

# Corporal punishment of children in Cyprus

LAST UPDATED March 2019

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Child population 236,000 (UNICEF, 2015)



GLOBAL INITIATIVE TO

**End All Corporal  
Punishment of Children**

**Law reform has been achieved. Corporal punishment is unlawful in all settings, including the home.**

## Prohibition of corporal punishment

### Home

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” (art. 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. However, 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 was still on the statute books. This provision was formally repealed in 2013.

In the above mentioned response to the UN Study questionnaire, the Government stated that article 54(6) of the Children’s Law would be reviewed with a view to repeal, but in a report to the European Committee of Social Rights in 2011 it asserted that the Children’s Law had been amended in 1999 and 2002 and did not include the provision in question.<sup>1</sup> In contrast, the report of the Commissioner for Children’s Rights to the UN Committee on the Rights of the Child dated September 2011 stated that section 54 of the Children’s Law confirms the right “to administer punishment”.<sup>2</sup> In 2012, the Government confirmed the existence of article 54(6) in the Children’s Law and stated again its intention to revise the law so as to confirm prohibition of all corporal punishment.<sup>3</sup>

In 2013, a complaint was 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

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<sup>1</sup> 28 February 2011, RAP/RCh/CY/VIII(2011), National report to the European Committee of Social Rights, pages 6-7

<sup>2</sup> Commissioner for the Protection of Children’s Rights (2011), Supplementary Report to the 3<sup>rd</sup> and 4<sup>th</sup> Periodic Report of Cyprus, pages 43 and 44

<sup>3</sup> Correspondence seen by the Global Initiative, 14 November 2012

Rights.<sup>4</sup> The complaint alleged that there was no explicit prohibition of all corporal punishment of children, in the family, schools and other settings, and that Cyprus had 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.<sup>5</sup> The complaint was declared admissible on 2 July 2013. On 9 July 2013, the Government confirmed to the Committee that the Bill amending the Children Law had been enacted and article 54 repealed.<sup>6</sup>

### **Alternative care settings**

Corporal punishment is unlawful in alternative care settings. The prohibition of corporal punishment within the family applies to all persons with parental authority over children (see under “Home”).

### **Day care**

Corporal punishment is unlawful in all early childhood care and all day care for older children.

### **Schools**

Corporal punishment has been considered unlawful in schools since 1967 but we have few details of prohibiting legislation. Prohibition is reportedly included in the Regulations under Law 99/1989 on the operation of public secondary schools.<sup>7</sup> A circular issued to all schools by the Ministry of Education and Culture in 2009 confirmed that all corporal punishment is prohibited in schools.

### **Penal institutions**

Corporal punishment is unlawful as a disciplinary measure in penal institutions under the Rights of Detainees Law 2005, but we have yet to confirm that prohibition is explicit. New legislation on juvenile justice has been under discussion since 2003 but as at May 2013 has not been adopted.

### **Sentence for crime**

Corporal punishment is unlawful as a sentence for crime. There is no provision for judicial corporal punishment in criminal law.

## **Universal Periodic Review of Cyprus’ human rights record**

Cyprus was examined in the first cycle of the Universal Periodic Review in 2009 (session 6). During the review, the Government confirmed that corporal punishment is unlawful: “Corporal punishment in

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<sup>4</sup> Collective complaint No. 97/2013, *Association for the Protection of All Children (APPROACH) Ltd v Cyprus*

<sup>5</sup> Submission of the Government of the Republic of Cyprus concerning complaint No. 97/2013

<sup>6</sup> Letter to the Committee from the Ministry of Labour and Social Insurance, 9 July 2013

<sup>7</sup> Submission of the Government of the Republic of Cyprus concerning complaint No. 97/2013

the family is prohibited by law and prosecuted. There is a record of such criminal cases brought before the courts which resulted in convictions.”<sup>8</sup>

No recommendations were made concerning corporal punishment of children. However, the following recommendation was made and was accepted by the Government:<sup>9</sup>

“Bring legislation governing the rights of the child into line with relevant international instruments and provide the office of the Commissioner for the Protection of Children’s Rights with the support needed for it to assume its role of preservation and protection of children’s rights (Algeria)”

The second cycle review of Cyprus took place in 2014 (session 18). No recommendations were made concerning corporal punishment of children.

Third cycle examination took place in 2019 (session 32). No recommendations were made concerning corporal punishment of children.

## **Recommendations by human rights treaty bodies**

### ***Committee on the Rights of the Child***

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

“The Committee is concerned at the widespread social acceptance of corporal punishment in the State party. Furthermore, while noting that the State party’s Violence in the Family (Prevention and Protection of Victims) Law of 2000 prohibits corporal punishment, the Committee is concerned that article 54 of the State party’s Children Law (1956) allowing for ‘the right of any parent, teacher or other person having the lawful control or charge of the child to administer punishment to him’ is still in force.

“The Committee recommends that the State party continue conducting awareness-raising and public education campaigns promoting alternative forms of discipline which are non-violent, and participatory forms of child-rearing and education. Furthermore, the Committee recommends that the State party explicitly repeal article 54 of its Children Law (1956) to ensure all of its legislation explicitly prohibits all forms of corporal punishment of children in all settings, including the home.”

### ***Committee on the Rights of the Child***

(6 June 2003, CRC/C/15/Add.205, Concluding observations on second report, para. 46)

“The Committee recommends that the State party, in keeping with the findings of the Study, adopt adequate measures and policies to contribute to changing attitudes, including the prohibition of corporal punishment in the family supported by well targeted awareness campaigns on inter alia alternative ways of disciplining children. Furthermore it encourages the State party to adopt measures and ensure sufficient human and financial resources to ensure the implementation of the Law for the prevention of domestic violence. The Committee invites the State party to include specific information in its next periodic report on follow-up to cases of abuse reported to the social

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<sup>8</sup> 4 January 2010, A/HRC/13/7, Report of the working group, para. 13

<sup>9</sup> 4 January 2010, A/HRC/13/7, Report of the working group, para. 87(44)

welfare services, as well as information on the announced second research on the extent of child abuse in Cyprus.”

### **Human Rights Committee**

(6 August 1998, CCPR/C/79/Add.88, Concluding observations on third report, para. 16)

“The Committee is concerned that the age criminal responsibility is still fixed at seven years, and that marriageable age is defined as the onset of puberty. The Committee further reaffirms its position that corporal punishment is prohibited under the Covenant.”

### **European Committee of Social Rights**

(January 2016, Conclusions 2015)

“The Committee recalls that under the Charter, the prohibition of all forms of corporal punishment of children is a measure that avoids discussions and concerns as to where the borderline would be between what might be acceptable form of corporal punishment and what is not (General Introduction to Conclusions XV-2). The Committee has clearly stated that all forms of corporal punishment must be prohibited in the home, in schools and in institutions and this prohibition must have an explicit legislative basis. The sanctions available must be adequate, dissuasive and proportionate (Complaint No 18/2003, World Organisation against Torture (OMCT) v. Ireland, decision on the merits of 7 December 2004).

“Committee also recalls that the Charter was conceived as a whole and in some cases its provisions complement each other, as well as overlap in part (*Mental Disability Advocacy Center (MDAC) v. Bulgaria*; Complaint No. 41/2007; decision on admissibility of 26 June 2007, §8). This is the case with the protection of children from ill-treatment and abuse. The Committee considers that the fact that the right of children and young persons to social, legal and economic protection is guaranteed under Article 17 of the Charter does not exclude the examination of certain relevant issues relating to the protection of children under Article 7§10. In this connection, the Committee recalls having held the scope of the said two provisions to overlap to a large extent (Conclusions XV-2 volume 1, Statement of interpretation on Article 7§10).

“Therefore, since Cyprus has not accepted Article 17§1 of the Charter, the Committee will examine the issue relating to corporal punishment under this provision.

“The Committee notes from the Global Initiative to End Corporal Punishment of Children that corporal punishment was made unlawful in the home in 1994, in the Violence in the Family (Prevention and Protection of Victims) Law 1994.

“However, 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 Section 54(6) of the Children’s Law 1956 was still on the statute books.

“In its Decision to strike out (of 12 May 2014) the Complaint No 97/2013 Association for the Protection of All Children (APPROACH) v. Cyprus, the Committee decided to assess the national situation as regards prohibition of all forms of corporal punishment in the reporting system (on the basis of the report submitted by Cyprus in 2014).

“The Committee notes that Clause 6 of Section 54 of the Children Law that made reference to corporal punishment has been repealed (Government Gazette 21/6/2013). Therefore, the situation has been brought into conformity with the Charter.

“Corporal punishment is unlawful in alternative care settings. Corporal punishment has been considered unlawful in schools since 1967.”

### ***European Committee of Social Rights***

(January 2012, Conclusions 2011)

“The Committee notes from another source that 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 new Act on Violence in the Family adopted in 2000. However, the Children Law (1956) provides for ‘the right of any parent, teacher or other person having the lawful control or charge of the child to administer punishment to him’ (Section 54).

“In June 2009 a new draft Law for the Welfare, Care and Protection of Children, intended to replace the Children Law and to harmonise domestic legislation with the Convention on the Rights of the Child, was expected to be submitted to the House of Representatives in 2010.

“According to the report, the Children Law was amended in 1999 and 2002 and explicitly prohibits corporal punishment and includes no defences. The Committee asks whether the above mentioned draft law entered into force and if so, whether it explicitly prohibits corporal punishment in the home. In the meantime it reserves its position on this point.”

### ***European Committee of Social Rights***

(2006, Conclusions 2006, vol. 1, pages 152-153)

“As regards corporal punishment of children, the report refers to the Violence in the Family (Prevention and Protection of Victims) Law 2000 which defines violence as any action, omission or behaviour which causes physical, sexual or psychological damage. Further the report states that the UN Convention on the Rights of the Child, which has superior force to domestic law prohibits all forms of corporal punishment of children in all settings. However the Committee notes that in Cyprus’s response to the UN Secretary General’s Study on violence against children (submitted August 2005) according to the Children Law (Cap.352) the parent, teacher or other person having lawful control or care of a child have a right to administer punishment to him. Although the response states that the law is under review and the new legislation will explicitly prohibit corporal punishment and will include no defenses whatsoever. The Committee asks for further information on the situation i.e. the inter relationship between the legislation and the UN Convention on the Rights of the Child, as well as information on the repeal of the defence. Meanwhile it reserves its position on the situation.”

## ***European Committee of Social Rights***

(30 September 2004, Conclusions 2004 Vol. 1, page 102)

“The Committee asks whether corporal punishment outside the family is also explicitly prohibited by the existing legislation....

“Conclusion

“Pending receipt of the information requested, the Committee concludes that the situation in Cyprus is in conformity with Article 7.10 of the Revised Charter.”

## **Prevalence/attitudinal research in the last ten years**

A study involving focus groups and face to face interviews with 104 13-22 year olds with experience of youth custody in Austria, Cyprus, England, the Netherlands and Romania found that in Cyprus, the majority of young people felt that violence was used by staff in custodial settings as a punishment or as a form of coercion, or as a means to show power.

(Children’s Rights Alliance for England (2013), *Speaking Freely: Children and Young People in Europe Talk about Ending Violence Against Children in Custody – Research Report*, London: CRAE)