



SUMMARY OF ANNUAL ACTIVITIES
COMMISSIONER FOR CHILDREN'S RIGHTS – CYPRUS
Warsaw, 14-16 September 2011

Name of the member institution: Commissioner for Children's Rights – Cyprus

Current Ombudsperson: Leda Koursoumba

I. Role and structural organization

• **Legal framework**

The institution of the Commissioner for Children's Rights was established in Cyprus pursuant to the Commissioner for the Protection of Children's Rights Law of 2007, which came into force on 22 June 2007, and provides for the appointment of the Commissioner, the establishment and operation of his/her Office as well as other relevant matters.

The Commissioner to be appointed shall be a citizen and permanent resident of the Republic, of high moral standing, recognized for his/her academic and professional knowledge and experience in matters concerning children:

Provided that, before any decision is taken by the Council of Ministers, the Council shall hear the views of the children, as expressed through the Pancyprian Coordinating Students' Committee (PCSC) and the Children's Parliament concerning the skills and the qualifications the children expect the Commissioner to have.

The term of office of the Commissioner shall be six years and there may only be a second re-appointment. The Commissioner shall before assumption of his/her duties make before the President of the Republic an affirmation that he/she shall exercise his/her duties faithfully in the best interest of the children and the public interest in general.

The Commissioner, in the exercise of his/her task, may communicate with the President of the Republic, the Ministers and the independent officers of the Republic, the Chairpersons and members of the Boards or Committees of legal entities of public or private law, the equivalent Commissioners for Children or other relevant national organizations of other countries, as well as relevant international organizations and children or organized groups of children.

Every person, authority or organization, governmental or non-governmental, shall be bound to provide the Commissioner with any information he/she may deem necessary for carrying out his/her mission within the framework of his/her competences. Any person who –

- a) omits, without lawful justification, to provide any information required by the Commissioner or willingly in any way obstructs the provision of such information, or
 - b) provides any information or particulars, knowing them to be inaccurate or which has adequate reason to believe that they are inaccurate, or
 - c) insults, obstructs or harasses the Commissioner or any other person authorized by him/her,
- shall be guilty of an offence, and shall be liable on conviction to imprisonment not exceeding one year or to a fine or to both such penalties.

In the exercise of his/her competences, the Commissioner shall:

- a) act independently, complying solely with the law, moral principles and his/her conscience;
- b) be subject to the duty of confidentiality, which continues to exist, even after he/she is in any way retired from his/her office; and

c) as a witness or expert, give evidence which is only exclusively related to compliance with the provisions of the Commissioner for the Protection of Children's Rights Law.

All members of the staff of Office of the Commissioner shall be subject to the duty of confidentiality, during their service, as well as after they are, in any way retired, therefrom.

No legal proceedings may be brought against the Commissioner for any action done or opinion expressed or the content of a report or any other document submitted by him/her within the framework of exercising his/her competences pursuant to the institutional law.

The Commissioner may not be dismissed or retired from his/her office before the expiration of his/her term of office, except for the same reasons and in the same manner as the Judges of the Supreme Court are dismissed or retired from office, or in case he/she is convicted for contravening the duty of confidentiality.

• **Principal functions as defined by law: Mission, Competences, and Powers of the Commissioner**

The Commissioner's mission is to protect and promote children's rights. The Law provides for an extremely wide framework of competences to the Commissioner to enable him/her to fulfil his/her mission. It includes, non – exhaustively, 24 specific competences such as:

- to represent children and their interests at all levels;
- to promote public awareness and sensitivity so that the society will be mobilized and safeguard in practice children's rights in the family, the school, the community and in the society in general;
- to identify and promote the views of the children where they themselves cannot be heard;
- to supervise and monitor the implementation of the provisions of the United Nations Convention and the European Convention;
- to monitor and follow up the legislation and practices and to submit proposals, aiming at the harmonization of the legislation with the relevant international treaties, and the promotion of ratification of these treaties by the Republic;
- to carry out public awareness and change of attitude campaigns with regard to the status of children in society;
- to submit, on behalf of any child, applications for the appointment of a special representative in judicial proceedings affecting the child, where the law or the court may exclude persons having parental responsibility from representing the child, as a result of conflict of interests with the latter;
- to represent children and their interests in procedures affecting the children, where provided by law, as well in judicial proceedings, where he/she may be appointed by the court as the representative of a child;
- in general, to take any action as he may deem necessary, in the fulfillment of his/her mission within the framework of the Commissioner for the Protection of Children's Rights Law.

In particular the Commissioner may:

- organize educational, training programs relevant to children's rights;
- conduct studies on the status of children in Cyprus;
- promote any necessary legislative measures for the protection of children's rights;
- make recommendations and proposals to all competent bodies engaged with children, and in his/her discretion, give publicity to them;
- coordinate the uniform application of the provisions relating to the protection of children's rights;
- assist the work of non-governmental organizations protecting children's rights or rendering services to children and contribute to the drafting and application of guidelines for the effective protection of children's rights
- prepare the National Plan for the implementation of the United Nations Convention and the European Convention;
- submit, ex proprio motu, to the competent authorities for investigation, complaints for violations of children's rights, and in every case he/she has a duty to forward to the said authorities such complaints submitted to him/her, and to follow the course of their investigation, even in case of complaints not forwarded through him/her;

- evaluate the outcome of the investigation of a complaint by any authority or service regarding the violation of children's rights;
- co-operate with equivalent bodies and authorities of other states and especially those of the member states of the European Union and the Council of Europe, with regard to issues relating to the exercise of his/her competences;
- subject to the provisions of the Processing of Personal Data (Protection of Individuals) Law and any law amending or substituted for the same, create and maintain a Statistical Data Record on the level of protection of children's rights in the Republic;
- express views on any bill concerning, directly or indirectly, the children;
- obtain the views of the children and promote their awareness in relation to their rights.

- **Structural organization**

Mrs Leda Koursoumba was appointed as the first Commissioner for Children's Rights by the Council of Ministers on 29 August 2007 and officially assumed duties on 6 February 2008. Her appointment was renewed by the Council of Ministers on 5 November 2008 for a six-year period ending on 31 October 2014.

The Commissioner's Office is staffed with

(a) Seven scientific personnel as follows:

1. Maria Rossidou, Welfare Officer– Office Coordinator
2. Kyriakos Pachoulides- Educational Officer
3. Thekla Petrou - Welfare Officer
4. Christiana Pasa- Educational Officer
5. Polymnia Tomasidou - Educational Officer
6. Katerina Symeou -Administrative Officer
7. Christina Hadjisavva- Educational Officer

(b) One Accounting Officer, Treasury, part time

(c) One Librarian, part time

(d) Three secretarial/clerical staff

II. Individual complaints

- **Scope of competences of the Ombudsperson in handling individual complaints**

The submission of complaints to the Commissioner for Children's Rights constitutes a source of information for her on situations of possible violations of children's rights. A fundamental aim and objective of the Commissioner, in addition to remedying any violation of children's rights in a specific situation, is to examine and assess whether existing legislation, policy decisions, procedures, and practices comply with the vested rights of the child and/or whether there is any derogation from international standards. In cases where such violations and/or derogations are identified, the Commissioner proceeds with an intervention to all competent bodies/organs and makes recommendations for appropriate solutions in order a) to remedy the individual violation, and b) to achieve harmonisation of the laws, policies, procedures and practices with the provisions of the UN Convention on the Rights of the Child.

The complaints' investigation procedure includes:

- Mapping of the Services involved in a particular type of complaint.
- Communicating the complaint to the competent authorities for investigation together with specific questions of observing about the issue
- Parallel communication to the competent authority of specific questions/questionnaire on the general structures, practices, legislation and policy implemented in the specific field.
- Study of the replies.
- Submission of recommendations to the responsible politicians and operational managers, for remedies in relation to the specific complaint and, wherever problems are identified in legislation,

policies, procedures, and practices, recommendations, to amend these so as to harmonise them with the Convention on the Rights of the Child.

- Follow up of the result of the recommendations.
- Wherever violations of the rights of the child continue to exist, a more detailed and in depth investigation is conducted.
- Preparation of final recommendations to the competent Service with a timetable for implementation.
- Communication of the recommendations to the competent Minister.
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The same procedure is followed on issues that the Commissioner deems necessary to investigate *ex proprio motu*. The Commissioner may at any stage and at her discretion give publicity to her views, proposals and recommendations. A complaint may be submitted by any person who identifies a violation of the Rights of the Child by any authority or private person or entity. Complaints about pending proceedings before any court are not investigated.

• **Relevant statistics**

During the period under review (June 2010-June 2011) 186 complaints were submitted to the Commissioner. 11 of these complaints were submitted by children (5,91%). Most of the complaints were submitted by parents (65,59%) or other adults or organisations protecting children's rights or rendering services to children (28,49%). The age average of the children concerned in these complaints is 9,97. 78 of the complaints (41,93%) were related to schools and were forwarded to the Ministry of Education, 61 complaints (32,79%) concerned situations relating to social/family problems and were forwarded to the Ministry of Labour and Social Insurance (Department of Welfare Services), 9 complaints (4,83%) were related to health issues and were forwarded to the Ministry of Health, 23 complaints (12,36%) were forwarded to the Ministry of Justice and 15 complaints (8,06%) were forwarded to other competent authorities.

III. Expressed opinions, statements, policy recommendations and/or proposals for legislative and/or other reforms

The competences of the Commissioner for Children's Rights include, pursuant to the institutional Law, the on-going assessment of possible loopholes in the legislation, procedures, administrative practices, and policies as regards the safeguarding of the rights of all children. The Commissioner may make relevant recommendations and proposals to all competent bodies engaged with children and, in her discretion, give publicity to them.

While exercising this competence, the Commissioner, during the period September 20010-present, proceeded to the following:

(i) Public Interventions:

- A public intervention in the case of a child's participation in a television series that exposed the child to scenes of physical, sexual and emotional violence.
- Child's participation in a theatrical performance

(ii) Public opinions:

- Children's Rights, the Media and children viewers.
- Children's capacity to conclude a contract.
- Sale, consumption and availability of alcoholic drinks to children.
- Voluntary enlisting of minors in the army.

- The use of mobile phones in the schools.
- School uniform and decent appearance of students.

(iii) Policy Recommendations and Proposals for Legislative and other reforms:

Pursuant to the institutional Law, the Commissioner, in the exercise of her task, may communicate with independent officers of the Republic, including members of the House of Representatives. Within this framework, the Commissioner is frequently invited to attend Parliamentary Committees and give views on matters affecting the children. During the period under review, the Commissioner has attended 14 meetings of Parliamentary Committees at which matters relating to children were discussed.

Moreover, the Commissioner has proceeded with the identification of a number of specific laws which require revision, and has made recommendations aiming at safeguarding that the child's best interests shall be a primary consideration and ensuring compatibility of these laws with the provisions of the Convention on the Rights of the Child and other international treaties. The Commissioner's recommendations relate to the following:

- The implementation of an action plan to combat trafficking and sexual exploitation of children- Possible problems and loopholes.
- The effective utilization of the structures available in the Schools for Special Education and the need to expand the time schedule that the services are available to the children during the school year and summer vacations in order to better serve the needs of the children.
- The amendment of the Regulations for the Operation of Public Secondary Schools in order to ensure their full harmonization with international standards safeguarding Children's Rights.
- Violation of the Rights of children with special needs by failing to provide an equal education, guidance and rehabilitation based on the relevant law.
- Narcotic drugs and psychotropic substances (Amendment) Law of 2010
- Environment and Health of the Child (Establishment and Operation of National Committee) Law of 2010
- Radio and Television Station (Amendment) Law of 2010
- Refugee (Amendment) Law of 2009
- Protection of Young People in Employment and Occupation (Amendment) Law of 2010
- Safety and Health at Work (Amendment) Law of 2011
- Aliens and Immigration (Amendment) Law of 2011

IV. Research, investigation, studies

The conduct of studies and surveys on the state of children's rights falls among the competences of the Commissioner for Children's Rights. Surveys are the tool by which the problems and their causes are detected and help in the shaping of policies, both for prevention and for tackling problems related to violation of children's rights.

- ***Survey on the status of immigrant children in Cyprus: views, problems and needs regarding their integration in the Cypriot society emphasizing on their integration in the state Educational System***

This survey, commissioned during the first half of 2010, aimed at the collection of information regarding the views, problems and needs of immigrant children in Cyprus in connection with their integration in the Cypriot society. The survey was focused on how immigrant children are accepted and integrated in the

educational system of Cyprus, with a view to define the areas that need to be improved and the actions which should be promoted in order to improve the status of immigrant children in Cyprus.

- **Commissioner's Participation in research projects**

The Commissioner's Office participates as a partner to the following research projects:

- Children of Cyprus and Human Rights: the proposal was submitted and approved for funding by EEA Grants. The aim of the proposal, which was submitted in cooperation with the NGO Support Centre (Cyprus) and the NGO «Hope for Children», was the translation of COMPASITO (Manual for Human Rights Education) of the Council of Europe in Greek and the organizing of training seminars for educators of the Greek Cypriot and the Turkish Cypriot communities for the implementation of COMPASITO activities within the classroom.
- End violence against children in custody project: the Office of the Commissioner for Children's Rights is participating in a two-year project on ending violence against children in custody. The project, which started on 1st February 2011, is organized by the Children's Rights Alliance for England (CRAE). The partners are:
 - The International Juvenile Justice Observatory (Belgium)
 - DCI (Netherlands)
 - The Commissioner for Children's Rights (Cyprus)
 - The Ludwig Boltzmann Institute of Human Rights (Austria) and
 - Save the Children (Romania)

A key part of this innovative project will be an interactive website, to be launched which will evolve over the duration of the project.

The project will be realized in three phases. The first phase will gather information from each of the participating countries in relation to violence against children in custody – for example, number of deaths in custody; statistics on attempted suicide and self-harm; restraint and use of force data; bullying statistics (peers and staff); and the existence (or not) of independent complaints procedures. The template for bringing together this standard information will be drawn from international and European law, including the UN Convention on the Rights of the Child, the UN Rules for the Protection of Juveniles Deprived of their Liberty and European Rules for juvenile offenders subject to sanctions or measures.

The second phase will focus on recruiting and supporting children and young people with experience of custody in five different countries (Austria, Cyprus, England, the Netherlands and Romania) to conduct focus groups with minors that are, or have been, in custody. 25 children and young people in each of the five countries will participate in the focus groups. Once the focus groups are completed, there will be an Investigation Report for each country and a consolidated report showing all of the findings and recommendations.

The third phase will be recruiting and supporting children and young people in each participating country to establish and run effective campaigns to end violence against children in custody. There will be a Campaign Report from each country and a consolidated report, covering activities, achievements, learning and recommended next steps.

V. Communication, Promotion and Publications

- **Activities carried out to mark the 21st Anniversary of the UN Convention on the Rights of the Child**

The following activities were organized by the Commissioner to honour the 21st anniversary of the UN Convention on the Rights of the Child:

- Children's Week (12 – 20 November 2010)

- Press Conference (12 November 2010)
- Message of the Day (20 November 2010)
- Celebration Event on 19 November 2010: To honour the anniversary of the Convention on the Rights of the Child the Commissioner and the PCCPWP (Pancyprian Coordinating Committee for the Protection and Welfare of the Child) co-organized a celebration event with children's participation. The President of the Republic, the Commissioner and the President of PCCPWP addressed the event, while children from the Musical School in Nicosia composed and presented songs by which they expressed themselves on how they perceive children's rights.
- Street Event on 20 November 2010: the Commissioner organized a street event to honour the anniversary of the Convention on the Rights of the Child. Children's bands, dancing groups and graffiti artists participated in the event along with MP's, Ministers, artists, athletes and other personalities. The event was broadcasted live by CyBC.
- 3-dimension works of art on children's rights by 5 schools of all levels of education and all areas of Cyprus
- Visits to schools on 17, 18 and 24 November within the framework of the Commissioner's "Visits to Schools Programme"
- Celebration Event of the 21st anniversary of the UN Convention on the Rights of the Child organized by a primary school under the auspices of the Commissioner
- Theatrical play writing on Children's Rights Competition

Others

The Commissioner has proceeded to publish the following information and promotion material:

- A leaflet on the Convention on the Rights of the Child (also in English)
- A leaflet on frequently asked questions about the Convention on the Rights of the Child to the Commissioner for Children's Rights (also in English)
- A bookmark with the principles of the Convention
- A poster about the Rights of the Child
- A card including a summary of the Rights of the Child (also in English)
- A sticker with the Commissioner's Office logo
- A wall calendar for 2011
- A manual for Human Rights Education for educators
- Hats, bags, pencils, pens, memory sticks, magnets and notebooks with the Commissioner's Office logo
- Leaflet '*I have rights, you have rights, he/she has rights*' of the Council of Europe translated in Greek, Turkish, French, Russian
- An edition including the awarded poems of the abovementioned poetry competition
- Tool-kit for educators including educational and information material on children's rights
- Passport for children's rights

In addition, during the period under review the Commissioner has proceeded to organize the following activities with a view to sensitize the society and professionals working with or for children and raise awareness on children's rights:

- Seminars for teachers, police officers, lawyers and educational and clinical psychology students on CR
- TV and Radio spots on children's rights
- Commissioner's visits to Schools Programme: "Voice your Opinion"
- Speeches regarding children's rights in various conferences and seminars

VI. Other activities

- **Innovative projects/good practices**

- **Seminar for Judges: "The Rights and the Best Interest of the Child in the Justice System"**: The Commissioner together with the Pancyprian Bar Council and the support of the Supreme Court co-organized a seminar on the "Rights and the Best Interest of the Child in the Justice

System". The main speaker of the seminar, which took place in Nicosia on 22 February 2011, was Mr Jean Zermatten, Vice – Chair of the U.N. Committee on the Rights of the Child. Over 150 participants attended the conference, which aimed at the informing and awareness raising of professionals who deal with cases of children in the justice system. Among the participants were the President and Judges of the Supreme Court, Judges of the District Courts who handle cases relating to children (e.g. cases of violence in the family), Judges of the Family Courts and other professionals dealing with children, such as police officers, welfare offices, offices of the Law Office of the Republic, the Prisons, the Asylum Service and lawyers in practice. The main goal of the seminar was the promotion of sensitization among the professionals regarding matters relating to children's rights. Special emphasis was placed on three of the four guiding principles of the Convention on the Rights of the Child: Participation, Best Interest and Non-Discrimination. Prior to the conference, on Monday 21 February 2011, the Commissioner held a working lunch for Ministers, Members of the Parliament and high rank officers of the Government during which, Jean Zermatten gave a presentation on the "Best interests, Participation and Child friendly Justice".

- **Summer workshop for children "Human Rights Education for Children"**: in July 2010 and July 2011 the Commissioner organized two summer workshops for children aged between 12 and 17 years old. These workshops aimed at informing children on HR and in particular CR. Through pleasant and creative activities drawn mostly from *Compassito* and *Compass*, the manuals on HRE published by the Council of Europe, the children had the opportunity to find out more about HR and gain sensitization on the issue. Some of the eldest children who participated in the workshops became junior trainers for HR and CR and organized relevant training courses for their peers in their school.
- **Educational programme for children "In the Land of Rights"**: the programme is designed for 4-year old or 9-year old children, who visit the Commissioner's Office with their teachers and attend a 2-hour workshop on CR. An educational officer of the Commissioner's Office facilitates the workshop, which comprises of games and pleasant activities. The children who participate in the workshop receive a CR passport and attain the mission to act as CR ambassadors.
- **Guide "The Media and Children's Rights"**: The Guide for Journalists "The Media and Children's Rights" aims to assist media professionals covering issues relating to children to appreciate and strengthen their understanding of the rights of children and to generate responsible coverage of such issues. The guide was commissioned by UNICEF, devised by the UK-based media ethics charity *MediaWise* and translated in Greek by the Greek National Committee for UNICEF. It was published for Cyprus, under permission, by the Commissioner and distributed to media professionals
- **Preventive Programme / Publication against bullying: "Never again the same!"**: The Commissioner supported a preventive programme together with the publication of a booklet with creative activities for children that empower them to deal with issues related to bullying. The booklet with the title "Never again the same!" was produced in the context of the project "Remove the Power", a theatrical intervention against bullying in school. The "Never again the same!" that will be disseminated to all the students in public elementary schools aged from 10 -12 years old, can be used by teachers in order to develop and implement intervention programs against bullying in their classrooms and schools.