3 officers - overview of complaint handling in practice (at desk level) by administrative and legal staff - chosen by the Office *Melina Trigidou *Maria Tsotsi *Katerina Charitou</p>	<p>9.00-10.30 Meeting on Human resource management and development of the Office *Soulla Protopapa (responsible for personal files of the personnel, sick leaves and days off) *Christina Michael (responsible for the IT software of the office and IT equipment) (Ms. Protopapa and Ms. Michael are secretarial personnel, they are not dealing with issues of HRM and development)</p>	<p>9.00-12.00 Workshop on strategic planning *for the management staff</p>	
<p>11.30 -12.00 Briefing meeting on the week`s agenda *CY + FI team</p>		<p>10.30 -11.45 Interviews on *Structure, division of work, time management *Aristos Tsiartas</p>		<p>09.30 -11.00 * Meeting with Independent authorities: Commissioner for Gender Equality Ms. Josephine Antoniou Venue: Ministry of Justice and Public Or-</p>

				der, 4 th floor 125 Athalassas Avenue, Strovolos, Nicosia
				11:30-13:00 Meeting with the Commissioner for Administration and Human Rights Ms. Eliza Savvidou
LUNCH BREAK				
13.00-14.00 * Meeting with the Public Administration and Personnel Department Venue: Ministry of Finance, 2nd Floor, Room Number 5160	12.30-14.00 Meeting with Clerical/Secretarial personnel of the Office (there are no administrative officers in the office, any administrative issues are been dealt with by the Officers)	12.30 – 13.45 Interviews continue *Eleni Hadjitofi 13.45-15.00 *Maria Christoforou	13.00 - ~15.30 Meeting with Officers working for more than one section head * Prodromos Christofi, * Elena Karekla * Niovi Georgiadou, * Nicolas Kaizer	13.00- 14.30 Wrap up of the week & steps forward <ul style="list-style-type: none"> • Cy team • FI Tem
14.00-15.30 * Meeting with the Cyprus Academy of Public Administration Venue: Ministry of Finance, 2nd Floor, Room Number 5160	14.00-16.00 Meeting *organisation structure, time share, resource allocation * Costas Ioannou, *George Kakotas *Georgia Stavriniidou	15.00-16.15 * George P. Crassas		
16.00 - FI team work session	16.00- FI team work session	16.15 - FI team work session	~15.30 – FI Team work session	FI Team work session

Note: All meetings will be held at the Office of the Commissioner, except the three meetings indicated with *

Annex 3: Statistics (complaints)

Statistics – Office of the Commissioner for Administration and Human Rights

A: Overall Assessment (Complaints submitted and concluded during the period 2011-2015)

Year	Submitted C/N	Pending from previous years	To be concluded (column B + C)	Concluded C/N
2011	2445	1860	4314	2443
2012	2776	1881	4666	2769
2013	2555	1897	4460	2679
2014	2597	1784	4381	2795
2015	2385	1587	3972	2365

Year	Submitted A.K.I.	Pending from previous years	To be Concluded (column B + C)	Concluded A.K.I.
2011	144	63	207	116
2012	106	87	193	139
2013	63	96	159	81
2014	62	78	140	80
2015	55	61	116	60

Year	Submitted AKP	Pending from previous years	To be concluded (column B + C)	Concluded AKP
2011	134	180	311	139
2012	125	174	299	118
2013	88	182	269	112
2014	77	159	236	81
2015	80	155	235	113

B: Processing time of complaints concluded in 2014 (complaints under the Commissioner for Administration Act & CRPD function)

Processing Time	Number of complaints (Number of complaints submitted and concluded in 2014)	% of the total of complaints
Up to 1 month	660 (643)	24%
1 – 6 months	1128 (895)	40%
6 – 12 months	425 (123)	15%
More than 12 months	582	21%
Total	2795 (1661 complaints submitted in 2014 were also completed within the same year)	100%

C: Processing time of complaints concluded in 2014 (complaints under the Equality Authority)

Processing Time	Number of complaints (Number of complaints submitted and concluded in 2014)	% of the total of complaints
Up to 1 month	15 (14)	19%
1 – 6 months	18 (11)	23%
6 – 12 months	14 (8)	14%
More than 12 months	33	44%
Total	80 (33 complaints submitted in 2014 were also completed within the same year)	100%

D: Processing time of complaints concluded in 2014 (complaints under the Anti-discrimination Body)

Processing Time	Number of complaints (Number of complaints submitted and concluded in 2014)	% of the total of complaints
Up to 1 month	2 (2)	2%
1 – 6 months	21 (15)	26%
6 – 12 months	12 (4)	15%
More than 12 months	46	57%
Total	81 (21 complaints submitted in 2014 were also completed within the same year)	100%

Annex 4: Sick leave statistics

ΠΑΡΑΡΤΗΜΑ 2

Ministries

ΣΥΝΟΛΟ ΥΠΟΥΡΓΕΙΩΝ

ΠΟΣΟΣΤΑ ΥΠΑΛΛΗΛΩΝ ΣΤΟΥΣ ΟΠΟΙΟΥΣ ΧΟΡΗΓΗΘΗΚΕ ΑΔΕΙΑ ΑΣΘΕΝΕΙΑΣ ΤΟ ΕΤΟΣ 2014

ΑΡ. ΥΠΗΡΕΤΟΥΝΤΩΝ ΥΠΑΛΛΗΛΩΝ (μόνιμοι, έκτακτοι, εφ'ορμηθιοί)	703	3338	495	498	1666	320	3233	2452	792	3485	7420	1180	25582	
ΥΠΟΥΡΓΕΙΑ	Defence	ΥΠΟΥΡΓΕΙΟ ΑΜΥΝΑΣ	ΥΠΟΥΡΓΕΙΟ ΓΕΩΡΓΙΑΣ, ΚΑΛΩΝΟΜΕΛΕΣ, ΑΓΡΟΤΙΚΗΣ ΑΝΑΠΤΥΞΗΣ, ΚΑΙ ΠΕΡΙΒΑΛΛΟΝΤΟΣ	ΥΠΟΥΡΓΕΙΟ ΔΙΚΑΙΟΣΥΝΗΣ ΚΑΙ ΔΗΜΟΣΙΑΣ ΤΑΞΗΣ	ΥΠΟΥΡΓΕΙΟ ΕΜΠΟΡΙΑΣ, ΒΙΟΜΗΧΑΝΙΑΣ ΚΑΙ ΤΟΥΡΙΣΜΟΥ	ΥΠΟΥΡΓΕΙΟ ΕΡΓΑΣΙΑΣ, ΠΡΟΝΟΙΑΣ ΚΑΙ ΚΟΙΝΩΝΙΚΩΝ ΑΣΦΑΛΙΣΕΩΝ	ΥΠΟΥΡΓΕΙΟ ΕΞΩΤΕΡΙΚΩΝ	ΥΠΟΥΡΓΕΙΟ ΕΣΩΤΕΡΙΚΩΝ	ΥΠΟΥΡΓΕΙΟ ΟΙΚΟΝΟΜΙΚΩΝ	ΥΠΟΥΡΓΕΙΟ ΠΑΙΔΕΙΑΣ ΚΑΙ ΠΟΛΙΤΙΣΜΟΥ	ΥΠΟΥΡΓΕΙΟ ΜΕΤΑΦΟΡΩΝ, ΕΠΙΚΟΙΝΩΝΙΑΣ ΚΑΙ ΕΠΙΧΕΙΡΗΣΙΑΚΩΝ ΥΠΟΚΑΤΑΣΤΑΣΕΩΝ	ΥΠΟΥΡΓΕΙΟ ΥΓΙΑΣ	ΑΝΕΞΑΡΤΗΤΕΣ ΥΠΗΡΕΣΙΕΣ	ΣΥΝΟΛΟ ΥΠΟΥΡΓΕΙΩΝ ΚΑΙ ΑΝΕΞΑΡΤΗΤΩΝ ΥΠΗΡΕΣΙΩΝ
ΑΔΕΙΑ ΑΣΘΕΝΕΙΑΣ														
0 ημέρες	51,21%	52,79%	22,02%	29,32%	27,67%	59,69%	33,16%	30,42%	30,68%	30,68%	30,28%	35,00%	36,32%	
1 έως 6 ημέρες	11,24%	18,63%	21,21%	25,30%	24,19%	21,25%	23,79%	30,26%	31,82%	19,45%	25,71%	29,58%	23,85%	
7 έως 13 ημέρες	12,66%	11,32%	14,14%	17,87%	17,83%	10,00%	17,41%	17,74%	17,42%	13,49%	15,75%	14,32%	15,24%	
14 έως 20 ημέρες	6,97%	6,65%	10,71%	11,24%	11,34%	3,13%	10,05%	8,44%	6,44%	7,09%	8,21%	8,64%	8,29%	
21 έως 27 ημέρες	5,41%	3,00%	6,87%	6,43%	6,12%	1,88%	5,38%	4,73%	4,55%	4,94%	5,04%	3,64%	4,80%	
28 έως 34 ημέρες	4,84%	2,07%	5,86%	3,01%	2,82%	0,94%	2,57%	2,57%	3,79%	2,73%	3,63%	2,37%	3,05%	
35 έως 41 ημέρες	3,41%	1,86%	5,05%	3,01%	2,82%	0,63%	2,17%	2,24%	1,77%	2,38%	3,17%	1,95%	2,56%	
42 ημέρες	0,14%	0,36%	1,01%	1,00%	0,60%	0,31%	0,37%	0,41%	0,38%	0,43%	0,80%	0,42%	0,54%	
43 ημέρες έως 2 μήνες	1,99%	1,17%	4,85%	0,80%	2,40%	1,88%	1,98%	1,14%	1,52%	2,30%	3,19%	2,46%	2,26%	
πέραν των 2 μηνών έως 6 μήνες	2,13%	2,16%	8,28%	2,01%	4,20%	0,31%	3,12%	2,04%	1,64%	2,93%	4,04%	1,61%	3,10%	
ΑΔΕΙΑ ΑΣΘΕΝΕΙΑΣ ΧΩΡΙΣ ΙΑΤΡΙΚΟ														
0 ημέρες	64,62%	56,28%	80,43%	38,27%	41,94%	82,08%	49,77%	42,02%	52,04%	61,72%	81,26%	54,76%	61,09%	
1 ημέρα	12,31%	13,13%	6,79%	11,19%	16,78%	6,84%	17,15%	16,79%	20,39%	10,34%	8,75%	17,22%	12,98%	
2 ημέρες	6,15%	9,89%	3,80%	16,25%	12,47%	4,23%	11,61%	12,80%	11,65%	9,63%	3,58%	11,18%	8,76%	
3 ημέρες	6,92%	7,23%	2,17%	10,47%	9,05%	2,28%	8,12%	9,88%	6,60%	4,97%	1,81%	6,56%	5,76%	
4 ημέρες	3,85%	5,07%	1,90%	6,50%	8,06%	1,30%	4,90%	7,20%	2,91%	6,16%	1,31%	4,50%	4,28%	
5 ημέρες	3,85%	3,49%	0,82%	6,50%	5,08%	1,63%	2,77%	4,35%	3,50%	2,37%	0,88%	2,57%	2,65%	
6 ημέρες	0,77%	1,50%	1,63%	3,25%	3,53%	0,33%	2,90%	2,44%	1,36%	2,45%	0,82%	1,54%	1,84%	
7 ημέρες	0,00%	1,75%	1,09%	2,89%	1,32%	0,33%	1,68%	2,26%	1,36%	0,71%	0,82%	1,03%	1,30%	
8 ημέρες	1,54%	1,66%	1,36%	4,69%	1,77%	0,98%	1,10%	2,26%	0,19%	1,66%	0,77%	0,64%	1,34%	

Average of independent services

Health

Transfer services

Education

Finance

Interior

Foreign Affairs

Labour

Energy and Commerce

Justice

Agriculture

Defence

Ministry of Defence

Number of employees

Sick leave

sick leave without medical certificate

ΠΑΡΑΡΤΗΜΑ 3

ΑΝΕΞΑΡΤΗΤΕΣ ΥΠΗΡΕΣΙΕΣ
ΠΟΣΟΣΤΑ ΥΠΑΛΛΗΛΩΝ ΣΤΟΥΣ ΟΠΟΙΟΥΣ ΧΟΡΗΓΗΘΗΚΕ ΑΔΕΙΑ ΑΣΘΕΝΕΙΑΣ ΤΟ ΕΤΟΣ 2014

	17	119	37	41	36	185	26	16	362	25	42	132	18	124	1180
ΑΡ. ΥΠΗΡΕΤΟΥΝΤΩΝ ΥΠΑΛΛΗΛΩΝ (μόνοιοι, έξοκτολ. αναπληρωτές) ΑΔΕΙΑ ΑΣΘΕΝΕΙΑΣ	70,59%	32,77%	29,73%	7,32%	11,11%	38,38%	11,54%	31,25%	34,81%	32,00%	35,71%	50,76%	38,89%	33,87%	35,00%
1 έως 6 ημέρες	29,41%	33,61%	27,03%	39,02%	25,00%	30,81%	42,31%	12,50%	27,62%	32,00%	38,10%	24,24%	22,22%	31,45%	29,58%
7 έως 13 ημέρες	0,00%	20,17%	16,22%	17,07%	27,78%	11,89%	23,08%	12,50%	14,09%	20,00%	7,14%	10,61%	27,78%	11,29%	14,32%
14 έως 20 ημέρες	0,00%	5,88%	10,81%	21,95%	16,67%	4,86%	3,85%	6,25%	10,77%	8,00%	4,76%	7,58%	11,11%	8,06%	8,64%
21 έως 27 ημέρες	0,00%	1,68%	8,11%	9,76%	2,78%	3,78%	3,85%	18,75%	3,59%	0,00%	4,76%	1,52%	0,00%	4,03%	3,64%
28 έως 34 ημέρες	0,00%	0,84%	2,70%	2,44%	5,56%	1,08%	7,69%	0,00%	2,49%	8,00%	2,38%	1,52%	0,00%	0,00%	2,37%
35 έως 41 ημέρες	0,00%	1,68%	2,70%	0,00%	5,56%	1,62%	3,85%	18,75%	1,10%	0,00%	4,76%	1,52%	0,00%	2,42%	1,95%
42 ημέρες	0,00%	0,00%	0,00%	0,00%	0,00%	1,08%	0,00%	0,00%	0,28%	0,00%	0,00%	0,76%	0,00%	0,81%	0,42%
43 ημέρες έως 2 μήνες	0,00%	1,68%	2,70%	0,00%	0,00%	6,49%	3,85%	0,00%	2,49%	0,00%	0,00%	0,76%	0,00%	2,42%	2,46%
Πέραν των 2 μηνών	0,00%	1,68%	0,00%	2,44%	5,56%	0,00%	0,00%	0,00%	2,76%	0,00%	2,38%	0,76%	0,00%	1,61%	1,61%
έως 6 μήνες															
ΑΔΕΙΑ ΑΣΘΕΝΕΙΑΣ ΧΩΡΙΣ ΙΑΤΡΙΚΟ ΠΙΣΤΟΠΟΙΗΤΙΚΟ															
0 ημέρες	75,00%	60,61%	35,48%	16,00%	37,50%	65,07%	25,00%	44,44%	55,38%	40,00%	28,57%	60,78%	33,33%	65,14%	54,76%
1 ημέρα	25,00%	18,18%	12,90%	20,00%	16,67%	14,38%	25,00%	11,11%	20,00%	25,00%	8,57%	15,69%	33,33%	15,60%	17,22%
2 ημέρες	0,00%	8,08%	19,35%	8,00%	4,17%	8,90%	18,75%	11,11%	12,82%	15,00%	20,00%	15,69%	16,67%	8,26%	11,18%
3 ημέρες	0,00%	4,04%	3,23%	20,00%	0,00%	6,16%	12,50%	33,33%	7,69%	10,00%	5,71%	3,92%	0,00%	5,50%	6,56%
4 ημέρες	0,00%	6,06%	12,90%	8,00%	16,67%	0,68%	6,25%	0,00%	1,54%	5,00%	22,86%	1,96%	16,67%	2,75%	4,50%
5 ημέρες	0,00%	2,02%	6,45%	8,00%	12,50%	2,74%	0,00%	0,00%	2,05%	0,00%	2,86%	1,96%	0,00%	0,92%	2,57%
6 ημέρες	0,00%	1,01%	6,45%	8,00%	4,17%	1,37%	0,00%	0,00%	0,51%	5,00%	0,00%	0,00%	0,00%	1,83%	1,54%
7 ημέρες	0,00%	0,00%	0,00%	12,00%	4,17%	0,00%	0,00%	0,00%	0,00%	0,00%	11,43%	0,00%	0,00%	0,00%	1,03%
8 ημέρες	0,00%	0,00%	3,23%	0,00%	4,17%	0,68%	12,50%	0,00%	0,00%	0,00%	0,00%	0,00%	0,00%	0,00%	0,64%

Average of
Independent Services

Refugee Review
Authority
Parliament
BOVAH

Public Service
Committee
PSC
Presidency
ΠΡΟΕΡΙΑ

Cooperative
Companies
Ltd
Judicial
Service
ΕΤΑΙΡΕΙΑΝ
ΥΠΗΡΕΣΙΑΣ
ΔΙΚΑΣΤΙΚΗΣ
ΥΠΗΡΕΣΙΑΣ

ANEPAN
with
medical
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