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"Hope For Children" CRC Policy Center

NGO Contribution on the "Protection of the Rights of the Child and the 2030 Agenda for Sustainable Development"

submitted by "Hope For Children" CRC Policy Center

to the United Nations Office of the High Commissioner for Human Rights

Cyprus, October, 2016



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Introduction

"Hope For Children" CRC Policy Center is an International Humanitarian and Independent Institution based in Nicosia, Cyprus and established on the standards and principles of the UN Convention on the Rights of the Child. One of our main focus is the work in the field of the humanitarian and development policy relevant to the protection and promotion of children's rights through research, grassroots programs and advisory services offered to governments and international organizations.

The operation of the Organization is founded on the principle of promoting and protecting children's rights. We aim to do this through the implementation of a variety of projects on a national, European and global level, but also through the integration of unaccompanied children who reside in the host country.

The Mission Statement of the Organization reads as follows: "Hope For Children" CRC Policy Center aims to advocate and to protect children's rights based on the standards and principles of the UN Convention on the Rights of the Child and other relevant international and regional human rights instruments. As our doors are open to all children regardless of religious, cultural and other background, the "Hope For Children" CRC Policy Center aims to improve the quality of life of socially disadvantaged children, such as asylum seekers, refugees and children in war-torn areas. Through education and social mobilization, we work on raising awareness and promoting respect towards all cultures, religions and diversities within a society.

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"Protection of the Rights of the Child and 2030 Agenda for Sustainable Development"

- Partnership for implementation -

The 2030 Agenda for Sustainable Development identified a wide range of actors to involve in the implementation, monitoring and follow-up stage but did not take into account the opportunity to cooperate with national human rights institutions (NHRI) which actually work on several Development Goals on national level, especially in

relation to the protection of the rights of the child. By the competence to protect and promote human rights in line with the Paris Principles, these institutions genuinely contribute to the implementation of the Sustainable Development Goal 16 - Promote peaceful and inclusive societies for sustainable development, provide access to justice for all and build effective, accountable and inclusive institutions at all levels. This paper intends to share the example of two national human rights institution of different kind in order to legitimate their role as a cooperating partner in realizing the Development Goals by 2030.

Case study No.1 National human rights institutions in Cyprus

In its General Comment No.2 (2002) the Committee on the Rights of the Child¹ stated that they consider the national human rights institutions as an important mechanism to implement the UN Convention on the Rights of the Child and promote the universal realization of children's rights. In the case of the Republic of Cyprus such an NHRI is embodied in the office of the Commissioner for Children's Rights, established in June of 2007 following the enactment of legislative acts L.74(1)/2007 and subsequently L. 44(I)/2014² by the House of Representatives. This office is currently being held by Ms Leda Koursoumba, which additionally holds the post of Law Commissioner of the Republic. The Commissioner's work complements the work of the Commissioner for Administration and Human Rights (Ombudsman) established in 1991³. The current Ombudsman is Ms Eliza Savvidou.

¹ CRC/GC/2002/2 Committee on the Rights of the Child, Thirty Second Session, 13- 31 January 2003

² The Commissioner For The Protection Of Children's Rights Laws [74(I)/2007, 44(I)/2014]
<http://www.childcom.org.cy/ccr/ccr.nsf/All/5768A13F9CB48485C225746E00332103?OpenDocument>

³ http://www.ombudsman.gov.cy/Ombudsman/Ombudsman.nsf/index_en/index_en?opendocument



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The Commissioner for Children's Rights

The Commissioner for Children's Rights' mission is to protect and promote children's rights in line with the Paris Principles. Within the range of their competencies, the Commissioner, in collaboration with governmental institutions and agencies, the media, NGOs and civil society has organized seminars and workshops to empower children and raise awareness of children's rights in society. The Commissioner has additionally promoted national action plans in the field of education including multicultural education projects, reform of school curricula and training for teachers

to combat discrimination and promote tolerance, contributing to Sustainable Development Goal 4 of ensuring inclusive and equitable quality education.

In 2014 the Commissioner advocated, by way of submitting a draft legislation, to set up a child friendly judicial system in relation to children in conflict with the law. The Commissioner's proposal tackles issues related to preventing and dealing with juvenile delinquency in the framework of the Cypriot justice system⁴. In light of the fact that Cyprus does not provide a separate justice system for minors, said proposal can be considered a step towards Sustainable Development Goal 16 – promoting peaceful and inclusive societies for sustainable development, providing access to justice for all and building effective, accountable and inclusive institutions at all levels.

An issue of great concern amongst children's rights organisations is the effect of the global financial crisis and subsequently the austerity measures applied by governments with grave implications for vulnerable groups including children which directly relates to Sustainable Development Goal 8 on the promotion of sustained, inclusive and sustainable economic growth, full and productive employment and decent work for all. In the case of the Republic of Cyprus the government has reformed the state financial assistance scheme in light of budgetary constraints, and the Commissioner has submitted a Working Memorandum⁵ in 2015 underlying the need for review of the provisions of welfare benefits to single parent families, with a special focus where the parent was of migrant background, as children were in numerous instances unable to benefit from welfare provisions due to the ethnicity of their parents – even though they themselves were Cypriot and/or European citizens.

This issue is in tandem with the provision of free public services including Sustainable Development Goal 3 of ensuring healthy lives and promoting well-being for all and at all ages, where the outcomes of the Universal Periodic Review for Cyprus in 2014 found that despite budgetary constraints the Republic aimed to maintain access to free health care with particular focus on vulnerable groups such

⁴ <http://www.childcom.org.cy/ccr/ccr.nsf/All/BC60D95921CCF715C2257D930037B5F9?OpenDocument>

⁵ <http://www.childcom.org.cy/ccr/ccr.nsf/All/8C3E96EA38C1C1A5C2257EE7003A6145?OpenDocument>



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as migrants and children. The application of said measures in practice raise concerns about the issues of accessibility, especially in relation to persons of migrant background.

Commissioner for Administration and Human Rights (Ombudsman)

The Commissioner for Administration and Human Rights (Ombudsman) is a 'B' status national human rights institution serving as an equality body in accordance with the EU anti-discrimination law, the National Preventive Mechanisms under the UN OPCAT and the Independent Monitoring Mechanism under the UN CRPD. The Ombudsman acts as an extra-judicial control mechanism to identify maladministration or violation of human rights by public authorities' actions. The Ombudsman has the power to investigate allegations of human rights violations following a complaint by an affected party, or her own exercise of ex officio discrepancy on matters of public interest. As result of a thorough investigation, the Ombudsman submits a report to the implicated public authority and while her recommendations are not binding, recent amendment to the relevant law have given the Ombudsman powers of consultation to pursue the application of the recommendations. The Ombudsman, in her capacity as equality body, cooperates with the Cypriot Academy of Public Administration and the Mediterranean Institute of Gender Studies (MIGS) in launching campaigns to raise zero tolerance for violence against women and girls⁶ in line with Sustainable Development Goal 5 of achieving gender equality and empowering women and girls.

The Ombudsman has been very active in the field of access to quality education, equal treatment regardless of race, religion, gender or other grounds, access to justice and many other areas of concern that could qualify under the sustainable development goals. While the Ombudsman's reports, actions and interventions not necessarily consider children as target group, there is often a child perspective in the reports i.e. how children could be affected by practices implemented that affect their parents.

⁶ Report of the Working Group on the Universal Periodic Review of Cyprus, Addendum, 11 Jun 2014
<https://documents-dds-ny.un.org/doc/UNDOC/GEN/G14/046/90/PDF/G1404690.pdf?OpenElement>



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Case study No.2 National human rights institution of Hungary

The Commissioner for Fundamental Rights (CFR) is the national human rights institution of Hungary accredited with 'A' status aiming to protect and promote fundamental rights with special attention dedicated to the rights of the child, vulnerable social groups and people with disabilities. Since 2013, the office is held by Mr Laszlo Szekely.

The CFR contributes to the implementation of Sustainable Development Goal 16 - Promote peaceful and inclusive societies for sustainable development, provide access to justice for all and build effective, accountable and inclusive institutions at all levels by carrying out their mandate to hear and consider complaints against public authorities and other entities providing public services as well as to initiate investigations ex officio into the situation of a non-determinable group of people or the implementation of a particular fundamental right. In case of infringement, the CFR addresses a recommendation to the respective authority or its supervisory organ which is obliged to inform him of its position on the merits of the recommendation and on the measures taken within thirty days. Furthermore, the CFR scrutinizes laws, bills and policies and makes proposals for amendment, modification or repeal.⁷

In compliance with the Paris Principles, the institution contributes to the promotion of human rights by the means of education, training and awareness raising activities as well as advocacy. The Commissioner works in close cooperation with other organisations aiming at the promotion of the protection fundamental rights including the civil society. Regarding the international obligations of Hungary, the CFR promotes the ratification of international human rights documents and monitors their implementation (among others by the submission of alternative reports to the treaty bodies of the United Nations).⁸

The Commissioner for Fundamental Rights has two deputies: one of them is responsible for protection of the rights of national minorities living in Hungary (Ms Elisabeth Sandor-Szalay), while the other deputy protects the interests of future generations (Mr Marcell Szabo). Since 2015, the Commissioner is recognized as the National Preventive Mechanism under the UN OPCAT.

⁷ Act of CXI of 2011 on the Commissioner for Fundamental Rights of Hungary

⁸ Information presented by the Deputy Commissioner for Fundamental Rights of Hungary on behalf of the Commissioner for Fundamental Rights of Hungary at the 29th session of the Human Rights Council, A/HRC/29/NI/1 available at <http://daccess-dds-ny.un.org/doc/UNDOC/GEN/G15/123/98/PDF/G1512398.pdf?OpenElement>



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The Deputy-Commissioner for the Rights of National Minorities' mandate covers minority rights and the prohibition of discrimination in relation to the enjoyment of human rights by people belonging to national minorities. It has been revealed that the segregation of Roma children in education might be the consequence of direct or indirect discriminatory practices, furthermore, minority education might lead to malpractice, too.⁹ The Deputy-Commissioner made several recommendations in relation to the segregation of Roma children in education in line with the Sustainable Development Goal 4 - Ensure inclusive and equitable quality education and promote

lifelong learning opportunities for all as well as the Sustainable Development Goal 5 - Achieve gender equality and empower all women and girls.

In Hungary, most of the Roma people live under the poverty line, suffer discrimination in all spheres of life including in the field of health services, access to housing and employment. As the Deputy-Commissioner handles complaints submitted by the member of this marginalized group and conducts comprehensive investigations into their situation, she literally shares the objectives of the Sustainable Development Goal 1 - End poverty in all its forms everywhere and the Sustainable Development Goal 2 - End hunger, achieve food security and improved nutrition and promote sustainable agriculture.

As in Hungary environmental rights are protected in respect of the interests of the future generations and considered fundamental rights, the Deputy-Commissioner for the Interests of the Future Generations actually focuses on the implementation of Sustainable Development Goal 13 - Take urgent action to combat climate change and its impacts. Thanks to the work dedicated to the protect the flora and fauna of Hungary (including several endangered species), the implementation of the Sustainable Development Goal 6 of ensuring availability and sustainable management of water and sanitation for all and the Sustainable Development Goal to protect, restore and promote sustainable use of terrestrial ecosystems, sustainably manage forests, combat desertification, and halt and reverse land degradation and halt biodiversity loss are also fostered.

⁹ NHRI Report to the Universal Periodic Review on Human Rights in Hungary, 2ND Cycle, April/May 2016