

**Country session:** Cyprus

**Date of session:** 26 September (76<sup>th</sup> Session)

## Context

While the Committee recognized that the division of the island persisted to have negative repercussions on the degree of fulfilment of Cyprus' obligations under OPAC, it emphasized that these circumstances could not be used to maintain legislation or practices that were contrary to the object and purpose of the Optional Protocol.

## Background information

[OHCHR press release](#)

[Webcast](#)

[Audio file](#)

[Summary Records](#)

## Reporting

### Reporting methodology

Regular reporting procedure

Simplified reporting procedure

Concluding Observations with urgent measures

### State report:

Common core document	
<a href="#">Initial submission</a>	2 August 2013
<a href="#">1<sup>st</sup> Updated document</a>	1 July 2014
<a href="#">2<sup>nd</sup> Updated document</a>	23 December 2015
<a href="#">3<sup>rd</sup> Updated document</a>	24 February 2017

CRC		OPAC		OPSC	
No. of report	-	No. of report	1 <sup>st</sup>	No. of report	-
Due date	-	Due date	2 August 2012	Due date	-
Submission	-	Submission	31 March 2016	Submission	-

<a href="#">Written replies to LOIs</a>	
Submission	6 July 2017
Due date	16 June 2017

### Public reports from children's rights defenders:

<a href="#">Alternative reports / Additional Information</a>	
NGOs	▪ "Hope for Children" CRC Policy Center;

	<ul style="list-style-type: none"> <li>▪ Future Worlds Center;</li> <li>▪ Human Rights Watch.</li> </ul>
<b>NHRIs</b>	<ul style="list-style-type: none"> <li>▪ Commissioner for the Protection of Children’s Rights</li> </ul>

**State delegation**

High-level and multisectoral delegation led by the Permanent Secretary of the Ministry of Defence, Mr. Christos Malikkides. He was supported by other representatives of the Ministry of Defence as well representatives of the Permanent Mission of Cyprus in Geneva and the Ministry of Labour, Welfare and Social Insurance.

See the list of State delegation representatives [here](#).

**Committee’s Task Force members**

Name & Last Name	Country
Mr. Jorge CARDONA LLORENS	Spain

**Dialogue description**

i. Character of the dialogue

The Committee found the dialogue honest and cooperative. The answers of the State to the Committee’s questions were detailed and the delegation was open to discuss about political and practical obstacles in implementing the Optional Protocol.

ii. General assessment made by the Committee

The Committee appreciated the efforts made by the State but regretted the negative consequences that the invasion of the country in 1974 has had on children. Committee members stressed that these circumstances could not be used as a justification for not fully applying the Optional Protocol and that they wished to see changes made as soon as possible.

iii. Main issues discussed:

- **Declaration/reservation with regards to Articles 1 and 2 of the Protocol:** The Committee was highly concerned about the declaration made upon the ratification of OPAC, which allows for the compulsory conscription of persons under the age of 18 years into the armed forces and to deploy them in areas where hostilities may take place. The Committee explained that Articles 1 and 2 constitute the backbone of the Protocol. As such, this declaration, which *de facto* amounted to a reservation, could be considered to be contrary to the *raisons d’être* of the treaty. Committee members urged the State to withdraw the said reservations. The delegation replied that the reservation was necessary due to national security reasons. It explained that while it was the strong will of the State to fully comply with the Optional Protocol, the political instability and problems in the country hindered the State from bringing domestic legislation in line with the provisions in the Protocol.
- **Extraterritorial jurisdiction and extradition:** The Committee inquired whether extraterritorial jurisdiction could be exercised for all crimes under the Optional Protocol without exception and whether bilateral extradition treaties covered all offences enshrined in the Protocol, including the recruitment and use of children in hostilities

by non-State armed groups. The delegation referred to the replies of Cyprus to the list of issues paras. 51-55 and the State party report paras. 119 and 121, and further said that any expansion of existing bilateral extradition treaties would require negotiations with the States concerned.

- **Migrant, asylum-seeking, and refugee children:** The Committee inquired whether there were any specific protocols in place to enable the State to detect children who potentially had been recruited and/or used in hostilities in a foreign country. Committee members asked how these children were assisted and treated, and if there were any measures in place to ensure their rehabilitation. The Committee also expressed its concerns about children who were detained in the context of migration. The delegation replied that the Ministry of Labour, Welfare and Social Insurance were responsible for ensuring the protection and welfare of all children in the country, including migrant children and asylum-seeking children. It held that a national coordination plan had been put in place to ensure that all relevant services worked together with a view to provide rehabilitation, health care and support. Individual assessments had been carried out and once it was detected that a child had been involved in armed conflict, this child received assistance, including free psychological and psychiatric support, based on a multidisciplinary approach and on the best interest of the child. The delegation stressed that the State attempted to apply alternative measures to detention, and that it was prohibited to place unaccompanied minors in detention.

## Recommendations of the Committee

In its [Concluding Observations](#), the Committee recommended, *inter alia*:

- **Declarations/Reservations:** The Committee urged the State to withdraw the declaration, amounting to a reservation, to articles 1 and 2 since it was against the object and purpose of the Optional Protocol.
- **Legislation, including criminal legislation:** In order to comply with the object and purpose of the Optional Protocol, the Committee urged the State to review and amend its National Guard law to allow compulsory recruitment solely if the person in question has reached 18 years of age on the date of recruitment. The State should further prohibit and explicitly criminalize the recruitment and use of children under the age of 18 in hostilities in the armed forces, non-State armed groups and in private military and security companies.
- **Compulsory recruitment:** The Committee urged the State to end its practice of compulsory recruitment of children below 18 years of age and to take all necessary measures to prevent members of the armed forces who have not yet turned 18 years of age from taking direct part in hostilities in all circumstances.
- **Extraterritorial jurisdiction and extradition:** The Committee recommended the State to establish extraterritorial jurisdiction over offences laid down in the Optional Protocol, including the conscription or enlistment of children into the armed forces or armed groups or their use to participate actively in hostilities, when such offences are perpetrated by or against a national of Cyprus or a person who has a close link to the country. The State should also take all necessary measures to ensure that extradition agreements encompass all offences under the Optional Protocol, and eliminate the requirement of dual criminality for both extraterritorial jurisdiction and extradition cases.
- **Children subjected to the Military Justice System:** The Committee recommended the State to ensure that children in the armed forces who have not yet reached 18 years of age and who are suspected of committing and/or having committed offence are not subject to the Military Code, irrespective of the nature of the committed crime.
- **Measures to protect the rights of migrant, asylum-seeking and refugee children:** The Committee urged the State to establish an effective mechanism for early detection of all migrant, asylum-seeking and refugee



children who are at risk of being, or who have been, recruited and/or used in hostilities. Moreover, the State should develop guidelines, provide specialized training for relevant officials, and establish specialized services to ensure appropriate and prompt assistance for children’s physical and psychological recovery and social integration. Translators should be present during all stages of the registration and asylum process, and decisions and actions at all stages of these processes should be made rapidly. Finally, the State should take into account the Committee’s general comment No. 6 of 2005, on the treatment of unaccompanied and separated children outside their country of origin.

### Next State report

CRC	
No. of report	5 <sup>th</sup> – 6 <sup>th</sup>
Due date	8 March 2018

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