Child Rights References in the Universal Periodic Review

Summary:
A compilation of extracts featuring child-rights issues from the reports submitted to the first Universal Periodic Review. There are extracts from the 'National Report', the 'Compilation of UN Information' and the 'Summary of Stakeholder's Information'. Also included is the 'Final Report' and 'Conclusions and Recommendations' from the Review.

Cyprus - 6th Session - 2009
30th November 2009, 3pm to 6pm

National Report

3. Independent institutions (such as the Commissioner for the Protection of Children’s Rights and the Ombudsman), non-governmental organizations and individual experts, active in the promotion of human rights, were invited to participate in the drafting of the Report in the framework of a consultative process that included various forms of interactions with the drafting team over a period of six months. Their comments and observations were duly taken into account.

32. Commissioner for the Protection of Children's Rights was established by law in 2007 [L.74(I)/2007] in compliance with the Concluding Observations of the Committee on the Rights of the Child concerning the second Periodic Report submitted by Cyprus in 2003 and in compliance with the Convention on the Rights of the Child. The institution is in full compliance with the “Paris Principles” and with General Comment No. 2 of the Committee on the Rights of the Child regarding “The role of independent human rights institutions”. The mission of the Commissioner is to protect and promote children’s rights. Her extensive competences, set out by law, include, inter alia, representing children and their interests at all levels, promoting public awareness and sensitivity, identifying and promoting the views of the children where they cannot be represented, as well as supervising and monitoring the implementation of the provisions of the United Nations Convention and the European Convention.

49. The Law for Combating Trafficking and Exploitation of Human Beings and for the Protection of Victims [L.87(I)/2007], came into force on 13/07/2007 replacing the Combating of Trafficking in Human Beings and Sexual Exploitation of Children Law of 2000 [L.3(I)/2000]. Its scope is to fully harmonise the national legislation with the European acquis, as well as to better implement the UN and Council of Europe relevant Conventions and Protocols, particularly the Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children, supplementing the UN Convention Against Transnational Organized Crime. The Law covers all aspects of trafficking such as exploitation of the prostitution of others or other forms of sexual exploitation, forced labour or services, slavery or practices similar to slavery and the removal of organs. The Law has special provisions for children, including unaccompanied minors and child pornography; it further provides for a national coordinator and for the establishment of multidisciplinary group with the task to take all the necessary measures for combating trafficking and exploitation of human beings and to protect the victims.

55. Since 2002 the Domestic Violence and Child Abuse Office operates within the Cyprus Police. The office undertakes and supervises both preventive and combative measures.

67. Cyprus has adopted and consistently pursued a policy of active promotion and protection of the rights of the child. Cyprus has ratified all basic international instruments for the protection and development of children, including the Convention on the Rights of the Child (in 1991) and the Optional Protocol to the Convention on the Rights of the Child on the Sale of Children, Child Prostitution and Child Pornography (in 2006) and has signed the Optional Protocol to the Convention on the Rights of the Child on the Involvement of Children in Armed Conflict (in 2008), the ratification of which is in process.

68. The combined third and fourth Periodic Report on the implementation of the CRC has been submitted. The major development in the area was the establishment of the Commissioner for the Protection of Children’s Rights (see para. 32). Cyprus is promoting the operation of the European single six-digit telephone helpline (116XYZ) for children.

69. The Cyprus Police have published electronically the Citizen’s Charter for Children/Youngsters, which has been prepared in the context of Article 13 of the CRC, ensuring children’s access to information.
70. The Social Welfare Services provide child protection services to children who are deprived of their family support. Every effort is made to ensure that removal of children from their family environment is only effected in the best interest of the child. The Director of Social Welfare Services is empowered by law to take children who are in need of care and protection into his/her care and, where necessary, assume parental responsibility. In relation to adoption, the Social Welfare Services are obliged by law to safeguard the best interests and rights of adopted children.

71. Specially trained Family Counsellors have a wide range of responsibilities, including receiving complaints relating to the possible use of violence, carrying out necessary investigations, advising, counselling and mediating for the relief of problems in the family that are likely to have led or to lead to the use of violence.

72. Moreover, an active Educational Psychology Services Department functions within the Ministry of Education and Culture.

73. Prisoners under the age of 21, stay, if the building arrangements or the existing facilities so permit, separately from the other prisoners. A number of young prisoners work in the same work places with the other prisoners upon approval by the Director of the prison.

74. The Commissioner has developed an effective complaints mechanism to evaluate not only individual violations of children’s rights, through discussions and interactive workshops. The children express their views on issues of their concern and are encouraged to exercise their participation rights. The theme “Children’s Rights” will be actively promoted during the 2009-2010 school year, to aware-raising among educationalists and students on the practical implementation of children’s rights, particularly participation rights, through discussions and interactive workshops. The children express their views on issues of their concern and are encouraged to exercise their participation rights. The theme “Children’s Rights” will be actively promoted during the 2009-2010 school year, to commemorate the 20th anniversary of the CRC.

75. Pre-primary education, Primary and Lower Secondary Education are mandatory and offered free of charge in the public sector. They cover all students aged between 4 years and 8 months to 15 years. All such children must be enrolled in a public or a private educational institution. Failure to do so will result in prosecution of their legal guardian. Upper Secondary Education including Technical and Vocational Education and Training is available and accessible to all 15-18 year olds. It is offered free of charge in the public sector and covers 85.8 per cent of the pupils. Though education is not compulsory for children over 15, the rate of enrolment of children between 15 and 18 is about 95 per cent.

76. Students who have dropped out of school may complete their schooling and obtain a high school certificate by attending an evening secondary general or technical school.

77. 82 per cent of the students completing their Upper Secondary Education seek placement at institutions of higher education. The government covers the cost of tuition for undergraduate Cypriot students studying at Public Institutions of Higher Education in Cyprus, at both university and non-university level.

78. Turkish Cypriots who hold a six-year high school diploma are eligible for admission at Public Institutions of Higher Education in the government controlled areas of Cyprus. Moreover, 10 per cent of the places are granted to special categories of people such as the disabled due to the acts of war, children of missing persons, persons living in the occupied area of the state. 6 per cent of the positions are granted to handicapped individuals and people with special needs. Students with financial needs may be subsidized by the Student Welfare Fund of the University, which is supported financially by private initiatives.

79. In the case of the specific groups of students belonging to religious or ethnic groups of Cyprus, students are offered a subsidization amount so that they can attend schools of their choice. The costs for the education of Turkish Cypriot students, who reside permanently in the government controlled area, in private schools of their choice in Cyprus, from pre-primary to higher education, are covered by the Government.

80. The Ministry of Education and Culture in its effort to promote tolerance and dialogue and in order to eliminate stereotypes through education has set in place the programme for Zones of Educational Priority (ZEP). The Policy for the ZEP is derived from the strategy of positive discrimination (UNESCO) and is based on the unequal treatment of inequalities and the equality of opportunity in education.

81. The ongoing Educational Reform is an effort for a comprehensive introduction of changes and innovations at all levels and all aspects of the educational system. Its main objective is to create a democratic and student-focused educational system that includes all students irrespective of social, racial or ethnic background, gender, or physical or mental ability and offers high quality education to each student.

147. The Commissioner's School Visits Programme entitled “Give voice to your views” is considered a best practice. It promotes awareness-raising among educationalists and students on the practical implementation of children’s rights, particularly participation rights, through discussions and interactive workshops. The children express their views on issues of their concern and are encouraged to exercise their participation rights. The theme “Children’s Rights” will be actively promoted during the 2009-2010 school year, to commemorate the 20th anniversary of the CRC.

148. The Commissioner has developed an effective complaints mechanism to evaluate not only individual violations of children’s rights but also the compatibility of existing legislation, policies, administrative decisions and practices with the CRC and other international human rights instruments. Where violations are ascertained, the Commissioner proceeds with recommendations for remedy, and if deemed necessary, the Commissioner gives publicity to her recommendations.
160. Cyprus fully understands that important challenges posed by the mechanism’s monitoring nature aim to render human rights as a central component of conduct. In this endeavour the government has subjected itself to honest and genuine critical self-assessment in evaluating achievements and challenges. Legal international instruments are currently under consideration for adoption at national level in the fields of enforced disappearance and persons with disabilities, as well as additional instruments in the field of protection of children. Cyprus welcomes the role of civil and non-governmental organisations at the grassroots level and recognises that, despite the substantial progress achieved so far, more effort is required to fully meet the challenges that are faced, as the field is ever expanding and diversifying.

UN Compilation

1. The Committee on the Elimination of Discrimination against Women (CEDAW) 8 and the Committee on Economic, Social and Cultural Rights (CESCR) 9 encouraged Cyprus to consider ratifying ICRMW. CESCR recommended that Cyprus consider ratifying CRPD and its Optional Protocol 10 and noted with satisfaction Cyprus's intention to sign and ratify OP-ICESCR. 11 The Committee on the Rights of the Child (CRC) urged Cyprus to consider early ratification of OP-CRC-AC. 12

4. In 2003 CRC, while taking note of amendments to domestic legislation, nevertheless remained concerned that all domestic laws still do not fully comply with the provisions and principles of the Convention. 20

6. In 2003, CRC noted that NIPHR does not include a specific mechanism to address individual complaints relating particularly to violations of rights guaranteed under the Convention. 23 CRC encouraged Cyprus 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 NIPHR. 24 In 2009, CESCR commended the establishment by Law 74 (I) of 2007 of the Children’s Rights Commissioner and the awareness-raising activities which have already been conducted by this mechanism. 25

19. CRC expressed concern 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. CRC recommended that Cyprus 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. 44

24. CRC noted that many people in Cyprus consider that there is a problem of violence within the family and referred to the concerns expressed by the Human Rights Committee 54 and CESCR 55 with respect to domestic violence. 56 CRC recommended that Cyprus 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. 57

43. CESCR was concerned about the still limited opportunities for Cypriot Turkish-speaking children to receive instruction in their native language. CESCR urged Cyprus to take all appropriate measures to increase opportunities for Turkish Cypriot children to receive teaching in their mother tongue. 87

44. CESCR expressed deep concern about the circular issued by the 2004 Ministry of Education which requests all schools to report to immigration authorities the contact details of the parents of foreign children who enrol in school. CESCR considered that the 2004 circular gave rise to direct or indirect discrimination against migrant children and hindered their access to education. CESCR, recalling its general comment No. 13 (1999), called upon Cyprus to consider withdrawing this circular. 88

45. CRC expressed concern about the broad scope of special schools for children with physical, mental or emotional needs and encouraged Cyprus to strengthen its efforts to include children with special needs wherever possible in mainstream schools. 89

46. CRC also urged Cyprus 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. 90

52. CRC remained concerned about difficulties that some children who have been given temporary protection may be experiencing in access to public education and recommended that Cyprus ensure access to public educational facilities to persons afforded temporary protection. 97

Stakeholder information

30. The ACFC/CoE recommended encouraging the authorities to examine the difficulties affecting the educational opportunities of children belonging to the three minority groups in private schools. In consultation with all interested parties, the authorities are invited to identify ways and means of overcoming these difficulties. 47

Final Report

8. The delegation highlighted that Cyprus has ratified the majority of universal and regional human rights instruments. There is a small number of recent human rights instruments to which Cyprus is still only a signatory. Ratification has been delayed for bureaucratic reasons. Cyprus is committed to completing the process of ratification in the near future, including the Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict (OP-CRC-AC).

12. The delegation indicated that the promotion of children’s rights had been included as an educational target for the current school year. Cyprus recognized that some of its domestic laws did not fully comply with the Convention on the Rights of the Child (CRC) and highlighted that those laws were now under review, including the laws on adoption, juvenile delinquency and juvenile justice.

13. Corporal punishment in the family is prohibited by law and prosecuted. There is a record of such criminal cases brought before the
14. Cyprus indicated that the issue of military recruitment of persons under the age of 18 would be settled with the ratification of OP-CRC-AC.

15. The full protection of children’s rights safeguarded by CRC applies to every person under 18. A special administrative procedure for handling young offenders between the ages 14 and 16 is in place, to decriminalize their acts and divert them from the criminal and judicial system. The age of criminal responsibility is 14 and applies to all criminal offences. The overall legal, procedural and administrative environment pertaining to children involved in the criminal justice system is under review.

16. The issue of granting the status of internally displaced persons and consequential benefits to children of internally displaced women is currently under examination.

22. Cyprus indicated that free and accessible education at all levels was offered to all students, including Cypriots and children of migrants, irrespective of the status of their parents. Public educational institutions enrolled students without discrimination and without requiring either residence permits or other documentation. The Government would be withdrawing the 2004 Circular under which schools were expected to report to the immigration authorities. Education was compulsory until the age of 15, and primary and secondary schools operated in all towns and rural areas to safeguard equal access to different levels of education. Thus there were no boarding schools financed by the Government.

25. In relation to children with special educational needs, Cyprus stated that it fully implemented the principles of the 1994 Salamanca Statement and Framework for Action, which were embodied in special national legislation. Children with special needs were integrated in regular schools, which accommodated them with a child-centred pedagogy capable of meeting their individual needs.

40. Canada welcomed the 2007 anti-trafficking legislation for the identification and protection of trafficking victims and the entry into force of the Council of Europe Convention on Action against Trafficking in Human Beings. It noted the continuing trafficking in women for sexual exploitation, as reported by the Committee on Economic, Social and Cultural Rights in May 2009. Canada referred to the 2006 concluding observations of the Committee on the Elimination of Discrimination against Women, in which the Committee had noted that patriarchal attitudes, traditional prejudices and stereotypes continued to be a cause of women’s disadvantaged position, including in the labour market and public life. Canada appreciated the recent efforts to protect the rights of children, notably the creation of the position of Commissioner for the Protection of Children’s Rights, and encouraged Cyprus to continue to ensure the protection of the rights of every child. Canada made recommendations.

42. Brazil commended inter alia the enactment of legislation for the equal treatment of men and women regarding labour rights and on combating trafficking in persons. It noted with concern shortcomings regarding the human rights of migrants and asylum-seekers. It referred to concerns about lengthy detentions of non-nationals in inadequate conditions and the lack of information for detainees on their rights. Brazil noted with concern that Cyprus did not differentiate migrant children regarding access to education, and the request of the Ministry of Education to schools to give immigration authorities contact details of the parents of foreign children enrolled. Brazil highlighted that regularizing their migratory status was an effective way to enable undocumented migrants to enjoy fully their rights. Brazil asked about the practical results of the 2007-2013 National Plan on Gender Equality and the Government’s intention to undertake alternative measures to detention for asylum-seekers and irregular migrants. Brazil made recommendations.

46. Morocco noted the effectiveness of actions taken by Cypriot institutions, particularly those of the Commissioner for Personal Data Protection and the National Bioethics Committee, which Morocco stated constituted good practices. It asked for more details on the experiences of those two structures and their contribution in the area of human rights. Morocco welcomed the intention to adopt legal instruments on forced disappearance and persons with disabilities and additional instruments on the rights of the child, which would strengthen cooperation with international mechanisms and the policy of dialogue and coordination. It asked for more information on measures to overcome difficulties in the implementation of the legislative framework as mentioned in paragraph 155 of the national report. Morocco made a recommendation.

47. Serbia acknowledged that the position of Commissioner for the Protection of Children’s Rights had been established in 2007 and asked about the initial experiences in the launching of that mechanism. Serbia noted that, owing to its geographical position, Cyprus was experiencing a rising influx of so-called economic immigrants. It thanked Cyprus for the information provided and asked if there were any additional measures for the improvement of the rights of children of those migrants, specifically in the field of education. Serbia appreciated any further information concerning measures taken to enhance their economic rights and possible integration in society. Serbia made a recommendation.

50. Spain welcomed the possibility of Cyprus ratifying OP-CRC-AC and the Convention on the Rights of Persons with Disabilities (CPD) and its Optional Protocol. Spain enquired about its intention to access and ratify the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights (OP-ICESCR). Noting the social awareness generated by cases of sexual abuse of migrant women in situations of inequality regarding salaries, and highlighting the special attention given to resolving that problem, Spain asked Cyprus to explain the measures taken to improve the situation. It asked Cyprus how it could moderate the number of requests for asylum that it received and to explain the measures to reduce the time that asylum-seekers had to wait for a final decision on their requests. Spain made a recommendation.

58. Argentina noted that Cyprus did not have a national human rights institution complying with the Paris Principles. It welcomed the recent decision of Cyprus to ensure the independence of the national human rights institution. Argentina noted the continued existence of cases of domestic violence against women and children, which were often not denounced. It noted that despite the entry into force of the new law on trafficking in persons and the abolition of “artist visas”, which used to facilitate degrading practices, many cases of women
being sexually exploited continued to be registered. Argentina commended the adoption of the law providing migrants and asylum-seekers with free legal assistance. Argentina made recommendations.

59. The Democratic Republic of Congo appreciated inter alia the role of the Ombudsman, or Commissioner for Administration, as well as the Commissioner for the Protection of Children’s Rights. It stated that the functions of certain structures seemed to overlap and asked if there was an arbitration body dealing with cases of overlap in jurisdiction. It noted that most of the immigrants in Cyprus were economic migrants and asked if there were any specific administrative or legal provisions to deal with that category of individuals. It noted that in 2006, an independent authority had been established which was responsible for investigating complaints and allegations involving the police. It asked about the number of policemen convicted to date and by which bodies they had been convicted. The Democratic Republic of Congo made a recommendation.

61. Italy welcomed the initiative taken in the field of gender equality and acknowledged the challenges represented by persisting social stereotypes. Italy encouraged the parties to search for a comprehensive settlement in accordance the United Nations principles. Italy made recommendations regarding prisons and detention facilities, human rights education, domestic violence and ratification of OP-CRC-AC.

62. Venezuela recognized the active policy of Cyprus to promote and protect the rights of the child, the girl child and adolescents. It commended the establishment of the Commissioner for the Protection of Children’s Rights and highlighted the introduction of the mechanism to receive individual complaints on violations of the rights of the child, as well as the implementation of the programme of school visits. Venezuela considered it important that the Commissioner for the Protection of Children’s Rights continue its efforts to achieve greater effectiveness in its difficult task and made a recommendation.

64. Bulgaria commended the establishment in 2006 of the Unit for Rehabilitation of Victims of Torture and the Independent Authority for the Investigation of Complaints and Allegations concerning the Police. It welcomed the active promotion and protection of the rights of persons with disabilities and of the rights of the child and the establishment of the position of Commissioner for the Protection of Children’s Rights. Bulgaria asked about the measures to ensure that all children, including migrant children, enjoyed the rights guaranteed to them under CRC and other international instruments and to ensure free access of migrant children to education. Bulgaria made a recommendation.


69. Mauritius noted the absence of a national human rights institution accredited by the International Coordinating Committee of National Institutions for the Promotion and Protection of Human Rights as being in compliance with the Paris Principles. It welcomed the strides made by Cyprus in pursuit of gender equality in all spheres of life. It noted, however, that despite such initiatives there still existed deep-rooted traditional social prejudices and stereotyped attitudes resulting in continued marginalization of women in society. Mauritius welcomed the establishment of a Commissioner for the Protection of Children’s Rights and the determination shown by Cyprus to educate children on their rights and to increase their access to information. In that regard, it requested further details on how Cyprus dealt with the specific needs of children from the minority groups and asked whether relevant authorities took into account traditional and cultural aspects when establishing national education curricula.

77. Cyprus indicated that measures recently taken to prevent and combat trafficking of human beings, including the imposition of stricter criteria for visa issuing, were still too new for their effectiveness to be evaluated. Cyprus was seeking to increase international cooperation and particularly welcomed any assistance, especially from the countries of origin of trafficked persons.

84. As regards children’s rights, the position of Commissioner for Children’s Rights established in 2007 is fully compatible with the Paris Principles and is totally independent and properly empowered. It has a very wide mandate, which includes ensuring CRC protection for all children in Cyprus, national and foreign, and holds, inter alia, monitoring and awareness-raising competencies. The institution receives complaints from children and can represent them in courts nationally and internationally. The institution’s recommendations have been well received and endorsed by the Government, and include views on legislation discussed in Parliament.

Conclusion and Recommendations

2. Consider the ratification of the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (OPCAT); the Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict (OP-CRC-AC); the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families (ICRMW); the Convention on the Rights of Persons with Disabilities (CRPD); the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights (OP-ICESCR); and the International Convention for the Protection of All Persons from Enforced Disappearance (CED) (Argentina);
6. Continue its efforts aimed at ratification of OP-CRC-AC (Serbia); ratify OP-CRC-AC (Slovenia); finalize the ratification process of OP-CRC-AC (Italy); speed up the process of ratification of OP-CRC-AC (Bulgaria);

7. Ratify OP-CAT, as well as OP-CRC-AC and the Optional Protocol to CAD (Chile);

15. Through relevant mechanisms, continue to guarantee through specific, concrete measures the constructive cooperation policies towards the office of the Commissioner for the Protection of Children’s Rights, providing it with the necessary resources to guarantee the fulfilment of its functions for the benefit of the boys, girls and adolescents of the country (Venezuela);

44. Bring legislation governing the rights of the child into line with relevant international instruments and provide the office of the Commissioner for the Protection of Children’s Rights with the support needed for it to assume its role of preservation and protection of children’s rights (Algeria);

45. Do its utmost to guarantee that children, regardless of their descent status, are treated equally in law and in practice (Slovenia);