

Questionnaire of the Special Rapporteur on the sale of children, child prostitution and child pornography and the Special Representative of the Secretary – General on violence against children

A. Name and date of creation: Commissioner for Children's Rights - 22 June 2007

B. Status of the institution:

- **Autonomous institution, established by law, with reference to the Convention on the Rights of the Child:** the institution was established by The Commissioner for the Protection of Children's Rights Law, 2007 [L.74(1) of 2007].
- **Conformity with the Paris Principles and General Comment no.2 of the Committee on the Rights of the Child:** Yes

The Main Provisions of the Paris Principles which apply to the institution of the Commissioner for Children's Rights are:

- National institutions are established in virtue of the Constitution or a Law that shall define clearly their role, powers, and mandate. Their composition shall be established with a procedure which ensures the pluralist representation of the social forces involved in the promotion and protection of Human Rights. National Institutions cooperate with a wide spectrum of social and political groups and organisations, including NGO's responsible for Human Rights, trade unions, concerned social and professional organizations.
- National Institutions must have such infrastructure which is suited to the smooth conduct of their activities.
- Particular emphasis is laid on the need for adequate funding in order to be independent of the Government and not be subject to financial control which might affect its independence.
- The various competences of national institutions are defined as responsibilities, a fact that means that national institutions are obliged to perform them.

- National institutions must submit recommendations proposals and reports to their Government, Parliament and any other competent body on any matter concerning the promotion and protection of Human Rights including any legislative or administrative provisions as well as bills and proposals of Law and in general the situation of Human Rights on national level. They are obliged to promote education and research on Human Rights as well as sensitization among the public and formulation of relevant educational programmes.
- They define the methods of operation of national institutions that have the right to freely consider any questions related to human rights without authorization from any person or authority, hear any person and obtain any information necessary for assessing situations falling within their competence.

Finally, the Paris Principles do not impose the granting of competence to Human Rights institutions with regard to complaints or petitions concerning individual situations claiming violation of their Human Rights. If such competence is granted however they define the functions of national institutions with regard to the way such complaints are handled.

C. Mandate and Competences

- **Which general principles are contained in the mandate of the institution?**
 - **Laws and treaties:** UN Convention on the Rights of the Child / European Convention on the Rights of the Child
 - **Affirmation of the principle of independence:**

Pursuant to the Paris Principles, the institution of the Commissioner for Children's Rights was established in virtue of a Law (L.74(1) of 2007) that defines clearly its role, powers, mandate and adequate funding, which allows the institution to be independent of the Government and not be subject to financial control which might affect its independence. As mentioned in the institutional Law:

“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 this Law” (sub-section 1, section 8).

- **Best interests of the child:** the principle of the best interest of the child is a fundamental principle of the Commissioner’s mandate.
- **Mission of the Commissioner:** pursuant to the institutional Law, the Commissioner’s mission is to protect and promote children’s rights (section 3).

➤ Powers:

According to the founding Law, the competences of the Commissioner include the following:

(a) to represent children and their interests at all levels,

(b) 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,

(c) to identify and promote the views of the children where they themselves cannot be heard,

(d) to supervise and monitor the implementation of the provisions of the United Nations Convention and the European Convention,

(e) 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,

(f) to carry out public awareness and change of attitude campaigns with regard to the status of children in society,

(g) 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,

- (h) to represent children and their interests in procedures affecting the children, where provided by law, as well as in judicial proceedings, where he may be appointed by the Court as the representative of a child;
- (i) in general, to take any action as he may deem necessary, in the fulfillment of his mission within the framework of this Law (sub-section 1, section 4).

In particular, for the purposes of subsection (1), the Commissioner may:

- (a) organize educational, training programs relevant to children's rights;
- (b) conduct studies on the status of children in Cyprus;
- (c) promote any necessary legislative measures for the protection of children's rights;
- (d) make recommendations and proposals to all competent bodies engaged with children and, in his discretion, give publicity to them;
- (e) co-ordinate the uniform application of the provisions relating to the protection of children's rights;
- (f) 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;
- (g) prepare the National Plan for the Implementation of the United Nations Convention and the European Convention;
- (h) submit, *ex proprio motu*, to the competent authorities for investigation, complaints for violations of children's rights, and, in every case he has a duty to forward to the said authorities such complaints submitted to him, and to follow the course of their investigation by the said authorities, even in case of complaints not forwarded through him;
- (i) evaluate the outcome of the investigation of a complaint by any authority or service regarding the violation of children's rights;
- (j) 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 competences;
- (k) 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:

Provided that the data of the Record may be used, with the Commissioner's approval, solely for the purposes of scientific research and providing information to the competent authorities and organizations, as well as promoting public awareness and sensitivity;

(l) express views on any bill concerning, directly or indirectly, the children,○

(m) obtain the views of the children and promote their awareness in relation to their rights (sub-section 2, section 4).

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 (section 5).

○ **Jurisdiction:** public and private sector

○ **Powers of investigation:**

▪ ***Referral powers different than those of adults? Can it take up cases as of right?***

As the institution deals with children rights in particular, the referral powers are different than those of adults.

▪ ***Visit places for children without need for prior authorization:*** Yes

The Commissioner may enter any children's institution freely, as the Law provides that every person, authority or organization, governmental or non-governmental, is bound to provide the Commissioner with any information that

she may deem necessary for carrying out her mission within the framework of her competences (section 6). Any denial to the Commissioner's free entrance to a children's institution would be a violation of the institutional Law. According to the institutional Law, any person who omits, without lawful justification, to provide any information required by the Commissioner or willingly in any way obstructs the provision of such information is guilty of an offence, and is liable on conviction to imprisonment not exceeding one year or to a fine not exceeding eight thousand five hundred and forty three euro or to both such penalties (section 17).

- ***Obligation for other actors to provide documentation and / or testimony upon request:*** Yes (as above)
- ***Possibility of the institution to refer a case to the courts:*** Yes

As mentioned above, the competences of the Commissioner include:

- to represent children and their interests at all levels,
 - 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 as in judicial proceedings, where he 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 mission within the framework of this Law (sub-section 1, section 4).
- **Advice and recommendations on laws and policies:**

According to the institutional Law, the Commissioner has the competence 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. Moreover, the Commissioner may promote any necessary legislative measures for the protection of children's rights [sub-section (1), section 4]. Within this

framework government departments often ask for the Commissioner's views and recommendations on draft legislation and policies. In general terms, Cyprus has a satisfactory legislative framework as regards respect for, and protection of, Children's Rights. Nonetheless, there are shortcomings and weaknesses, found mainly in the implementation of various laws. It is also deemed necessary to adapt certain legislation in order to ensure full harmonization with safeguarding Children's Rights. 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 overall revision and modernization of the legislation on children. The Commissioner has already submitted recommendations following an in-depth study of the relevant draft bill and regulations which were forwarded to her by the Social Welfare Services, aiming at their substantial harmonization with the principles and provisions of the UN Convention on the Rights of the Child.
- The reform and modernization of the legislation on adoptions so as to cover both national and inter-country adoptions and to ensure full respect of the rights of children, as safeguarded by the provisions of the UN Convention on the Rights of the Child and the Convention on Protection of Children and Co-operation in Respect of the Intercountry Adoption (Hague Convention).
- 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.
- The amendment of the relevant legislation for the total ban on smoking in public places and in private places where children are present.
- The amendment of the Parental Leave and Leave for Reasons of Force Majeure Law, so that the parental leave will become paid leave.
- The amendment of the Children (Kinship and Legal Status) Law.

- The amendment of the Domestic Violence Law.
- The amendment of the Driving License Law.

The Commissioner has put pressure on the Government and the House of Representatives to sign and ratify the Optional Protocol on the involvement of children in armed conflict and the Council of Europe Convention on the Protection of Children against Sexual Exploitation and Sexual Abuse. The Optional Protocol was ratified by the Parliament on 14 May 2010 [Law 9(III) / 2010], while the Convention is now at the final stages of ratification.

- **Responsibility to promote child participation and taking children's views into account in all matters affecting them?**

Pursuant to the institutional Law, the competences of the Commissioner include the following:

- to identify and promote the views of the children where they themselves cannot be heard,
- to obtain the views of the children and promote their awareness in relation to their rights.

Moreover, the Commissioner considers child participation to be a matter of high importance. To emphasize the importance of the child's right to participation, she gave her Program of Priorities 2008 the title "Children have a voice". Under the title "Children Have a Voice", the 2008 Programme aimed at promoting the right of children to freely form and express their views, participating as much as possible to the decision making process on issues that affect them. This became a basic tool for all the projects and activities of the Commissioner's Office but 2008 was focused on ensuring this right of the children within the family. In all her interventions, speeches and actions the Commissioner stresses the need for implementing this particular right.

Also during her visits to schools within the framework of the Visits to School Program entitled "Voice your Opinion", the Commissioner stresses the importance of children claiming their right to participation and being part of the

decision-making progress. She speaks with the children and takes their views in various matters affecting them. In addition, the Commissioner has a Youth Advisors Panel (see below for more information), with which she frequently consults on matters relating to children's rights and takes their views on matters affecting them.

The Commissioner also meets with organized groups of children such as the Children's Parliament and the Pan-Cyprian Coordinating Students' Committee (PCSC), while groups of children frequently visit the office's premises to meet the Commissioner and receive training on children's rights. During these meetings she listens to the children and takes their views on different matters.

Children's views are of great importance for the Commissioner. She often quotes them in campaigning and in her interventions and public speeches. Also, the children's views and comments are posted on the Commissioner's website.

- **Responsibility to promote human rights/children's rights education?**

The competences of the Commissioner include the organizing of educational training programs relevant to children's rights. The Commissioner frequently organizes seminars and workshops on children's rights for educators of all levels of education. These seminars aim to the sensitization and the raising of the educators' awareness on children's rights. Also, teachers are trained on the use of *Compasito* and *Compass*, the manuals on Human Rights Education by the Council of Europe, in the classroom. Moreover, an educational tool-kit on Children's Rights was prepared by the Commissioner and sent to all public and private schools in Cyprus. In addition, the Commissioner runs a Visit to Schools Program, which gives her the opportunity to visit schools all over Cyprus and raise awareness on children's rights among the children and their teachers. In addition, in July 2010 the Commissioner organized a summer five days workshop for children aged between 12 and 17 years. The children received training on human rights and children's rights with the implementation of non-formal education activities.

- **Advice provided to children directly? Yes**

Advice may be provided to children directly when they submit a complaint to the Commissioner's office or during meetings with the Commissioner or members of her staff.

D. Level of intervention: National

E. Functioning of the institution:

➤ **How is the head of the agency appointed:**

- ***Which authorities are involved in the process?*** Pursuant to the institutional Law, there shall be appointed by the Council of Ministers 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, as Commissioner (sub-section 1, section 10).:
- ***Child participation:***
Provided that, before any decision is taken by the Council of Ministers pursuant to this subsection, the Council shall hear the views of the children, as expressed through the Pan-Cyprian Coordinating Students' Committee (PCSC) and the Children's Parliament, concerning the skills and the qualifications the children expect the Commissioner to have (sub-section 1, section 10).
- ***Conflicts of interest:***
Provided further that, the Council of Ministers may, instead of appointing a Commissioner as hereinabove, appoint as Commissioner pursuant to this Law, a person who is already appointed as an independent Commissioner pursuant to another law and/or act of the President of the Republic, if satisfied that–
 - (a) such person is suitable for the purposes of this Law and,
 - (b) such appointment does not cause conflict of the duties entrusted to either of them by the corresponding to either of them law and/or act of the President of the Republic (sub-section 1, section 10).

The term of office of the Commissioner shall be six years, and there may only be a second re-appointment:

Provided that, in case of appointment as Commissioner of a person, who is already an independent Commissioner pursuant to another law and/or act of the President of the Republic, then, the term of Office of the Commissioner pursuant to this Law, may not exceed the term or the remainder of the term of office of the Commissioner pursuant to such other law and/or act of the President of the Republic (sub-section 2, section 10).

The Commissioner shall dedicate the whole of his/her time to the exercise of his/her competences pursuant to this Law and may not—
hold any other public office in the Republic, or
be engaged in any other office or employment on payment, or
exercise any other occupation:

Provided that, the parallel exercise by the Commissioner of the duties of an independent Commissioner under another law and/or act of the President of the Republic shall not be deemed to contravene any of the provisions of this subsection ((sub-section 3, section 10).

○ **Conditions of resignation:**

The Commissioner may submit his/her resignation in writing to the Council of Ministers, which shall not be revocable and takes immediately effect without the prior acceptance of the Council of Ministers being a prerequisite (section 14).

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 (section 15).

➤ **How is the staff selected?**

According to the institutional Law, the Commissioner shall, for the exercise of his/her task, have an Office, which is staffed with permanent staff belonging to the Service, according to the needs of the Office, either by secondment of public officers pursuant to the provisions of the Public Service Law, or by provision thereto of the services of educational officers pursuant to the Public Educational Service Law (section 12).

At the present moment, the Commissioner's Office is staffed with eight scientific officers as follows: two Welfare Officers, four Educational Officers and one Administrative Officer, full time, and a Lawyer, part time.

➤ ***If there is a complaints mechanism within the institution, how is its budget allocated?***

Pursuant to the institutional Law, the institution is empowered to investigate complaints of violations of children's rights. The Commissioner has the power to conduct any investigation herself. However, according to the law, she may submit, ex proprio motu, to the competent authorities for investigation, complaints for violations of children's rights, and, in every case, she has a duty to forward to the said authorities such complaints submitted to her, and to follow the course of their investigation by the said authorities, even in case of complaints not forwarded through her and this is the course usually adopted by the Cypriot Commissioner [sub-section (2), section 4]. Therefore, there is no specific budget allocated for the complaints mechanism within the institution.

- **Budget for a hotline:** No
- **Allocated by the Executive? By Parliament?** Allocated by the Executive and approved by the Parliament.
- **Possibility to raise funds from other sources (eg. private sector, international organizations, NGOs, etc):** Yes

F. Participation of civil society and of children in the functioning of the complaints mechanism

➤ ***Specific system for child participation? Representation of children within the institution?***

In February 2010 the Youth Advisors Panel of the Commissioner was established at the initiative of the Commissioner and commenced its function. The Panel consists of 30 members and the requirements for membership were:

- Age limit for all members: 13 – 17 years old
- Gender balance: 16 boys and 14 girls
- Social background: diverse
- Educational background: diverse
- Children immigrants or refugees
- Children who live in Care Homes or with foster families
- All districts of Cyprus (urban / rural areas)

The majority of the Advisors come from organized groups of children who have established a steady communication and cooperation with the Commissioner. These groups are the Children's Parliament and the Pancyprian Coordinating Student's Committee (PCSC). The length of the membership is one year. The role of the Youth Advisors Panel of the Commissioner is to share their opinions on matters related to Children's Rights and affect children with each other, to give their opinion to the Commissioner, to represent their peers and to communicate with equivalent bodies. The Advisors meet every two months. In the meantime, they communicate with each other via emails. The Advisors also hold meetings with the Commissioner twice a year. The operating level is national.

Moreover, when the Commissioner holds a competition relating to Children's Rights, children always participate in the judging committee. In 2009, a poetry competition and a poster competition took place. In both cases, children took part in the evaluation process.

In addition, the institutional Law provides for children's participation in the Advisory Committee with advisory role to the Commissioner in policy matters (see below). In particular, one representative from the Pan-Cyprian Coordinating Students' Committee (PCSC) , one representative from the Children's Parliament and one representative from up to three children's representative bodies that may be formed are members of the Advisory Committee (sub-section 1, section 13).

➤ ***Mechanism of coordination / advice involving civil society:***

According to the institutional Law an Advisory Committee is appointed by the Council of Ministers with advisory role to the Commissioner in policy matters, consisting of:

- a) a representative of the Attorney-General of the Republic,
- b) a representative of the Minister of Labour and Social Insurance,
- c) a representative of the Minister of Education and Culture,
- d) a representative of the Minister of Health,
- e) a representative of the Minister of Justice and Public Order, and
- f) one representative per non-governmental organization having as its main objective the protection and promotion of children's rights, for a maximum of five, and
- g) one representative from the Pan-Cyprian Coordinating Students' Committee, one representative from the Children's Parliament and one representative from up to three children's representative bodies that may be formed (sub-section 1, section 13).

➤ ***What is the nature of cooperation between the institution and civil society organizations? Possibility of signing agreements?***

The Office forms and joins alliances with several organizations to campaign on different issues. Some of these are:

- Cyprus Family Planning Association (CFPA)
- Pancyprian Coordinating Committee for the Protection and Welfare of the Child (PCCPWP)
- Hope for Children
- KISA - Action for Equality, Support, Antiracism
- Association for the Prevention and Handling of Violence in the Family
- Medical Association
- KENTHEA - Rehabilitation Center Against Addictions

Within this framework, agreements are frequently signed.

G. Accessibility

- ***To all children without discrimination? Means by which children can access the mechanism and that are known to them.***

All children in Cyprus have access to the complaints mechanism, without any discrimination. Children receive information on the complaints procedure in the following ways:

- The Commissioner's website
- Publications of the Commissioner
- Commissioner's Visits to Schools Program
- TV spots
- Meetings of the Commissioner with organized groups of children
- Children's visits to the Commissioner's Office

- ***Physical accessibility: child-friendly reception (trained staff and child-friendly space)?***

The staff always receives the children visiting the office's premises in a very warm and friendly manner. As mentioned above, members of the staff are educators, specially trained to work with children. The premises, which are considered to be quite child-friendly, include a multi-purpose area where the Commissioner and staff meet and interact with children. Functions with and for children are organized in this area..

- ***Geographic accessibility:***

The Office of the Commissioner is located in the centre of the capital, which is easily accessible from all the districts of Cyprus, as Cyprus is a small island state. Any child can visit the Institution either physically or on the Commissioner's website or contact the Commissioner by letter or by telephone.

➤ ***Practical / material accessibility (access by children with disabilities / language):***

The Commissioner frequently visits institutions hosting children with disabilities and schools which children of different ethnic minorities attend in order to make the institution accessible to all children. Also, the Office's premises are accessible to children with disabilities.

All publications of the Commissioner are in a child-friendly form and the language used in the publications and on the Commissioner's website is always as child-friendly as possible. A leaflet on the Rights of the Child by the Council of Europe was translated to Greek, Turkish, Russian and French and disseminated to children and parents. In addition, the Commissioner has published a leaflet with Frequently Asked Questions in relation to Children's Rights, a Summary of the CRC and a Christmas card in Greek and English.

➤ ***Activities in place to provide information and advice to children in a child-sensitive manner?***

The Commissioner runs a Visit to Schools Program. During her visits to schools, she talks with children and sensitizes them on the issue of their rights. Also she informs the children about the existence and the role of the institution and the complaints mechanism in particular. Moreover, children frequently visit the Office with a view to meet the Commissioner and gather information on their rights, while in July 2010 the Commissioner organized a five day summer workshop on children's rights.

➤ ***Dissemination of information on the role and existence of the complaints mechanism to potential users?***

Information on the role and the existence of the complaints mechanism is disseminated through the Commissioner's website, publication and appearances on the Media and the daily press.

H. Protection

➤ Description of allegations received and processed regarding violence against children, particularly cases of sexual violence and exploitation:

Since February 2008, when the institution commenced its function, six complaints concerning sexual exploitation or violence against children were submitted. Four allegations related to sexual abuse by a family member and two to sexual exploitation or abuse in school. Two indicative allegations were:

i) Sexual abuse by the father: in November 2008 a complaint concerning a three-year old girl, whose parents were separated when she was three weeks old, was submitted to the Commissioner. The mother had the custody of the child, while the father was granted visiting rights. According to the mother, when the young girl was two years and seven months old, she started exhibiting peculiar behaviour after visiting her father. The mother suspected sexual abuse by the father and filed a report to the Police. A child psychiatrist examined the child and prepared a report stating that she believed that the child had been indeed sexually abused by her father. At this point and seven months after the filing of the report, the Police asked the mother to grant her permission for filming a testimony from the child, but the mother refused expressing her concern that such action would harm the child and reverse the results from the psychotherapy that the child had received. The General Attorney decided not to press charges against the father based solely on the child psychiatrist's report and the case closed despite the Commissioner's consistent efforts.

ii) Sexual exploitation in school: in March 2010 an anonymous complaint concerning sexual exploitation of two 17 year old students from a high school teacher was submitted to the Commissioner's office. The Commissioner forwarded the complaint to the Ministry of Education and an officer was appointed by the Ministry to make a discrete investigation of the case. Particular

emphasis was laid on the protection of the confidentiality and the right to privacy of the children involved and the teacher. The officer gathered testimonies from the children involved, the teacher, other students and members of the faculty. It was concluded that there wasn't enough evidence to verify the allegation and the case closed.

➤ ***Contribution to child protection policies (legislative reform, child protection strategies):***

Corporal punishment: at present there is no clear legal provision which forbids corporal punishment in the family, in the school context or in any other context, though it is generally believed that this is prohibited. Within this framework, the Ministry of Education, upon recommendation of the Commissioner, has circulated directives to ban corporal punishment from schools. The Commissioner is in the process of making the relevant legislative proposals to the Government and Parliament to expressly ban corporal punishment in all environments.

Domestic violence: The Commissioner's consultations with children frequently highlight the extent of violence against children and, in particular, domestic violence in Cyprus today. In view of the large number of complaints regarding abuse of children submitted to her Office, and upon publications in the daily press in connection with various cases of domestic violence against children, and in particular court decisions imposing unsatisfactory sentences to convicts of sexual abuse cases against children, the Commissioner for Children's Rights deemed it necessary to make a public intervention on 15 April 2008 about this serious issue relating to the safeguarding and protecting children's rights.

Following her public intervention in May 2008 the Commissioner convened a meeting of all competent authorities, governmental and non-governmental. The authorities who attended this meeting and contributed in a constructive way were the Ministry of Education and Culture, the Ministry of Health, the Social Welfare Services, the Police, the Advisory Committee for the Prevention and Combating of Violence in the Family, the Association for the Prevention and Handling of

Violence in the Family, the Cyprus Family Planning Association, the Pancyprian Volunteerism Coordinative Council, the Pancyprian Coordinating Committee for the Protection and Welfare of the Child, the Child-Support Association, and the Cyprus Association for the Promotion of the Mental Health of Children and Adolescents.

The State's obligations as these arise from the Convention were analysed in depth. The basic pillars of these obligations as set by the Commissioner are as follows:

- Adoption of a National Strategy and Action Plan
- Banning all forms of violence
- Promotion of values against violence
- Reporting systems
- Information on children's rights
- Awareness-raising campaigns
- Systematic training of professionals working with children
- National legislation to protect children from all forms of violence
- Assistance to parents for Positive Parenting.
- Detection – Reporting – Referral – Investigation – Treatment – Monitoring.
- Establishment of a National Data Collection System
- Appropriate judicial involvement
- Provision of children's rehabilitation and social integration programmes.
- Ensuring the participation of children

The programmes operated by each agency, governmental and non-governmental, were examined and serious shortcomings were detected in the State's fulfilment of its obligations. Most important and fundamental was the fact that, while a National Strategy on domestic violence is promoted, there is no National Strategy and Action Plan relating to violence against children, inside or outside the family. The initiative that was developed for the competent agencies and which will be coordinated by the Commissioner's Office will pursue the

ultimate goal of implementing programmes aimed at a comprehensive tackling of the problem of domestic violence.

Following this initiative and in view of various cases of violence against children outside the family (cyber crime, sexual violence) that appeared in the media, as well as publications in the daily press in connection with relevant Supreme Court judgments and in view of strong public intervention of the Commissioner, a special committee was formed with the initiative of the Minister of Labour and Social Insurance, consisting of the Minister of Labour and Social Insurance, the Minister of Education, the Minister of Justice, the Minister of Health, the Police, the Law Office and the Commissioner for Children's Rights Office. This committee took on board the Commissioner's recommendations on the matter. Main aims are a) the evaluation of the programmes that each authority runs for the prevention and handling of violence against children and b) the promotion of a National Strategy and Action Plan in connection to violence against children, in or out the family.

In addition, as it is mentioned above, the Commissioner has put pressure on the Government and the House of Representatives to sign and ratify the Optional Protocol on the involvement of children in armed conflict and the Council of Europe Convention on the Protection of Children against Sexual Exploitation and Sexual Abuse. Both are now at the final stages of ratification.

I. Confidentiality and protection of the child's right to privacy

➤ ***How does your institution ensure the protection of the confidentiality of the child?***

All the complaints submitted to the office are archived. Solely the Commissioner and her staff have access to the files. According to the institutional Law, in the exercise of her competences, the Commissioner is subject to the duty of confidentiality, which continues to exist, even after she is in any way retired, from her office and as a witness or expert, gives evidence which is only exclusively related to compliance with the provisions of this Law (sub-section 1, section 8). All members of the staff of the Office of the Commissioner are subject to the duty of confidentiality,

during their service, as well as after they are, in any way retired, therefrom Law (sub-section 2, section 8). The duty of confidentiality of the Commissioner, as well as of the members of the staff of her Office extends to handling as confidential any matter, document or information which comes to their knowledge in the exercise of their duties and, disclosure or transmission of any such matter, document or information is prohibited, except only for the purposes of the founding Law (sub-section 3, section 8). If the Commissioner or a member of the staff of her Office contravenes the duty of confidentiality, he shall commit an offence, which, in case of conviction, shall be punishable with imprisonment not exceeding one (1) year or with a fine not exceeding seventeen thousand and eighty six euros (€17.086,00)* or with both such penalties (sub-section 3, section 8).

J. Follow-up / Evaluation

Follow-up of judicial procedures? The Commissioner follows up judicial procedures. In one case, upon publications in the daily press in connection with various cases of domestic violence against children, and in particular court decisions imposing unsatisfactory sentences to convicts of sexual abuse cases against children, the Commissioner deemed it necessary to make a public intervention on 15 April 2008 about this serious issue relating to the safeguarding and protecting children's rights.

- **Follow-up of child victims, particularly child victims of sexual violence and exploitation?** Social Welfare Services, a department of the Ministry of Labour and Social Insurances, is responsible of following up and providing support to child victims. The Commissioner monitors the procedures followed by the Social Welfare Services and intervenes where she deems necessary.

- **Obligation of annual reporting:**

* P.I. 312/2007 issued pursuant to section 9(1) of the Adoption of the Euro Law, 2007 [L. 33(I)/2007, as amended].

As defined by the institutional Law, the Commissioner prepares and submits an annual report to the President of the Republic and the President of the House of Representatives highlighting any legislative amendments in the fields of her competence she deems advisable, and submitting recommendations regarding generally the policy followed in relation to the protection and promotion of children's rights. The annual report is published (section 7).