



**Convention on the
Rights of the Child**

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COMMITTEE ON THE RIGHTS OF THE CHILD

Thirty-third session

**CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES
UNDER ARTICLE 44 OF THE CONVENTION**

Concluding observations: Cyprus

1. The Committee considered the second report of Cyprus (CRC/C/70/Add.16) at its 867th and 868th meetings (CRC/C/SR.867 and 868), held on 21 May 2003, and adopted, at the 889th meeting (CRC/C/SR.889), held on 6 June 2003, the following concluding observations.

A. Introduction

2. The Committee, while welcoming the submission of the State party's second periodic report, regrets that it was rather legalistic, did not address practical aspects of implementation and was not prepared in accordance with the general guidelines regarding the form and contents of periodic reports (CRC/C/58). The Committee welcomes the timely submission of the written replies to its list of issues (CRC/C/Q/CYP/2) and the updated replies, which give a clearer picture of the situation of children's rights in the State party. It further notes with appreciation the high-level delegation sent by the State party and the informative and positive dialogue that took place.

**B. Follow-up measures undertaken and
progress achieved by the State party**

3. The Committee is encouraged by the improved health indicators, in particular the infant mortality rate and the under-5 mortality rate, as well as the improvement of indicators in the area of education. It is further encouraged by efforts to make the Convention widely known and the inclusion of children's rights in the curricula of schools at all levels.

4. The Committee welcomes accession of Cyprus to the European Union which will become effective on 1 May 2004.

C. Factors and difficulties impeding the implementation of the Convention

5. The Committee notes that the State party, as a consequence of events that occurred in 1974 and that resulted in the occupation of part of the territory of Cyprus, is not in a position to exercise control over all of its territory and consequently cannot ensure the application of the Convention in areas not under its control. However, it remains a matter of concern to the Committee that no information on children living in the occupied territories could be provided.

D. Principal areas of concern and recommendations

1. General measures of implementation

The Committee's previous recommendations

6. The Committee regrets that some of the concerns and recommendations (CRC/C/15/Add.59) it made upon consideration of the State party's initial report (CRC/C/8/Add.24) have been insufficiently addressed, particularly those contained in paragraphs 21, 31 and 32. Those concerns and recommendations are reiterated in the present document.

7. The Committee urges the State party to make every effort to address those recommendations contained in the concluding observations on the initial report that have not yet been implemented and to address the list of concerns contained in the present concluding observations on the second report.

Legislation and implementation

8. The Committee, while taking note of amendments to domestic legislation, nevertheless remains concerned that all domestic laws still do not fully comply with the provisions and principles of the Convention. The Committee is encouraged by the establishment in 2002 of an inter-ministerial committee tasked with incorporating the provisions of the Convention into the existing legislation concerning children.

9. The Committee recommends that the State party take effective measures to ensure that its domestic legislation conforms fully with the principles and provisions of the Convention, in particular in the area of juvenile justice. In this regard the inter-ministerial committee should be well resourced and should develop and implement a time-bound plan of action for the incorporation of the Convention into domestic law.

Implementation, coordination, evaluation and national plan of action

10. The Committee welcomes the decision of the Council of Ministers of 30 August 2002 to establish a Central Committee for the implementation of the Convention, regretting, however, that it lacks the power to coordinate governmental activities with regard to that implementation.

11. The Committee is encouraged that a new plan of action, based on the outcome document of the United Nations General Assembly special session on children, will be prepared by the end of 2003.

12. **The Committee recommends that the State party ensure:**

(a) **That the Central Committee for the implementation of the Convention adopts a multidisciplinary child rights-based approach and is provided with adequate financial and human resources and an adequate mandate to be able to coordinate effectively national and international activities for the implementation of the Convention;**

(b) **Harmonization between the Convention, the national plan of action and the outcome document of the special session, and monitor and evaluate effectively the impact of policies adopted with respect to children.**

Independent monitoring

13. The Committee welcomes the establishment of the National Institution for the Protection of Human Rights in 1998 noting, however, that this body does not include a specific mechanism to address individual complaints relating particularly to violations of rights guaranteed under the Convention. It is encouraged by the decision of the Council of Ministers dated 30 January 2003 to set up a committee to prepare the framework for the establishment of a children's ombudsman in Cyprus.

14. **The Committee encourages the State party to pursue its efforts to nominate either a commissioner specifically responsible for children's rights, or establish a specific section or division for children's rights within the structure of the National Institution that would be responsible, in particular, for addressing complaints made by children in a child-sensitive manner. In this respect, the Committee refers to its general comment No. 2 on the role of national human rights institutions.**

Allocation of resources

15. The Committee notes that in 2001 the Government of Cyprus devoted 19.5 per cent of the country's gross domestic product (GDP) to the social sectors and that 50 per cent of State grants were for children's programmes run by the voluntary sector. The Committee regrets that the State party could not state specifically what part of those expenditures were for children's programmes, other than that it was "considerable"; this does not facilitate monitoring.

16. **The Committee recommends that the State party pay particular attention to the full implementation of article 4 of the Convention by prioritizing budgetary allocations for the implementation of the economic, social and cultural rights of children, in particular those belonging to economically disadvantaged groups, "to the maximum extent of ... available resources". Furthermore, it recommends that the State party specify the amount and proportion of the State budget spent through public and private institutions or organizations for the implementation of children's rights in areas like alternative care, health education and special protection, in order to be able to evaluate the impact and effect of the expenditures and also, in view of the costs, the accessibility, the quality and the effectiveness of the services for children in the different sectors.**

Data collection

17. The Committee notes the plans of the State party to computerize the Department of Social Welfare Services and the current focus on systemic collection of data on children. The Committee welcomes the decision of the Central Committee for the implementation of the Convention to give priority in 2003 to the design of a data bank on the situation of children in Cyprus and regrets that this has not yet been given sufficient attention.

18. The Committee recommends that the State party intensify its efforts to establish a central registry and introduce a comprehensive system for the collection of disaggregated data incorporating all the areas covered by the Convention and using relevant child rights indicators. Such a system should cover all children up to the age of 18 years, with specific emphasis on those who are particularly vulnerable. The State party should in this regard undertake all possible measures to include data on children living in the occupied part of its territory.

Training/dissemination of the Convention

19. The Committee notes that the initial report and supplementary information provided to the Committee were published by the Department of Social Welfare Services in 1999 and notes the initiatives undertaken to make the Convention widely known, such as the "Children's Week" and radio and TV programmes and publications prepared by the National Institution for the Protection of Human Rights. The Committee welcomes the information contained in the written replies to the list of issues related to efforts undertaken to make the provisions of the Convention widely known and understood among the police, social welfare services, teachers and mental health professionals in cooperation with non-governmental organizations and the Office of the United Nations High Commissioner for Refugees (UNHCR).

20. The Committee encourages the State party to continue and strengthen its efforts to provide adequate and systematic training and sensitization on children's rights for professional groups working with and for children, with particular attention to law enforcement officers, prosecutors and judges. It urges the State party to continue to develop methods to promote the Convention, in particular at the local level, and to further support such activities carried out by NGOs.

Cooperation with NGOs

21. The Committee values the importance the State party has accorded to NGOs more recently by providing support to their activities and involving them in the preparation of the national plan of action for children.

22. The Committee emphasizes the important role civil society plays as a partner in implementing the provisions of the Convention, including with respect to civil rights and freedoms, and encourages the State party to continue and strengthen its cooperation with NGOs, in particular by involving NGOs, especially rights-based ones, and other sectors of civil society working with and for children more systematically throughout all stages of the implementation of the Convention.

2. Definition of the child

23. The Committee notes that the age of criminal responsibility has been raised from 7 to 10 years, but continues to be concerned that the age of criminal responsibility remains low and unclear, with different ages mentioned in various legislation.

24. **The Committee recommends that the State party raise the legal age of criminal responsibility to an internationally more acceptable age by amending its legislation in this regard and ensuring that all children below 18 years are accorded the protection of juvenile justice provisions.**

3. General principles

25. The Committee is concerned that the principles of the right to non-discrimination (article 2 of the Convention), the right to have the child's best interests as a primary consideration in matters affecting him/her (art. 3), the right to life, survival and development of the child (art. 6) and the right to respect for the views of the child according to age and maturity (art. 12) are not fully reflected in the State party's legislation, policies and programmes at national and local levels.

26. **The Committee recommends that the State party:**

(a) **Appropriately integrate the general principles of the Convention (arts. 2, 3, 6 and 12) in all relevant legislation concerning children;**

(b) **Apply them in all political, judicial and administrative decisions, as well as in projects, programmes and services that have an impact on all children; and**

(c) **Apply these principles in planning and policy-making at every level, as well as in actions taken by social and health welfare and educational institutions, courts of law and administrative authorities.**

Non-discrimination

27. The Committee is encouraged by positive developments, as noted by the Committee on the Elimination of Racial Discrimination (CERD) in August 2001, with respect to legislative reform. However, the Committee reiterates the concern of CERD relating to the lack of legal provisions expressly outlawing racial discrimination by private persons in education and employment. Furthermore, the Committee is concerned that certain factors linked to discriminatory attitudes may persist, in particular those related to acquisition of nationality, children born out of wedlock and Cypriot children of Turkish origin. It further notes that certain legislation does not apply equally to girls and boys.

28. **The Committee recommends that the State party consider reviewing legislation, and amending it where necessary, with a view to ensuring that all children are accorded equal rights without discrimination based on their ethnic origin, sex, or other grounds. Furthermore, it encourages the State party to pursue information campaigns to eliminate stereotyping in terms of traditional roles of men and women in society.**

29. **The Committee requests that specific information be included in the next periodic report on the measures and programmes relevant to the Convention on the Rights of the Child undertaken by the State party to follow up on the Declaration and Programme of Action adopted at the 2001 World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance, and taking account of general comment No. 1 on article 29 (1) of the Convention (aims of education).**

Respect for the views of the child

30. The Committee takes note of various regulations in the institutions of the State party guaranteeing that the view of the child will be considered in judicial and administrative proceedings. It welcomes efforts undertaken by NGOs in raising public awareness of children's participatory rights.

31. **In light of articles 12 to 17 of the Convention, the Committee encourages the State party to implement the plans to revise its legislation to expand children's opportunities to express their views and to be heard, as indicated in the State party's report. The Committee encourages the State party to support existing NGO initiatives in this respect.**

4. Civil rights and freedoms

32. The Committee is concerned that inadequate attention has been paid to the promotion of the civil rights and freedoms of the child and, in particular, regrets that there is no information in the State party's report on article 14 of the Convention.

33. **The Committee urges the State party to redouble its efforts to educate and sensitize parliamentarians, government officials, members of the judiciary and other professional groups, parents and children on the importance of accepting fully the concept of child rights. It recommends that further measures be undertaken to ensure freedom of religion to children, particularly in light of the child's right to non-discrimination on the grounds of religion.**

Torture and other cruel, inhuman or degrading treatment or punishment

34. The Committee welcomes the decision of the Government to publish the report of the European Committee on the Prevention of Torture and Inhuman and Degrading Treatment or Punishment on its visit to Cyprus from 22 to 30 May 2000, and notes that the findings of the visit indicated that physical ill-treatment by the police remained a serious problem in Cyprus. The Committee further welcomes the responses of the Government to the report and the measures undertaken to combat ill-treatment, in particular as they relate to children between 10 and 18.

35. The Committee notes that the Criminal Procedure Code and the Violence in the Family Law are being amended to comply with international standards; however, it regrets the general lack of information in the State party's report relating to article 37 and the fact that statistical data on violence in prisons are not systematically kept.

36. **The Committee recommends that the State party:**

(a) **Include in its next periodic report detailed information on measures introduced to ensure implementation of the new legislation, including by providing training on children's rights to those responsible for administering juvenile justice;**

(b) **Provide further information in its next report on detention conditions of minors and on the length of pre-trial detention; undertake a study of and provide information on abuse and maltreatment of children occurring during arrest and detention, and specifically on procedures for notification of custody of minors and for ensuring the right to immediate access to a lawyer and to a doctor of choice.**

5. Family environment and alternative care

Parental guidance

37. The Committee notes the establishment of the Centre for Family Guidance by the Department of Social Welfare in 1997. However, the Committee is concerned about the traditional and rather paternalistic view of the child held by parents, teachers, authorities and society at large.

38. **The Committee urges the State party to further encourage families to provide appropriate direction and guidance in the exercise by the child of the rights recognized in the Convention in a manner consistent with his/her evolving capacities. It further recommends encouraging the perception of the child as a holder of rights through measures at all levels and public campaigns to raise awareness on the Convention.**

Separation from parents

39. The Committee is concerned that, given the situation on the island following the events of 1974, certain categories of children wishing to attend secondary school must be separated from their parents, and may not be allowed to visit their parents regularly or return upon completion of their education. Furthermore, the Committee notes that boarding schools for these children are available only for boys, and that there is one boarding home for girls.

40. **The Committee urges the State party to create equal opportunities for all children wishing to pursue education beyond primary school, including by making boarding schools available to both boys and girls and pursuing efforts to reduce periods of separation from parents.**

Children deprived of their family environment

41. The Committee notes the existence of alternative care services like foster families and home-care services and that placement in an institution is used as a solution of last resort. However, the information provided in the written replies shows that in practice, the number of children in institutions is rising while the number of children in foster care is decreasing.

42. **The Committee recommends that the State party:**

(a) **Continue to take measures to increase and strengthen foster care, family-type foster homes and other family-based alternative care by providing greater financial assistance and increasing the counselling and support mechanisms for foster families;**

(b) **Ensure that children are placed in institutions only as a measure of last resort and that effective mechanisms are established to receive and address complaints from children in care, to monitor standards of care and, in light of article 25 of the Convention, to undertake regular periodic review of placement.**

Adoption

43. The Committee notes that the Adoption Law of 1995 includes the principle of the best interest of the child as a prerequisite for the adoption process and welcomes the ratification of the Hague Convention on Protection of Children and Cooperation in Respect of Intercountry Adoption of 1993. The lack of information on intercountry adoption is a concern because it is a form of adoption vulnerable to misuse, inter alia for improper financial gain, child labour or other forms of exploitation.

44. **The Committee recommends that the State party introduce the necessary measures to effectively monitor and supervise the system of adoption of children, in the light of article 21 of the Convention. It also recommends that adequate training be provided to professionals involved in the adoption process.**

Abuse and neglect

45. The Committee welcomes the initiation of a comprehensive study to improve the understanding of the nature and scope of child neglect and abuse in Cyprus, as recommended by the Committee (CRC/C/15/Add.59, para. 29), as well as the new Law No. 3 (1) of 2000 on Combating of Trafficking in Persons and Sexual Exploitation of Children and the Violence in the Family Law for the prevention and protection of victims of domestic violence. The Committee regrets that information on the follow-up given to cases of abuse reported to social welfare services is not available. The Committee notes that many people in Cyprus consider that there is a problem of violence within the family and refers to the concerns expressed by the Human Rights Committee (CCPR/C/79/Add.88, para. 12) and the Committee on Economic, Social and Cultural Rights (E/C.12/1/Add.28, para. 15) with respect to domestic violence.

46. **The Committee recommends that the State party, in keeping with the findings of the study, adopt adequate measures and policies aimed at changing attitudes, including the prohibition of corporal punishment in the family, supported by well-targeted awareness campaigns on, inter alia, alternative ways of disciplining children. Furthermore, it encourages the State party to adopt measures and ensure sufficient human and financial resources to ensure the implementation of the law for the prevention of domestic violence. The Committee invites the State party to include specific information in its next periodic**

report on follow-up to cases of abuse reported to the social welfare services, as well as information on the announced second research project on the extent of child abuse in Cyprus.

6. Basic health and welfare

Adolescent health

47. The Committee welcomes the information contained in the State party's report on health education in schools, in particular information on the harmful effects of alcohol and nicotine. However, the Committee is concerned at the high rate of children consuming alcohol, tobacco, drugs and other harmful substances.

48. **The Committee encourages the State party to actively pursue its health education initiatives in schools and recommends that it undertake further measures, including the allocation of adequate human and financial resources, to evaluate the effectiveness of training programmes in health education, in particular as regards substance abuse, and to develop youth-sensitive and confidential counselling, care and rehabilitation facilities that are accessible without parental consent when this is in the best interests of the child.**

Social security and childcare services and facilities

49. The Committee notes that the limits for receiving social benefits for children are extended beyond the age of 18 years for persons attending full-time education; however, it notes that the age is not the same for males and females.

50. **The Committee encourages the State party to ensure that social benefits for girls and boys are equal so that this is not a factor in their decisions relating to higher education.**

7. Education, leisure and cultural activities

51. The Committee notes that the State party accords the utmost importance to education and is encouraged by the high enrolment rate, the increase in pre-primary education as well as international cooperation in this area. However, the Committee is concerned about the broad scope of special schools for children with physical, mental or emotional needs, which, inter alia is not conducive to the integration of those children into mainstream schools.

52. **The Committee encourages the State party to strengthen its efforts to include children with special needs wherever possible in mainstream schools, in accordance with article 23 (3) of the Convention. In this respect, the Committee draws the attention of the State party to the Standard Rules for the Equalization of Opportunities for Persons with Disabilities.**

8. Special protection measures

Refugee and internally displaced children

53. The Committee welcomes the assumption of full responsibility for asylum matters, including refugee status determination, by the Government of Cyprus as of 1 January 2002.

Furthermore, it is encouraged by the Government's progress in preparing a draft law to amend the Refugee Laws 6 (I) of 2000 and 6 (I) of 2002. However, the Committee remains concerned about difficulties that some children who have been given temporary protection may be experiencing in access to public education, as well as about the fact that children of internally displaced persons may acquire IDP status themselves only if their father is an IDP.

54. **The Committee recommends that the State party:**

- (a) **Promptly adopt the draft law to amend the 2000 and 2002 Refugee Laws;**
- (b) **Introduce further amendments to the Refugee Law in order to ensure access to public educational facilities to persons afforded temporary protection;**
- (c) **Ensure that children either of whose parents is an IDP can acquire that status.**

Sexual exploitation, trafficking

55. The Committee welcomes the enactment in 2000 of the Law on the Combating of Trafficking of Persons and Sexual Exploitation of Minors and the Protection of Witnesses Law of 2001 making specific provision for the protection of child witnesses. While noting that the State party does not consider that problems relating to trafficking or other forms of sexual exploitation exist, the Committee remains concerned that such problems may remain "hidden" and that the authorities may be unaware of them. In particular, the Committee refers to the concerns expressed by the Special Rapporteur on the sale of children, child prostitution and child pornography that Cyprus is being used as a transit point for trafficking of young women, including minors.

56. **The Committee recommends that the State party strengthen its efforts to identify, prevent and combat trafficking in children for sexual purposes in accordance with the Declaration and Agenda for Action and the Global Commitment adopted at the 1996 and 2001 World Congresses against Commercial Sexual Exploitation of Children.**

Protection of children affected by armed conflict

57. The Committee notes that while the minimum age for conscription is 18 years it is possible to volunteer for military service from the age of 17. The Committee is concerned that under-18s may be deployed since no distinction is made between the age for recruitment and deployment.

58. **The Committee encourages the State party to clarify the minimum age for voluntary recruitment and take measures to ensure that no one under 18 is deployed as a combatant to armed conflicts.**

Juvenile justice

59. The Committee welcomes the information that steps are being taken to harmonize legislation in the sphere of juvenile justice with the Convention. Furthermore, the Committee notes that probation is the most frequently used measure in dealing with young offenders and

that prison facilities for minors are being renovated. However, the Committee regrets that information on the average length of pre-trial detention is not available. Furthermore, the statistics provided in the written replies to the list of issues demonstrate that the majority of juveniles are sentenced to a fine and that probation orders are rare.

60. **The Committee recommends that the State party ensure that the reforms under way provide for the establishment of a juvenile justice system, including juvenile courts, that has adequate human and financial resources, and that fully integrates international juvenile justice standards, in particular articles 37, 39 and 40 of the Convention as well as the United Nations Standard Minimum Rules for the Administration of Juvenile Justice (the Beijing Rules), the United Nations Guidelines for the Prevention of Juvenile Delinquency (the Riyadh Guidelines) and the Guidelines for Action on Children in the Criminal Justice System.**

9. Ratification of the Optional Protocols

61. **The Committee welcomes the signature in 2001 of the Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography and the intention of the State party to proceed with its ratification. The Committee urges the State party consider early ratification of the Optional Protocol on the involvement of children in armed conflict.**

10. Dissemination of the report, written answers, concluding observations

62. **In light of article 44, paragraph 6, of the Convention, the Committee recommends that the second periodic report and written replies submitted by the State party be made widely available to the public at large and that the publication of the report be considered, along with the relevant summary records and the concluding observations adopted by the Committee. Such a document should be widely distributed in order to generate debate and awareness of the Convention and its implementation and monitoring within all levels of administration of the State party and the general public, including concerned NGOs.**

11. Next report

63. **The Committee underlines the importance of a reporting practice that is in full compliance with the provisions of article 44 of the Convention. An important aspect of States' responsibilities to children under the Convention includes ensuring that the Committee on the Rights of the Child has regular opportunities to examine the progress made in the Convention's implementation. In this regard, regular and timely reporting by State parties is crucial. The Committee recognizes that some States parties experience difficulties in reporting in a regular and timely manner. As an exceptional measure, in order to help the State party catch up with its reporting obligations so as to be in full compliance with the Convention, the Committee invites the State party to submit a consolidated third and fourth periodic report by 8 March 2008, date on which the fourth periodic report is due. Such a report should not exceed 120 pages (see CRC/C/118). The Committee expects the State party to report thereafter every five years, as foreseen by the Convention.**
