



Convention on the Rights of the Child

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Committee on the Rights of the Child Seventy-sixth session

Summary record of the 2244th meeting

Held at the Palais Wilson, Geneva, on Tuesday, 26 September 2017, at 10 a.m.

Chair: Ms. Winter

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The meeting was called to order at 10.05 a.m.

Consideration of reports of States parties *(continued)*

Initial report of Cyprus on the implementation of the Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict (CRC/C/OPAC/CYP/1; CRC/C/OPAC/CYP/Q/1 and Add.1)

1. *At the invitation of the Chair, the delegation of Cyprus took places at the Committee table.*
2. **Mr. Malikkides** (Cyprus) said that, by acceding to the Convention and the three optional protocols thereto, his Government had indicated its strong commitment to further promoting children's rights based on the best interests of the child and strengthening the actual protection of children, especially those in particularly vulnerable situations, such as situations of armed conflict.
3. Unfortunately, the circumstances that had prevailed in the Republic of Cyprus in 2008 when the Government had signed the Optional Protocol on the involvement of children in armed conflict and that were described in paragraph 5 of the declaration made by the Government upon ratification remained unchanged. Consequently, the implementation of the Optional Protocol by the Republic of Cyprus applied only to the areas under the control of his Government.
4. Under recently amended legislation on the National Guard and as part of a wider policy of military reform that included gradually replacing conscription with the recruitment of professional soldiers, the Council of Ministers had reduced the duration of compulsory military service from 24 months to 14 months. Furthermore, from 2018 onwards, conscription would occur only once a year, in July, which meant that only persons aged at least 17 and a half would be enlisted for compulsory service in the National Guard.
5. In general, the number of minors enlisted for military service, including volunteers, had been diminishing in recent years, both in absolute terms and as a percentage of total enlistments per year. Moreover, as part of a process of educational reform, the Ministry of Education and Culture was considering increasing the minimum age for attendance at primary school to 6 years, with the result that schoolchildren would normally complete their secondary education at the age of 18 and that therefore most conscripts would be aged 18 before joining the National Guard.
6. The above-mentioned measures would raise the age of conscripts, thereby bringing it more into line with the obligations undertaken by Cyprus under the Optional Protocol. However, there were serious limitations to extending those measures further in view of the continuing illegal military occupation of 37 per cent of the national territory by a foreign State. Under such circumstances, the Government was obliged to keep the number of conscripts at a level that would meet national defence needs. To restrict the recruitment of persons under 18 years of age to those enlisting as volunteers would lower the number of personnel serving in the National Guard to a critical level. Other relevant considerations that had to be borne in mind were the small population of Cyprus and the low fertility rate, which adversely affected the number of recruits enlisted in the National Guard. In view of those and the other aforementioned considerations, the compulsory recruitment of persons aged at least 17 and a half years was virtually mandatory. Concerning the involvement of minors in armed conflict, he would like to emphasize that no children had been engaged in armed fighting in the Republic of Cyprus for the previous 43 years.
7. The current conscription system, which allowed young men to complete their military service before beginning higher education or joining the labour market, was well established and widely accepted by society. It had proven to be beneficial for the conscripts themselves and their families, as well as the National Guard. He wished to highlight that under existing legislation a consultative committee was empowered to examine requests by conscripts for their discharge from the National Guard or for the reduction of the duration of their military service because of family or financial circumstances. Furthermore, prior to joining the National Guard, all recruits had the opportunity to undergo a medical or psychological assessment to evaluate their ability to serve in the army. To ensure the well-

being of new recruits, a professionally staffed helpline was available 24-hours a day to provide psychological support.

8. The conscription process included safeguards such as written parental consent, access to information on military duties and verification of age prior to recruitment. In order to facilitate access to information, school visits were organized to military units — particularly for the benefit of boys who would soon be eligible for military service — and information sessions were held in secondary schools. Prior to recruitment, all conscripts and volunteers received relevant information and documentation relating to their rights, the recruitment and selection process, administrative procedures, general operating procedures, everyday life in the National Guard and access to health care. Further information, including on the Optional Protocol, was made available on the website of the Ministry of Defence. Proof of age and other relevant personal information was submitted to the district recruitment offices of the Ministry of Defence in the form of a declaration of personal data document. The Ministry then allocated registration numbers to applicants and cross-checked their data against information contained in the civil registry. As part of its military recruitment drive, the Ministry of Defence had introduced incentives for conscripts, including distance-learning opportunities, vocational training and higher education scholarship programmes, youth entrepreneurship and innovation programmes, first-aid courses, sports and self-defence courses and free bus transport to and from military units.

9. **Mr. Cardona Llorens** (Country Rapporteur) said that, while the Committee condemned the events that had taken place in 1974 and their effects on the population, those circumstances could not be used to justify legislation or practices that were contrary to the object and purpose of the Optional Protocol.

10. In accordance with the declaration made by Cyprus upon ratification of the Optional Protocol, the Government reserved the right to conscript citizens under the age of 18 years into the armed forces and to deploy them in an area in which hostilities might take place. In view of the tense security situation that prevailed in the State party, the deployment of children in an area of hostilities was not only possible but also quite probable. In the light of that situation, the Committee was forced to ask itself whether the declaration made by Cyprus impaired the *raison d'être* of the Optional Protocol and effectively rendered it null and void.

11. Although the Ministry of Defence had decided that, from 2018 onwards, the conscription of persons under the age of 18 would take place only in July of each year, the conscription of such persons, albeit in smaller numbers, would still take place and could not be justified on the grounds that it was accepted by society and was a means of preventing the interruption of students' university studies or ensuring that the armed forces had sufficient recruits.

12. Accordingly, he wished to know whether the State party intended to withdraw the above-mentioned declaration, and whether it would amend its legislation to prohibit the compulsory recruitment of children into the armed forces and the direct participation in hostilities of persons under the age of 18, including volunteer recruits.

13. Noting that the Government of Cyprus intended to professionalize the army by reducing conscription and increasing the recruitment of professional soldiers, he asked what the minimum age for voluntary enlistment in the armed forces would be.

14. In view of the fact that voluntary enlistment could be set to increase, the Committee would welcome further information on the information imparted to children by military personnel during the latter's visits to schools. In particular, the Committee wished to know whether those children who decided to enlist in the armed forces were properly informed; whether they were undertaking a genuinely voluntary act; whether pupils were told only of the advantages of enlistment or also of other, non-military, options; whether children were informed of their rights; and why the duration of alternatives to military service were at least 50 per cent greater than the duration of military service.

15. The Committee would welcome an explanation of the State party's claim that the number of children under the age of 18 in the armed forces could not be disclosed as it would compromise State security.

16. Commending the State party on its plans to provide military and police personnel with training on the Optional Protocol, and noting that no mention was made of the Protocol in the list of subjects currently taught at the Cyprus Police Academy (CRC/C/OPAC/CYP/1, paras. 26 and 27), he asked whether the training in question would be provided only in 2018 or whether it would be included, as a matter of course, in the training given to all professionals who worked with children, including members of the armed forces and the police, immigration officers, lawyers, health-care workers and teachers. Would the training in question be provided only to trainers or also to recruits?

17. He wondered whether the recruitment of under-aged children and/or their deployment in hostilities and the recruitment of children and/or their use in hostilities by non-State armed groups and by private security and defence companies were classified as offences in the Criminal Code. The Committee would be grateful if the delegation would focus its response on the classification of those acts in law rather than on the existence or otherwise of non-State armed groups in the State party or the fact that private companies were forbidden from employing children. The legal status of such acts in the Criminal Code was relevant in that it had a bearing on the issues of extraterritorial jurisdiction and extradition. The Committee would be interested to know whether extraterritorial jurisdiction could be exercised over all the offences set out in the Optional Protocol, whether there were cases in which it could not be exercised, whether it was governed by the principle of dual criminality, and, if so, whether the State party would consider amending its legislation to ensure that such jurisdiction could be exercised over the offences of forced recruitment and use of children in armed conflicts without the requirement of dual criminality. Noting that extradition could take place only if an agreement existed with another State, and that many of the extradition treaties established between Cyprus and other States made no mention of the offences set out in the Optional Protocol, he asked whether the State party would consider broadening the circumstances in which extradition could take place to include those circumstances set out in the Optional Protocol. He wished to know whether extradition was governed by the principle of dual criminality and, if so, whether the State party would remove that requirement, at least in respect of the offences set out in the Optional Protocol.

18. It was still not clear whether child members of the armed forces were subject to the same military jurisdiction, and the same law, as adults or whether different arrangements were made for children who broke the law while serving in the armed forces, either as conscripts or as voluntary recruits.

19. Noting that a large number of migrant children and asylum-seeking children had entered the State party in recent years, he asked whether a specific protocol had been established for detecting whether such children had been victims of forced recruitment in their countries of origin, whether they had been deployed in hostilities and, if so, whether they had suffered serious psychological or emotional harm as a result. If such a protocol existed, he wished to know whether it applied to all children or only to those who were unaccompanied, whether it was implemented from the moment a child arrived or only when his or her refugee status had been recognized, whether there were sometimes long delays before efforts were made to determine whether migrant children and asylum-seeking children had been victims of the offences set out in the Optional Protocol and what measures were taken to rehabilitate children who had been victims of such offences. Lastly, he asked what measures were taken to ensure that the principle of non-refoulement applied to accompanied and unaccompanied children who arrived in Cyprus from countries where they would be at risk of being recruited by armed groups.

20. **Mr. Pedernera Reyna** said that he would welcome further information on the status of the rights of children and the implementation of the Optional Protocol in those parts of the island that were not controlled by the Government of Cyprus.

21. He asked whether voluntary recruits to the armed forces could submit confidential complaints against their superiors to an independent body or person.

22. **Mr. Madi**, noting that the Optional Protocol was published on the websites of the Ministry of Defence and other government departments, said that it was necessary to disseminate the Optional Protocol to the public in general and to children in particular. In

that regard, he asked whether the principles and provisions of the Optional Protocol were included in the school curriculum.

23. He wondered whether specific training on the Optional Protocol was provided to military personnel, including Cypriot troops who participated in United Nations peacekeeping operations. Noting that, from 2010 to 2014, there had been 68 cases in which children had been subjected to military justice or discipline (CRC/C/OPAC/CYP/1, para. 75), he asked the delegation to provide examples of the offences allegedly committed in those cases and of any convictions that had been handed down.

24. He asked whether immigration officers and border police had been trained to identify children who had been forced to join armed groups and participate in hostilities and whether guardians were assigned to ensure that such children received the appropriate support, including psychological support.

25. **Mr. Kotrane**, noting that the issue of the detention of refugees and asylum seekers in the State party had been raised by the Human Rights Committee in its consideration of the State party's fourth periodic report under the International Covenant on Civil and Political Rights (CCPR/C/CYP/CO/4, para. 14), said that he wished to know what steps had been taken to ensure that migrants and asylum seekers, particularly mothers of young children, were not held in detention for lengthy periods of time. He asked whether domestic legislation would be amended to ensure that refugees and asylum seekers could obtain legal aid and enjoy access to legal counsel at all stages of the asylum process.

26. Noting that restrictions implemented by the State party made it difficult for individuals originating from Turkey, and their descendants who had been born in the occupied area, to cross into the territory controlled by the State party, he asked whether steps would be taken to ensure that such persons could exercise their right to free movement.

27. The Committee would welcome further information on the efforts made to improve intercommunal relations by ensuring that peace education was taught to children.

The meeting was suspended at 11 a.m. and resumed at 11.30 a.m.

28. **Mr. Malikkides** (Cyprus) said that the State party had made the declaration pursuant to article 3 (2) of the Optional Protocol in the light of security issues linked to the political situation in Cyprus. While it was the strong will of the Government to continue promoting measures to bring legislation into line with the Protocol and to ensure in the near future full compliance with the standards set out in the Protocol, the political problems existing in the country could not be underestimated.

29. Information provided to schoolchildren on recruitment into the military covered both the positive and the negative aspects of enlistment. Voluntary enlistment by persons aged under 18 years was accepted by society since, among other things, it made it possible to avoid a situation where higher education students were obliged to interrupt their studies at the age of 18 to carry out their military service or were at risk of facing legal proceedings for failing to do so.

30. Professionals currently accounted for half of military personnel and frequently replaced volunteers aged under 18 in potential trouble spots. Professional personnel must have previously completed their compulsory military service; consequently, most were aged around 20 years.

31. **Ms. Efthymiadou** (Cyprus) said that the Ministry of Labour, Welfare and Social Insurance was responsible for ensuring the protection and welfare of all children residing in Cyprus, including migrant children and asylum-seeking children. Minors in migrant situations were considered to be vulnerable persons and treated accordingly when entering Cyprus. A national coordinating plan had been put in place to ensure that, in the event of the arrival of large numbers of migrants, all the relevant services worked together to provide rehabilitation services, health care and psychological support, beginning at the point of entry. Under the Refugee Law, all unaccompanied minors entering Cyprus were placed in the care of the Director of the Social Welfare Services, who safeguarded their rights relating to, among other things, education, health care, family reunification and

accommodation, based on the best interests of the child. The Director also acted as the representative of those minors, including during the asylum procedure.

32. Individual assessments were carried out to identify children previously involved in armed conflict or at risk of being recruited or being used in hostilities. Once identified, such children received assistance from governmental and non-governmental agencies, including free psychological and psychiatric support, based on a multidisciplinary approach and on the best interests of the child.

33. The competent authorities made every effort to apply alternative measures of detention in cases involving migrants with children. It was prohibited to place unaccompanied minors in detention.

34. **Mr. Cardona Llorens** asked when the State party intended to raise the minimum age for compulsory school attendance to 6 years, thus effectively increasing the minimum age for enlistment to 18 years. He wondered what prevented it from doing so immediately, since it hardly seemed credible that the delayed recruitment of a few hundred young men would have an adverse effect on the security of the State.

35. Additional information would be welcome on the number of unaccompanied minors that had arrived in the State party in the past two years, the number of such minors under the guardianship of the Director of the Social Welfare Services and the nature and effectiveness of that guardianship.

36. **Mr. Madi** said that the State party should consider raising the minimum age for compulsory recruitment into the National Guard to 18 years rather than 17 and a half years and allowing students in higher education abroad to defer their military service until after completion of their studies. The process of raising the minimum age for compulsory school attendance to 6 years would be lengthy and that measure would only have an effect on recruitment some 12 years after its adoption.

37. He asked why the State party continued not to exclude the possibility of deploying members of the armed forces aged under 18 to areas where hostilities might break out, particularly in view of the need to ensure compliance with the Optional Protocol.

38. He was concerned that the process of identifying migrant children and asylum-seeking children who had been involved in armed conflict was unnecessarily long in the case of, for example, children coming from the Syrian Arab Republic. He would welcome additional information on the number of minors under the guardianship of the Director of the Social Welfare Services and the accommodation provided for them.

39. **Mr. Malikkides** (Cyprus) said that, if the authorities were to begin in July 2018 to conscript only those who had attained the age of 18 years and to allow those who wished to pursue their studies abroad to defer their military service, the resulting recruitment shortfall of 40 per cent would have a very negative impact on the army. The State party did not currently have the financial resources to make up for such a shortfall through the recruitment of additional professional soldiers.

40. Under the military justice system, which was overseen by the Office of the Attorney General, account was taken of the age of those involved in alleged violations of military law and minors were treated accordingly.

41. **Ms. Efthymiadou** (Cyprus) said that there were currently some 200 unaccompanied minors in the care of the Director of the Social Welfare Services. Those minors had been placed in child protection homes or with foster families and had been assigned social services officials, who ensured that they could exercise their rights with regard to, among other things, access to education and health-care services.

42. **Mr. Giorgallis** (Cyprus) said that all asylum-seeking children, in particular those coming from Syria, were fast tracked through the asylum procedure and provided with supplementary protection by the Asylum Service, with all the rights that such protected status entailed, in line with the Convention relating to the Status of Refugees and the Common European Asylum System.

43. The law on the ratification of the Convention on the Rights of the Child had been amended to incorporate the Optional Protocol. That amended piece of legislation stated that the Ministry of Defence was responsible for implementing the provisions of the Optional Protocol and provided for the enactment of special regulations for the improved implementation of that instrument.

44. As to the questions on specific provisions on the offences coming under the Optional Protocol and the activities of private security companies, he referred to the information contained in the replies of Cyprus to the list of issues (CRC/C/OPAC/CYP/Q/1/Add.1, paras. 44-47).

45. Details of the framework currently in place relating to extraterritorial jurisdiction and extradition could be found in the replies of Cyprus to the list of issues (CRC/C/OPAC/CYP/Q/1/Add.1, paras. 51-55) and the State party report (CRC/C/OPAC/CYP/1, paras. 119 and 121). Any broadening of existing bilateral extradition agreements would require negotiations with the countries concerned.

46. **Mr. Kasoulides** (Cyprus) said that the provisions of the Optional Protocol applied only to those areas under the Government's control. No information was available regarding compulsory recruitment and the use of children in hostilities in northern Cyprus. It was possible to cross from the Republic of Cyprus into the occupied territory. However, in the interest of national security, it was necessary for the Government to control the flow of persons entering Cyprus from the northern territory. Nonetheless, there were cases where, for humanitarian purposes, persons from Turkey or their descendants were allowed to visit parts of Cyprus of religious importance to them.

47. **Mr. Giorgallis** (Cyprus) said that conscientious objectors were required to perform alternative civilian service, the duration of which was five months longer than the standard military service. The Government had fixed the duration of alternative service with a view to ensuring fair treatment between conscripts, given that persons working in the civilian sector worked fixed office hours, unlike persons serving full military service who were on call 24 hours a day. As to the availability of human rights training, the Ministry of Defence had devised detailed training programmes for public officials and military personnel on the provisions of the Optional Protocol.

48. **Mr. Malikkides** (Cyprus) said that the Government had recently established a security and defence academy which would provide additional special training courses on the Optional Protocol.

49. **Mr. Giorgallis** (Cyprus) said that offences such as desertion committed by military personnel under the age of 18 were subject to prosecution. Depending on the severity of the case, sanctions could include imprisonment and/or a fine. Between 2010 and 2014, some 68 cases involving military recruits under the age of 18 had been referred to the Military Attorney's office, of which one had resulted in prosecution.

50. **The Chair** asked whether military recruits under the age of 18 could submit confidential complaints in the event of a violation of their rights under the Optional Protocol.

51. **Mr. Giorgallis** (Cyprus) said that military recruits under the age of 18 could submit confidential complaints to their commanding officer.

52. **Mr. Malikkides** (Cyprus) said that the welfare of military recruits was a top priority for the Government.

53. **Ms. Efthymiadou** (Cyprus) said that children and/or their guardians could submit complaints to the Commissioner for Children's Rights. Children could also submit a complaint under the Optional Protocol on a communications procedure.

54. **Mr. Malikkides** (Cyprus) said that ad hoc committees were established by the Ministry of Defence in consultation with other relevant authorities to consider complaints of a very serious nature so as to resolve the cases in the most efficient and effective manner.

55. **Mr. Cardona Llorens** said that he would welcome clarification regarding the duration of alternative civilian service for conscientious objectors, given that paragraph 72

of the report stated that they were required to serve up to an additional eight months in some cases. He also wished to know whether military recruits under the age of 18 in conflict with the law were tried in the same manner as adults. Lastly, he asked whether military recruits under the age of 18 had been deployed to areas of hostility in any capacity.

56. **Mr. Giorgallis** (Cyprus) said that the duration of full military service had recently been reduced to 14 months. Conscientious objectors were required to serve an extra 5 months in addition to those 14 months.

57. **Mr. Malikkides** (Cyprus) said that military justice applied to all military recruits from the date of their enlistment until their discharge.

58. **Mr. Giorgallis** (Cyprus) said that the Government had drafted a bill to strengthen the juvenile justice system and to bring it into line with the provisions of the Optional Protocol.

59. **The Chair** asked whether military recruits under the age of 18 in conflict with the law were tried under the juvenile justice system.

60. **Mr. Giorgallis** (Cyprus) said that discussions on that matter and other areas concerning the treatment of minors in conflict with the law would be held as part of consultations on the bill to strengthen the juvenile justice system.

61. **Mr. Madi** asked whether the State party could exercise extraterritorial jurisdiction for crimes covered under the Optional Protocol.

62. **Mr. Giorgallis** (Cyprus) said that the Government could exercise extraterritorial jurisdiction over crimes committed in a foreign country by a Cypriot national if the said crime was punishable under the Criminal Code with a prison term of at least 2 years and provided that the act constituting the crime was also punishable under the criminal law of the foreign country in question.

63. **Mr. Cardona Llorens** (Country Rapporteur) thanked the delegation for a frank and constructive dialogue. The Committee looked forward to seeing evidence of further progress during its consideration of the State party's next report.

64. **Mr. Malikkides** (Cyprus) said that he wished to thank the Committee members for their questions and comments that would help the Government in its efforts to fully implement the Optional Protocol.

The meeting rose at 12.30 p.m.