



Submission to the Committee on the Rights of the Child for its General Comment on the Rights of Adolescents by 'Hope For Children' UNCRC Policy Center and the associated Law Clinic of the University of Nicosia

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Preface:

The present report outlines the submission of the NGO “Hope For Children” UNCRC Policy Center from Cyprus to the call opened by the Committee on the Rights of the Child in relation to its General Comment on the Rights of Adolescents.

The HFC “Hope For Children” UNCRC Policy Center is an international Humanitarian and Independent Institution based in Nicosia, Cyprus, Our institution is established on standards and principles of the UN Convention on the Rights of the Child and European Union Law. It works on humanitarian and development policy relevant to the defense 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.

The operation of the organization is founded on the principle of promoting and protecting the rights of children. 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: HFC 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 European Union Law. HFC’s doors are open to all children regardless of religious, cultural and other background. HFC also 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, HFC works on raising awareness and promoting respect towards all cultures, religions and diversities within a society.

Mr. Joseph Varughese,
Director-General, “Hope For Children” UNCRC Policy Center.



1. Introduction:

The submission provides information and comments by the Organization in relation to the experiences, opportunities and challenges facing adolescents in Cyprus, example of laws, policies and programmes that promote adolescents' development in accordance with their rights, good practices, information on the changing needs throughout adolescence, specific challenges in addressing the rights of adolescents, the implementation of the four general principles (non-discrimination, best interests, right to life and optimum development and participation) in Cyprus, respect of children rights and protection of these rights in the Republic of Cyprus.

In particular, the submission includes information as to the best practices of Hope for Children UNCRC Policy Center, sociological studies in relation to the prevalence of various problems that adolescents face, including bullying, online grooming and sexual abuse and sexual exploitation. Further, an overview of relevant legislation regarding children is provided, with emphasis on the Juvenile Offenders Law, Cap. 157 and the Children's Law, Cap. 352. Specific challenges in addressing the rights of adolescents are identified, including stigmatization and negative perception of certain groups of adolescents.

A thorough examination of the implementation of the four general principles that influence and inform all measures undertaken to guarantee the realization of all other rights in the UN Convention on the Rights of the Child (non-discrimination, best interests, right to life and optimum development and participation) is also provided. Finally, the present submission examines the issue of the respect and protection of children's rights in Cyprus.

Dr. Antonis St. Stylianou,
Senior Advisory Board Member of "Hope For Children" UNCRC Policy Center,
Director of UNic Law Clinic.



2. Overview of legislation relevant to children's rights:

2.1. The structure of legislation

The Republic of Cyprus has been an independent state since 16 August 1960. In the years prior, the island has been under the rule of the United Kingdom. The fact that Cyprus had a long history of British relation also shaped its legal structure. Although it has its own laws, British case law is also considered relevant. Also, in many cases, laws refer to the power of the Governor, which today should be interpreted as the executive power, thus, the Government of Cyprus. Cyprus has a monist legal system, which means that international law, if should be used, is directly applicable, which is relevant, *inter alia*, for the application of the UN Convention on the Rights of the Child.

When talking about the rights of children, the first thing to be noted is that there is not a separate, overall law that collects all relevant rulings when a child is involved in the legal process. There are three main laws that are referring to children directly: Children's Law (Cap. 352), Juvenile Offenders Law (Cap. 157) and the Law on the Employment of Children and Young persons (Cap. 178). Unfortunately, neither the Criminal Code, nor the Law on Criminal Procedure has a separate chapter referring to juvenile crime (however, we must note that the Juvenile Offenders law is considered *ius speciale*, therefore in cases of a child committing crime that is the relevant law, the other laws function as *ius generale*).

The Court that rules in the cases of children is not separated from the one that rules in adult cases, meaning, that even though it is called a Juvenile Court, it is not in a separate building and the judges who rule in young offender cases are not only ruling in theirs. The place where the crime was committed defines the district court where the case would be handled. No specialization is needed to become a judge in the aforementioned cases, although the Social



Welfare Services of the Ministry of Labour (SWS) do hold trainings for those involved in child law cases, thus including lawyers and police officers. The police and the courts work together with the SWS in the cases of young offenders.

2.2. Juvenile delinquency in Cyprus - in numbers

According to the data provided by the Statistical Service of Cyprus, out of the 8442 offences that were reported to the police in 2011 (which is the most recent data), 149 were related to juvenile crime. Out of those 149 processes, 37 were concluded by the conviction of the child being a criminal. The offences committed by the aforementioned age group are mostly minor (138 out of 149), which explains the numbers we see when it comes to sanctions: most of the children (11 or of 37) were put under the supervision of a probation officer, twelve children needed to take part in community service and 8 were ordered to pay a fine. There is no direct data on how many of them got incarcerated as punishment. However, there is available data as to the number of detainees who are young offenders: in September 2011, out of the total of 634 prisoners, 18 were under twenty-one years.¹

It can also be seen that it is rare that girls get involved in criminal activity at such a young age, but we also must note that the society is more lenient towards girls, and it sometimes overrule its need for justice. What we cannot see in the figures, thus, is the latency of crime, which, if visible, would probably show a different proportion of the crimes committed by girls.

The following table shows available data in relation to juvenile delinquency, as produced and published the Statistical Service of Cyprus:

¹[http://www.mof.gov.cy/mof/cystat/statistics.nsf/All/337C586D2E1004D3C225774600354794/\\$file/CRIME-A90_11-EN-191114.xls?OpenElement](http://www.mof.gov.cy/mof/cystat/statistics.nsf/All/337C586D2E1004D3C225774600354794/$file/CRIME-A90_11-EN-191114.xls?OpenElement)



CRIME



	2011	2010	2009	2008	2007	2006	2005	2004	2003	###	###	###	1999	1998	1997	1995	1990
JUVENILE DELINQUENCY⁽²⁾																	
Juveniles involved in the commission of offence	149	474	281	341	257	231	257	300	59	105	78	226	515	258	220	303	220
Serious offences	11	33	49	71	62	65	136	154	38	64	68	177	342	139	129	217	171
Minor offences	138	441	232	270	195	166	121	146	21	41	10	49	173	119	91	86	49
Juveniles convicted	37	263	98	154	131	90	198	263	54	78	52	65	49	52	52	13	37
for serious offences	9	30	37	55	50	33	98	140	36	51	43	34	27	35	33	6	33
for minor offences	28	233	61	99	81	57	100	123	18	27	9	31	22	17	19	7	4
by sex:																	
Boys	36	258	94	150	127	90	183	257	52	77	49	63	43	52	49	13	36
Girls	1	5	4	4	4	0	15	6	2	1	3	2	6	0	3	0	1
by sentence imposed:																	
Probation order	11	194	54	62	81	46	102	61	13	18	12	5	20	9	8	1	17
Fine	8	20	16	28	13	14	50	123	23	34	31	57	14	21	25	5	4
Binding over	2	2	0	11	5	10	9	35	5	2	0	0	3	0	4	1	6
Suspended sentence of imprisonment	1	13	5	8	10	8	10	11	7	8	7	3	3	12	6	3	4
Community service ⁽³⁾	12	29	13	39	13	7	8	...	...	...	...	...	...	...	...	...	...
Other sentences	3	5	10	6	9	5	19	33	6	16	2	0	9	10	9	3	6
Coefficient of juvenile offenders ^{(4), (6)}	247	765	442	521	385	343	381	446	88	160	105	266	514	140	131	224	197

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2.3. Who is a child?

Before examining the different laws that are relevant to children, we must define who is considered to be a child according to Cypriot law. Based on the age of the child, the terms referring to young people vary. General Cypriot legislation considers (according to the UN Convention on the Rights of the Child) citizens under the age of eighteen as children, as it is also the case in the Children’s Law. Based on the Juvenile Offenders Law, however, a child is a person under the age of fourteen, while a young person is a person between the age of fourteen and sixteen. No person under the age of fourteen can be held criminally responsible (the Criminal Code was amended in 2006, raising the age of criminal responsibility from 10 to 14 years), and there are no exceptions to this rule, meaning, that it is not examined if the child was aware of the nature of the crime committed if being under the age of fourteen.

² The data and the picture is the property of the Statistical Service of Cyprus



The age of the child is relevant at the time of committing the crime, therefore if the young offender committed the crime at the age of 16, but the actual trial takes place later, he should be considered a child.

2.4 Juvenile Crime

When it comes to juvenile crimes, it should be noted that the procedures in a juvenile case are almost identical with adult cases. Physically, it is even in the same building, the same courtrooms are used, which sets the scene to non-child-friendly processes. Although the law surely is not discriminative against children, we must see that in juvenile cases it is far less than enough: special measures should be set into action to secure the future prevention against committing crime again, and those should be carried out in a child-friendly way. Having an entirely separate court with specially trained judges and lawyers would be one of those special measures, however, Cyprus still lacks having such. There are currently discussions in reformulating the juvenile justice system of Cyprus, in accordance with best practices and in line with relevant international documents.

The law that is used in the cases of juvenile crime is the Juvenile Offenders Law, which dates back to 1959. Although some amendments have been made, mostly the original text is still in use. The aforementioned law is used along the Children’s Law (Cap. 352), since the provisions of the second stand in any case concerning children. There are certain situations for which laws have been adopted, providing different treatment for children as compared to adults, such as the Facing of Violence and the Delinquent Behavior and Similar Offences in Athletic Places Law (5(I)/94) and the Drugs and Psychotropic Substances Law (Law 29/77).



When the suspect is under the age of 16, the police director of the involved district is notified. Upon notification, the parents or guardians of the child need to get information about him being in the legal process. Unfortunately, there is no regulation on the specialization of the police officers who get in touch with young suspects. Hence, no special training is needed for those who handle these cases. It is noted though, that in case the suspect needs to be taken into custody, handcuffs as a measure of restriction can only be used as last resort, and no handcuffs should be used on children under the age of fourteen. However, the law on police procedures holds no prohibition on that.

If the young person cannot be brought forthwith in front of a Court, a police officer not below the rank of a sergeant must inquire into the case.³ A bail can be issued as well, and then the child might be let to go, in case the set amount of money is paid by a responsible person, such as the parent or the guardian of the child, or any that the police finds acceptable. The one paying the bail needs to guarantee that the young offender shows up at Court or any hearing that is needed. However, the bail cannot be offered in case the charge is homicide or other grave crime; it is necessary in his interest to remove him from association with any undesirable person; and, the police officer has the reason to believe that his release would defeat the ends of justice.⁴

As it is evident from the above, custody exists even when it comes to young offenders. Within 24 hours after the time of the arrest, the suspect must be seen by a judge. The judge then within 3 days after meeting the suspect must decide if custody is needed or not. In case custody is needed, he files a warrant. One can be held in custody for up to eight days from the filing of the warrant, and it can be prolonged by eight days each time upon revision, but it cannot

³ Juvenile Offenders Law section 6 article (1)

⁴ Juvenile Offenders Law section 6 article (1), points a) to c)



exceed three months from the time the suspect was taken into custody. The procedure is almost the same as it is for adults, the only restriction is that in case a child is involved, he needs to be held in custody in a place that is separated from adult suspects. As it can be interpreted from the above, custody when it comes to children can only be forced on the child in the three cases mentioned above. Although the child must be brought in front of the Court within 24 hours, there is no time limit for the case to be closed, which means that the trial can last for years, even.

Although the rules of detention are mostly the same as they are for adults, there are some additional ones concerning young offenders. The parents or guardians of the detainee can visit him/her for an hour daily, his/her questioning can only take place when his/her defence lawyer is around (if being under 18, his/her parents or legal guardians as well) and young offenders must be fully separated from adult detainees, and also from the other sex.

Legal aid is available for children in criminal cases, however, the Social Welfare Services will examine the wealth of the family.

When a child is accused of committing a crime, she/he has the right to contact her/his parents or legal guardian. The police also needs to contact the aforementioned as well as the Police Director in case a child gets allegedly involved in crime. The child may be held back from contacting his/her parent or guardian if it may lead to the destruction or concealing of evidence, or prevent the arrest or questioning of another person related to the offence or damage the interest of security of the State or the constitutional or social order or interfere with the delivery of justice. However, contact can only be postponed in these cases, for a maximum period of 12 hours.



When the police interviews a child under the age of 16, the presence of his/her lawyer is mandatory.⁵

Based on the Juvenile Offenders Law, the trial for young offenders takes place behind closed doors, and only with the Judge's consent media can attend the hearing. When publishing about the case, the Media must make sure that the identification of the child is impossible.

It must be noted that the use of protection measures (the same as the ones provided for child witnesses) is highly discretionary. It will be the judge who will determine, if any, the use of protection measures.

During the trial, the suspected crime must be explained to the child in a language and manner that he/she can understand. The child has the right to remain silent, although it is not expressis verbis anywhere in the laws, but there is no sanction envisioned if the suspect does not want to make a confession. If the child does not want to undergo questioning, he/she can decide to make a statement. When evidence is held up against him/her by witnesses, he/she has the right to ask questions to them.

If a clear case is made out, the witnesses in favour of the child will make statements and the suspect can also either make a statement or give evidence on oath. In the latter case, cross-examination can follow, where the Judge can intervene if he/she senses that there might be harassment of the child. When the court is satisfied that the charge is proved or the child admits the offence, the child is asked if he/she has anything that can extenuate or mitigate the penalty. When imposing a sanction the Court takes into account the circumstances of the child and the best interest of him/her.

⁵ Law on the rights of persons under arrest and in detention N.163(I)/2005, articles 3 and 10.



When the Court finds that the crime has been committed by the suspect, it can consider to dismiss the charge, put the young offender under probation, commit the child to the care of a relative or fit person or can order the child to pay a fine and the costs of the trial. Imprisonment as a sanction is also possible. When a child needs to spend time in prison, he/she is separated from adult offenders. The conditions of the prison sentence do not differ from the ones for adult offenders, though. The rights that have previously been explained in connection with detention are also applicable, as well as all the rights that are given to adult detainees. It must be noted that imprisonment is only used as last resort, and if the term of it does not exceed three years, it is often suspended (on the condition that within those three years the sentenced person does not commit another crime that can be sanctioned by imprisonment).

It should be stated that rehabilitation is not automatic, and in order to be granted to a person, he/she must meet the following requirements: pays the fine or any other amount set in the sentence; keeps order and behaves well while still being deprived from his/her liberty; and, all other conditions described in the sentence are met.⁶

Committing the child to the care of a relative or fit person means the removal from his/her current environment (mostly, meaning his/her immediate family), therefore this sanction is only used in case it is inevitably necessary to prevent him/her from committing the crime again. There are some situations that are *expressis verbis* stated in the Juvenile Offender's Law, when the child is taken from the care of the person under whose supervision the followings could happen: a child is found begging or receiving alms or is found in any street for the purpose of receiving alms; a child is left without a home and/or supervision; a child not being an orphan is found destitute, if his/her parents or surviving parent, or in case of an illegitimate child, his/her

⁶ Law on the rehabilitation of indicted persons N.70/81.



mother, are or is undergoing imprisonment; a child is under supervision which lets him/her build bad associations or keeps him/her exposed to moral danger; a child is found in a house that is related to prostitution, or is in such circumstances that encourage the prostitution of the child.⁷

Probation as a sanction is widely used and can be ordered for at least one year but not exceeding three years. During this time, the child is placed under the supervision of a probation officer. The period of the probation is at the discretion of the court. Community work without payment is often given as a sentence along probation.

Based on the nature and the gravity of the crime, the Court can decide to dismiss the charge with or without a condition. The condition is that the accused will not commit a crime within 12 months from the time the order was issued.

It should be noted that mediation in Cyprus does not exist and neither do any other alternative procedures instead of criminal procedure. There are currently discussions in reformulating the juvenile justice system in Cyprus.

⁷ Juvenile Offenders Law section 14, article (1) points a)-d)



3. Ensuring that the Four General Principles (stated below) influence and inform all measures undertaken to guarantee the Realization of All Other Rights in the Convection on the Rights of Child:

3.1. Introduction

The main legislation in relation to the protection of the children's rights and in general on child protection is the International Convection on the Rights of the Child and its Optional Protocols. The International Convection on the Rights of Child was adopted on 20 of November 1989 by the United Nations and entered into force on 2 September 1990, per article 49 of the Convection.

Cyprus signed the Convention on the Rights of the Child on 5 October 1990 and ratified it by Law No. 243 of 1990 (Convention on the Rights of the Child (Ratification) Law of 1990). Cyprus, has also, signed and ratified the two Optional Protocols of the Convection (Optional Protocol on the rights of the child on sale of children, child prostitution and child pornography with Law No. 6(III)/2006 and Optional Protocol on the rights of the child on the involvement of children in armed conflict with Law No. 9(III)/2010).

As the United Nations Committee on the Rights of the Child maintains, the Convection has four basic principles, which are drawn from the provisions of Articles 2, 3, 6 and 12 and those articles must be taken seriously as guidance for the implementation of all other articles of the Convention.

Accordingly, the present part examines the implementation of the four principles in the context of the Republic of Cyprus.



3.2. Article 2: Non-Discrimination:

It should be emphasized that the principle of non-discrimination is mentioned in a number of different Cypriot laws. Foremost, this principle is enshrined into the Constitution of the Republic of Cyprus, and in particular in Article 28. Further, the principle of non-discrimination is found in Article 14 of the European Convention on Human Rights, which has been ratified by Cyprus and incorporated into her legal system with Law No. 39/1962. Lastly, Protocol 12 of the European Convention on Human Rights that prohibits discrimination on any grounds has been also ratified by Cyprus.

The competent authority in Cyprus that examines incidents of discrimination is known as the Independent Anti-Discrimination Body. This body functions under the auspices of the Ombudsman for Administration and in recent years has issued a great number of reports on cases of discrimination in Cyprus. The Anti-discrimination body in 2012 received 125 complaints and for its establishment in May 2004 until the 2012, received 1273 complaints.

The Independent Anti-Discrimination Body tries to ensure the appliance of the national and community's legislation regarding discrimination on the grounds of race, community, language, color, religion, political or other beliefs, racial or national origin and generally the promotion of equal treatment. The main field of action of the Anti-Discrimination Body is to investigate individual complaints and provide independent assistance to the victims of discrimination.

Also, according to the Fighting Racial and Other Discriminations (Commissioner) Law No. 42(I)/2004, the field of action of the Commissioner for Administration as an Independent Anti-Discrimination Body includes the ensuring without discrimination the enjoyment of human rights and freedoms established in the Constitution of the Republic of Cyprus, the European



Convention on Human Rights and in its Protocols, in other European Conventions and in Conventions of the United Nations ratified by Cyprus, like the Convention on the Rights of Child.

Furthermore, the Cyprus police have a dedicated office for combating discrimination that is responsible for the implementation of preventive initiatives for monitoring intervention tactics to combat racism, discrimination and xenophobia. The main duty of the office is to monitor the investigation of complaints or reports that relate to cases and or incidents of discrimination, racism, or xenophobia and cooperate with police investigators for better handling of such incidents and for more effective enforcement of the relevant legislation.

The Ministry of Education and Culture has also published in 2014, a Behavior Code against Racism and Management Guide and Record and Racial Incident that applies in schools. The main aims of the code are the elimination of racist incidents of any kind, the support of children victims of violence, bullying or racism of any kind, and the creation of antiracist culture.

Also, the Parliamentary Committee on Human Rights is monitoring, reviewing and studying Provisions' relating to human rights in the Constitution and legislation and prepares reports, comments and recommendations to the Government and Parliament on its findings.

3.3. Article 3: Best Interest

More than the Convention on the Rights of Child which has been ratified by Cyprus, the principle of the best interest is found in a number of Cypriot Laws, such as the Parents and Children Relations Law No. 216/1990 and to the Adoption Law No. 19(I)/1995.



Specifically, article 6 of the Parents and Children Law, mentions that “every decision of the parents regarding the exercise of parental responsibility must aim at the interest of the child. The decision of the Court must also aim at the interest of the child where, pursuant to the provisions of the law, the Court decides for the granting or for the manner of exercise of parental responsibility. The decision of the Court must also respect the equality between the parents and not discriminate on the basis of sex, language, religion, beliefs, nationality, ethnic or social origin or property. Depending on his maturity and the degree to which a child may understand, his opinion shall be requested and taken into consideration together with other criteria before any decision concerning parental responsibility is taken, if such decision relates to his interests.”

Also, article 14 of the Parents and Children Relations Law, states that “in case of divorce or annulment of the marriage or void marriage and provided that both parents are alive, the exercise of parental responsibility shall be regulated by the Court. The exercise of parental responsibility may be assigned to one of the two parents or, if they agree, fixing at the same times the place of residence of the child, to both jointly. The Court may allocate the exercise of parental responsibility between the parents or to assign it to a third party. The Court, in its decision, shall take into consideration the bonds of the child with his parents and brothers, as well as any agreements of the parents concerning the care and the administration of the property of the child. The interest of the child shall always be a primary consideration.”

As regards the Adoption Law, article 5 maintains that the Court shall make the adoption order, if it is satisfied that, inter alia, “the making of the adoption order will be in the interest of the adopted, order, taking into consideration his wishes, if his age and his spiritual capability permit that.”



It should be further noted that judges have frequently made reference to the above principle in numerous judgments, resting their decisions on the best interests of the child.

In the case of *Maria Panayidou v. Onisiforos Eftychiou* [2009], a parental responsibility case after divorce, it was stated that the interest of a child is ensured by finding the parent who provides more safeguards because of his personality and the other conditions, so that the care you give the child to be better than the other parent.

In the case of *Andreas Iakovidis v. Caren Iacovidou* [2000], it was stated that the Court starts its examination from the position that any decision of the parents on the exercise of parental responsibility should be directed to the interests of the child.

3.4. Article 6: Right to Life and Optimum Development

The Constitution of the Republic of Cyprus ensures in its Article 7 the fundamental right of life and in its Article 20 the right of education.

For children, the right to life is the chance to be able to live and have the possibility to grow, to develop and become adults. This right comprises two essential principles: the right to have one's life protected from birth and the right to be able to develop them self appropriately. Further, it is necessary for children to be able to benefit from appropriate healthcare, a balanced diet, and a quality education, as well as being able to live in a healthy environment.

The Republic of Cyprus is providing free education for all children aged 4 to 18. The free education is provided by public institutions irrespective of gender, language, ethnic background



and religion. Also, free healthcare in public hospitals is provided for all children between the ages 4 to 18.

Furthermore, the Protection of Young Persons at Work Law of 2001, Law No. 48(I)/2001, protects adolescents from economic exploitation, the compatibility with education and ensures the safety of his/her, health (physical and mental), physical, spiritual, moral and social development. Also, the Children and Young Persons (Employment) Ordinance Law, Cap 178, places restrictions about the time and the nature of the job that children and young person can do.

3.5. Article 12: Participation

The right of the child to be heard and to participate in all matters that affect him/her is found in a number of different pieces of legislation, such as the Parents and Children Relations Law, the Adoption Law and in schools regulations. Further, the right to participation has been discussed in a number of cases before the Courts of the Republic of Cyprus.

The Parents and Children Relations Law maintains that “depending on his maturity and the degree to which a child may understand, his opinion shall be requested and taken into consideration together with other criteria before any decision concerning parental responsibility is taken, if such decision relates to his interests.”

Article 4 of the Adoption Law specifically states that for the granting of an adoption order, the consent of the person to be adopted shall be required, if his age or spiritual capability permits that.



As regards the case law, it is important to note that in the case of *Stylianou v. Stylianou* [1993], the Court held that taking the child's opinion, if the maturity of enabling the formation of opinion allows it, for the custody and care is mandatory and poses weighty significance as revealing of his own desire for happiness and progress.

Also, in *Isaia Ioannidi v. Chada Ioannidi* [2002] it was held that the opinions of the child in cases where parenting issues are being examined have an important significance in shaping the final judgment of the Court.

Furthermore, it should be noted that a Youth Parliament was set up in 2001. The Youth Parliament consists of 80 members from the ages of 12-18 and it meets every 2 months in the building of the House of Representatives of the Republic of Cyprus. Within the framework of the Youth Parliament, discussions are being made on issues related to adolescence as shown in the reports prepared by the children deputies with the help and support of a technocratic Service Committee of the Republic of Cyprus, while at the same time the children have the opportunity to present their views to the House of Representatives. The Children's Parliament is organized by the Pancyprian Coordinating Committee for the Protection and Welfare of the Child and runs under the auspices of the President of the House of Representatives.

The NGO "Hope For Children" UNCRC Policy Center organizes a series of events, seminars and conferences for children, where adolescents participate and present their views, which are documented, analyzed and form the basis of policy papers issued by the NGO.



4. The Experiences, Opportunities and Challenges facing adolescents in Cyprus:

4.1. Adolescents in conflict with the law

The present national legislation and other facilities relevant to children in conflict with the law does not offer young offenders with the safeguards and guarantees necessary for that specific age group and their identified needs. When in conflict with the law, adolescents go through the procedure (investigation, pre-trial, trial, and post-trial) without much support from state agencies. The police officers, judges, lawyers, social welfare officers and officers in the correctional facilities are not specifically trained to deal with young offenders, nor are there any special facilities for young offenders (i.e. Juvenile Court or Juvenile Correctional Facilities). Thus young offenders are institutionalized in the same correctional facilities as adult convicts after undergoing trial by the same personnel who is responsible for adult offenders. In cases of young offenders, judges can, in their discretion, require a report from the Social Welfare Services regarding the personal situation of the young offender for purposes of mitigating the penalty imposed.

“Hope For Children” UNCRC Policy Center has, for years, advocated and lobbied for a child friendly justice model, including, among others, the creation of a Juvenile Court that will be manned with personnel specifically trained to deal with young offenders. The creation of such a court is currently under advisement with the relevant authorities as is the Juvenile delinquents Law.

In addition to the above, the Organization has put a great effort in the ratification by the Republic of Cyprus of the Lanzarote Convention, regarding sexual abuse of children, which was finally ratified on 12 February 2015.



In our efforts to safeguard the rights of children in judicial proceedings, the Organization, and still do, advocate for the rights of children victims of any kind of abuse and their treatment by the state agencies involved.

4.2. Adolescents with a migrant background

For adolescents with a migrant background the challenges are greater and the opportunities fewer. The existing migration law does not afford children of migrant parents with many choices regarding higher education and/or employment, which is made more adverse by the lack of relevant policy.

4.2.1 Education

Children with migrant background, who wish to attend higher education in Cyprus, are required to pay exorbitant amounts as tuition fees, even at the University of Cyprus, which is state funded, as opposed to Cypriot children who can attend tuition-free. The same goes for the private institutions, which however charge the same amounts to Cypriot nationals. An additional barrier identified, is the existing provision in the national migration law (The Aliens and Migration Law (CAP. 105) which provides that in order for a third country national, who wishes to register as a student in Cyprus, needs to be located outside the country in order to initiate the procedure and be granted an entry and residence permit as a student. This provision does not allow for a person already located in the country to apply, such as in the cases of adolescents who are born to third country national parents. Permission to receive a study and residence permit is granted upon a case by case basis as a result of the discretionary power vested with the Minister of Interior.



Children of refugees have, theoretically, the same access to higher education as Cypriot nationals in accordance with national Refugee Law (Law 6(I)2000) . However, due to their national origin (third country) the higher institutions perceive them as third country nationals and they are requested to pay tuition fees as any other third country national (even at the University of Cyprus)

4.2.2 Employment

Adolescents born to third country national parents, who are not refugees and wish to be employed, have limited access to the employment market. Apart from the restrictions in employment dully set up by the Law on Employment of Children and Young Persons (CAP. 178), they are only allowed to work in certain areas of employment (unskilled work) and only after having received relevant clearance from the Civil Registry and Migration Department.

At the moment there is no policy regarding children of third country parents who have been born or lived in the Republic for a long period of time. There is the possibility to be granted long-term residency permit or be naturalized, which however is not easily attained since the criteria are very restrictive and the rate for granting such is very low.

4.3. Sexual Education

An issue that has brought controversy and public discourse regarding adolescents and their right to information is that sexual of education. The need for further education in sexual and reproductive health is often stressed by different stakeholders, whether it be in the scope of children and adolescents right to information or as a means of combating sexual abuse and exploitation. Sexuality education has been included since 1992 as a module of the school health education program. Research has shown that despite the introduction of the topic in the school



curriculum, it has not been very effective. Factors contributing to this are the sensitivity of the topic, the relative closeness about it within Cypriot society and the limited resources. However, there is no research evidence to support this.

In recent years there has been an on-going debate for the introduction and exploration of sexuality education in schools as part of health education program, whether this will benefit Cypriot adolescents, and how this can best be implemented and accepted within the Cypriot culture. Despite that a pilot program was implemented in some high schools, up until now the government has not adopted a comprehensive sexuality program in schools.

Furthermore, in Cyprus there is a lack of a support system for sexual education, such as services for youth's health. Thus, even if young students acquire some knowledge from school when they actually need help, do not have many choices as far as services/centers are concerned.

4.4. Adolescents with a mental or physical disability and their access to education

Children and adolescents with a mental or physical disability are one of the most vulnerable groups, often stigmatized and marginalized. It was identified that, in the field of education adolescents with disabilities were not offered the appropriate leaning tools and adjustments but were rather disassociated from the rest of the class. Teacher and educative personnel were often not trained, and therefore, able to meet the needs of these students.

An issue that received great public discourse was that of children with disabilities being admitted in the newly established Medical School of the University of Cyprus. During the drafting of the Regulations regarding the student with disabilities and their acceptance not in the school, some views were expressed, maintaining that these students should not bellowed



due to their physical handicap. The matter received great publicity and both the Commissioner for Administration and Human Rights and the Commissioner for the Rights of the Child expressed the views that an exclusion of students with a form of disability would be an unjustifiable form of discrimination while at the same time would be a violation of children and people with disabilities rights to education. Both Commissioners expressed the views that reasonable adjustments should be made to assist said students rather in their studies.

4.5. Examples of laws, policies and programs that promote adolescents' development in accordance with their rights

4.5.1. Examples of Laws

The age of maturity in Cyprus is 18. However, a different, and lower, age limit is defined in different legislation regulating different aspects of adolescents' activities. Such are the following:

The Law on Employment of Children and Young Persons (CAP. 178) provides that the minimum age of employment is 15. The said law provides a number of safeguards and guarantees for young people in employment, such as the nature of employment, schedule and monitoring mechanisms.

The Law on Prevention and Combating of Sexual Abuse and Exploitation of Children and Child Pornography (Law 91(I)/2014) sets the age of consent at 17. However, it has special provisions regarding consensual intercourse between adolescents and consensual intercourse between a minor and an adult who have a maximum age difference of 3 years. Contract Law (CAP 149) provides that the age of maturity for the purposes of determining the validity of a contract is



that of 18. However, it has been established by case law that, contracts that are to the benefit of a minor and/or relate to necessities of the minor are legally valid.

4.5.2. Examples of Policies

The Ministry of Education and Culture, implemented a policy regarding secondary school student attendance in the course of “Religious Studies”. Up until recently the said course was mandatory in the school curriculum (which is created and approved by the Ministry of Education and Culture) and students could only get an exemption from the class on a case by case basis. In 2013, and after public discourse, it was decided that children adhering to different dogma (than the Greek Orthodox) could get an exemption upon the request of the parent or legal guardian of the child, provided that the child, based on their age and maturity consents.

Additionally, in June 2014, the Ministry of Education and Culture introduced the "Code of Conduct Against Racism" and the "Manual for Monitoring and Managing Racial Incident", which are policy documents aiming at the prevention, identification, management and tackling of racist incidents in Primary schools, Secondary (General and Technical) schools.

4.5.3. Other activities

The Commissioner for the Rights of the Child, created in 2010 the “Teenage Consultants Group”. The group is comprised by 30 children, ages 13 to 16, whose role is to consult with the Commissioner on issues affecting them so that their opinion is heard and moreover taken into account in decision and policy making. While at its conception the Groups operation were based on a policy decision of the Commissioner, it was latter incorporated in the law by way of the Commissioner for the Protection of the Right of the Child (Amendment) Law of 2014 (Law 44(I)2014)



While there has been much criticism on the treatment of adolescents by members of the Police, these have often been attributed to the human factor (i.e. the personality of the police officer participating in the incident and/or lack of specialized training) on a higher level there have been some efforts to reach and educate the adolescents. One such example is the “Guide on the Rights of Adolescents” drafted and issued by the Police Department of Research and Development.

The Guide includes an outline of the fundamental human rights, the rights of adolescents regarding alcohol and tobacco purchase and consumption, employment and recreational activities. It provides a step-by-step analysis of the procedure when a minor is arrested and/or requested to give a testimony as well as safety tips for adolescents and contact details.

4.6. Best practices of the NGO “Hope For Children” UNCRC Policy Center

The Organization’s aim is to protect and promote the rights of the child and to support the active participation of children and youth in society. In our efforts to achieve our aims the Organization has developed an array of projects and programs having in mind the needs of the children and youth as well as the social and cultural context of the Republic. In designing its projects and offering its services the organization does so in accordance with the standards and principles set forth by the UN Convention on the Rights of the Child and European Union Law.

The organization provides advice on lobbying strategies and tactics, arranges lobby visits and carries out lobbying for policy making and changing addressing and on behalf of governments, NGOs, intergovernmental organizations and the private sector.

In cooperation with other actors “Hope For Children” UNCRC Policy Center advocates for the rights of the child, participating in meetings with the Permanent Representation of EU Member States



in Brussels, meetings with bodies of the Council of the European Union like the Political and Security Council, the European Commission, European Parliament, the Council of Europe and United Nations Special Rapporteurs and of both EU and non-EU countries' Permanent Representations to the UN, all featured within the agenda to promote the rights of the child.

The goals of advocacy and lobbying are similar and complementary, but the processes followed by each are different. Advocacy is attempting to cause political action while gaining public support, using methods such as civil education and public campaigns, while lobbying refers to directly influencing the government and decision-makers with a specific aim of amending existing legislation or current policy structure.

Following are some of the organization's best practices which aim at directly supporting and empowering adolescents:

Setting up and running "Home for Hope"

"Home for Hope" is a shelter for unaccompanied minors, run by "Hope For Children" UNCRC Policy Center. It started running in July 2014 and hosts minors between the ages of 12 to 18. It offers rehabilitation, integration and durable solution services. The personnel of the shelter is comprised of psychologists, legal advisors, educators and social workers who provide the minors with services such as psychological support and counselling, legal guidance and education courses. External associates assist in providing the minors with other services as deemed necessary according to identified needs.

European Helplines

European Helpline for Children and Adolescents 116111



The Helpline provides children and adolescents with direct psychological support. It operates by “Hope For Children” UNCRC Policy Center together with the Association for the Prevention and Handling of Violence in the Family and it is manned by trained staff of both organizations. The service is offered to everyone for free and it is confidential.

European Hotline for Missing Children 116000

The Hotline is a tool for the prevention and handling of missing children. It operates by “Hope For Children” UNCRC Policy Center together with the Association for the Prevention and Handling of Violence in the Family. It provides support services to relatives of missing children and coordinates relevant authorities at a national and international level. The operation of the Hotline is 24/7.

“Beat Bullying” Programme

The programme aims at raising public awareness through the development of methods of identification, prevention and handling of bullying incidents. “Hope For Children” UNCRC Policy Center delivers seminars and trainings in schools for the establishment of peer-to-peer support and education group.

Through this programme we have developed the mobile application “HFCBeatBullying” as a tool to prevent and tackle bullying, which can be used in 23 countries. It contains practical advice but also direct access to the European Helpline for Children and Adolescents 116111.



5. Risks Associated with Digital Environments:

5.1. Introduction

Young people and children use the internet to communicate and in a number of other ways. With the increase of the numbers of young people and children participating in the cyber world, there has been an increase in the number of adults that contact children and try to establish with them a sexually-oriented connection (grooming) or proceed on cyber-bullying, as mentioned below.

It is evident that risks associated with digital environments could take many forms. These risks can be very dangerous when the victims are children or adolescents, due to the fact that this population is considered to be more vulnerable.

Research shows that European young people begin to use the internet at 9 years old and spend about 88 minutes daily online. It's a fact that, many children and adolescents are victim of Cyber-bullying or online grooming. This part explains what the situation is in Cyprus in relation to the aforementioned issues.

5.2. Cyber-bullying

Bullying is – in general terms - defined as a negative, undesirable behavior which is repeated by a person or a group of persons against a person or persons, with intent to hurt and / or cause harm to the victim/s. It can be manifested as verbal, psychological and / or physical violence.

As regards cyber-bullying, this is bullying that takes place through the Information Technology Systems. Cyber-bullying, can take place, for example, through social media, networking, text messaging, messages, emails and websites. In particular, cyberbullying includes the sending of offensive messages, molestation, victimization et al.



It should be noted that, according to Cypriot law, bullying per se is not an offence (as far as it does not involve online grooming, which is an offence under a recently adopted piece of legislation – see Law. No. 91(I)/2014 Law against sexual exploitation and sexual abuse of children and child pornography). It should be also noted that the age of criminal responsibility in Cyprus is the age of 14 years. In any case, we believe that the ways to address this phenomenon should include alternatives to juvenile justice and evidence based approaches.

Victims of cyber-bullying in Cyprus can register a complaint to their internet service providers or to the relevant service in websites / social networks. Furthermore, victims can complaint to the Cyprus safer internet helpline or to report the bully to “SafenetCY” - a hotline focused on promoting safe use of the internet in Cyprus or to the police which has a dedicated unit for cyber-crime in general. The Cypriot police has also issued a guide on “Safe Surfing”, which provides relevant information and contact details. Finally, the NGO “Hope For Children” UNCRC Policy Center, in association with the Association for the Prevention and Handling of Violence in the Family operate the European Child Hotline 116 111, which provides, inter alia, information, advice and assistance on bullying. “Hope For Children” UNCRC Policy Center runs a campaign against bullying, which raises awareness as to the phenomenon and includes peer-to-peer education techniques to train children against bullying.

A recent study in Cyprus on the phenomenon of cyber-bullying, which consisted of 2684 teen students between 12 and 18 years old of age, has shown the following: 965 male and 1017 female said that they were not victims of cyber-bullying, but 101 males and 264 females reported that they were victims of cyber-bullying, while 92 males and 23 females reported that they bullied via ICT other people, while 144 males and 78 females reported that they were both bullied and bullies via ICT.



5.3. Online Grooming

According to the recently adopted law against sexual abuse, sexual exploitation and child pornography (Law No. 91(I)/2014), whoever suggests to a child that has not reached the age of consent (17 years old in Cyprus), via information and communications technologies, to meet him or her with the purpose of performing a sexual activity with the child or the production of child pornography material or the sexual exploitation of the child that has not reached the age of consent, and the suggestion in question is followed by the performance of actions that lead to a meeting, shall be guilty of a felony and, in case of conviction, shall be subject to a sentence of imprisonment not exceeding ten years. This is an important development in Cyprus Law, as online grooming was not an offence before the adoption of the said legislation.

According to research, the steps towards grooming in Cyprus are the following:

1. The perpetrator seeks for a vulnerable child in different online conversational chat rooms known as the “schoolyard of the 21st Century”.
2. When a child located satisfies the aforementioned “status” then the perpetrator invites the child to enter a private conversation so that they may get to know better each other.
3. The communication continues through emails, instant messaging, mobile phones and finally leading to a face to face meeting.

This process has no time programming as it cannot be specific. It depends on how comfortable the child feels and opens up so the procedure evolves with very slow progress.



5.4. UN Convection on the Rights of the Child

The right to protection from all forms of violence is disclosed to all children so the Convection forces the State parties to take all necessary measures (national, bilateral, multinational) to prevent the endorsement or coercion of a child to engage in unlawful sexual activity, children prostitution or other unlawful sexual practices and children in pornographic performances and materials. Cyprus is a signatory to the Convention and thus obliged to fulfill its obligations under the Convention. It should be stated here that international agreements to which the Republic of Cyprus is a party prevail over conflicting national legislation, according to Article 169 of the Constitution of the Republic of Cyprus.

5.5. Cyprus & Grooming

Cyprus is classified as “higher use, some risk” country by the EU Kids online survey. Children here begin to use the internet at the age of 10 on average and a third of them visit online chatrooms, share files, blog and spend time in a virtual world. It should be noted that these numbers indicate advance online activities compare to European average of 23%.

In 2010 Police firstly indicated an incident concerning online grooming. A 38 year old man became friends with an 11 year old girl on a social network and arranged a meeting at an unknown location in Larnaca where the man had sexually abused the girl. A few days later the girl informed her mother and the parents reported the incident to the police. The man was charged with rape, corruption of a minor under the age of 13 and sexual exploitation of a minor.

The Cypriot Penal Code states that, a defilement of a girl under 13 is a felony and punishable by life imprisonment. Defilement of a girl between 13 and 17 years is a misdemeanor which, upon



conviction, carries out a 3 years imprisonment. As stated above, the new law against sexual exploitation and sexual abuse imposes a 10 years imprisonment in case that the offence defined in its article 9 is committed.

6. Recognition of Changing needs throughout adolescence:

The present part of the submission deals with the recognition of changing needs throughout adolescence, which despite general, apply also in Cyprus. This section includes information about physical changes, independency, sexuality, education, emotional needs, identity, eating disorders, information, addictions and marginalization.

6.1. Physical Changes

Adolescents experience major changes in their body. Hormonal changes also come to affect their balance and begin to feel strongly that something is radically changing. Their appearance starts playing an important role and affects their psychological status.

6.2. Independency

The adolescent through developmental processes must manage to become independent. Often the parent(s) treat the teenager(s) as a child, while requiring from them an adult like attitude, more responsible and mature. This often results is conflicts between parent and adolescent.

6.3. Sexuality

Sexuality is an element in adolescents that is very prominent. They need to be treated with respect and not to be belittled and ridiculed for their feelings (especially by their parents). The



adolescents' looks in a relationship to satisfy emotional needs, so very often, relationships and partners have great influence on their mood.

6.4. Education

Defective vocational guidance and professional orientation. They need specialized and personalized guidance since this will determine their future and effect their lives.

6.5. Emotional needs

The parents' attention often focuses on reading and school performance, since it is considered to be important for vocational rehabilitation, and ignore other needs of the adolescent, especially their emotional needs. They need a parent that care about how they feel, not how much they will succeed.

6.6. Identity

Appearance during adolescence, when teens struggle between roles and identity confusion emotions, is a very important element of self-identity. Erick Eriksson introduced the term "identity crisis", considering that it is one of the major conflicts that people face as they grow.

6.7. Eating Disorders

Disorders with psychological background such as anorexia and bulimia are becoming increasingly common in young boys and girls.

6.8. Information



They can have uncontrolled information on any subject without filtering, usually through the internet. Internet addiction is a modern phenomenon that can cost large negative influences to the teenagers and prevent their proper educational development.

6.9. Addictions

Smoking /Alcohol /Drugs - Usually this starts after stress, negative emotions, for purposes of creating feeling independence or even due to low self-esteem. If the teenager is not surrounded by a supportive network, then it is very possible to become addicted to any of this.

6.10 Marginalization

This can happen for any reason a teenager differs from the majority, it could be a disability, ancestry, religion, beliefs etc. It starts from the well widespread “bullying”, that the impacts are not easily dislodged - instead, captured forever in the brain of the adolescent.