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"Hope For Children" UNCRC Policy Center

Thematic Report on the Rights of the Child with Disabilities

submitted to Committee for the Rights of People with Disabilities

on the occasion of the 1st review of the Republic of Cyprus

by "Hope For Children" UNCRC Policy Center

Nicosia, Cyprus, August 2016

Global Presence to Protect the Rights of the Child



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Table of Content

1. Introduction.....	5
1.1 Acknowledgements.....	6
2. Executive summary.....	7
3. Issues in connection with the rights of children with disabilities	8
3.1. Article 5 – The principle of non-discrimination	8
3.1.1. General legal framework.....	8
3.1.2. Multiple discrimination and vulnerable groups.....	8
3.1.3. Local remedies available in discrimination cases.....	9
3.2.1. Best interest of the child.....	11
3.2.2. Policy framework	11
3.3. Article 8 - Awareness raising programmes to combat stereotypes and prejudices	12
3.3.1. Awareness raising programmes in public education	12
3.3.2. Trainings for professionals	13
3.4. Article 9 – Accessibility.....	13
3.5. Article 16 - Freedom from exploitation, violence and abuse	14
3.6. Article 19 - Living independently and being included in the community.....	15
3.7. Article 21 - Freedom of expression and opinion, and access to information	15
3.8. Article 23 - Respect for home and the family	16
3.9. Article 24 – Education	18
3.9.1 Access to education.....	18
3.9.2. Pre-Primary education.....	18
3.9.3. Primary education.....	19
3.9.4. Secondary education.....	20
3.9.5. Related case-law	20
3.10. Article 28 - Adequate standard of living and social protection	21
3.11. Article 30 - Participation in cultural life, recreation, leisure and sport	21
4. Recommendations for questions to be included in the list of issues.....	22

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1. Introduction

“Hope For Children” UNCRC Policy Center is an International Humanitarian and Independent Institution based in Nicosia, Cyprus and established on the standards and principles of the UN Convention on the Rights of the Child. One of our main focus is the work in the field of the humanitarian and development policy relevant to the protection and promotion of children’s rights through research, grassroots programs and advisory services offered to governments and international organizations.

The operation of the Organization is founded on the principle of promoting and protecting children’s rights. We aim to do this through the implementation of a variety of projects on a national, European and global level, but also through the integration of unaccompanied children who reside in the host country.

The Mission Statement of the Organization reads as follows: “Hope For Children” UNCRC Policy Center aims to advocate and to protect children’s rights based on the standards and principles of the UN Convention on the Rights of the Child and other relevant international and regional human rights instruments. As our doors are open to all children regardless of religious, cultural and other background, the “Hope For Children” UNCRC Policy Center aims to improve the quality of life of socially disadvantaged children, such as asylum seekers, refugees and children in war-torn areas. Through education and social mobilization, we work on raising awareness and promoting respect towards all cultures, religions and diversities within a society.

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1.1 Acknowledgements

“Hope For Children” UNCRC Policy Center would like to extend its sincere thanks to all of the people that have taken efforts in developing this report.

In particular, “Hope For Children” UNCRC Policy Center would like to express its gratitude towards Ms Kristina Markou, Child Protection Coordinator of “Hope For Children” UNCRC Policy Center and towards Ms Melanie Zinonos, Development Officer of “Hope For Children” UNCRC Policy Center for their kind contribution and cooperation in developing this report.

Finally, “Hope For Children” UNCRC Policy Center is highly indebted to Ms Zsuzsanna Rutai JD LL.M, Coordinator of the Chair of the UNCRC Policy Center Programme of “Hope For Children” UNCRC Policy Center for her guidance and constant supervision as well as for providing necessary information regarding the report and also for her support in completing his report.



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2. Executive summary

The present document is a thematic report on the implementation of the Convention on the Rights of People with Disabilities (CRPD) in the Republic of Cyprus with special focus on the rights of the child. Although the Convention has a particular provision on children with disabilities, we used a horizontal approach to analyse the promotion and protection of children's rights. The report is based on the knowledge and experiences of the staff of "Hope For Children" UNCRC Policy Center, furthermore, on the work of the Commissioner for Administration and Human Rights (assigned as the Independent Monitoring Mechanism of the CRPD) and the Commissioner for children's rights. It was concluded on 1st August, 2016.

First of all, the report looks into the general legal framework of the principle of non-discrimination in Cyprus and considers multiple discrimination cases (e.g. asylum-seeker and refugee children with disabilities). The local remedies available for discrimination cases are also discussed. Then, the implementation of the principle of the best interest of the child is assessed in cases of children with disabilities, moreover, the National Disability Action Plan is analysed from children's rights perspective. Measures taken to implement awareness-raising programs to combat prejudices and stereotypes against people with disabilities are mentioned, too.

Accessibility is discussed in general terms, as children also use public transportation and enter public buildings with their parents, while special consideration was dedicated to the accessibility issues of schools. In relation to the freedom from exploitation and abuse, the legal framework to prevent and prosecute domestic and institutional violence is elaborated with special focus on victims with disabilities. The issue of de-institutionalisation of children, the support provided for families raising a child with disabilities (in form of services and benefits) as well as the situation of parents with disabilities are also analysed.

Although, access to education for children with disabilities is effected without discrimination and on the basis of the specific needs of the child, it is still a concern that inclusive education is not defined by law. Apart from the special units in schools that safeguard that children receive quality education based on their needs, the relevant stakeholders in most cases are flexible enough as to make appropriate arrangements based on the child needs or the needs of the family. As the Commissioner for children's rights concluded a comprehensive and through investigation into the access to and quality of education for children with disabilities, we included the main outcomes of her recent report.

Finally, based on the report presented we made several recommendations to be included in the list of issues as they need further scrutiny.



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3. Issues in connection with the rights of children with disabilities

3.1. Article 5 – The principle of non-discrimination

3.1.1. General legal framework

The Constitution of Cyprus in its Article 6 provides for the principle of non-discrimination. It does not mention the ground of disability, or any other grounds for that matter, but it lays down the basic principle that should be envisaged in all policies, practices and laws of the Republic. There are two more legislative instruments that provide for non-discrimination on the grounds of disability. These are the Persons with Disabilities Law of 2000 (L. 127(I)/2000) and the Law on Combating Racial and other Forms of Discrimination (Ombudsman) of 2004 (L. 42(I)/2004).

The Persons with Disabilities Law in Article 3 provides that in the application of the law (meaning the Persons with Disabilities Law) the principle of equal treatment is applied in relation to treatment of persons with disabilities. This is interpreted as treating the person without any discrimination against them based on their disability. The article goes on to say that discrimination might occur if the person is treated differently than a person without any disability, or based on a general characteristic, actual or supposed, that persons with disabilities bear, or based on the notion that the person is not able to perform a task whose nature is not required based on the specific of the situation at hand, or in a manner that constitutes harassment.

Article 3 B of the same Law provides that measures of positive reinforcement in employment are in accordance with the provision of Article 3 and the principle of equal treatment and should be used as a means to achieve the creation of a more inclusive environment and promote the employability of persons with disability.

3.1.2. Multiple discrimination and vulnerable groups

In relation to cases of multiple discrimination e.g. girls with disabilities, minority children with disabilities, refugee and asylum-seeker children with disabilities none of the legislative instruments provide for a course of action.

It is important to mention that in cases of asylum seeking children and their accompanying family members, the protective framework is either limited or vague. In relation to access to education the Refugee (Reception Condition) Regulation of 2005 provide in article 10 paragraph 1 that access to education for asylum seeking children on the same basis as Cypriot nationals. It paragraph 3 of the same article it goes on to say that if the special condition of the child is such as to make access to education, as provided for in paragraph 1, non-feasible the Ministry of Education and Culture make arrangements, where possible, in order to effect access to education. It does not however interpret the term “special condition of the child” which could be interpreted in many ways.



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In reception conditions it is stated that upon deciding the financial benefit that will be attributed to the applicant such characteristics as disability are taken into account by the Social Welfare Services.

Lastly, the Refugee Law of 2000 (L. 6(I)/2000) after the amendment that occurred by virtue of the Refugee (Amending) Law of 2014 (L. 58 (I)/2014) no longer provides for a humanitarian status. Thus if the applicants claim for international protection is rejected on the basis that said person has not/will not be subjected to persecution in their country of origin or permanent residence but there are other humanitarian reasons that would otherwise grant them a right to stay in the Republic these cannot be taken into account since the Refugee Law no longer allows/provides for this.

Prior to the amendment, according to article 19 of the Refugee Law applicants could be granted with a humanitarian status that was often used in cases of applicants whose children had a disability or serious medical need that required them to stay on the territory of the Republic.

Additionally, in cases where the parents are irregular in Cyprus and request a right to stay on humanitarian grounds (non-asylum related) on the basis of the children's best interest as stemming from the treatment they will receive for their disability, it appears that there isn't a comprehensive policy and decisions are taken arbitrarily. In one case of a child with severe cerebral disability in need of urgent medical care, the authorities allowed for the child's transport to Israel, accompanied by the father, and undertook all the expense. In a different case where both parents were irregular and one of the two children had mental and kinetic disability it was decided that the father should be repatriated and the mother should stay in Cyprus to take care of the children. The mother was later not provided with a status thus not having access to employment, health care or other assistance, for her or the children.

There are numerous of such cases and in each the decision is different which strengthens the understanding that the policy is not coherent and decision are made arbitrarily.

3.1.3. Local remedies available in discrimination cases

The Law of Persons with Disabilities in its article 9A provides that a person whose rights under the law are infringed has the right to claim reparation and damages before and competent court of the Republic, thus reinforcing the principle of access to justice as laid down in the Constitution. In its implementation however this provision might appear problematic as a result of the judicial system failures (lengthy delays, non-specialized judicial personnel etc.)

According to article 9C of the Law of Persons with Disabilities a person whose rights under the law have been violated can submit a written complaint to the Commissioner for Administration and Human Rights



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(Ombudsman) who has the authority to investigate and intervene in accordance with the provision of the Law on Combating Racial and other Forms of Discrimination (Ombudsman) of 2004 (L. 42(I)/2004).

The Commissioner for Administration and Human Rights, when acting under the provision of the Law on Combating Racial and other Forms of Discrimination (Ombudsman) of 2004 has the authority to investigate the complaint before them and proceed with a number of ways in resolving the matter if the investigation lead to the conclusion that there was a violation of rights. The Commissioner for Administration and Human Rights (Ombudsman) may impose a fine to the violating party or issue an order against them calling for their compliance with their obligations stemming from the existing legislation.

Furthermore, the results of the investigation can be forwarded to the Attorney General of the Republic who can, upon consultation with the relevant stakeholders, initiate the process for amendment of potential problematic aspects of the existing legislation, policy or practice. The workings of the Office of the Commissioner are significantly faster than court procedures and provide for a more effective extra judicial remedy accessible to everyone.

The mandate of the Commissioner for Administration and Human Rights (Ombudsman) provides that the Commissioner can investigate complaints against any public service or officer for action that are in violation of human rights or in violation of the rules of proper administration. The investigation can occur after a complaint has been submitted by an affected person or ex officio decision on matters of general interest. In this regards, the Commissioner for Administration can investigate issues related to violations of rights of people with disabilities, which indeed they did. After the coming into effect of the Law on Combating Racial and other Forms of Discrimination (Ombudsman) of 2004, which deal with, among other, discrimination on the ground of disability the Commissioner's role on the matter became even more important and a number of reports with suggestions on improvement were submitted tot eh relevant stakeholders.

The Commissioner for Administration and Human Rights (Ombudsman), apart from its general mandate as mentioned above, was assigned in May 2012 to be the Independent Monitoring Mechanism for the Promotion of the Rights of Persons with Disabilities. The aim of the Independent Monitoring Mechanism to monitor the implementation of the UN Convention on the Rights of Persons with Disabilities and compliance with the provision of the Convention. In acting under its mandate the Independent Monitoring Mechanism can examine an issue ex officio or upon receipt of a complaint by an individual affected or a group of affected individuals, organise awareness raising campaigns and promote the protection of the rights of persons with disabilities

The Commissioner for Children's Rights mission is to protect and promote the rights of the child, to represent children and their interest at all levels, to promote public awareness and sensitivity so that



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children's rights in the family, at school, in the community are safeguarded and to identify and promote the views of children where they themselves cannot be heard, to monitor legislation relating to children and to submit proposals aiming at their harmonization with the Convention on the Rights of the Child, to carry out public awareness campaigns, to appoint a representative of the child in judicial proceedings affecting the child/children and to represent children in procedures affecting them.

3.2. Article 7- Children with disabilities

3.2.1. Best interest of the child

As a general rule the best interest of the child is a primary consideration in all actions concerning children with disabilities. In assessing a child's needs, whether they are educational, medical or psychosocial all experts and/or stakeholders involved make mention of the best interest of the child. However, given the principle's limitless potential interpretations it is often the case that the different stakeholders involved do not come into agreement on what course of action would be to the best interest of the child creating thus a number of situations where decisions taken and actions followed are heavily criticised by the non-agreeing party/ies.

The general principles of law provide that the child should be heard in all decision taken that affect them. It is the role of the parent or guardian to safeguard that the child views are taken into account. It cannot be said with certainty whether in all cases involving children the relevant guardian or parent does take the child views into account.

In our experience we have seen both taking place, the child not being involved at all in the decision making process or not given any information and the child being an active participant in decision making and having informed opinions and access to information.

3.2.2. Policy framework

The general policy framework, the **National Disability Action Plan 2013-2015** provides for a number of special measures for children, which are the following.

In action 2 under the title "Publications that promote awareness and improve the knowledge and respect for persons with disabilities" the intended action is the translation, in Greek, and publication of the UNICEF's booklet that explains the Convention in simple language for children.

In action 5 under the title "Collection of statistical data on disability" the intended action is the Generation of statistics regarding specifically children with disabilities in the educational sector through the current wider group of children with special needs.



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In action 25 under the title "Transition from school to vocational rehabilitation" the intended action is to set up an assessment procedure at the beginning of high school education to identify the professional capabilities and needs of each child and definition of the appropriate prevocational training program.

In action 27 under the title "Coordinating services for early childhood intervention" the intended action is the strengthening of cooperation among stakeholders and formulation of an institutional framework on early intervention services for children with disabilities aged 0 - 6 years.

In action 30 under the title "Informing of students about the rights of persons with disabilities" the intended action is to establish a program for systematic visits of persons with disabilities in schools to raise awareness of children (in Primary Education through Health Education Programs and in Secondary and Vocational Education through the Action Creativity Social Contribution Program.

The National Disability Action Plan was drafted not taking into account the financial difficulties that the Republic had to go through during the time of its intended implementation. Thus the actions and activities provided therein were to be implemented without additional costs and in the framework of the ordinary available funds as those are approved through the annual state budget. This in practice meant that the actions were either not implemented or implemented partially. Thus the Action Plan, through theoretically has expired, will be implemented or is being implemented after the time frame of its implementation. This also means that a new plan has not been drafted yet and that the previous plan has not been assessed in relation to its success.

3.3. Article 8 - Awareness raising programmes to combat stereotypes and prejudices

3.3.1. Awareness raising programmes in public education

The Ministry of Education and Culture with a Circular dated 15 February 2015 as part of its general policy to tackle bullying and make schools a safe environment for all children, urged all schools to develop a policy for the prevention and handling of incidents of bullying. The Circular states that policy on bullying can be incorporated in the Scheme for Health Aid and Prevention of Delinquency that is drafted each year by the school administration. It calls for the creation of a policy that will include actions for prevention, handling, monitoring, record keeping, and counselling to parents and children. The Circular does not mention bullying in relation to disability but the issue of diversity and respect in general.

In addition, in August 2010 it issued a manual for educators of primary schools on effective prevention of bullying through teaching. In attempting to do so the manual uses stories that are adapted to the development needs, age and maturity of children in primary schools.



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3.3.2. Trainings for professionals

The Office of the Commissioner for Administration and Human Rights (Ombudsman) either through their mandate or through the mandate of the Independent Monitoring Mechanism for the Promotion of the Rights of Persons with Disabilities (PwD) has implemented a number of actions in order to raise awareness and promote the rights of persons with disabilities. Such are the following:

- September 2010: Issuance of a Code of Conduct informative booklet in relation to Discrimination in the Workplace against Persons with Disabilities.
- April 2016: Issuance of an informative leaflet in relation to the right of persons with disabilities to participate in the electoral system.
- June 2016: Workshop for the providing better services to PwD to medical and non-medical staff of the Ministry of Health
- May 2016: Workshop for the providing better services to PwD to members of public services
- November 2015: Seminar on the rights of PwD to the staff of the Social Welfare Services
- April 2015: Workshop for the providing better services to PwD to medical and non-medical staff of the Ministry of Health
- January 2014: Workshop for the providing better services to PwD to medical and non-medical staff of the Ministry of Health
- June 2014: Workshop for the providing better services to PwD to medical and non-medical staff of the Ministry of Health

The above mentioned actioned did not have a child specific focus but rather dealt with the issue of the rights of people with disabilities as a whole and fair treatment free of prejudices and stereotypes.

3.4. Article 9 – Accessibility

In relation to public transport, and more specifically the intercity busses, the majority of vehicles used are accessible. Most vehicles used were purchased in the last 5 years and are up to standards, thus they have a ramp in order to allow for people with mobility difficulties and wheelchairs to access the bus and specifically designed seats. However, not all routes are equipped with modern buses. Some use older and/or smaller buses that are not equipped to facilitate access for people with disabilities.

In relation to public buildings, there is still progress to be made. A great number of buildings that host public service authorities are not easily accessible by people with disabilities. In many, the ramp was added but accessing specific officers is not feasible since there is no other option than the stairs or in cases where an elevator exists it predates the set standards and thus not accessible for people with disabilities.



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Bathroom facilities remain a problematic area in relation to access by disabled persons. Very few public service buildings have a facility to accommodate the needs of disabled persons in this respect. In relation to traffic lights very little progress has been effected as well, leaving a great margin for improvement.

The above have been dealt with extensively by the Independent Monitoring Mechanism for the Promotion of the Rights of Persons with Disabilities through complaints that have been submitted by individuals in relation to a number of public service buildings.

The Independent Authority pointed out that these constitute a violation of the provision of the Convention and lead to the marginalisation of PwD and their enjoyment of their rights to decrease with all the negative consequences this has to their quality of life. Referring to the state report¹ and the Concluding observations of the UN Committee on the Rights of the Child² it is important to mention that not all schools are accessible, however, there is an ongoing process of upgrading the existing infrastructure to meet the needs of children with disabilities.

3.5. Article 16 - Freedom from exploitation, violence and abuse

No child-focused legislation and/or policy exists that ensures the instances of exploitation, violence and abuse against persons with disabilities are identified, investigated and prosecuted. However, there are relevant legal provisions that can/should be applied in such cases. More specifically, the Protection of Witnesses Law of 2001 (L. 95(I)/2001) in its article 3 provides that if a witness in a criminal procedure has a form of physical or mental disability then they are deemed by the Court as a person in need of special assistance. This in effect means that the witness is provided with a number of protective measures within the Court in order to safeguard their wellbeing. While the measures provided for in the law are substantial, practice shows that they are not used often. A general principle of criminal law that has been crystallised through case law over the years, is that if the victim of the crime is a person with disability then this can be counted as an aggravating factor upon the decision of the imposed penalty on the convicted.

Under the scope of the 2015 Circular by the Ministry of Education and Culture the Schools should be providing counselling and guidance to parents in cases of bullying. Concerning awareness raising against bullying see chapter 3.3.1.

For issues of abuse, physical or sexual, it is usually civil society organization that undertake the responsibility to provide training seminars and workshops to parents, teachers and children.

¹ Initial report of State party of Cyprus, CRPD/C/CYP/1, Para. 55-58.

² Concluding observations on the combined third and fourth periodic report of Cyprus, adopted by the Committee at its sixtieth session (29 May–15 June 2012), CRC/C/CYP/CO/3-4, Para. 38.



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Referring to state report, the implementation of the Family Violence Law³ is problematic in relation to cases where the abusive party is the wife. Apart from the societal stigma that the male part of the relationship will have to overcome in order to report the incident, they will later be faced with the lack of protective and supportive structures once removed from the abusive environment. There is only one shelter for victims of domestic abuse and it only accepts women and their children, thus men will not have a place to accommodate and shelter them, even though they are the victims of the situation.

Apart from the above, there seems to be an issue with the reporting of cases of domestic violence. There are two procedures for victims of domestic violence when they wish to report it to the police. The one is to report the incident which is later filed as a report that calls for non-action from the police but is only reported by the victim for future record if necessary and the report requesting for immediate action by the police. In many cases Police Officers do not explain the procedure adequately to the victims thus the former takes place and no action is taken by the police.

Furthermore, in cases where action is taken it was noticed by a number of cases that came to our knowledge that the police "reprimands" the wrongdoing husband and urges the wife to return to her home and get over the bad experience. There is no follow up on the wellbeing of the victim.

3.6. Article 19 - Living independently and being included in the community

There aren't any schemes for de-institutionalisation for children with disabilities. However, institutionalisation is generally avoided whenever possible though and used as a mean of last resort. It is often the case that the Social Welfare Services, who are the stakeholder responsible for the welfare of children in the territory of the Republic, explore all other possibilities prior to resulting to placing children in institutions.

Furthermore, the review of treatment provided to the child, and all other circumstances relevant to his or her placement is not done systematically. The need for review has to be expressed by a parent or Officer in charge of the child in order for it to be effected.

3.7. Article 21 - Freedom of expression and opinion, and access to information

Upon identification of a child with a disability, the parent or guardian can access relevant and up to date information either through state agents (such as the Social Welfare Services, the Commissioner for the Rights of the Child) or organisation that are active in the field of protection of the rights of PwD. Overall children with disabilities have full access to information, communications and other services. The Ministry

³Initial report of State party of Cyprus, CRPD/C/CYP/1, Para. 114-116.



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of Education and Culture has implemented a number of practices in schools that ensure the access of children with disabilities to information in a manner adjusted to their special needs.

3.8. Article 23 - Respect for home and the family

The Convention on the Rights of the Child recognizes the family as the fundamental unit of society and the natural environment for the growth and well-being of all its members, particularly children. It is expected, therefore, that, along with the legal obligation of the State to support the child and his family, parents, will offer the child a family environment that will ensure the greatest possible extent, the enjoyment of rights.

A democratic environment that is built on the basis of mutual respect, equal participation and quality communication. With regard to children with disabilities, overt or covert, recognition and acceptance by the parents, the specific nature of the child is a sine qua non to manage the child to overcome any restrictions facing. It is important that parents are able to understand the situation of the child and ensure to provide all you need to be able to proceed.

On the basis of the above, the Commissioner for children's rights considers that it is the responsibility of the State to ensure that the information and empowerment of parents and guidance in order to be able to understand and at the same time, to assert that which is in the interest of their child. The State has a responsibility not just to encourage and promote the cooperation of the school with the family in general and especially with the families of children receiving special education and training. This should be done through organized activities and institutionalizing practices.

The Commissioner points out, finally, that the State has a responsibility to develop interdepartmental structures and / or partnerships that permit the development of multidimensional and interdisciplinary approaches to issues affecting children. This is particularly strongly imperative in the case of children with disabilities.

Parents with disabilities are entitled to a number of measures in order to facilitate them in their day to day activities, including their child caring activities. These include financial assistance and support staff at home at the expense of the Social Welfare Services, access to "Community Homes" or other structures where services are provided to PwD in accordance with their needs. Children are rarely removed from their homes. It needs to be evident that the parent is no condition to take care for the child and is either abusive or neglectful. We are not aware of any cases of children with disability being removed on the basis of disability of either the parent of the child.

As part of the overall strategy of the Social Welfare Services to promote a rights based practice in relation to PwD they have set up "Community Homes" which are small units that provide psychosocial support,



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vocational training, counselling to residents and family members as well as rehabilitation and de-institutionalisation services. These however are not addressed and/or focused on children, since institutionalisation of children is only a last resort measure.

Under this chapter we would like to share two cases handled by the Independent Monitoring Mechanism recently. In the first case the complaint arose from a single mother, whose child is currently in their early 20s, with multiple disabilities, mental and physical. The child had not been institutionalised but for a very short time in the past (1 year) which proved not to be beneficial to her.

Thus after that she was returned at the house and the mother was provided with financial assistance and support staff at home. The issue arose when the mother attempted to arrange her daughter to reside in an institution for PwD. Her application was rejected on the basis of her daughter's unsuitability for the centre. The other residents had different types of disabilities, of lighter form, and thus her wellbeing in the centre would not be achieved. After lengthy consultations, it was arranged that a specially trained personnel would assist the mother at home, the financial assistance by the Social Welfare Services would continue and the daughter would be registered at a close day centre where she would be receiving services in accordance with her needs.

The second case concerned a couple who submitted an application for adoption, both of whom had some form of motor disability. In their assessment of whether they would be suitable parents, by the Social Welfare Services, great emphasis was given to the fact that they were disabled. Both potential parents were referred for an assessment of their disability by a medical board, even though they had undergone such an assessment in order to be deemed persons with disabilities and be granted the financial assistance PwD's are entitled to. When they refused on the basis that they had undergone such an assessment they were referred to a psychologist. Upon investigation of the case file and internal communication, the Independent Monitoring Mechanism found a number of references in the couples daily activities with emphasis on how these were performed differently than by people without disabilities (e.g. "he parked his car and asked his domestic worker to come and help him out of the car", "she was on the veranda on her wheelchair watering her pants"). In their findings, the Independent Monitoring Mechanism emphasised the need to properly assess the best interest of the child in all cases concerning children, however they found that the emphasis given on the disability of the couple was riddled with stereotypes and prejudices that were not in line with the provision of the Convention.

The case is now pending before the Court in order to decide on the adoption application, thus not a final decision is reached on the matter.



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3.9. Article 24 – Education

3.9.1 Access to education

Overall access to education for children with disabilities is effected without discrimination and on the basis of the specific needs of the child. Apart from the special units in schools that safeguard that children receive quality education based on their needs, the relevant stakeholders in most cases are flexible enough as to make appropriate arrangements based on the child needs or the needs of the family. Of course there are cases where the end result has been heavily criticised but overall the existing legal framework is implemented correctly.

In relation to children with disabilities and their access to education we would like to share the outcomes of the report of Commissioner for children's rights.

3.9.2. Pre-Primary education

The Commissioner for children's rights underlines the Development of an Early Child tracking mechanism with special educational and other needs, furthermore she recognizes the importance of early detection / identification of children who are more likely to develop in the course of their school life learning difficulties. Undoubtedly, the effective intervention over as less education age can significantly reduce the number of children who will need support in life and the extent of such support. The Commissioner underlines its concern that the legislation provides for the entry of children monitoring procedures for special needs at the age of three years. Note that because of the specific provision of the law, many children begin to receive therapeutic interventions after age four years.

She supports the strengthening of early-warning mechanism of specific learning and other needs of children, in as small a possible age. This mechanism should be made, at the latest, fully operational by the beginning of schooling of a child in kindergarten, in the context of sincere cooperation among class teachers, special educators and Educational Psychology Service.

The Commissioner encourages the Ministry of Education and Culture to promote the earliest possible implementation pre- screening tests in pre-primary education to identify children who fall into high risk presentation or other Special Learning Needs / Disabilities team. The essays they may be administered by the Educational Psychology Service or qualified personnel of Pre-primary Education, which can grant and then invited the officers of the Educational Psychology Service, if so required by the complexity of the case. It goes without saying that the aim is not the labelling nor the "medicalization" of cases, but early identification of children's needs so that the necessary assistance be provided directly and to limit possible multiplication of needs in the course of the student life of the child. It also notes that it is necessary as urgent as the updating of educational pre-primary education on issues related to the early identification of children with disabilities, special educational needs, and creating a faster assistance and treatment, than that applicable at this stage.



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She suggests the creation of an Emergency Response Team which will support the recommendation Groups Intervention Instant in which to participate Pathologist, Occupational Therapist and Special Educator possibly Educational Psychologist. The groups will support in terms of special education and training the work done within the preschool unit. The group is expected to have a responsibility to prepare for each child, individual training program and work closely with kindergarten to implement in the context, to the maximum possible extent, the general (ordinary) class.

3.9.3. Primary education

Given the orientation of the Cypriot public education in single training, the Commissioner stresses the obligation of the State to ensure the provision to the maximum extent possible, special education and training, to every child in need, within the general order.

The Commissioner considers that for the most effective implementation of this objective in the context of primary school should:

- A. Give the teachers time to coordinate between special educator / class teacher to follow consistently the individual educational program for each child.
- B. There is an explicit requirement of teaching general order to make all the necessary arrangements, which will aim at active involvement of children with disabilities in the general classroom.
- C. The number of children decreases in a section according to the number of children with disabilities in the classroom and on the basis of the evaluation of the real needs of children during the event. Granting specialized assistance and support to these children requires that the teacher should have the time to offer it. Note that, the Law today is a reference which, however, is not mandatory. It indicates the need for realization of that reference, so that it expressly applies to all schools.
- D. The children have access to the Regional Diagnostic and Support (see. Above) for re-assessment of their needs and adjustment, if and when appropriate, their individual special education and training programs.

Furthermore, the Commissioner encourages better use of technological equipment children have available to them, either in the general class or in the context of the Special Unit and encourages the Ministry of Education to introduce occupational therapy at Special Units. If adopted the recommendation of the Commissioner for the creation of the Regional Diagnostic Centres and support, occupational therapy, which is a very important form of therapy for children with disabilities and which is offered at this stage only in respect of special schools could offered in these centres.



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3.9.4. Secondary education

In secondary education a number of different skills training workers, engaged in providing support to children with disabilities. She is confident that the Connecting Officers, the Assistant Directors of Special Education managers and teachers Counselling and Career Education, in collaboration with the Educational Psychology Service, having the necessary for this training and taking continuous training, they are able to respond success in their role on the emotional support of students with disabilities, their socialization and their smooth adaptation to the school environment.

She understands the reasons for which the Ministry considers that the most suitable to provide support for children in secondary education, which have been approved to receive special education and training, either in small groups or individually, are teachers teach the respective subject teachers.

She notes, however, that the Secondary Education Teachers could provide a more comprehensive support to children with disabilities and particularly children with special and / or general learning difficulties if their work helped special educators.

In particular, that special educators could help educators:

- A. The adjustment of the subjects that they adapted to the specific characteristics of the child,
- B. Supporting the consultative work of teachers who provide support, designing and implementing individualized enrichment programs and strengthen skills and learning strategies, etc.
- C. Providing guidance as regards the organization of the course on the basis of the principle of differentiation of matter in order to be implemented, to the extent possible, support children in the context of general policy.

The Commissioner notes that the objective of providing special education and training should be the individual progress of children according to their learning level. Simplification of classroom lessons, practice largely applied today cannot by itself and does not always serve necessarily the best interests of the child.

The Commissioner stresses that achieving the objective of providing special education and training geared to individual children's progress should be reflected in the evaluation processes in order to avoid the children are asked to evaluate to objects that have never been taught.

3.9.5. Related case-law

There was a ground-breaking case recently in relation to access to education in relation to a child with autistic characteristic, whose mother was a recognised refugee. The child was assessed by the relevant Committee (see above) and he was placed in the special unit of a primary school. It was also assessed that



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the child could only communicate in the English language and it would be inopportune to attempt to teach him Greek. He was offered a number of services based on his needs as well as classes along with his peers. However, the services and classes were all in Greek and the child could only communicate in English. The mother, who at the time of the application was divorced from the father of the child, requested that the child is granted financial assistance to attend an English speaking school (all of whom are private thus the fees are high) and a school companion who can communicate with him in English. The Ministry of Education and Culture initial response was negative since this kind of assistance was not provided for in the Law on Special Treatment and Education of Children with Special Needs of 1999 (L. 113(I)/1999).

It was argued by the organization that supported the mothers claim and the Commissioner for Administration and Human rights that the law justifies granting the assistance required by the mother. They claimed that according to the law it is the state's responsibility to ensure equal access to education, guidance and rehabilitation using means and tools that will allow the child to develop its skills. All parties agreed that it was a challenging case, given the linguistic barrier and the fact that in all public schools the language used is Greek. However, as the Commissioner noted it was not irrational or extravagant to grant such a permission given that it was the only and best option in the case before them. It was later decided that a monthly allowance would be granted to the mother in order to be able to pay the fees for a private school.

3.10. Article 28 - Adequate standard of living and social protection

The state report is overall very comprehensive in laying down the existing policies and framework concerning the support provided for families with children with disabilities. While there are some problematic areas that require more attention the overall practice and policy can be regarded as very good.

In 2013 the Department of Social Inclusion re-issued informative material about the Social Benefits Schemes it provides, the Recruitment of Persons with Disabilities in the Wider Public Sector (Special Provisions) Law of 2009 and the Vocational Training and Rehabilitation Schemes. The informative material was distributed through Citizen Service Centres, public hospitals, specific governmental departments and in all institutions and organisations of Persons with Disabilities in Cyprus. Moreover, the Department enriched its website with the relevant information in Greek and English, about the Department's mission, vision and activities, the Social Benefits Schemes, as well as about the legislation regarding the rights of persons with disabilities, the staff and other information, in order to be more friendly to the user. However, the material is only accessible in written form which hinders access for people with visual impairments.

3.11. Article 30 - Participation in cultural life, recreation, leisure and sport

A report issued 3 years ago by the Commissioner for Administration and Human Rights on the accessibility of football stadiums for persons with disabilities showed that apart from a very small number of stadiums,



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who were built recently, all others had very little infrastructure, or none at all, in relation to accessibility. More specifically there were no ramps and/or elevators that would allow people with a kinetic disability to access the area, there wasn't an appropriate space to accommodate persons with disabilities, who were often accommodated within the field next to benches of the teams and no hygiene facilities for PwD. The lack of facilities was equal for personnel that would have to use the facilities of the stadiums as a requirement for their profession. The complaint itself was raised by a sports journalist who did not have access to the journalists' booth.

The management of each stadium was asked for their input on the matter which was overall disheartening. Each stadium had a different management depending on the sports team it belonged.

Thus some claimed that they had not made appropriate arrangements since they did not have any visitors with disabilities thus no need for such was raised. Other claimed that they had very few visitors with disabilities anyway so again there wasn't a pressing need to make arrangements. When confronted with the legal obligations arising from the convention the management boards of the stadiums claimed that the cost to effect such amendments to the existing structures were too high for them to bear and thus no action could be taken. In their report the Commissioner called the public services involved to take action in effecting accessibility to the sports facilities.

In relation to schools and other recreational structures, it is generally the case that there have been made efforts to ensure accessibility, though there is still progress to be made. Cultural Centres, swimming pools and museums are equipped with the necessary equipment's and have made reasonable adjustments in order to promote accessibility and inclusion. In restaurants, cafés and bars the same applies. While many have made appropriate adjustments, some still remain inaccessible.

4. Recommendations for questions to be included in the list of issues

Article 5 – The principle of non-discrimination

As regards the Refugee (Amending) Law of 2014 (L. 58 (I)/2014) please indicate what measures are taken to provide protection for asylum-seeker and irregular migrant children with disabilities. Please also provide information on the same issue in case of recognized refugee children.

Article 7- Children with disabilities

Please indicate what measures are taken to ensure the best interest of the child in case of children with disabilities.

Please provide information on the implementation of the National Disability Action Plan in the period passed since submission of the state report with special focus on children.



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Article 8 - Awareness raising programmes to combat stereotypes and prejudices

Please provide information on the steps taken to assess the effectiveness of awareness-raising programmes.

Article 16 - Freedom from exploitation, violence and abuse

Please provide further information on measures taken to prevent violence and abuse in institutions where children with disabilities are placed.

Please provide information on steps taken to provide training seminars and workshops to parents, teachers and children on the issues of physical or sexual abuse and violence.

Please provide further information on victim support in case of domestic violence.

Article 19 - Living independently and being included in the community

Please elaborate on the placement practices of children with disabilities in child-care institutions. Please provide information on policy programmes for de-institutionalization of children with disabilities, replacing them with their families, extended families or foster care system. Also please indicate the rules of periodic review of the treatment provided to the child, and all other circumstances relevant to his or her placement.

Article 23 - Respect for home and the family

Please provide information about the case of the couple who submitted an application for adoption, both of whom had some form of motor disability and whose application was eventually refused.

Article 24 – Education

Please provide information on the legal and policy framework from the perspective of inclusive education.