Recommendation to the United Nations Committee on the Rights of the Child: Pre-session 11thOctober 2011.

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The HFC “Hope for Children”– UNCRC Policy Centre is a non-profit independent institution based in Nicosia, Cyprus. Our institution works on humanitarian and development policy relevant to the defence and promotion of children’s rights. It does so through research, grassroots program design and implementation and advisory services offered to governments and international organizations.

It is founded on the principle of promoting and protecting children’s rights in Cyprus. We aim to do this through implementation of a variety of projects covering communal initiatives, environmental initiatives, integration of legally residing non-Cypriot children nationals into their host society, working with separated and unaccompanied children present in Cyprus

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Final Recommendation completed: September 2011

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* ***Acknowledgements***

Producing these Recommendations would not have been possible without the valuable input and hard work of a number of individuals who made up and/or contributed to the research team. Therefore special thanks and appreciation are extended to Dr. Illias Betakas, Ms. Georgia Nathanail, Ms. Rutai Zsuzsanna, Mr. Manos Mathioudakis Ms. Andria Neocleous. And Ms. Stella Eleftheriades from Association for Prevention & Handling of Violence in the Family , who has contributed to the topic domestic violence against children . “Hope For Children” UNCRC Policy Center would also like to thank all other staff members who contributed to this research. Furthermore, sincere thanks are extended to all the governmental and non-governmental actors who agreed to be interviewed as part of the field research and to all the children who participated in focus group activities and/or personal interviews.

***These recommendations are dedicated to all children living in the Republic of Cyprus.***

**1.1** **Observations on Juvenile Justice in Cyprus**

Although Cyprus possesses an elaborate system for the protection of children at the legislative level and has taken a number of measures regarding juvenile delinquency, it has failed to set up a juvenile criminal justice system that ensures appropriate treatment. Although the setting up of such a system has been discussed in the past and endorsed by the Commissioner for Children, not to mention that an enabling law is in place, the implementation of such a system has not materialised. The Office for Handling Juvenile Delinquency of the Cyprus Police cannot in any way be considered a substitute for a specially trained judicial system that caters for juvenile offenders and which is staffed with expert social workers that monitor the children and the measures imposed against them.

It is an absolute necessity for Cyprus to set up an independent judicial department dedicated to child offenders, staffed with at least three first instance judges and two appellate judges – in addition to a Juvenile District Attorney - with expertise in juvenile criminal justice and subsequent training in the handling of minors. This court should have the benefit of working closely either with an independent body of social workers or with the existing Social Welfare Service and it is up to the government to make this Service efficient and responsible. The ratio of juvenile offenders to each social worker must be equivalent to the European average and the juvenile justice system must periodically assess the progress made by the children under supervision. The system must be aided by other specialists, particularly a child psychologist and it is crucial that the juvenile judges can issue binding orders to the police authorities.

The system, once in place, must be able to keep accurate statistical data and work alongside other public authorities concerned with child welfare in order to adopt adequate preventive policies. The juvenile court should be able to receive assistance from non-governmental organisations, particularly as regards rehabilitation and in the form of witness testimony, to the degree that the best interests of the child are not harmed

**1.2 Child abuse**

According to the statistics the reported cases of child abuse are increasing due to the awareness raising campaigns on domestic violence and the trainings provided by the state. However, the latency of such crimes is still high which is a consequence of not only the lack of consciousness but the possible stigmatization of the whole family in a relatively small society.

After abused children are identified, one of the most important issues faced by the child is the attendance to a child psychologist. The law states that in order for a child to undergo therapy or to be provided with the adequate support necessary in order to overcome the traumatic experiences of domestic violence, both parents/guardians need to sign in order to grant permission for a child to do so. Due to the nature of Domestic Violence, it is almost always inevitable that the ‘father’, will disapprove of the child attending therapy with a child psychologist. For this reason, the Association for Prevention and Handling of Violence in the Family reports that they consistently receive complaints from the ‘mother’, who is usually the one with whom the children remain, that the father does not want to help his children and refuses them the chance to overcome the trauma by seeing a child psychologist.

In addition, according to the aforementioned Association, competent governmental services in Cyprus are unable to adequately undertake cases of domestic violence against children with respect to following up on their progress. Unfortunately, the Association, as a Non Governmental Organization, is unable to intervene in these cases, due to not having the jurisdiction to do so. Thus, they are only able to provide support over the phone within the Crisis Center and provide a shelter for battered women and their children.

The state efforts in this field are more than welcome but further steps are required. The “One in Five” campaign to stop sexual abuse of children launched by the Council of Europe, which is also currently implemented in Cyprus, focus on sexual violence against children in intrafamilial and extrafamilial circumstances. Based on researches all over the world, children are more likely to be sexually abused by family members than strangers, but the prevention and awareness raising should cover the cases related to the latter as well.

**1.3 Discrimination**

According to the general principle of the Convention the rights of each child should be respected without discrimination of any kind. As the result of the shortage of labour force around 2000 and the EU accession in 2004, the number of immigrant workers is still increasing. Children of women belonging to these groups or asylum seeker minors are more vulnerable but in many cases they are not provided sufficient assistance nor treated the same way as Cypriot children would be treated when facing such problems.

The Cypriot courts and the Social Welfare Service can not be considered objective in cases involving children from mixed marriages. The nationality of the parents is a more important consideration than the best interest of the child and many times the opinion and views of the child is not taken into account if it would lead to the termination or limitation of the parental rights of the Cypriot parent.

Even though the general education and the welfare of the immigrant children are not presented problematic, and the necessary health care is given for immigrant children, asylum seeker or refugee minors, it is observed that when Welfare officers are not available and/or willing to escort the child, the access to health care can be difficult. In spite that Cyprus undertook the obligation to provide health care for any children living in the island indeed to cover the funding for treatment abroad when it is not available in the country.

**1.4 Identify, Prevent and Combat of Child Trafficking.**

As it is stated in the period report of Cyprus, intensified efforts to identify, prevent and combat trafficking and sexual exploitation included the establishment in 2004 of the Office for the Combating of Trafficking in Human Being under Department C of Police Headquarters.

The Social Welfare Services are named in the “Combating trafficking and exploitation of human beings and the victims protection Law” as the competent authority for coordinating the services provided to child victims [section 36(5)]. Regarding unaccompanied minors specifically, the Law contains special provisions under the care of the Director of Social Welfare Services. These provisions specify the actions and decisions that must be taken by the Immigration Officer bearing in mind the best interests of the child and the provisions of the Convention on the Rights of the Child [section 37]. More over, it is stated at this point that their social rights, including access to education and health services need to be ensured.

Considering the involvement of three different Departments- (Immigration Office, Welfare Service, Office for the Combating of Trafficking of Police) we would like to express our concerns in terms of liaison practices among those departments. We are not convinced that they have managed to set in place flexible and effective procedures in order to maintain, fast and effective cooperation, respecting the best interests of children and at the same time protect confidentiality.

Having in mind that Cyprus is a small island we would like to also emphasize on the confidentiality issue. Therefore we promote a more holistic approach that ensures good networking between the involved bodies, but at the same time maintaining the respect of confidentiality.

Succeeding an effective and time-oriented cooperation is in consent with good practices proposed by the Separated Children in Europe Program, enhancing holistic confrontation of the interconnected needs of separated children (victims of trafficking) managing to take into consideration the child’s perception of time.

We have received adequate quarantines that the procedures to be followed by the police (during the identification process) are child-friendly, and the professionals to be involved well trained. We believe that appropriate safeguards have been put in place to ensure that consultations and interviews do not cause harm to the child.

**1.5 Family tracing and contact**

Based on the Convention for the Rights of the Children it is an obligation of the State to assist the child to trace the parents or other members of the family in order to obtain information necessary for reunification with his/her family. Additionally, the provisions of the Article 10 for the Return and removal of unaccompanied minors of the Returns Directive (Directive 2008/115/EC) are not followed. This is attributed to the fact that the Republic of Cyprus has still not adopted the Directive even though the deadline for this was December 2010. As a result monitoring of the returns is also not taking place as provided by the article 8.6 of the above Directive.

We mention this obligation despite the fact that it is not mentioned in the Report because we regard this as a very serious deficit of the system. We have not come across of any case that special effort was maintained in order to identify the family members of a child, (where it will not endanger the child, or members of the child’s family) and when already identified, to ensure that the child is in regular contact with them.

Concerning, the children victims and unaccompanied minors who are asylum seekers, the general practice observed in regards to the asylum procedure is that the Asylum Service conducts the interview only after the minors become 18, while their claim usually is rejected.

We strongly suggest an official investigation on this topic, in order to collect the relevant data and act accordingly.

**1.6 Appointment of a Guardian**

As soon as a child is identified as an unaccompanied minor, the responsible governmental agency to provide guardianship is the Welfare Office.

Welfare Office in Cyprus is a governmental Agency that deals with a variety of issues and is considered as understaffed. We need to express our worries regarding the efficiency of the services provided in terms of unaccompanied minors, both in securing fundamental obligations regarding basic needs coverage and also in promoting integration and overall well-being of the PoC.

As far as the first point is concerned, the most serious deficits in the system of protection include the absence of an effective mechanism which will screen, advise and timely intervene when needed. Issues such as the provision of shelter, the evaluation/coverage of the specific needs of the child (medical, emotional, material), the timely linkage with the school environment are not organized in a coherent plan of action.

In addition, the guardian’s role can not be restricted in ensuring suitable accommodation, education and health care. The child has to develop a trustful relationship with his/her guardian that will facilitate in depth communication. Only then the guardian will be capable of providing adequate support. Only then it will be possible to consult and advice the child, to advocate on the child’s behalf. This might demand spending more time with the child and being involved into different areas of his/her life. A good practice can also be to engage with the child’s informal network of friends and peers.

In order to cover first priority needs but also to ensure integration in the new society and the child’ well being is necessary to reconsider the meaning of guardianship and expand its role. In this sense, a more efficient guardianship will prevent re-victimization and exploitation of the children, which currently, for some cases this is not happening.

**1.7 Foster families**

Based on the Cyprus Report Family-type foster home are considered to be the best type of alternative care for children who are deprived of their own family environment. This is in line with the provisions of the Reception Condition Regulations of 2005 in the case of the children who apply for asylum.

In some cases that we came across foster families do not always guarantee stability and continuity in terms of care. The financial support that these families receive from the Welfare Office can constitute in some cases the main motivation for offering accommodation to an unaccompanied child. This can create to the child the feeling that is not loved. That the care and support he/she receives are not honest. These parameters can affect very seriously a child that already feels lonely and unsafe. Additionally, there is a lack of available foster families in the case of unaccompanied minors asylum seekers, and the process of appointing the suitable foster family is time consuming. Sometimes, children are asked to find a family on their own, and for as long as it lasts their material needs are not covered.

As far as the living in the children shelters is concerned, in some cases with adolescents, there were issues like addressing specific food needs related to Muslim religion, and a lack of initiatives in integrating the children such as through sport/cultural and other activities. In those cases, not active collaboration with schools and teachers was also observed.

It is deemed that only specialists and people who have a real interest for children benefits should be involved in these shelters as well as within the foster families. This can ensure continuity and stability in greater extent and therefore formulate a healthier environment for a child.

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