

**Thematic report on economic, social and cultural rights of children with
special focus on vulnerable groups in relation to the discussion of the sixth
periodic report of Cyprus at the Committee on Economic, Social and Cultural**

Rights

submitted

by “Hope For Children” UNCRC Policy Center

Nicosia, Cyprus, August 2016

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1. Introduction

1.1. "Hope For Children" UNCRC Policy Center

"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, "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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"Hope For Children" UNCRC Policy Center would also like to express its gratitude towards Ms Kristina Markou, Child Protection Coordinator of "Hope For Children" UNCRC Policy Center and Mr. Attila Hollosi Project Officer also for "Hope For Children" UNCRC Policy Center for providing necessary information and suggestions regarding this report and also for their support in completing the project.





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2. Executive summary

The present document is a thematic report on the implementation of the International Covenant on Economic, Social and Cultural Rights in the Republic of Cyprus with special focus on the rights of the child. However, the Covenant mentions children in several provision we used a horizontal approach to analyse the promotion and protection of the children's economic, social and cultural 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 and the Commissioner for Children's Rights. It was concluded on 29th August, 2016.

The first part contains an overview of the general legal framework of the principle of non-discrimination and some remarks about the lack of case-law, besides, multiple discrimination cases are also discussed (e.g. asylum-seeker and refugee children with disabilities). Then, in the next chapters the protection and promotion of the children's economic, social and cultural rights are elaborated from provision to provision with special focus on vulnerable groups of children.

In connection to Article 9, as the implementation of the concluding observations, an important legal development is shared: by now children of displaced women are entitled to the Refugee Identity Card and the benefits stemming from it. Article 10 about the protection of the family, children and young people includes the issue of domestic violence and the trafficking of human beings in Cyprus. Then, in relation to Article 11 on adequate standard of living and poverty the following topics are raised: the housing situation of Roma families, the experience of running a private shelter for unaccompanied minors and the social protection scheme of children with disabilities.

The last chapter about the right to education focuses on access to education for vulnerable groups e.g. children who do not speak Greek, unaccompanied minors, Cyprus Roma children as well as children with disabilities. As a consequence, the efforts of the government done so far are welcomed but further steps are needed to achieve high quality, inclusive education for all children.



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3. Economic, social and cultural rights of children

3.1. Article 2 – Prohibition of discrimination

3.1.1. Legal background and case-law

In the concluding observations the Committee on Economic, Social and Cultural Rights welcomed the new comprehensive anti-discrimination framework, although they were still concerned about the lack of case law. As the prohibition of discrimination is a principle to be used in relation to the protection of children's rights, we share some general remarks on this topic.

The Constitution of Cyprus in its Article 6 provides for the principle of non-discrimination, furthermore the Law on Combating Racial and other Forms of Discrimination (Ombudsman) of 2004 (L. 42(I)/2004) and the Law on Combating Certain Types and Ways of Expressing Racism, Xenophobia through the Penal Code (L 134(I)/2011)¹ elaborates on it. There is a very limited case-law which rather deals with cases of discrimination and racism based on the provisions of the Penal Code (CAP 154) as racially motivated incidents. Since the following two cases are interlinked both of them is explained below.

In the case of Police v. Demetris Matolis et al (Case no. 6168/2013)² the three defendants are accused of assaulting, physically and verbally the victims, Margarita and Costas Nicolaou, a Cypriot man and his wife, who is of African origins. The two victims and the defendants were neighbours. On the date of the assault there was an altercation between the victims and the defendants over a number of defamatory and racist comments made on a social networking site against the victim (the wife). Both parties used physical violence and sustained minor damages. The court found all three defendants guilty as charged but without elaborating on the racist background of the case.

In the case of Costas Nicolaou v. Police (Appeal case no. 41/16)³ the appellant, Mr Nicolaou, is the victim of Case no. 6168/2013, above. He and his wife, were also charged for assault as a result of the aforementioned altercation. At first instance both he and his wife were found guilty and sentenced to imprisonment, however the wife's sentence was suspended. In the present case the court, while still

¹ In Greek Ο Περί της Καταπολέμησης Ορισμένων Μορφών και Εκδηλώσεων Ρατσισμού και Ξενοφοβίας μέσω του Ποινικού Δικαίου Νόμος του 2011 (134(I)/2011) is available here:

http://www.cylaw.org/nomoi/enop/non-ind/2011_1_134/full.html

² In Greek Αστυνομικός Διευθυντής Λάρνακας v. Δημήτρης Ματώλης, Ελενα Ματώλη, Χριστίνα Χαραλάμπους The full text of the case in Greek is available here: http://www.cylaw.org/cgi-bin/open.pl?file=apofaseised/poin/2016/3220160036.htm&qstring=%F1%E1%F4%F3%E9%F3%F4%2A#_ftnref

¹

³ In Greek Κώστας Νικολάου v. Αστυνομίας. The full text of the case in Greek available here:

http://www.cylaw.org/cgi-bin/open.pl?file=apofaseis/aad/meros_2/2016/2-201604-41-16.htm&qstring=%F1%E1%F4%F3%E9%F3%EC%2A



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using the provision of the Penal Code, made mention of the racist motives of the assault and the fact that the police, who was aware of the harassment the couple was being subjected to, failed to properly investigate and take action to avoid the incident. Eventually the appellant's sentence was suspended as well. In the other cases the racist motives, actions or oral statements were considered provocation, not much emphasis was given by the court and eventually these were entirely dismissed.

The latest statistics from the Cypriot Police covering the period 2005-2015⁴ (last updated on March 2016) on incidents and cases with a racist background and motives show that there was a rise in such incidents in 2006, with a total of 18 such incidents, 16 of which were of criminal nature and 17 of which were filed with the court. The incidents dropped until 2010 where there was again a rise, with a total of 34 such incidents, 32 of which were of criminal nature and 27 were filed with the court. Out of these, in just two cases the charges were for racist nature of the crime committed and in both the defendants were acquitted. In 2015 the incidents registered were 11 in total 7 of which were, at the time of the drafting of the statistics, being processed.

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.

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.

⁴ Available in Greek here:

<http://www.police.gov.cy/police/police.nsf/All/4B02D3E9BFD8C9C5C2257F92001FC8C1?OpenDocument>



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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.

3.2. Article 9 – Right to social security

In the previous reporting cycle, the Committee noted with concern that the children of women with displaced person status were not entitled to a Refugee Identity Card only to a Certificate by Descent which did not enable them to access any benefits. After lengthy deliberations and lobbying by different groups, the Law on Census Bureau of 2002 (N. 141(I)/2002) was amended by the Law on Bureau (Amendment) (No. 2) of 2013 (L. 174(I)/2013) therefore now children of displaced women are entitled to the Refugee Identity Card and the benefits stemming from it.

Children whose father is a displaced person are considered to have their permanent residence in the occupied areas and consequently, for the purposes of the present Law,



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they are considered to be displaced persons from the same place from which their father comes.

Children of only a displaced mother are considered to have their permanent residence in the occupied areas and are displaced persons from the same place from which their mother comes, exclusively for the purposes of any state aid or other benefit which is provided for displaced persons, without their place of origin being connected with any voting rights or electoral process.⁵

Furthermore, amendments were implemented in the Law on Granting of Housing Assistance to Displaced Persons, Affected and Other Persons of 2005 (L. 46(I)/2005) in order to include children of displaced women in relation to the benefits attributed to refugees under said Law.

Additionally in 2015 the European Court of Human Rights in its decision *Vroutou v. Cyprus*⁶ found that there was a violation of Article 14 taken in conjunction with Article 1 of Protocol No. 1 Violation of Article 13. Ms Vroutou complained about the refusal of the authorities to grant her a refugee card, alleging that this had meant that she had been denied a range of benefits, including housing assistance. She also alleged that denying her a refugee card on the basis that she had been the child of a displaced woman rather than a displaced man had been discriminatory on the grounds of sex and that no authority in Cyprus, including the courts, had examined the merits of her complaint. She relied in particular on Article 1 of Protocol No. 1 (protection of property), Article 13 (right to an effective remedy) and Article 14 (prohibition of discrimination). The judgement is still under execution (standard supervision), the Committee of Ministers is waiting for the action plan/report.

3.3. Article 10 – Protection of the family, children and young people

3.3.1. Domestic violence

According to the statistics of the Police in the period 2005-2012⁷, 7135 domestic violence cases were reported, of which 3743 were filed at the court. Between 2005 and 2011, the incidents of domestic violence usually referred to physical violence, very low percentage is of psychological violence and an

⁵ Article 19, Law on Census Bureau of 2002 (N. 141(I)/2002)

⁶ *Vroutou v. Cyprus* (no. 33631/06) available here in English: <http://hudoc.echr.coe.int/eng-press?i=003-5197573-6435540>

⁷ Available in English here: <http://www.familyviolence.gov.cy/upload/20140516/1400231684-07849.pdf>



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even lower percentage of sexual abuse, while the child complainants were around 13 % of the total cases.⁸

The Committee urged the government to adopt an effective strategy to combat domestic violence which was implemented by the National Action Plan on the Prevention and Combating of Domestic Violence (2010-2013)⁹. The action plan had the following strategic goals, each of which was subdivided into specific action.

1. Monitoring of domestic violence
2. Prevention of domestic violence
3. Awareness-raising and training of professionals and the society
4. Implementation of the legislation
5. Protection of the domestic violence victims
6. Coordination and evaluation of the implementation of the Action Plan

However, the Action Plan has not been evaluated nor assessed so far, the new document for the next period is being drafted.

In relation to the prevention of domestic violence and victim protection, it is important to mention the role of the civil society. The Helpline 1440 is administered by the NGO called the Association for the Prevention of Domestic Violence for free of charge and available 365 days a year from 8 AM to 10 PM on weekdays and from 10 AM to 10 PM on weekends and holidays. Helpline 1440 provides counselling support and information on services related to domestic violence issues for the callers and it is staffed with psychologists, social workers and trained volunteers. In 2014,¹⁰ the Helpline 1440 received 1636 calls in new cases, 636 callers indicated that they previously contacted the NGO while in 361 cases there was no mention of previous communication. Still in that year, 199 victims were identified themselves as minors and in 73 cases the caller asked for shelter.

⁸ Available in English here:

[http://www.police.gov.cy/police/police.nsf/All/B82999059F64FA7DC2257A1000286904/\\$file/FamilyAbuse.pdf](http://www.police.gov.cy/police/police.nsf/All/B82999059F64FA7DC2257A1000286904/$file/FamilyAbuse.pdf)

⁹ The full text of the National Action Plan available here in English:

http://www.familyviolence.gov.cy/upload/downloads/actionplan_2010-2013_en.pdf

¹⁰ Available in English here: <http://www.domviolence.org.cy/uploads/TOTAL%202014.pdf>



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"Hope For Children" UNCRC Policy Center has a crucial role in this field as well. The Organization provides assistance to the victims of domestic violence including psychological support and counselling, legal support, in kind assistance depending on the circumstance of each case. According to the statistics of the Child Helpline 116111 in 2014¹¹ - which is administered by "Hope For Children" UNCRC Policy Center and the Association for the Prevention of Domestic Violence - the average caller is either a child in need of assistance or a family member, the caller most often being Cypriot and the main reason to call is to discuss relationship difficulties. There was a gender balance among the callers.

3.3.2. Trafficking in human beings

In its 2015 second evaluation report on Cyprus, the Council of Europe's Group of Experts on Action against Trafficking in Human Beings (GRETA) noted that the number of identified victims of THB was respectively 52 in 2010, 40 in 2011, 37 in 2012, 30 in 2013, 42 in 2014, and 42 as at 26 August 2015. Out of these victims, 70% were women, 26% men, and the rest were children. In relation to prosecution of traffickers the data provided by the Minister of Interior, the police filed charges against 34 persons in 2013, 50 persons in 2014, and during the first six months of 2015 this number rose to 64.

The relevant document in this field, the National Action Plan against Trafficking in Human Beings 2013-2015 indeed is comprehensive as it covered different aspects of the issue (coordination, prevention, identification of victims, victim protection and assistance, prosecution, training, international co-operation, etc.) as well as practical measures and actions to be implemented within specified timeframes. Such were training of public servants, frontline responders, and judges, the production of information material, awareness raising campaigns, seminars in schools, and training of personnel working in the media. Despite the positive outcomes from the new legislation enacted and the actions implemented through the Action Plan, there are still gaps in practice: lack of coordination and immediate action from the stakeholders involved, administrative obstacles and lack of expertise and/or training in handling issues of victims of trafficking.

The first case of child trafficking for sexual purposes which led to conviction was in 2014 and relied on the provision of the Penal Code, not the anti-trafficking law. "Hope For Children" UNCRC Policy Center has handled a total of 4 cases of child victims of trafficking. In all cases legal and psychosocial support as well as rehabilitation services were offered.

¹¹ Available in English here: <http://www.domviolence.org.cy/uploads/Statistics%202014.pdf>



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3.4. Article 11 – Adequate standard of living and poverty

3.4.1. Housing of Roma families

The majority of Cyprus Roma reside in deserted Turkish-Cypriot houses in the Limassol district and in the villages of Makounta, Stavrokonnou and Chrysochou villages in the Paphos district. Several measures were taken by the Government with the aim to provide adequate housing for the Cyprus Roma such as the repairs of 20 Turkish-Cypriot houses inhabited by Cyprus Roma in the Limassol district and of 25 Turkish-Cypriot houses in the Paphos district and the two housing projects in Limassol and in Paphos. In the latter case, the housing units are equipped with all basic amenities such as water (drinking water incl.) and electricity supply, solar water heaters, telephone line installation, sewage system, etc.

However, these housing settlements are isolated from the rest of the community which has given rise to criticism over attempt to further segregate the Cyprus Roma and increase the already existing inequality. Since the enrolment to school is subject to the area of residence, most Roma children attend the same school in these settlements which eventually lead to segregation and the creation of ghetto like situations.

3.4.2. Private shelter for unaccompanied minors

"Hope For Children" UNCRC Policy Center in July 2014 has undertaken the establishment and operation of the private children's shelter "Home For Hope" which accommodates unaccompanied minors under the legal guardianship of the Director of the Social Welfare Services and provides multi-disciplinary and holistic services for them. The children's shelter operates with the approval and close collaboration of the Social Welfare Services of the Ministry of Labour, Welfare and Social Insurance. The children's shelter is staffed with officers specialized in the fields of psychology, social work, law and education. NUMBER

The shelter provides services based on models considered good practices in European countries, adapted to the needs and special circumstances of Cyprus. The services offered could be grouped under three main pillars that actually frames the operating mechanism of the shelter.



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A. Rehabilitation services

B. Integration services

C. Durable solution services

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Intake of social history	Legal and social counselling services	Family tracing and assessment, possibility of voluntary return within the framework of family reunification to other member states and/or of return to the country of origin
Assisting in the procedure of age assessment	Psychological support	Investigation of possibility for placement in foster care
Legal and social counselling services	Language classes	Legal and social counselling services
Psychological support / counselling and therapy	Afternoon educational classes and entertainment activities	Psychological support
	Assisting access to public and/or private education	Support during the transition to adulthood and integration to the society

For the period between July 2014 and June 2015, the NGO received funding from the European Refugee Fund (95%) under the Solidarity Funds of the Ministry of Interior and the Republic of Cyprus (5%) for covering the operational expenses of the shelter. Financial support was also provided by the Social Welfare Services. From November 2015 until November 2017, the shelter will be co-funded by the Asylum, Migration and Integration Fund (90%) and the Republic of Cyprus (10%), under the framework of the Project "Establishment and Operation of an Open Reception Center for Unaccompanied Minors".

3.4.3. Social protection of children with disabilities

While there are some problematic areas that require more attention the overall practise and policy in relation to the adequate standard of living and social protection of children with disabilities 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



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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.

3.5. Articles 13 and 14 — Right to education

3.5.1. Children without knowledge of the Greek language

Primary and secondary education in Cyprus is compulsory and free for all children. The educational scheme currently implemented for foreign speaking students, which include refugees, asylum seekers, children of undocumented migrants, is the programme called "Learning the Greek Language as a second/foreign language for foreign speaking students in secondary education public schools".¹² According to this scheme, the students are integrated in mainstream classes but during certain modules (Ancient Greek, History, and Religious studies) they are separated in order to receive additional Greek lessons at beginner or advanced level. During the academic years of 2014-2016 the programme has been implemented in 64 schools throughout Cyprus.

Several shortcomings of the educational programme have been revealed and many of them have been addressed by the Ministry of Education and Culture (in the school year 2015/2016). The maximum number of students in one class has been decreased, while focused training on how to teach foreign speaking students were offered to the teaching staff. Since many times students of different level of Greek knowledge have been studying together for a long period of time, it has been clearly set out that the 'advanced' students should be integrated in mainstream classes, while the others should study in 'reception classes' in order to improve their language skills.

However, further steps are necessary to develop the teaching materials with the aim to adapt to the linguistic and cultural needs of children and facilitate their integration into the Cypriot society. Despite the schools are obliged to assess the students' level of Greek knowledge, in some cases they have not done it until the end of the school year, so the parents were not aware whether the children will have the opportunity to study in mainstream classes.

¹² As of 2008 the Ministry of Education and Culture, through a decision of the Council of Ministers dated 29/7/2008



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Unfortunately, in several cases no other integration measures were provided other than the additional Greek lessons and the schools were not prepared to integrate those children arrived during the school year. Another suggestion was to create safe places within the schools where foreign speaking children are able to engage in activities which keep them in touch with their native language.

Unlike, unaccompanied minors are placed in separated classes in public schools therefore their interaction with Cypriot students is quite low. For the time being, four schools are designed to run such classes located in Nicosia and in Larnaca; in both cities one of them is a secondary school (lyceum) and the other one is a vocational school. The lack of several resources, materials, knowledge effected negatively the motivation of the students and eventually caused low attendance rates.

3.5.2. Turkish Cypriot children

The Turkish Cypriot children, whose parents reside in the areas effectively controlled by the Republic of Cyprus, have full access to public education free of charge which includes Greek and Turkish language classes.

3.5.3. Roma children

The Cyprus Roma belong to the Turkish Community in accordance with Cyprus bi-communal constitutional framework therefore they are fully-pledged Cypriot citizens. Recently, Roma people arrived to Cyprus from different countries, their legal status is depending on whether they are EU citizens and third country nationals.

Based on EU Framework for National Roma Integration Strategies national strategy was adopted and implemented in Cyprus as well. According to the national strategy, the schools where the number of Roma students is high are considered "Zones of Educational Priority" and provided additional resources by the Ministry of Education and Culture. Among others, free meals are provided, bilingual teachers facilitate the communication between teachers, students and parents as well as of intercultural activities and events and educational seminars for parents and legal guardians are organized on subject matters of their interest. Unfortunately, the national strategy did not take into account that despite the Cyprus Roma do speak Turkish they have their own dialect called "Kurbetcha" which is not taught at the school. In spite of the recommendation of the Commissioner of Administration to include "Kurbetcha" lessons in the curriculum (2008) we are aware of only grass roots initiatives such as the case of a Turkish speaking teacher who learnt the language and the customs of Cyprus Roma in her free time and then put into her teaching practice.



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"Hope For Children" UNCRC Policy Center is deeply involved in protection and promotion of Roma children in Cyprus through the EU funded project PEER: Participation, Experiences and Empowerment for Roma youth (JUST/2013FRAC/AG/6230).¹³ The project is implemented from January 2015 to December 2016 by partners from 9 EU countries (7 universities, 2 research institutes, 2 NGOs, and 8 associated partners) with a total budget just over 800 000 euros. PEER will enable Roma young people to co-lead and take part in activities that involve learning about participatory action research together and identifying issues that concern them; getting a better understanding about the issues by learning from others; Analysing the issues and planning for change; carrying out their plan to achieve change; and reflecting on and sharing lessons about what has been achieved. The changes might be in their own understanding, the views and actions of their peers, their own and wider communities, or the actions and decisions of professionals and politicians.

The capacity-building activities in Cyprus begun in June 2015, with the 1st round of training for professionals from different fields who were trained in participatory-action strategies by Cath Larkins from The Centre for Children's and Young People's Participation at UCLan (UK). Currently, trainers from the "Hope For Children" UNCRC Policy Center are developing capacity-building activities with Roma children at the Agios Antoniou Primary School in Limassol with the collaboration of the school's staff and of Cyprus Roma expert and academic Chryso Pelekani. Throughout 2016, further activities are taking place to train young Roma facilitators who will support the implementation of participatory-action activities with the Roma children and engage in online communication with Roma children from all the partner countries in the project.

3.5.4. Children with disabilities

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.

¹³ The website of the project is available at <http://www.peeryouth.eu/home>



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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.

3.5.4.1. 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.

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



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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.

3.5.4.2. 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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3.5.4.3. 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.



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3.5.4.4. 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 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.