

Country session: Cyprus CRC

Date of session: 16th and 17th May 2022 (90th session)

Context

The review was delayed due to the Covid-19 pandemic, which disrupted the normal planning of the CRC sessions.

Background information

OHCHR press release [here](#)

Webcast: [first part](#), [second part](#) and [resumption of interrupted meeting](#)

Audio file [here](#)

Reporting

Reporting methodology

Standard reporting procedure

Simplified reporting procedure

Concluding Observations with urgent measures

State report

Common core document	
Updated document	8 February 2018

CRC	
No. of report	5th & 6th
Due date	8 March 2018
Submission	23 August 2018
Annex 1 and Annex 2	23 August 2018 27 September 2019

Written replies	
Due date	14 February 2020
Submission	14 February 2020

Public reports from children's rights defenders

[Alternative reports and additional information](#)

NGOs	<ul style="list-style-type: none"> • Pancyprian Alliance for Disability • Global Detention Project • Hope For Children • National Secular Society • StopIGM.org - Zwischengeschlecht.org • Cyprus Refugee Council
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**NHRIs**

- Commissioner for the Protection of Children Rights

State delegation

The [State Delegation](#) was large. It was led by the Law Commissioner of the Republic of Cyprus and composed by representatives of the Permanent Mission to the UN, the Ministry of Interior, the Ministry of Education and Culture, and a Superintendent of the Police Headquarters.

The State's opening statement is available [here](#).

Committee's Task Force members

Name & Last Name	Country
Bragi Guðbrandsson (coordinator)	Iceland
Hynd Ayoubi-Idrissi	Morocco
Sophie Kiladze	Georgia
Faith Marshall-Harris	Barbados



Dialogue description

i.Character of the dialogue

The dialogue was interactive and constructive. It dealt with technical and focused issues, sometimes leading to in depth discussions. The Committee expressed its appreciation of the opening statement of the delegation which provided with anticipation some answers to the questions of the members. During the dialogue, the answers provided were also well organised and detailed.

ii.General assessment made by the Committee

The Committee thanked the delegation for the sincere and qualitative answers provided. The Committee expressed its interest in having listened to new developments in legislations and politics promoting children's rights protection. The Committee expressed its hope that the concluding observations and the constructive dialogue held, will help overcome the remaining challenges.

iii. Main issues discussed:

- **Definition of the child:** The Committee noted that the legislation allows the marriage of 16-year-old children with the written consent of the person with parental responsibility. The Committee asked whether the government plans to modify that legislation. The delegation answered that discussions on the amendment of the Family Law in this respect are at the final stage, and will be presented to the Parliament in the next months.
- **Non-discrimination:** While recognizing the efforts made, the Committee asked about general and had hoc provisions within the legislation which adequately address issues of discrimination, in particular against Roma children, traveller children, migrant, refugees and asylum seekers children, children of Turkish descent and from ethnic minorities. The delegation answered that direct and indirect discrimination is forbidden by law, and provided details of the legislations and Conventions adopted or amended, as for the adoption of the Code of Conduct against Racism, or the amendment of the Law on the combat against certain forms of racism and xenophobia. The Committee also raised particular concern on the issue of bullying and racism at school. The delegation answered that all schools are encouraged to implement the national anti-racist policy, as well as the Code of Conduct against Racism and the Guide for Managing and Recording Racist Incidents, which has been recently put in place. This is expected to contribute to the decrease of bullying and discrimination based on any form of diversity in schools. The delegation also informed about specific principles of non-discrimination applying to migrant children, in particular, in relation to their asylum application.
- **Best interest of the child:** The Committee asked the delegation whether there is a legal definition of the best interest of the child, to ensure that this principle is not arbitrarily applied and is consistently interpreted. The delegation answered that definitions can be found in many final decisions of the Family Court, which are binding on all lower courts. Moreover, it informed that a cooperation within social welfare services has started in 2020, to compile guidelines with all the procedures related to the best interest of the child. The Committee drew the attention on the importance of a clear definition in the law, in order to avoid discretionary decisions.
- **Respect for the views of the child:** The Committee noted with appreciation the establishment of different mechanisms for child participation, such as the Children's Parliament and the Commissioner's Youth Advisory Committee and the Youth Board. The Committee asked how children's rights to be heard is guaranteed in law and in practice, and how their decisions are considered in all decisions affecting them, including schools and other institutions. The delegation answered that progresses in this respect have been made and that the government is doing its best to face the remaining challenges. It explained that the Children's Parliament was regularly consulted regarding legislation affecting children, as for the recent draft law on foster care which

has been submitted for comments. The delegation further explained that the government will take into consideration the Committee's remarks on the involvement of children in the drafting of periodic reports.

- **Violence against children:** The Committee welcomed the amendment of the Children's law banning corporal punishment, however it noted that children aged 16 to 18 were not protected by this legislation and asked about measures taken. The Committee also commended the establishment of Children's Houses and noted that children are still required to attend courthouses to participate in cross-examinations and asked about government's plans to modify it. The delegation informed that child victims were able to participate in cross examinations from Children's Houses in a certain district only. In addition, the Committee asked whether the government has considered expanding Children's houses to welcome victims of domestic violence and other forms of violence, rather than sexual abuses only. The delegation informed that children victims of abuses could receive treatment at Women's Houses.
- **Children deprived of a family environment:** The Committee noted with concern the lack of a legal framework on child protection, the insufficient capacity of Social Welfare and the lack of regulation and monitoring of institutional and family-based childcare facilities. The Committee asked about measures taken to this respect. The delegation provided data and information on the reasons for which a child can be removed from the family environment, for example in case of neglect and violence. It also informed that the social welfare services, in cooperation with NGOs, have developed a program of foster care, which includes trainings and support to the foster parents.
- **Asylum-seekers, refugee and migrant children:** The Committee noted a rapid increase of unaccompanied minors seeking asylum in the country. The Committee expressed its concern on the reports received about the conditions in the overwhelmed reception centers, where episodes of violence have been documented, and about the long waiting periods for the asylum demands. The delegation presented in detail the procedure for unaccompanied minors arriving in the country. It explained for example, that interviews are conducted with the presence of a guardian in a child-friendly manner. Moreover, among other measures, the delegation indicated that recently, the Council of Ministers decided to host unaccompanied minors in hotels. The Committee also asked information about the forced returns and pushbacks allegations and whether investigations have been done and if yes what were the results. The delegation answered that the Government was fully committed to respecting the principle of non-refoulement and the rights of asylum seekers. It further explained that under a bilateral readmission agreement, Cypriot authorities had returned migrants from Lebanon that did not apply for international protection but that all applications for international protection were duly processed. The delegation affirmed that there were no allegations of misconduct from police personnel.
- **Sale, trafficking and abduction:** The Committee welcomed the adoption of Law N° 60(I) of 2014 the Prevention, fighting against Trafficking and Exploitation of Human Beings and Protection of Victims, which increases the penalties for human trafficking and establishes a national referral mechanism. The Committee noticed and questioned the delegation about the expiring of the national anti-trafficking action plan for 2019 to 2021. The delegation answered that due to Covid-19, the implementation of the plan was delayed and therefore it was renewed for two additional years. The delegation also underlined that significant progresses have been made in combating trafficking, through the legislation and the national action plan. It also explained that since 2004, there is a specific office within the police responsible for investigating serious cases of trafficking, with trained investigators to interview children and victims.

Recommendations of the Committee

In its [Concluding Observations](#), the Committee drew the State party's attention to the need for urgent measures concerning the following areas:

- **Legislation:** The Committee urges the State Party to accelerate the adoption of the draft laws on the Handling of Children under the Care of the Director and the Institution of Foster Care and on the Protection and Care of Children, which is pending since 2008.
- **Non-discrimination:** The Committee recommends the State party to adopt comprehensive anti-discrimination legislation prohibiting discrimination on all grounds in line with article 2(1) of the Convention. The Committee also recommends encouraging the reporting of cases of discrimination through appropriate child-friendly channels among children, their caregivers, teachers and other professionals working with and for children, and to ensure that all cases of discrimination against children are investigated and prosecuted. Finally, among other measures, the Committee stresses to intensify measures to ensure that children with disabilities, children belonging to minority groups, asylum-seeking, refugee and migrant children, children from socioeconomically disadvantaged families, children in alternative care, Roma children and other children in situations of vulnerability have access to healthcare, social services and inclusive and mainstream education.
- **Best interest of the child:** The Committee recommends that the State party ensure that the best interest of the child is taken as a primary consideration and is appropriately integrated, interpreted and applied in all legislative, administrative and judicial proceedings and decisions, including in relation to asylum seeking processes. Moreover, the Committee recommends developing procedures and criteria such as guidance to all persons determining the best interest of the child.
- **Respect of the views of the child:** The Committee recommends the State party to promote and ensure the recognition of children as subjects of rights and to abolish any age limit on the right of children to express their views and ensure that the right of the child to be heard in relevant legal proceedings, including on asylum, is enshrined in legislation and effectively implemented. The Committee also expect the State party to ensure that the participatory structures represent children with distinct ethnic, religious, linguistic and cultural backgrounds, as well as children with disabilities. Finally, the Committee invites the State party to tackle negative stereotypes and stigma affecting the participation of children, and to raise awareness among parents and relevant professionals about the right of children to be heard.
- **Corporal punishment:** The Committee urges the State party to extend the ban on corporal punishment to all children under 18, to revise the legislation accordingly and promote positive, non-violent and participatory forms of child-rearing and discipline.
- **Children deprived of a family environment:** The Committee recommends the State party to adopt with no further delay the legal framework on child protection. The Committee also recommends allocating adequate human, financial and technical resources to strengthen the capacity of the Social Welfare Services, to intervene in the context of family separation and ensure child-friendly services. Moreover, among other recommendations, the Committee expect the State party to establish quality standards for all alternative care settings; ensure regular, periodic and substantive review of the placement of children in institutional and family-based childcare facilities; and monitor the quality of care therein.
- **Children with disabilities:** The Committee urges the State party to adopt a human rights-based approach to disability, to set up a comprehensive strategy for the inclusion of children and adopt a uniform definition of disability in compliance with the Convention on the Rights of Persons with Disability Convention. Among other recommendations, the Committee also recalls the need to ensure and promote opportunities for children with disabilities to express their views on matters affecting them, including at school, and to have their views taken into account. It also recommends tackling stigma affecting the participation of children with disabilities and supporting the establishment of an organisation representing them.

- **Asylum-seeking, refugee and migrant children:** The Committee recommends the State Party to end the practice of forced returns of families and children, uphold the principle of non-refoulement in border management and ensure that children receive appropriate protection, access to asylum procedures, legal and humanitarian assistance. The Committee also expect the State to investigate pushback incidents and hold accountable those responsible. The Committee also stresses to ensure that unaccompanied children benefit from representation by competent lawyers throughout asylum procedures, to reduce delays in processing asylum claims and family reunification and to ensure that best interests of the child are a primary consideration in all decisions relating to asylum-seeking children. Moreover, among other measures, the Committee also requests the State party to provide all refugee, asylum seeking and unaccompanied children with sustainable, open and quality accommodation and shelter, access to healthcare, psychosocial services, education and leisure and appropriately trained staff to work with children.
- **Optional Protocol on the involvement of children in armed conflicts (OPAC):** The Committee urges the State Party to end the compulsory recruitment of children under 18 years of age by the armed forces and the use of children in hostilities, including by amending the National Guard law. The Committee also expects the State Party to establish mechanisms for the early identification of asylum-seeking children from conflict areas, and to provide trainings on the OPAC and children's rights to children, families and professionals working with or for children.

The Committee drew the State party's attention to the recommendations concerning the following areas:

- General measures of implementation: **Comprehensive policy and strategy; data collection; coordination; Allocation of resources; Independent monitoring; Dissemination, awareness-raising and training; cooperation with civil society; Children's rights and the business sector**
- **Definition of the child**
- Civil rights and freedoms: **Birth registration and nationality**
- Violence against children: **Violence against children, including abuse and neglect; harmful practices**
- Family environment and alternative care: **Family environment; adoption**
- Basic health and welfare: **Health and health services; Adolescent health; Standard of living; Environmental health**
- Education, leisure and cultural activities: **Education, including vocational training**
- Special protection measures: **Sale, trafficking and abduction; Administration of child justice; Child victims and witnesses of crimes**
- Ratification of international human rights instruments
- Cooperation with regional bodies

Sustainable Development Goals

Throughout its Concluding Observations the Committee referred to the following targets:

- targets 5.1 and 10.3 to end all forms of discrimination against all women and girls everywhere; to ensure equal opportunity and reduce inequalities of outcome, including by eliminating discriminatory laws, policies and practices
- target 16.9 to provide legal identity for all including through birth registration



- targets 5.2, 16.1 and 16.2 to eliminate all forms of violence in public and private spheres; to significantly reduce all forms of violence and related death rates; to end abuse, exploitation, trafficking, violence and torture against children
- target 5.3 to eliminate all harmful practices, such as child, early and forced marriage and female genital mutilations
- targets 2.2 and 3.8 to end all forms of malnutrition and to achieve universal health coverage
- targets 3.3, 3.5, 3.7 and 5.6 to end the epidemics of AIDS, tuberculosis, malaria and neglected tropical diseases; to strengthen the prevention of treatment of substance abuse; to ensure universal access to sexual and reproductive health care services
- targets 1.1,1.3 to eradicate extreme poverty and to implement nationally appropriate social protection systems and measures for all
- targets 4.1, 4.5 and 4.a to ensure complete free, equitable and quality primary and secondary education; to eliminate gender disparities in education; to build and upgrade education facilities that are child, disability, and gender sensitive and provide safe, non-violent, inclusive environment

Next State report

CRC	
No. of report	7 th and 8 th
Due date	8 th March 2027

Disclaimer: Child Rights Connect reports are all drafted in English. If the State report and/or the alternative reports were submitted in another UN language (Spanish, French, Arabic, Russian or Chinese) the report will be translated accordingly.