

CYPRUS

BRIEFING FOR THE HUMAN RIGHTS COUNCIL UNIVERSAL PERIODIC REVIEW – 18th session, 2014

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Global Initiative to
**End All Corporal Punishment
of Children**

The legality and practice of corporal punishment of children violates their fundamental human rights to respect for human dignity and physical integrity and to equal protection under the law. Under international human rights law – the Convention on the Rights of the Child and other human rights instruments – states have an obligation to enact legislation to prohibit corporal punishment in all settings, including the home.

In Cyprus, corporal punishment of children was prohibited in 1994 but the “right” of parents, teachers and others “to administer punishment” remains on the statute books, despite the Government’s stated intention to reform the law, the recommendations of the Committee on the Rights of the Child, and the Government’s acceptance of recommendations to harmonise national legislation with international human rights obligations made during the UPR in 2009.

We hope the Working Group will note the need for further law reform concerning corporal punishment in Cyprus. We hope states will raise the issue during the review in 2014 and recommend that the right “to administer punishment” to children is repealed as a matter of priority.

1 The initial review of Cyprus by the Human Rights Council (2009)

- 1.1 Cyprus was examined in the first cycle of the Universal Periodic Review in 2009 (session 6). No recommendations were made concerning corporal punishment of children, but a general recommendation to bring legislation on child rights into line with relevant international instruments was made and was accepted by the Government.¹
- 1.2 Law reform to prohibit corporal punishment of children in all settings is a key obligation under the Convention on the Rights of the Child and other international human rights instruments. It requires the enactment of legislation explicitly prohibiting corporal punishment and the repeal of all laws authorising or regulating it and all legal defences or justifications for its use in childrearing and education. During the review of Cyprus, the Government confirmed that corporal punishment in the family is prohibited² but made no mention of the fact that law reform is not yet complete and that the legal defence for the use of corporal punishment by parents and others has not yet been repealed.

¹ 4 January 2010, A/HRC/13/7, Report of the working group, para. 87(44)

² 4 January 2010, A/HRC/13/7, Report of the working group, para. 13

2 The law concerning corporal punishment of children in Cyprus

- 2.1 Corporal punishment has long been considered unlawful in all settings in Cyprus. But as noted above, law reform is incomplete. Corporal punishment was made unlawful in the home in 1994, in the Violence in the Family (Prevention and Protection of Victims) Law 1994 which prohibits “any unlawful act or controlling behaviour which results in direct actual physical, sexual or psychological injury to any member of the family” (article 3) and was interpreted as prohibiting all corporal punishment in childrearing. The provision was reiterated in the Act on Violence in the Family adopted in 2000. But in the Government’s response to the questionnaire of the UN Study on Violence against Children in 2005, it came to light that the provision for “the right of any parent, teacher or other person having the lawful control or charge of the child to administer punishment to him” in article 54(6) of the Children’s Law 1956 is still on the statute books. The Government stated in the same response that this provision would be reviewed with a view to repeal.
- 2.2 In 2012, the Government again confirmed the existence of article 54(6) in the Children’s Law and stated its intention to revise the law so as to confirm prohibition of all corporal punishment.³ In the same year, the Committee on the Rights of the Child recommended that Cyprus explicitly repeal article 54 of its Children Law 1956 to ensure all legislation explicitly prohibits corporal punishment.⁴
- 2.3 A complaint has been brought against Cyprus by the Association for the Protection of All Children (APPROACH) Ltd, under the collective complaints procedure of the European Committee of Social Rights.⁵ The complaint alleges that there is no explicit prohibition of all corporal punishment of children, in the family, schools and other settings, and that Cyprus has failed to act with due diligence to eliminate such punishment in practice. The complaint was registered by the Committee in February 2013. In its observations on the admissibility of the complaint, received on 2 May 2013, the Government reported that the Children’s Law 1956 would soon be repealed and replaced with two new laws which would include explicit prohibition of corporal punishment.⁶
- 2.4 We respectfully urge the members of the Working Group at the 2014 Universal Periodic Review to make a specific recommendation that article 54(6) of the Children’s Law in Cyprus be repealed as a matter of urgency.**

Briefing prepared by the Global Initiative to End All Corporal Punishment of Children
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The Global Initiative to End All Corporal Punishment of Children has regularly briefed the Committee on the Rights of the Child on this issue since 2002, since 2004 has similarly briefed the Committee Against Torture, the Committee on the Elimination of Discrimination Against Women, the Committee on Economic, Social and Cultural Rights and the Human Rights Committee, and in 2011 began briefing the Committee on the Rights of Persons with Disabilities.

³ Correspondence seen by the Global Initiative, 14 November 2012

⁴ 10 August 2012, CRC/C/CYP/CO/3-4, Concluding observations on third/fourth report, paras. 29 and 30

⁵ Collective complaint No. 97/2013, *Association for the Protection of All Children (APPROACH) Ltd v Cyprus*

⁶ Submission of the Government of the Republic of Cyprus concerning complaint No. 97/2013