



10.10.2011

NGO Group for the CRC  
Rue de Varembe 1,  
1202, Geneva,  
Switzerland

Att.: Roisín FEGAN (Ms)

Re: Implementation of the Convention on the Rights of the Child, Third and Fourth Periodic Reports of Cyprus (CRC/C/CYP/3-4), due 2008, submitted Aug. 2009, to be discussed 2011)

The Pancyprian Coordinating Committee for the Protection and Welfare of Children (PCCPWC) studied the 3<sup>rd</sup> and 4<sup>th</sup> (consolidated) Periodic Reports to the UN CRC Committee (CRC/C/CYP/3-4), submitted in August 2009, on the implementation of the Convention on the Rights of the Child and wish to make the following comments:

SECTION "A"

Based on the UN CRC Committee comments on the 2<sup>nd</sup> Periodic Report

**1. Factors and difficulties impeding the implementation of the Convention**

**We are concerned by the fact that collecting data and information for the situation of children all over Cyprus is not yet possible due to the continuation of the division of the island and the lack of government control over the occupied areas. The political situation is such that, for the moment, prevents any action on the matter.**

**2. Implementation, coordination, evaluation and national plan of action**

(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.

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.)

**With the institution of the Ombudsperson for Children's Rights (2007) it is obvious that the responsibility is placed on them.**

**However, there still remain: a) the need for mainstreaming children's rights in ALL legislation, services, actions etc., b) the need for adopting and enforcing the new Children's Law – pending for so long and c) the need for the NAP to address issues in a way that practical, feasible solutions are given and that the real financial cost is budgeted and possible to be spent.**

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### 3. Training/dissemination of the Convention

(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.)

**We must stress that the PCCPWC was NOT funded either for running the annual "Children's Week" or for training professionals and its members on implementing the CRC even though we have submitted several proposals to the Social Welfare Services over the last five years. The Children's Week disseminates information (on children's issues since 1979 and specifically on the implementation of the CRC since 1990) to the wide public and children and is an invaluable tool. We feel that this does not comply with the Committee's recommendations.**

### 4. Cooperation with NGOs

(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.)

**We must acknowledge the fact that the PCCPWC was involved in the preparation process of the NAP. Nevertheless, we feel that the process did not involve NGOs as much as it should and no monitoring mechanisms were put in place to make sure that our recommendations were taken aboard. Moreover, we must also stress that no consultations with children were organized neither any other form of getting children's views on the NAP was employed. This hinders the implementation of children's participatory rights.**

### 5. Non-discrimination

(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.)

**As a general comment: We feel that within the educational system there should be changes so as to make tolerance and multicultural acceptance a reality. Overt "patriotism", "strengthening of religious identity" and "ethnicity strengthening" (which are explicitly mentioned as being part of the goals of the educational system) are against every principle of the CRC and of the EU.**



## 6. Civil rights and freedoms

(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.)

**The PCCPWC through all its actions sensitizes the public and the officials on the need to fully accept, recognise and implement children's rights – and this for EVERY child residing on the island. Nevertheless, the right of the child to non-discrimination on the grounds of religion and ethnicity is not – to our opinion – fully accepted or adequately safeguarded.**

## 7. Family environment and alternative care

**(Parental guidance:** 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.)

**We still share the same concerns that were expressed as above by the Committee and we think that not much progress was made in changing attitudes towards the status of children.**

## 8. Respect for the views of the child

(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.)

**The Cyprus Children's Parliament constitutes the best practice example of Cyprus on children's participation, recognised as such not only on the national but on the European level. Nevertheless and besides the fact that it is mentioned in the government's report, we must stress that this institution is not funded by the state nor any other support has been given to it. It has been, and still is, entirely on the PCCPWC to secure funds from private sources in order to permanently run it. And had it been funded the development of the institution would have been to the benefit of children and the implementation of their participatory rights, as well as to the benefit of adults in general.**

## SECTION "B"

Our general comments on the 3<sup>rd</sup> and 4<sup>th</sup> consolidated Reports to the UN Committee (Please note that due to lack of time we were unable to follow the guidelines and we made our comments randomly.)

1. We have to note that towards the end of the period covered by the government report (2007) we had an outstanding achievement: the passing of legislation to set up the office of the Commissioner for Children's Rights. It was to a large extent the result of years of campaigning and strategic initiatives by the PCCPWC and we express our congratulations and our satisfaction for this progress.



2. However, we also note that unfortunately in the process of expediting the decision for a Commissioner we had to "sacrifice" the Inter-Ministerial Committee for the Implementation of the CRC which was also a previous result of PCCPWC initiatives. This Committee was essential for the coordination of different Ministries and bodies, and therefore, its abolition caused one of our current deficits in the field of children's rights. It is relatively noted that the Committee was also at an advanced stage of setting up a national DATA BANK, modernizing the legislation for juvenile offenders and introducing a new Adoption Law – all of which are still pending now and standing out as our deficits in securing children's rights with adequate legislation.
3. It is hoped and expected that the new office of the Commissioner will be adequately staffed and financed by the Government so that it can replace the extinct Committee and take all necessary action to rectify this situation.
4. Children's Legislation  
The detailed description of many activities to amend the Children Law does not include the fact that:
  - A) The first comprehensive proposal was submitted last century (towards the end of the 80s) by the then Director of Welfare Services after constructive consultation with the Courts and the Ministry of Justice, and
  - B) Bureaucratic procedures and other obstacles resulted in the sad situation that about thirty years have passed and the proposal ... is still a proposal.

Similar delays, and probably for the same reasons, are also noted in passing other legislation relevant to safeguarding children's rights.

It is anticipated that the new office of the Commissioner will take all necessary steps and measures to include urgent action for this Law in the National Action Plan for implementing the CRC.

5. We also express the hope that the Government will set up an effective successor to the abolished Inter-Ministerial Committee so that it becomes the appropriate mechanism for cooperation with NGOs (consultations take place on a very "casual" basis) and for coordinating the procedures and actions of the many departments involved with implementing the CRC and the UN Committee comments and recommendations.
6. The Report refers to many different Laws that are under amendment or/and modernization, yet, no timeframes are mentioned and we feel that it is left on each Ministry to decide if and when the amendment or modernization will be brought forward and submitted to the House of Representatives for discussion and voting.



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7. We were unable to see the political priority placed on children's issues and we feel that Ministries do not perceive children's issues a political priority at all. Amidst the economic crisis it seems more probable to perceive children's issues as less important than the labour market and not an investment for the future. Moreover, there is no monitoring mechanism to oversee and safeguard children's rights within the financial or other government policies. The office of the Commissioner is not adequately staffed to fulfill all expectations placed in the relevant legislation.
8. The Office of the Commissioner was handed all responsibility for data collection on children and this hindered the overall process. Ministries are no longer willing to keep statistical data and the lack of adequate, disaggregated data on children is more than evident.
9. We notice a vast number of training seminars reported. We feel that these seminars have no real target, besides bringing the hope that trainees will "learn something" and transfer it to their every day work. This fragmented training reveals the lack of educational program and goals for professionals.

Fully aware that our comments are not exhaustive, please do not hesitate to contact us on further issues you feel we should pay attention to.

The PCCPWC is in the process of setting up a permanent mechanism for the monitoring of government reporting, both on the CRC and on EU strategies. We shall soon inform you of relevant developments.

With best regards,  
For the PCCPWC

Ninetta Kazantzis  
President