

**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"**

SCOPING VISIT REPORT

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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). 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.

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.

The second phase of the sectoral 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.

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

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 consisting of 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 would take place.

The Scoping visit was to concentrate in establishing the cooperation between the Finnish counterpart and the Ombudsman's office as well as Public Administration and Personnel Department (PAPD) and 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 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 the aspects related to strategic planning, potential overlapping or irrelevant mandates, organisational structures and other organisational and functional failures. The review should also be aligned with the other Government's on-going Public Administration Reforms. The content and timeframe of the functional review will be mutually defined in the Terms of Reference (ToR).

The programme of Scoping visit

The Program for the Scoping visit 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 unit. The convenient date to both counterparts for Scoping visit proved to be slightly difficult to find but finally the visit was fixed to take place on 14th to 20th of December. Since the Scoping visit was postponed to December the program was expanded for four days to enable meetings with wide range of experts within the Commissioner's office and additionally 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.

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 Commissioner's and the personnel of the 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, Ministry of Justice and Prison Order. These meetings introduced to the Finnish team a valuable aspect on Office's external activities, cooperation practices and relationship with its collaborators. The Finnish team regarded these meeting very valuable in clarifying the daily functions and role of the Commissioner's office from various angles. The team 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.

The program consisted also two relatively work intensive workshops for the purpose to deepen the fact finding and additionally to engage the personnel of the Commissioner's office with the review. The participation in both workshops was particularly high as concerns both the amount of participants and their motivation to contribute to the results of the workshops. Together round 30 members of the whole staff of Commissioner's office attended these half day workshops, the first of which was targeted for experts and the second one for the management.

The Finnish team would like to express its gratitude for the hospitable and time-effective arrangements of the meeting premises as the most meetings took place in the Commissioner's office in a spacy and well equipped meeting room.

The detailed program for Scoping visit is attached as appendix 1. Also the organisation chart of the Commissioner's office is found as appendix 2.

The introduction to Commissioner's office

Scoping visit commenced with a meeting with The Commissioner Ms. Eliza Savvidou. The main functions of the Commissioner for Administration and Human Rights (the Ombudsman) were discussed. The Commissioner expressed concerns for the impact of governmental reforms to the Ombudsman institution.

The distribution of work between the Ombudsman role and other roles was discussed: 16 officers deal with Ombudsman's complaints whereas the Commissioner's other statutory tasks are handled by 10-12 officers, who are also in part responsible for the complaints handling. The Commissioner's response to increasing work load and new tasks was discussed (e.g. training of staff and prioritization between different tasks). Basic work flows in the office, issues of recruitment of staff and the issuing and handling of the Commissioner's reports were also addressed.

The Commissioner issues 70–75 reports as Ombudsman and about 60 in other capacities annually. It emerged that despite the 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") it has from the beginning been practically impossible to issue a report in each such case. Instead, reports are drawn up only in the most significant cases that represent issues of general importance, and are separate from individual answers that are given to complainants. In practice this means that a significant amount of the Commissioner's work and its actual impact – as an Ombudsman – is not reflected in the number of reports. Similarly, the Commissioner's other functions (Anti-Discrimination Body, Equality Authority, NPM, NHRI and CRPD (also IARPWD)) cannot be properly assessed only in light of the number of reports.

Working methods and staffing

Further introduction to the daily activities and resource management of the Commissioner's Office was obtained in the meetings of the Section heads and other staff members as well as during the two workshops.

Several functional issues were discussed in the meeting with sector heads. It transpired that the Council of Ministers has had recourse to the procedure under Section 5, subsection 1 b (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 and in the early days of the Commissioner's existence (in 1988 and 1998). This possibility, which has its roots in the British investigatory system, has since been replaced with the Commissioner's own initiatives into matters of general interest (Section 5, subsection 1 c). The Council of Ministers has never issued any regulations in order to guide the Commissioner's work (Section 15, subsection 1).

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. In November 2015 the Commissioner held, for example, 8 separate seminars to social workers following just one own initiative.

It was emphasized that the Commissioner is personally involved in the beginning of complaint handling, and that also each outgoing decision and report is signed by the Commissioner personally. The cases are distributed to either the office of the Commissioner or to one of the three

other functions that handle complaints (i.e. Anti-Discrimination Body, Equality Authority or IARPWD). Section heads brief officers about necessary investigatory steps at this stage. Sector heads read incoming complaints carefully in order to establish whether the matter falls under the Commissioner's remit. If not, the sector head instructs an officer under his or her staff to reply to the complainant explaining the grounds for the complaint falling outside the jurisdiction of the Commissioner. When the complaint is in the Commissioner's powers the section heads advise officers to make contact with the object of the complaint, and offer instructions as to how to proceed in the case. Interim letters are signed by the section heads (by the Commissioner in most important cases). Interim contacts (e.g. letters inviting an authority's comments) may contain suggestions as to how to correct the situation at hand.

The section heads check all draft letters before they proceed to the Commissioner's review. In addition, the three supervisory advisers also perform similar review with regard to those junior to them.

Investigation procedure

The threshold to start investigating a complaint is 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 authorities are normally given three weeks to respond to the Commissioner. The Commissioner has not encountered problems in obtaining necessary information from the public sector (the right to receive information from the private sector is used rarely; outside witnesses may be heard in serious cases). The authority's reply is usually (but not always) sent for the complainant's rejoinder.

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. The increase of work due to the Commissioner's new functions, without corresponding new resources, is thus regarded as threatening to the institutions capacity to properly respond to all its tasks. The Commissioner has received an average of almost 2 600 complaints each year in the last 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 Anti-Discrimination Ombudsman receive in total 8 100 complaints annually, i.e. 150 complaints per 100 000 people).

The Commissioner's office has advisory services, which is provided by a weekly rotating staff member. People calling or visiting the office are advised about available legal avenues and about the Commissioner's powers. A significant amount of prospective complaints are this way prevented from being filed, as people are directed to competent authorities elsewhere. This method is considered effective and time-saving.

There are 18 officers drafting complaint matters. Some deal (almost) exclusively with complaint matters. 10-12 officers deal with both complaints and new functions. They allot more than half of their work time for the new functions. Equality and CRPD functions have both only one officer. Section heads receive reports of officers' workload.

The Commissioner issues a report to the Council of Ministers and the House of Representatives (Section 6, subsection 8) in cases of non-compliance with the Commissioner's proposals. It was maintained that proposals under the Anti-Discrimination Body and CRPD functions are implemented better and more promptly than those made under the Ombudsman role. Possibility

to hold consultation meetings with authorities, to which the Commissioner has addressed her recommendations, is regarded effective and is used frequently.

New functions

The new functions of the Commissioner require close and tight cooperation with other authorities and stakeholders. Active measures and working methods are necessary also in order to monitor the implementation of the Commissioner's proposals.

It transpired that 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 often time consuming and laborious.

- *As an example can be mentioned the monitoring of the implementation of the National Action Plan for Disability 2013-2015 submitted to the UN Committee for the Rights of Persons with Disabilities and the following up of the compliance of public and private authorities with recommendations made by the Independent Authority beyond this Action Plan, through Reports or other interventions. The work under this head requires extensive cooperation with the Pancyprian Council for Persons with Disabilities and the Social Inclusion of Persons with Disabilities Department of the Ministry of Labour, Welfare and Social Insurances. The Commissioner's officers participate, as observers, at all eight Thematic Technical Committees established by the Coordinating Mechanism. The Commissioner may also set out her views and opinions or provide information to the UN Committee for Persons with Disabilities.*

The Commissioner has conducted some 15 OPCAT-inspections during the last 2 years. OPCAT-inspections are thorough and each last for several days. In addition, 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. In addition to the OPCAT-inspections the Commissioner 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.

Other issues

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 however form an obstacle to the transfer.

The effect of the new (as from 2016) administrative court was discussed. The Commissioner welcomes new jurisprudence from the court. The establishment of the administrative court is not anticipated to affect the work of the Commissioner significantly, as the Commissioner has wider ranging and more flexible competences and is available free of charge.

Possible overlapping issues were discussed also with regard to the Financial Ombudsman, the mandate of which is sometimes confused with that of the Commissioner. The two have had discussions about mutual cooperation and guidance that will be given to complainants. Similar arrangements have been agreed also with the Cyprus Energy Supervisory Authority.

The Commissioner was asked to provide detailed statistical and other information about the amounts and types of all its functions (e.g. complaints, inspections, international cooperation, proactive work under the new functions etc.) by January 2016.

Resource management

In the meeting with Public Administration and Personnel Department issues concerning staffing and recruitment were highlighted. The Commissioner's Office applies the same recruitment procedures as other organisations in Public Administration. The Office has several times during the past years put forward a request on additional vacancies but so far without success. The negotiations with Ministry of Finance continue as MoF has called on further rationale for the request.

The Ministry of Finance will need relevant statistical and other kinds of information about the functioning of the Commissioner in order to reach conclusions about her staffing needs.

Information is needed, for example, about the distribution of complaints and other tasks between different officers, how work flows are organized, whether there is overlapping between some of the Commissioner's new tasks, what kind and how much work is attributed under the NHRI mandate and how much work is and should be done under the OPCAT mandate etc. Also the organization of the office of the Commissioner should be evaluated in the functional review.

Functioning of and anticipated changes to the Public Service Commission (PSC) were discussed. Ombudsman Jääskeläinen pointed out that one of the main reasons for the Commissioner to be accredited as only B status NHRI by the ICC (and not full A status) is the lack of independency of the Commissioner, caused by her inability to appoint or select her own staff.

As regards the reform of Public Financial Management the Commissioner's Office will soon face the challenge of applying new budgeting system which gives emphasis on strategic planning, establishing performance indicators, risk assessment and monitoring. In the discussions with the staff of the Commissioner's Office the review team noted that the Office had not so far embarked to the preparations for this reform. The review team got an introduction in the current budgeting and financial management procedures and practices by the Commissioners' office's financial experts.

As concerns the technical resources to support the daily work processes in the Office, several options to apply more modern data processing tools, ITC and e-administration solutions can be identified to increase the efficiency of the workflows and to reduce manual data handling.

Experiences of external partners of the Commissioner's office

The several external partners of the Commissioner's Office which the Review team had an opportunity to interview during the Scoping visit expressed their appreciation towards the Office and reported a very good cooperation with and trust to the Commissioner's Office.

Among the interviewed **NGOs** the Commissioner's role as the Independent Mechanism for the promotion, protection and monitoring of the Convention for the Rights of Persons with Disabilities (CRPD) was especially highlighted.

The Commissioner has afforded help to individuals in cases of delays in receiving benefits. The Commissioner's work was reported to have become increasingly active in the field of refugees during the last 10 years. Commissioner's consultation meetings with different stakeholders were regarded as a particularly effective method. It was maintained that the Commissioner's visibility in media has significantly increased in the last 4-5 years.

Some dissatisfaction with the Coordination Mechanism for the implementation of the CRPD (i.e. the mechanism within the government) was expressed. There were also concerns about the lack of implementation of the Commissioner's proposals in CRPD-issues.

NGOs participate together with the Commissioner in education programmes and campaigns to promote human rights by, e.g. holding regular lectures, workshops and seminars to social workers and others. The Commissioner was regarded independent and reliable. It was held that the Commissioner's resources are too limited in relation to her wide-ranging duties and tasks. It was pointed out that shortcomings in Cyprus's legal aid system emphasize the role of the Commissioner in society and the institution's importance to citizens.

The representatives of the Ministry of Labour, Welfare and Social Insurance reported a positive attitude towards the Commissioner. Complaints are regarded as important feedback of the functioning of the administration, although the administrative burden of replying to a complaint may sometimes be regarded heavy. In particular, certain overlapping between the Commissioner and the Children's Ombudsman was mentioned in the latter sense. The Commissioner's importance is 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 decision.

The processes of replying to Ombudsman's requests for comments or statements was discussed. There are occasions where the Ombudsman must renew her request (1–3 times); summons to appear before the Commissioner may be used (Section 9, subsection 3), and are effective insofar that there is no need to have recourse to the imputation of guilt pursuant to Section 11. The Commissioner's request for comments may sometimes contain a reminder of the prohibition of sanctions against any person who has contacted the Commissioner (Section 11, f).

Individual cases are reinvestigated following a complaint and may lead to positive outcome for the complainant, e.g. the granting of subsistence subsidy with retroactive effect. The Commissioner's suggestions and proposals are followed and respected. Many cases are corrected quickly and effectively by a phone call from the office of the Commissioner.

The **Ministry of Labour, Welfare and Social Insurance** has significant amount of cooperation with the Commissioner with respect to various awareness raising campaigns and seminars (e.g. domestic violence). The Commissioner was regarded as having offered new perspectives to general debate in society.

The representatives of **Ministry of Interior** credited the fact that the Commissioner has actively developed work approaches and attitudes of civil servants e.g. in immigration matters.

The representatives of **Ministry of Justice and Public Order** described the cooperation with the Commissioner good and held that the Commissioner has adopted flexible and result oriented (mediatory) working methods with regard to prisoners' complaints and complaints from the detention centre. The Commissioner has issued 5-6 reports on the prison sector, containing 20-30 different proposals. In addition, about 30-35 % of the Commissioner's decisions – those that are not reports – lead to actions on her part. The Commissioner has also helped the prison administration to create various guidelines.

The Commissioner's reports are carefully acquainted with. In many cases the Commissioner proposals to amend policy issues (policy papers) lead to positive outcomes. The Commissioner is regarded as a valuable partner in cooperation and invited to coordination meetings 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.

Ministry often sends circular letters within its administration in order to promote putting the Commissioner's proposals into practice. This way the Commissioner's non-binding proposals are transformed into legally binding norms for civil servants in the performance of their duties.

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.

The representatives 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 external collaborators praised The Commissioner's engagement in education and training within the Public Administration as well as active utilization of various other opportunities to act as an opinion leader for stronger human rights orientation. As example of cooperation and joint tasks were mentioned, e.g., the preparation of legislation over covert actions to identify human trafficking, and participation in a campaign against violence against women. Also, the Commissioner is active in LGBTI-issues not only with regard to police training but also in schools and elsewhere.

Key observations from the workshops

The Cyprus Office of the Commissioner and Administration of Human Rights is working actively and successfully in safeguarding human rights in Cyprus. The office is able to work effectively with serious issues and under pressure. It has developed a broad network throughout the civil society, media and public sector in general. It has already so far done remarkable work in cultivating the citizen friendly culture within the public service and is highly motivated to continue the work.

The broad mandate and rapid enlargement of tasks of the Cyprus Office of the Commissioner and Administration of Human Rights is an asset in the effective and outreaching public work of the office. However, it also creates special challenges for structuring the work and organizing the office activities.

At the moment the office is organized as single head organization with office structure streamlined to process complaints. However, a remarkable part of the present office activities consists of education and public awareness activities, which are not clearly portrayed in the organizational structure, working procedures, finances or output reports of the office. It is important to focus on developing these functional issues at the moment, since the office's tasks have expanded even more (OPCAT) and can be expanding also in the future, the budgeting system of the government is changing and the office has to find a more strategic approach to developing and describing its functions.

At the moment the focus of the Office leadership seems to be heavily on substance side, and the strategic and administrative approach needs to be developed. That is an important way of making better use of the capabilities of the present personnel and producing more efficiency with present resources. It is also vital in order to modernize the Office according to the present public sector reform guidelines.

Important clues of possible ways to develop the Office's functional effectively, strategic and administrative capacity, personnel well-being as well as defining good performance indicators where identified during the scoping visit. However, more interviews and site visits are needed in following issues:

- Different options for clarifying the organizational model
- Simplification of the internal procedures and developing work flows
- Developing the approach of human resource management and human resource development of the office
- Finding balance between tasks and resources

According to the discussion and responses at the staff workshop, the officers of the Commissioner's Office are generally motivated to their work. In their work the officers are building synergies with the civil society, public services and media. Their way of working is proactive and energetic. At its best the work is rewarding, enables to see the results of interventions and to get positive feedback. It also provides possibilities for learning new things and developing own skills. Expectations to develop the organization of the work and adapting even more team work were expressed. The personnel longs for better use of their capabilities and a good combination of structure and autonomy in their daily work. With better structure also more synergies could be found amongst the sectors.

In general, the staff if working hard and finds the work very meaningful. Salary cuts (economic crisis) and expansion of the Commissioner's Office duties have though brought some diffusion to the office. According to the present effectiveness of the Office can be improved. In addition to this there might be needs for additional staff.

Concluding remarks

Ombudsman Jääskeläinen summarized his preliminary observations to the management of the Commissioner's office and in meeting with Ms Melina Catsounotou, Head of Public Administration Reform Unit.

Ombudsman Jääskeläinen noted that the mandate of the Commissioner for Administration and Human Rights is exceptionally broad. Jääskeläinen was impressed of the versatility of the methods of activity by the Commissioner. He regarded the work of the Commissioner to be constructive, proactive and innovative. His first impressions of the work of the Commissioner were positive.

In addition to the investigation of complaints the Commissioner has a variety of other activities pertaining to the institution's other functions. These include, amongst others, education and awareness rising campaigns, lectures and issuing of guidelines for the administration. The Commissioner has regular active consultations with various branches of administration and non-governmental organizations, and has significant impact on the development of human rights discourse in Cyprus, even to the extent of certain pieces of legislation been implemented following the Commissioner's reports and initiatives. The Commissioner also engages in urgent interventions on humanitarian grounds, e.g. in detention matters.

Ombudsman Jääskeläinen noted some structural problems:

- The lack of 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. A substitution system could be created e.g., either by establishing new post(s) to the office of the Commissioner for Administration and Human Rights, or without new posts but by amending the founding legislation enabling the delegation of the Commissioner's tasks and duties.
- 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.

The United Nations Paris Principles provide the international benchmarks against which national human rights institutions (NHRIs) can be accredited by the International Coordinating Committee of National Human Rights Institutions (ICC). The Paris Principles set out six main criteria that NHRIs require to meet:

- 1) Mandate and competence: a broad mandate, based on universal human rights norms and standards;
- 2) Autonomy from Government;
- 3) Independence guaranteed by statute or Constitution;
- 4) Pluralism;
- 5) Adequate resources; and
- 6) Adequate powers of investigation.¹

The Secretariat of the International Coordinating Committee of National Institutions for the Promotion and Protection of Human Rights has on 25 November 2015 informed that the ICC Subcommittee on Accreditation (SCA) has recommended that the Commissioner for Administration and Human Rights be accredited with **B status** (= Observer member). B status means that the NHRIs is only partially compliant with the Paris Principles. B status institutions may participate as observers in the international and regional work and meetings of the national human rights institutions. However, they cannot vote or hold office with the Bureau or its sub-committees. They are not given NHRIs badges, nor may they take the floor under agenda items and submit documentation to the Human Rights Council. – In contrast, A status institutions can participate fully in the international and regional work and meetings of national institutions, as voting members, and they can hold office in the Bureau of the International Coordinating Committee or any sub-committee the Bureau establishes. They are also able to participate in sessions of the Human Rights Council and take the floor under any agenda item, submit documentation and take up separate seating.

Ombudsman Jääskeläinen was of the opinion that the fact that the Commissioner for Administration and Human Rights is not able to appoint her own staff will probably exclude any chances of reaching the A status. The NHRIs possibility to select its own staff is of paramount importance as regards its autonomy and independence. The SCA was unambiguous also as regards the system on secondment “NHRIs staff should not be seconded or re-deployed from branches of the public service”. It should be noted that the accreditation process before the ICC is rigorous and based, inter alia, on peer reviews.

¹ <http://nhri.ohchr.org/EN/AboutUs/ICCAccreditation/Pages/default.aspx>

Another obstacle for obtaining the A-status is the lack of pluralism in the Commissioner for Administration and Human Rights. Ombudsman Jääskeläinen presented the Finnish model (human rights delegation) as an example of an effective organizational structure addressing the issue.

Ombudsman Jääskeläinen maintains that the status and role of the Ombudsman institution cannot be equated with the rest of the “regular” administration. On the contrary, the Ombudsman exercises oversight over administrative bodies and civil servants. This necessitates strict guarantees for the independency of the Ombudsman. As an NHRI the Ombudsman has also the task of reporting her findings to international organs before the UN and the FRA, for instance. Further, in the capacity of the national body for the prevention of torture (OPCAT), as well as 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 to the respective UN organs about the Ombudsman’s actions and findings. In these respects the Ombudsman acts directly in cooperation with the United Nations’ monitoring bodies, voicing out independent findings and arguments in addition to those of the Republic of Cyprus. It is highly doubtful, from the standpoint of an outside observer, that the Ombudsman could fulfil the requirements of independency, if these functions are not carried out by a staff of the Ombudsman’s own choosing.

At this stage Ombudsman Jääskeläinen was not prepared to take stand on issues dealing with the resources or the management and organization of the Commissioner for Administration and Human Rights. These issues will be addressed in the final report.

Next steps

The Cyprus Ministry of Finance will make some amendments to the Terms of Reference document (ToR) and submit it to the Finnish Ombudsman for review together with the Memorandum of Understanding on Specific Economic Policy Conditionality (MoU), referred to in section 1.1 in the ToR. These were submitted to the Finnish team on 23 December 2015.

It was agreed that the benchmarking (legal comparison) will extend to the Nordic and Baltic countries and, if needed in particular thematic issues, wider comparison in EU-countries.

The terms of the Service Level Agreement were also discussed. Signatory party to the Service Level Agreement will be the Finnish Ombudsman’s office. There was mutual understanding that the list of the scope of activities (sections 5.3.1–5.3.4) is part of the deliverables in section 6. The Ministry of Finance informed that the deadline of April 2016 mentioned in the Service Level Agreement will be interpreted flexibly.

The Ombudsman of Finland will send his proposed changes to the draft agreement to the Ministry of Finance and that once both parties agree to its content; the agreement will be signed by the respective parties using postal services.

The work will continue according to the defined timeframe. The next mission of the Finnish review team would take place on February 2016.

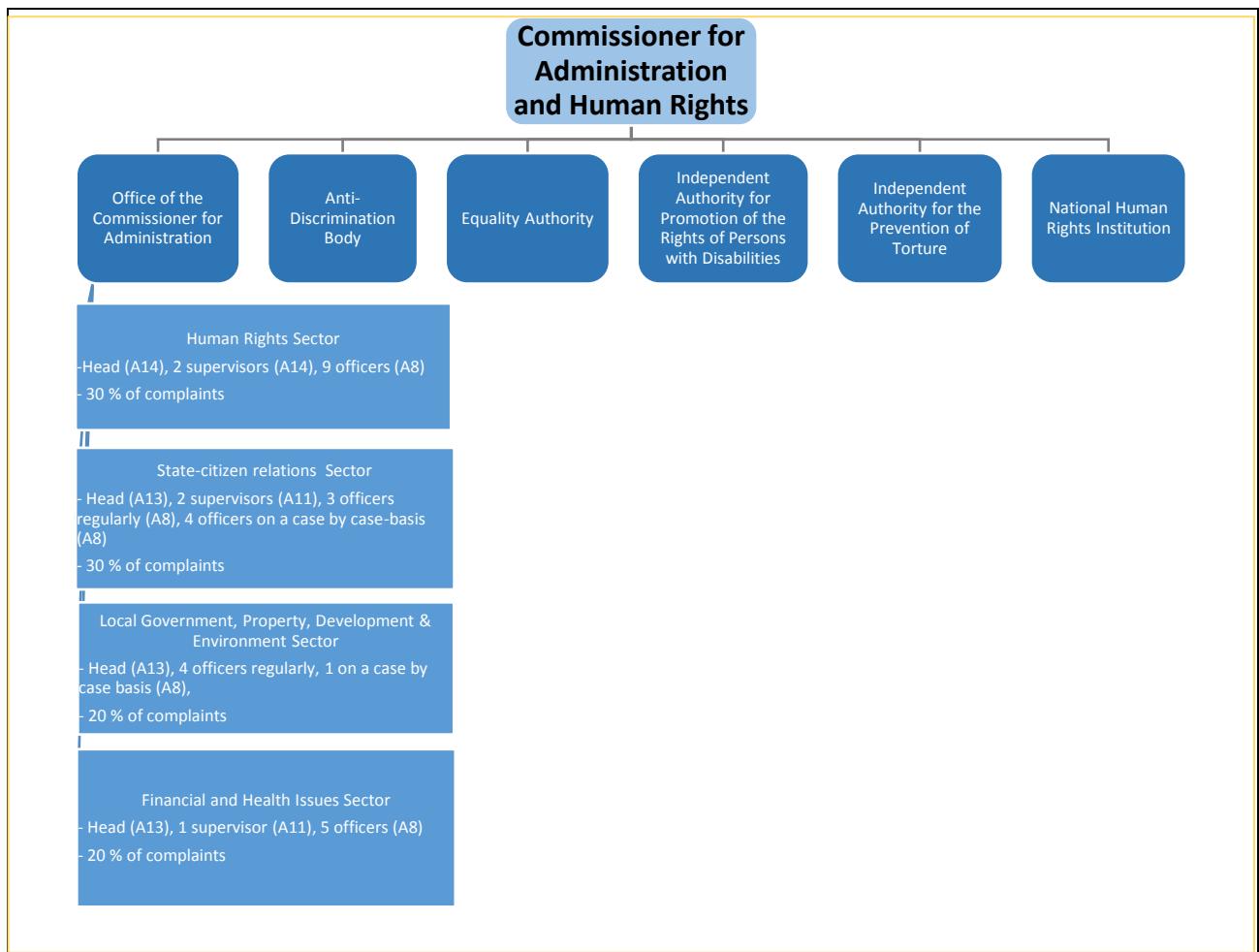
Appendix 1: The program of the Scoping visit

<u>SCOPING MISSION TO CYPRUS</u> <u>AGENDA 15-18/12/2015</u>				
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 Pöölönen, 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 	Finnish Ombudsman - Mr Petri Jääskeläinen, Mr. Pasi Tapio Pöölönen, Mrs. Ritva Eija-Leena Linkola, Mrs. Marika Tammeaid
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. Tsilartas, Mrs. Christoforou, Mrs. Hadjitoffi, 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 Pöölönen
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 Pöölönen, 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 	
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 	
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		

Finnish Ombudsman - Mr Petri Jääskeläinen, Mr. Pasi Tapio Pöölönen, Mrs. Ritva Eija-Leena Linkola, Mrs. Marika Tammeaid

Appendix 2: The organigram² of the Commissioner's office



² The Employees' relations & Education Sector (shown in the ToR) has emerged into the State-citizen Relations Sector and the Local Government Sector (shown in the ToR) has emerged into the Property/Development Sector.

Appendix 3: List of participants in the meetings

List of participants in the meetings during the Scoping visit
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Tuesday 15 December 2015 (09.00- 10.30) meeting with the Commissioner Eliza Savvidou

Tuesday 15 December 2015 (10.30-12.00) – Meeting with representatives of the Ministry of Labour, Welfare and Social Insurance

- Hara Tapanidou; Social Welfare Services
- Melina Neophytou; Cyprus Productivity Centre
- Eleni Kitros; Social Insurance Services
- Christiania Christou; Social Insurance Services

Tuesday 15 December 2015 (13.30-15.00) – Meeting with NGO's representatives

- Linda Lapa; Cyprus Stop Trafficing
- Corina Droosiotou; NGO Future World Center
- Christakis Nicolaides; President of Cyprus Confederation of Organisations of Disabled (C.C.O.D)
- Elpida Christou; officer of C.C.O.D
- Marina Payiotsou ; Committee for the Protection of the rights of people with disability

Tuesday 15 December 2015 (15.45-16.45) – Meeting with the Public Administration and Personnel Department (PAPD)

- SoullaTakkidou; senior Public Administration and Personnel Officer
- Vicky Vassiliu; Public Adminsitration and Personnel Officier A'
- Achilles Vliggs; Public Administration and Personnel Officier

Wednesday 16 December 2015 (9.00-11.45) – Parallel programme 1) Workshop with the Office staff (Tammeaid and Linkola) and 2) Meeting with the Sector Heads (Jääskeläinen and Pölönen)

- Aristos Tsartas
- Maria Christoforou
- Eleni Hadjittofi
- George Krassas

Wednesday 16 December 2015 (12.30-14.00) – Meeting with Representatives of the Ministry of Interior (Asylum Service and Civil Registry and Migration Department)

- Rignos Polydefkis; Civil Registry and Migration Department
- Anna Sakka; Asylum Service
- Constantinos Karmellos; Ministry of Interior
- Natasa Economou; Ministry of Interior/ Migration, Asylum and EU Affairs Unit
- Mattheos Ecoumides; Ministry of Interior / Head of Internal Audit Unit

Wednesday 16 December 2015 (14.00-15.30) – Meeting with Representatives of the Ministry of Interior (Land Registry Department and Administration of the Ministry)

- Christiana Constantinidou

Wednesday 16 December 2015 (14.00-15.30) – Meeting on Public Financial Management issues

- Melina Catsounotou; director PAR project manager
- Sakis Moyseos; Project manager, PFM
- Chrisostomos Papagiannis; administrative officer

Thursday 17 December 2015 (9.20-10.40) - Meeting with Representatives of the Ministry of Justice and Public Order (Prison Department)

- Athena Demetriou

Thursday 17 December 2015 (10.40-12.00) – Meeting with Representatives of the Ministry of Justice and Public Order (Police)

- Mamas Evangelilou; Manager , Detention Centre
- Maria Georoiou; Manager Police- Antitrafficing Unit
- Konstantina Lilly; Police -Office for Combattiong Discrimination

Friday 18 December 2015 (09.00-10.30) – Meeting with personnel of Human Rights Section of the Office of the Commissioner

- Zinaida Onoufriou, Anti -Discrimination Body, NHRI
- Kalia Kampanella, Anti -Discrimination Body, NPM/OPCAT -NHRI
- Nasia Dionysiou, Anti -Discrimination Body, NHRI

Friday 18 December 2015 (10.30-12.00) Meeting with on Financial management and HRM issues of the the Office of the Commissioner

- George Krassas
- Elisavet Christan

Friday 18 December 2015 (12.00-12.30) – Wrap up meeting

- Katerina Demosthenous, Team for the Reform of Civil Service, Presidency
- Archilles Vluggas, PAPD