



HFC
"Hope
For
Children"

t. +357 22103234
f. +357 22104021
info@uncrcpc.org
www.uncrcpc.org

International Headquarters
75 Limassol Avenue
office 201 - 2nd floor
2121 Nicosia - Cyprus

**Alternative Report by “Hope For Children” CRC
Policy Center to the 85th session of the Committee on
the Rights of the Child on the List of Issues for Cyprus**



Nicosia, April 14th, 2020



HFC
"Hope
For
Children"

t. +357 22103234
f. +357 22104021
info@uncrcpc.org
www.uncrcpc.org

International Headquarters
75 Limassol Avenue
office 201 - 2nd floor
2121 Nicosia - Cyprus

ABBREVIATIONS

BIA : Best Interest Assessment

BIC: Best Interest of the Child

CoE: Council of Europe

CH: Children's House

HFC: "Hope For Children" CRC Policy Center

INGOs: International Non-Governmental Organisations

MLWSI: Ministry of Labour, Welfare and Social Insurance

MOECYS: Ministry of Education, Culture, Sports and Youth

MOH: Ministry of Health

SWS: Social Welfare Services

Table of Contents

Introduction	3
List of Issues in relation to the combined fifth and sixth periodic reports of Cyprus: point 8.	3
List of Issues in relation to the combined fifth and sixth periodic reports of Cyprus: point 6.	6
List of Issues in relation to the combined fifth and sixth periodic reports of Cyprus: point 7.	9
Relevant to the Children's Rights Issues: Parental Consent	10
Relevant to the Children's Rights issue: "Light" response of governmental authorities of the Republic of Cyprus	12



HFC
"Hope
For
Children"

t. +357 22103234
f. +357 22104021
info@uncrcpc.org
www.uncrcpc.org

International Headquarters
75 Limassol Avenue
office 201 - 2nd floor
2121 Nicosia - Cyprus

Introduction

"Hope For Children" CRC Policy Center (HFC), is an international, humanitarian and independent Institution based in Nicosia, Cyprus. It is established on standards and principles of the UN Convention on the Rights of the Child and European Union Law and 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.

HFC works together with national, regional and international advocacy institutions to reform child welfare systems on behalf of children who depend on them for protection and care. It aims to bring together judges, lawyers, psychologists, medical practitioners, mediators, counsellors, mental health workers, media representatives, child cares, teachers & allied professionals to contribute their specialized expertise in a practical manner through education, legal and other advocacy to promote and protect the interests of the most vulnerable social groups, the children and youth.

Regarding the close cooperation with institutions and actors on European and International level, HFC has been granted the Observer Status¹ at the Lanzarote Committee of the Council of Europe (CoE) since January 2017 and the Participatory Status at the INGOs Conference of the CoE, in January 2018.

List of Issues in relation to the combined fifth and sixth periodic reports of Cyprus: point 8.

Children's House Cyprus: Operation

The ratification of the Lanzarote Convention by the Republic of Cyprus has led to increased expectations on the pillar of prevention of the sexual abuse. In this context, CH was established as a positive initiative and part of the pillar of tertiary prevention in the area of sexual abuse and exploitation of children (cases management).

The Children's House (CH) is a safe and child friendly environment for sexually abused children, based on European standards and the Icelandic "Barnahus" model, which brings together all relevant services under one roof, using a multidisciplinary and interagency approach. It endorses the provision of justice in a child-friendly approach and aims to ensure the protection, safety and well-being of the child in alignment with the principle of the bestinterest of the child, the right of the child to be heard and receive information while avoiding undue delay.

¹<http://www.cna.org.cy/WebNews-en.aspx?a=4f5980253acb4fb4af48ebb5ba7454f0>



HFC
"Hope
For
Children"

t. +357 22103234
f. +357 22104021
info@uncrcpc.org
www.uncrcpc.org

International Headquarters
75 Limassol Avenue
office 201 - 2nd floor
2121 Nicosia - Cyprus

The CH operation has been assigned to the HFC since August 2016 under the supervision and in cooperation with the Social Welfare Services (SWS) of the Ministry of Labour, Welfare and Social Insurance (MLWSI). It was created as part of the Cyprus National Strategy and Action Plan to Combat the Sexual Abuse and Exploitation of Children and Children's Pornography 2016-2019² through the n.80.430_21/03/2016 Decision of the Council of Ministers³ and is funded by the SWS of the MLWSI.

The CH operates with the direct involvement and cooperation of the Cyprus Police, the Social Welfare Services (SWS), the Ministry of Health, and the Ministry of Education and Culture. Memorandum of Understanding has been signed between HFC and every individual partner where the competence and duties of the parties are explicitly defined. The CH has additionally created an Internal Procedures Protocol in order to define the framework and procedures applied throughout the provision of services in place.

Based on that Protocol, the services provided at the CH include the forensic interview, medical examinations, psychological evaluation, psychological support and therapy, social support and rehabilitation and family therapy and counselling. These are performed by the experts of each field in the context of their competences. In this context, Cyprus Police has established as of 2016 a special investigators unit to only handle cases of sexual abuse against children.

Appointed experts of the aforementioned Ministries and the Cyprus Police participate on an equal basis alongside the HFC's staff in the weekly multidisciplinary meeting, which is the tool of the CH of utmost importance for its operation. The aim of this meeting is for all participants to present their professional view and findings on the referred cases as well as to agree on an unanimously accepted plan through the exchange of information on the cases' handling.

Cases of sexual abuse and exploitation are referred to the CH solely by the Cyprus Police or the SWS. Following the referral, the Coordinator of the CH reaches the Police Investigator to further discuss on the facts and elements of the individual case. Then, a Social Worker of the CH is assigned with the needs assessment of the case which concludes to a well-defined plan of the support which should be provided to the child and/or the family following a house visit when needed. The needs assessment, as every element of the case, is presented during the multidisciplinary meeting and shared among the participants. Due to the holistic approach applied, the SWS officers are directly involved in the support and rehabilitation of the child and the family, in cooperation with all experts involved in the case.

²http://www.moec.gov.cy/seayp/stratigikes/stratigikes_ethniki_stratigiki_schedio_drasis_katapolemisi_sexou_alikis_kakopoiisis_ekmetallefsis_paidion_kai_paidikis_pornografias.pdf

³[http://www.cm.gov.cy/cm/cm.nsf/All/70767D7E5685AC2BC22583E5002A381D/\\$file/80.430.pdf?OpenElement](http://www.cm.gov.cy/cm/cm.nsf/All/70767D7E5685AC2BC22583E5002A381D/$file/80.430.pdf?OpenElement)



HFC
"Hope
For
Children"

t. +357 22103234
f. +357 22104021
info@uncrcpc.org
www.uncrcpc.org

International Headquarters
75 Limassol Avenue
office 201 - 2nd floor
2121 Nicosia - Cyprus

Moreover, training has been thoroughly provided to HFC's staff and all the partners both at a time prior to the establishment of the CH and on an ongoing basis during their engagement with the field. HFC alongside its project partners has implemented the EU funded Project "PROMISE I" and "PROMISE II"⁴ which aim at promoting the Barnahus (Children's House) model as a good practice in the protection of child victims. Part of "PROMISE II" has been a judicial workshop on "Children as vulnerable witnesses: Approach and Communication Skills", organized in Nicosia by HFC on October 3rd 2019. Judges themselves outlined the challenges of the Cypriot judicial system encountered throughout the court proceedings in cases of child sexual abuse while embraced the testimony of the child at the CH and questioned the existing model applied to the cross-examination process. At this point, we highlight the achievement of the connection of the CH and the Court as of October 2019 through a teleconferencing system which curves the way for a child-friendly justice in cases of sexual abuse and exploitation, given that from now on the child upon approval of the judge may testify to court while being in the CH.

Legislative Framework and arising Challenges

The Republic of Cyprus has positive developments to submit on the protection of vulnerable witnesses by passing the Law 91(I)/2014 for the Prevention and Combat of Child Sexual Abuse and Exploitation and Child Pornography and amending the Law 95(I)/2001 for the Protection of Witnesses and the Law 119(I)/2000 for Family Violence. The later amendments (the Witness Protection (Amended) Law of 2019 and the Family Violence (Prevention and Protection of Victims) (Amended) Law of 2019) allow the Judge to use the CH for child testimony during trial through a teleconferencing system. HFC strongly supports the establishment of this practice to all cases of abuse and the explicit expansion of protective measures for the child witness while the later is also cross-examined. In this direction, Article 19 of the Law 119/2000 for Family Violence contains the provision for the Court to control the cross-examination in order to avoid the intimidation of the witness due to aggressive, intensive or threatening questioning. Nevertheless, in practice, more effort should be put in order to create a specific legal system that responds to the special needs of children subjected to violence or abuse.

More specifically, although the legislation regulates the issue of the admissibility of the audiovisual deposition, problems still arise when attempting to present such a deposition as testimony. The most common problem that arises is the failure to comply with the rules for obtaining a videotaped deposit. Hence, the Court is often obliged to reject the testimony in favour of the defendant's right to a fair trial. Secondly, the principle of the victim's testimony at the Court still prevails. As such, the ability, willingness and presence of the child in the Court to either support his or her audiovisual deposition or be subjected to cross-examination

⁴<https://www.uncrcpc.org.cy/en/project/promise-ii-commitment-and-capacity-building-for-the-european-barnahus-movement/>



HFC
"Hope
For
Children"

t. +357 22103234
f. +357 22104021
info@uncrcpc.org
www.uncrcpc.org

International Headquarters
75 Limassol Avenue
office 201 - 2nd floor
2121 Nicosia - Cyprus

are also a key criterion not only for the admissibility of his or her recorded testimony but also for the ability to cross-examine and thus safeguard the defendant's constitutional rights. It is thus left to each Judge and his own perception or sensitivity, to make the child feel comfortable as there is no code or rules to regulate the timing, the duration and the manner in which the child's credibility is encountered through his or her re-examination.

Conclusions

The operation of the CH respects and safeguards the children's rights by providing the facilities of a safe, familiar to the child environment, staffed by trained experts who are capable of supporting the child in a holistic way. Its model is found in compliance with the UNCRC, especially Article 34, and the Lanzarote Convention on the Protection of Children against Sexual Abuse and Exploitation of the CoE, especially Article 10, which stresses the need of the co-ordination between the different agencies in charge of the protection from, the prevention of and the fight against sexual exploitation and sexual abuse of children. Also, Article 11 par.1 states that "Each Party shall establish effective social programmes and set up multidisciplinary structures to provide the necessary support for victims, their close relatives and for any person who is responsible for their care." and Article 30 which calls on States to adopt a protective approach towards the victims ensuring that criminal proceedings do not aggravate the trauma.

Taking due account of the above, HFC supports that CH should be the only place where the child may give his or her audiovisual testimony without need of further appearance in Court. Moreover, further inclusion in relevant trainings and workshops of the judicial sector would be of paramount importance in order for Judges to have a minimum of knowledge of the psychology of the child. Last, we stress the need to define a structured manner of tailored cross-examination, adapted to the age, the cognitive development of the child and his or her mental state. The above suggestions, as well as the model of CH per se, should not be limited to only cases of child sexual abuse, but to all cases where children have been exposed to every type of abuse and relevant crime. HFC supports the CH as a good practice in the field of assistance and support provided to child victims and wishes to experience its expansion to undertaking cases of all types of abuse against children.

List of Issues in relation to the combined fifth and sixth periodic reports of Cyprus: point 6.

Best Interest Determination

The best interest of the child, enshrined in the art.3 of the UNCRC, is part of the national legal framework in the Republic of Cyprus, as well as the importance that must be given to



HFC
"Hope
For
Children"

t. +357 22103234
f. +357 22104021
info@uncrcpc.org
www.uncrcpc.org

International Headquarters
75 Limassol Avenue
office 201 - 2nd floor
2121 Nicosia - Cyprus

the participation of children in all the matters affecting them. Nevertheless, this important and guiding principle is not always respected in substance and this gap is mainly faced in relation to the condition of unaccompanied children in Cyprus.

In fact, procedures and policies are not always clear and still various gaps have been repeatedly reported throughout the years and with the increase in number of migrants coming to seek for protection and a better future.

The main point is related to the link between the BIC and the role of the Authorities working with unaccompanied children. The SWS (in the person of the Director), embracing the role of legal guardian of unaccompanied children, should be able to treat each right in order to protect them and address any specific need. However, the welfare officers - case workers of the SWS are mainly coming from the field of sociology or social work and they often struggle to follow up with the legal aspects of a case. An effort from the SWS is noted in providing relevant training to the welfare officers, but more targeted and on-going training is still needed. Apart from this, serious concerns have been raised concerning the role of SWS acting both as guardian and legal representative in asylum cases.⁵ In addition to this, the SWS have been often reported as understaffed, which makes even harder to fulfil their already demanding tasks, inter alia, the effective assessment of the best interest of the child.

What has been noted is the lack of communication among competent Authorities and the lack of a child-based approach in favour of the rapidness in procedures. The combination of lack of specialization and of intercommunication can in practice lead to detrimental effects on the best interest assessment and further determination of a child in such a vulnerable position, i.e. child in out-of-home care from a third country of origin.

In detail, for most of the actions⁶ involving unaccompanied children, the best interest assessment should be conducted taking into account not only needs but vulnerabilities and long term solutions that can effectively ensure the best interest of the child as stated in the CRC. There are not specific guidelines to ensure the BIC in Cyprus and, when the BIA is conducted, it's done as one assignment and not as part of a holistic procedure that should accompany the child from the lodging of his/her asylum application at the Immigration Office⁷ until the final determination of a durable solution affecting significantly the child's future. In fact, it should take into consideration the child's view which sets as a prerequisite the effective provision of information to the child, meaning in case of unaccompanied children a detailed description of their rights and duties and the asylum procedure along with all the possible outcomes/decisions⁸.

In addition, considering their exposure to traumas and threats, an assessment on their vulnerability should be conducted in the shortest period of time and in line with their being minors but there is no specific and standard procedure nor specific trainings that can help

⁵ <https://www.asylumineurope.org/reports/country/cyprus/legal-representation-unaccompanied-children>

⁶ Art. 92 (a) CRC/C/GC/14

⁷ Art 10(1G) Refugee Law 2000(6(I)/2000)

⁸ art. 21 Refugee Law



HFC
"Hope
For
Children"

t. +357 22103234
f. +357 22104021
info@uncrcpc.org
www.uncrcpc.org

International Headquarters
75 Limassol Avenue
office 201 - 2nd floor
2121 Nicosia - Cyprus

identifying such vulnerabilities. The main support is currently provided by UNHCR and EASO guidelines. Until today, there are neither legislative nor procedural instruments even for adults, no data which can prove the effectiveness of this starting assessment. Everything seems to be conducted based on the perception and years of experience of each case officer, without stabilised identification criteria through national soft law instruments.

Moreover, concerning the asylum procedure, there are no Standard Operating Procedures (SOPs) that can instruct the approach which should be followed and this means that the same approach is depending on the discretion/expertise of each examiner. Also, when it comes to take the decision related to the legal status, some discrepancies have been observed and reported. Before the final decision on their asylum claim, unaccompanied children should be invited for the main interview but due to the outnumbered claims lodged and the respective backlog in the Asylum Services it may come after they turn 18, without a proper justification or explanation till then.

Another relative point is linked to the family reunification and the BIC stated in the Dublin Regulation (art 6(3) EU Reg. 604/2013). The best interest and the right to be heard of the child play both an important role in this moment when the minor is called to the Asylum Service for his/her interview. This is a determining moment for the child to express his/her point of view. Furthermore, during this delicate procedure, the legal guardian has a responsibility of cooperation and of constant interaction with the Asylum Service. Even though many steps ahead, still many gaps persist. In particular it is not clear the role of the guardian who should advocate in the best interest of the minor and be in parallel an active part of the governmental procedure while this role seems barely confined to a mediator role between the child and the Asylum Service. Properly the guardian should be insisting on the importance of the opinion and point of view to be arise (considering always age and level of maturity) and on the significance of conducting an assessment to determine effectively the best short and long term solution for the child, in line with his/her development.

Lastly, another point is related to the link between the BIC and the age assessment procedure which is debating since a long time. Firstly, the medical exams, which should be the last resort according to the UNHCR guidelines, are practiced very often and without even taking into consideration the margin of error that can come out. Some doctors are effectively trained by EASO but it's not clear if this happens on constant basis or not. It's reported that, when the outcome reveals that the person is an adult, no results are shown in order to know the criteria followed and the range of age given which sometimes is barely communicated to the asylum seeker. Consequently, there is no chance to challenge the results. The Commissioner of Children's Rights, more than once, pointed out how many gaps there still are. Firstly, the psychological aspect pressuring the person who is going under age assessment and the fact that, after the outcomes, he/she is immediately asked to leave his or her shelter of residence shelter with the consequent interruption of family reunification procedure, if started before. Secondly, there is always a fragmented approach and absence of best interest determination when it is decided to proceed with the age assessment. For example, the age assessment for an unaccompanied child-asylum seeker is been conducted often as a general practice serving the capacity needs of Cyprus as a host country and not as part of an individual BIA. This flexibility in the harnessing of such a method mostly heightens the risk of the legal uncertainty and violation of human rights than serves the child.



HFC
"Hope
For
Children"

t. +357 22103234
f. +357 22104021
info@uncrcpc.org
www.uncrcpc.org

International Headquarters
75 Limassol Avenue
office 201 - 2nd floor
2121 Nicosia - Cyprus

Recommendations

In conclusion, HFC raises the focus on an ongoing training to professionals dealing with unaccompanied children, on a more coordinated and consistent communication among actors on their way to a BIA to prevent the beneficiaries' re-traumatisation and their distortion throughout their disclosures. HFC insists on the significance of having written guidelines about how a best interest assessment should be conducted taking always into consideration all risks and the child's active participation.

List of Issues in relation to the combined fifth and sixth periodic reports of Cyprus: point 7.

Comments on the children of beneficiaries of international protection born in Cyprus and their right to nationality.

The children born in Cyprus from non-citizens or asylum seekers have the right to be registered to any District Administration Office⁹ and this applies to all the children without discrimination. The Civil Registration is the first step in order to enjoy various rights in the society, nevertheless, nothing is mentioned about the rights of refugees' new born family members. The Civil Registry and Migration Department of Cyprus has recently denied the issuance or renewal of the residence permit of family members, children included, of beneficiaries of international protection, by reason of the National Law (Article 25). According to the letter of this Article, in order for the rights of the holder of international protection to be expanded in his or her family members, the family link should exist at a pre-departure from the country of origin time. However, this strict adherence to the letter of Law and the subsequent policy appears to ignore the fact that children born in Cyprus are thus left undocumented or given a minimum alternative of either applying for a tourist VISA or filing an individual asylum claim. At least, an alternative should have been provided likewise the example of "leave in line"¹⁰, applied in the UK, which gives the child the right to follow the same leave with the parent and applies also to the family members and their sponsor in case of family reunification. The mentioned "leave in line" will expire at the same time as the parent/sponsor.

HFC underlines that no child deserves to be undocumented nor his or her case to be segregated by his or her parents'. In this direction, HFC reminds that the realisation of Article 7 CRC operates as a legal getaway to exercise many of the other rights provided by the CRC. Although an undocumented child is not necessarily a stateless child, a child born by a refugee in a third country means that, as a matter of fact, his or her State has failed to facilitate the

⁹ Art. 8 Civil Registry Law

¹⁰ https://www.asylumineurope.org/sites/default/files/report-download/aida_uk_2019update.pdf



HFC
"Hope
For
Children"

t. +357 22103234
f. +357 22104021
info@uncrcpc.org
www.uncrcpc.org

International Headquarters
75 Limassol Avenue
office 201 - 2nd floor
2121 Nicosia - Cyprus

child's access to his or her rights. Consequently, the legal residence in the host country remains a highly connected with the requirements of Articles 7 and 8 CRC issue which affects the child's life and heightens the risk of statelessness.

Relevant to the Children's Rights Issues: Parental Consent

Obligatory Parental Consent

"Hope For Children" CRC Policy Center considers that the present legal requirement for the consent of both parents in order to provide services towards a child, does not comply with the requirements of International Law. On the contrast, it appears to create obstacles in facilitating the fundamental children's right to access services to where it is in their best interest.

Main issue and suggestions

Within the frame of our actions to rehabilitate child victims of sexual exploitation and/or abuse, the difficulty of obtaining consent from both parents has been identified, in order for the child victim of sexual violence and/or abuse to receive the necessary support in services related to general paediatric examination, psychological evaluation and psychosocial support. There are various cases where the above issue has been identified.

International law not only allows but also encourages the creation of legal and institutional frameworks, which promote the autonomy of the child, inter alia, with regard to issues of his or her own consent for the services he or she should receive.

The above are based on the provisions of the Convention on the Rights of the Child, which is part of the domestic legislation in the context of its signing and ratification by the Republic of Cyprus, through the Convention on the Rights of the Child Law of 1990 (Law 243/1990) in Cyprus. It should be noted here that according to the provisions of the Article 169 of the Constitution of Cyprus, the Convention shall have full force towards any domestic law, and therefore the provisions and requirements of the Convention should be given the required attention.

According to the Article 3(1) of the Convention on the Rights of the Child Law of 1990 (Law 243/1990) *«In all actions concerning children, whether undertaken by public or private social welfare institutions, courts of law, administrative authorities or legislative bodies, the best interests of the child shall be a primary consideration»*. Moreover, according to the paragraph 101 of the General Comment 12 (2009)¹¹ CRC: the right of the child to be heard and taken seriously, *“States parties need to introduce legislation or regulations to ensure that children have access to confidential medical counselling and advice without parental*

¹¹<https://www.refworld.org/docid/4ae562c52.html>



HFC
"Hope
For
Children"

t. +357 22103234
f. +357 22104021
info@uncrcpc.org
www.uncrcpc.org

International Headquarters
75 Limassol Avenue
office 201 - 2nd floor
2121 Nicosia - Cyprus

consent, irrespective of the child's age, where this is needed for the child's safety or well-being. Children may need such access, for example, where they are experiencing violence or abuse at home, or in need of reproductive health education or services, or in case of conflicts between parents and the child over access to health services. The right to counselling and advice is distinct from the right to give medical consent and should not be subject to any age limit".

Additionally, in General Comment 15¹², par. 31 the below are referred:

«31. In accordance with their evolving capacities, children should have access to confidential counselling and advice without parental or legal guardian consent, where this is assessed by the professionals working with the child to be in the child's best interests. States should clarify the legislative procedures for the designation of appropriate caregivers for children without parents or legal guardians, who can consent on the child's behalf or assist the child in consenting, depending on the child's age and maturity. States should review and consider allowing children to consent to certain medical treatments and interventions without the permission of a parent, caregiver, or guardian, such as HIV testing and sexual and reproductive health services, including education and guidance on sexual health, contraception and safe abortion».

At the same, it is extremely important to take into consideration the child's needs and the child's opinion with regards to the provision of services based on the Article 14 (1) of the Lanzarote Convention: *«Each Party shall take the necessary legislative or other measures to assist victims, in the short and long term, in their physical and psycho-social recovery. Measures taken pursuant to this paragraph shall take due account of the child's views, needs and concerns».*

Moreover, it is necessary and of high importance that amongst the obligations of involved services and non-governmental organizations, if the victim is a child, then the child's best interest should be evaluated on an individual basis, based on the age, degree of maturity, views, needs and concerns of the child as mentioned and emphasized in point 4 (1) (c) of the Law on the minimum support of criminal acts (Law 51 (I) / 2016).

The National Law 91 (I) / 2014 on Prevention and Combat against Sexual Abuse and Sexual Exploitation of Children and Child Pornography, Part III, which is about the Rights and Protection of Victims in the Framework of Criminal Procedure – the victims' right to compensation in point 31 (1), mentions that the services involved as well as the non-governmental organisations involved, treat victims with due respect for their dignity, they recognize their rights and legitimate interests, especially in the context of criminal proceedings and ensure that they receive special treatment, which responds in the best way to their best interest, their condition, their age and the degree of their maturity.

In Part IV, point 45, of the aforementioned Law, which is related to the provision of

¹²<https://www.refworld.org/docid/51ef9e134.html>



HFC
"Hope
For
Children"

t. +357 22103234
f. +357 22104021
info@uncrcpc.org
www.uncrcpc.org

International Headquarters
75 Limassol Avenue
office 201 - 2nd floor
2121 Nicosia - Cyprus

assistance and support to victims, there is an explicit provision that the services involved shall take all the appropriate measures, within the scope of their responsibilities in order to help and support children who are victims, in short term and long term within the context of their physical and psychosocial rehabilitation, after an individual evaluation of the child's personal situation, taking into account his or her point of view, depending on his or her age, mental and emotional condition, his or her needs and concerns in order to find permanent solutions for the child.

We further underline that the adherence to the mandatory parental consent for the provision of mental health services is considered as a paradox and disproportionate demand, when, in case of the Republic of Cyprus, the minimum age for a child's sexual consent lies at the age of 17 years old and his or her criminal liability is established from the age of 14. The later demonstrates the tendency of the Republic of Cyprus to legally bind children who act in conflict with the Law, while on the other hand, children are excluded as subjects from enjoying fundamental rights such as the psychosocial support and therapy.

Recommendations

HFC suggests the amendment of relevant laws regarding the consent required by the person or persons who have parental rights in relation to a child, and in particular in cases where the beneficiaries of parental care do not give their consent to the provision of services that are in the best interest of the child and/or the child himself/herself wishes to receive. This is an issue we have already stood for at the Parliamentary Committee of Human Rights of the House of Representatives of the Republic of Cyprus.

HFC considers that it would be in the best interest of the children for the consent to be given either by one parent or by the children themselves, starting from the age of 14. While in cases below the age of 14 years old, the child and his need could be evaluated by a professional who holds the title of the Family Counsellor and the child could be provided with services regardless of parental consent. To achieve this, it is necessary for the amendment of Parents' and Children's Law Relations of 1990 (Law 216/1990) with regards to the relevant provision, as well as the amendment of the Law on Domestic Violence 2000 (Victim Prevention and Protection) (Law 119 (I) / 2000) in such a way it expands the jurisdiction of the family counsellor in relation to the referred issues.

Relevant to the Children's Rights issue: "Light" response of governmental authorities of the Republic of Cyprus

Through our daily contacts with the public sector we realized the differences among the opinions on the children's real needs as well as the concept of best interest and how this is evaluated. The coordination of services is not always satisfactory and at the same time the



HFC
"Hope
For
Children"

t. +357 22103234
f. +357 22104021
info@uncrcpc.org
www.uncrcpc.org

International Headquarters
75 Limassol Avenue
office 201 - 2nd floor
2121 Nicosia - Cyprus

governmental staff lacks of knowledge on issues related to children approach methods. For this reason, HFC often provides information and support to either beneficiaries or case workers who seek for counselling and immediate guidance from the staff of the Organisation. However, the Organisation's work should be supplementary and additional to the governmental sector's, while the later should be in compliance with the European and International Law.

Regarding the field of school education, every child is entitled to a qualitative education without discrimination, which means to have a compulsory free primary school education, secondary school must be available to everyone, higher education must be equally accessible and for those who missed out on primary school there should be fundamental education. Governments and governmental authorities must provide a structured curriculum at schools and make sure all children can access it, without discrimination. On the later, the Republic of Cyprus has demonstrated low progress as far as the educational inclusion of children asylum seekers and refugees. The tutors have complained about the absence of relevant training, handbooks and circulars in order to guide them on the inclusion of students of third countries of origin. The asylum seekers themselves have reported the lack of interest by many teachers or/and confusing tuition methods.

In regard to cases of child abuse, the governmental authorities should address and monitor such cases in due time, refer them swiftly and objectively to the competent authority and conduct a durable support plan. The actors involved should include school and health services, family and welfare environment as well as the law-enforcement officers and the actors of the civil society.

Once more, HFC, aiming to improve the existing human rights protection, prevention and promotion practices, stresses the increase of a child-centered trained staff in services, institutions and authorities dealing with cases of children. It is quite clear that the best interest of the children cannot be served when decisions are delayed beyond a reasonable time due to the invoking workload. It is also clear that the best interest of the children cannot be served when their cases are not managed as they should and this mismanagement may result severe mistakes for the child's future.

Closing this report, HFC would like to welcome the appointment of the new Commissioner for the Protection of the Rights of the Child and the Law Commissioner in Cyprus, as of September 2019, and take the opportunity to also greet the fact of the appointment of two different persons in the above institutions, which had not been the case till then. On the contrary, in 2007 the person who was the Law Commissioner, was also appointed as Commissioner for the Protection of the Rights of the Child, fact which had raised concerns in regard to the duty of independency or potential conflict of interest between the two public authorities.

"Hope For Children" CRC Policy Center



HFC
"Hope
For
Children"

t. +357 22103234
f. +357 22104021
info@uncrcpc.org
www.uncrcpc.org

International Headquarters
75 Limassol Avenue
office 201 - 2nd floor
2121 Nicosia - Cyprus



Joseph Borghese
Director-General

