

REPUBLIC



OF CYPRUS

**74(I) of 2007  
44(I) of 2014.**

**THE COMMISSIONER FOR THE PROTECTION OF  
CHILDREN'S RIGHTS LAWS, 2007 AND 2014**

*(English translation and consolidation)*

**Office of the Law Commissioner  
Nicosia,  
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**NOTE FOR THE READER**

The publication at hand by the Office of the Law Commissioner is an English translation and consolidation of the Commissioner for the Protection of Children's Rights Laws 2007 and 2014 [i.e. Laws 74(I)/2007, 44(I)/2014].

However useful the English translation of the consolidated Laws is in practice, it does not replace the original text of the Laws since only the Greek text of the Laws published in the Official Gazette of the Republic is authentic.

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**THE COMMISSIONER FOR THE PROTECTION  
OF CHILDREN'S RIGHTS LAWS, 2007 AND 2014**

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74(l) of 2007  
44 (l) of 2014.

**A LAW TO PROVIDE FOR THE APPOINTMENT OF  
A COMMISSIONER FOR THE PROTECTION OF  
CHILDREN’S RIGHTS, THE ESTABLISHMENT AND  
OPERATION OF HIS OFFICE, AND OTHER RELATED MATTERS**

The House of Representatives enacts as follows:

Short title. **1.** This Law may be cited as the Commissioner for the Protection of Children’s Rights Laws, 2007 and 2014.

**PART I – INTRODUCTORY PROVISIONS**

Interpretation. **2.** In this Law, unless the context otherwise requires–

“act” includes an omission;

2(a) of 44(l)/2014. “Advisory Committee” *Deleted*;

“child” means any natural person under the age of eighteen;

“Children’s Parliament” means the children’s representative body, the members of which are permanently resident in Cyprus and who are between twelve (12) and eighteen (18) years of age, and which has been formed by private initiative and functions upon the model, mutatis mutandis, of the Cyprus House of Representatives, on the basis of the rules of procedure approved by the plenary session of the Children’s Parliament itself;

“children’s rights” means the children’s rights safeguarded by the Constitution and the laws, the United Nations Convention, the European Convention and any other relevant international treaty which may be ratified by the Republic;

“Commissioner” means the Commissioner for the Protection of Children’s Rights, appointed pursuant to section 10;

2(b) of 44(l)/2014. “Commissioner’s Young Advisors Team (YAT)” means the advisory group of children established in accordance with the provisions of section 13 of this Law;

“European Convention” means the European Convention on the Exercise of the Rights of the Child which has been ratified by the European Convention on the Exercise of the Rights of the Child

23(III) of 2005. (Ratification) Law, 2005;

Official  
Gazette,  
Supplement  
III(I):

30.11.1990  
19. 6.1992  
27.10.1994  
21. 7.1995  
9. 2.1996  
10.12.1999  
29. 5.2000  
6. 4.2001  
27. 4.2001  
27. 7.2001  
29. 3.2002  
29.3.2002  
9. 5.2003  
25. 7.2003  
8. 7.2005  
23.12.2005  
23.12.2005  
24.3.2006  
24.7.2009  
23.7.2010  
15.4.2011.

“Pan-Cyprian Coordinating Students’ Committee (PSEM)” shall have the meaning assigned to it by paragraph (40) of Regulation 15 of the Operation of Public Secondary Education Regulations, 1990 to 2011;

“person” means any natural person or legal entity of public or private law;

“public officer” means an officer of the Service;

“Republic” means the Republic of Cyprus;

“Service” means the public service of the Republic and includes the public educational service;

“United Nations Convention” means the United Nations Convention on the Rights of the Child which has been ratified by the Convention on the Rights of the Child (Ratification) Laws, 1990 to 2010.

243 of 1990  
5(III) of 2000  
9(III) of 2010.

## **PART II – MISSION, COMPETENCES AND INDEPENDENCE OF THE COMMISSIONER**

Mission of the  
Commissioner.

**3.** The mission of the Commissioner shall be to protect and promote children’s rights.

Competences of the Commissioner.

**4.**–(1) For carrying out the purposes of section 3, the competences of the Commissioner shall include the following:

- (a) to represent children and their interests at all levels,
- (b) to promote public awareness and sensitivity so that the society will be mobilized and safeguard in practice children's rights in the family, the school, the community and in the society in general,
- (c) to identify and promote the views of the children where they themselves cannot be heard,
- (d) to supervise and monitor the implementation of the provisions of the United Nations Convention and the European Convention,
- (e) to monitor and follow up the legislation and practices and to submit proposals, aiming at the harmonization of the legislation with the relevant international treaties, and the promotion of ratification of these treaties by the Republic,
- (f) to carry out public awareness and change of attitude campaigns with regard to the status of children in society,
- (g) to submit, on behalf of any child, applications for the appointment of a special representative in judicial proceedings affecting the child, where the law or the Court may exclude persons having parental responsibility from representing the child, as a result of conflict of interests with the latter,
- (h) to represent children and their interests in procedures affecting the children, where provided by law, as well as in judicial proceedings, where he may be appointed by the Court as the representative of a child;
- (i) in general, to take any action as he may deem necessary, in the fulfillment of his mission within the framework of this Law.

(2) In particular, for the purposes of subsection (1), the Commissioner may:

- (a) organize educational, training programs relevant to children's rights;

- (b) conduct studies on the status of children in Cyprus;
- (c) promote any necessary legislative measures for the protection of children's rights;
- (d) make recommendations and proposals to all competent bodies engaged with children and, in his discretion, give publicity to them;
- (e) co-ordinate the uniform application of the provisions relating to the protection of children's rights;
- (f) assist the work of non-governmental organizations protecting children's rights or rendering services to children and contribute to the drafting and application of guidelines for the effective protection of children's rights;

3 of 44(I)/2014.

- (g) *Deleted;*
- (h) submit, *ex proprio motu*, to the competent authorities for investigation, complaints for violations of children's rights, and, in every case he has a duty to forward to the said authorities such complaints submitted to him, and to follow the course of their investigation by the said authorities, even in case of complaints not forwarded through him;
- (i) evaluate the outcome of the investigation of a complaint by any authority or service regarding the violation of children's rights;
- (j) co-operate with equivalent bodies and authorities of other states and especially those of the member states of the European Union and the Council of Europe, with regard to issues relating to the exercise of his competences;

138(I) of 2001  
37(I) of 2003  
105(I) of 2012.

- (k) subject to the provisions of the Processing of Personal Data (Protection of Individuals) Law and any law amending or substituted for the same, create and maintain a Statistical Data Record on the level of protection of children's rights in the Republic:

Provided that the data of the Record may be used, with the Commissioner's approval, solely for the purposes of scientific research and providing information to the competent authorities and organizations, as well as promoting public awareness and sensitivity;

- (l) express views on any bill concerning, directly or indirectly,

the children,ó

- (m) obtain the views of the children and promote their awareness in relation to their rights.

(3) The Commissioner may authorize in writing any officer of his Office to exercise on his behalf any of his powers, upon such terms, exceptions and reservations as the Commissioner may specify in the authorization.

Right of the Commissioner to communicate.

**5.** The Commissioner, in the exercise of his task, may communicate with–

- (a) the President of the Republic, the Ministers and the independent officers of the Republic;
- (b) the Chairpersons and members of the Boards or Committees of legal entities of public or private law;
- (c) the equivalent Commissioners for Children or other relevant national organizations of other countries, as well as relevant international organizations; and
- (d) children or organized groups of children.

Obligation to provide the Commissioner with information.

**6.** Every person, authority or organization, governmental or non-governmental, shall be bound to provide the Commissioner with any information that he may deem necessary for carrying out his mission within the framework of his competences.

Annual report.  
4 of 44(I)/2014.

**7.–(1)** The Commissioner shall prepare and submit to the President of the Republic and the President of the House of Representatives, the annual report for the previous calendar year.

(2) The Commissioner shall, in his report, highlight any legislative amendments in the fields of his competence he deems advisable, and submit recommendations regarding generally the policy followed in relation to the protection and promotion of children's rights.

(3) The report, submitted under this section, shall be published.

Independence of the Commissioner and duty of confidentiality.  
Offence.

**8.–(1)** In the exercise of his competences, the Commissioner shall:

- (a) act independently, complying solely with the law, moral principles and his conscience;
- (b) be subject to the duty of confidentiality, which continues to exist, even after he is in any way retired, from his office; and
- (c) as a witness or expert, give evidence which is only exclusively related to compliance with the provisions of this Law.

(2) All members of the staff of the Office of the Commissioner shall be subject to the duty of confidentiality, during their service, as well as after they are, in any way retired, therefrom.

(3) The duty of confidentiality of the Commissioner, as well as of the members of the staff of his Office shall extend to handling as confidential any matter, document or information which comes to their knowledge in the exercise of their duties and, disclosure or transmission of any such matter, document or information shall be prohibited, except only for the purposes of this Law.

(4) If the Commissioner or a member of the staff of his Office contravenes the duty of confidentiality imposed by subsections (1), (2) and (3) of this section, he shall commit an offence, which, in case of conviction, shall be punishable with imprisonment not exceeding one (1) year or with a fine not exceeding seventeen thousand and eighty six euros (€17.086,00)\* or with both such penalties.

Protection of the Commissioner.

**9.** No legal proceedings may be brought against the Commissioner for any act done or any opinion expressed or the content of a report or any other document submitted by him within the framework of exercising his competences pursuant to this Law.

**PART III – APPOINTMENT OF THE COMMISSIONER, OFFICE OF THE COMMISSIONER AND COMMISSIONER’S YOUNG ADVISORS TEAM (YAT)\*\***

Appointment of the Commissioner.

**10.**–(1) There shall be appointed by the Council of Ministers a citizen and permanent resident of the Republic, of high moral standing,

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\* P.I. 312/2007 issued pursuant to section 9(1) of the Adoption of the Euro Law, 2007 [L. 33(I)/2007, as amended].

\*\*Note: The term “Advisory Committee” referred to in Title of Part III of the principal law No. 44(I)/2007 was repealed and replaced by the term ‘Commissioner’s Young Advisors Team (YAT)’[See section 2(a) and (b) of Amending Law No.77(I)/2014, Official Gazette, Suppl.I(I), dated 11.4.2014].

5 of 44 (I)/2014. recognized for his academic and professional knowledge and experience in matters concerning children, as Commissioner:

Provided that, before any decision is taken by the Council of Ministers pursuant to this subsection, the Council shall hear the views of the children, as expressed through the Pan-Cyprian Coordinating Students' Committee (PSEM) and the Children's Parliament, concerning the skills and the qualifications the children expect the Commissioner to have:

Provided further that, the Council of Ministers may, instead of appointing a Commissioner as hereinabove, appoint as Commissioner pursuant to this Law, a person who is already appointed as an independent Commissioner pursuant to another law and/or act of the President of the Republic, if satisfied that—

- (a) such person is suitable for the purposes of this Law and,
- (b) such appointment does not cause conflict of the duties entrusted to either of them by the corresponding to either of them law and/or act of the President of the Republic:

Provided even further that, in case the appointment of the Commissioner is made in accordance with the provisions of the second proviso of this subsection, termination of the appointment or dismissal before the expiry of the term of office of the said person as an independent Commissioner pursuant to another law and/or act of the President of the Republic does not in any way affect the appointment of the Commissioner, by the Council of Ministers, pursuant to this Law, which is controlled only pursuant to the provisions of this Law.

5 of 44(I)/2004. (2) The term of office of the Commissioner shall be six years with the possibility of re-appointment and does not exceed twelve years in total:

Provided that, in case of appointment as Commissioner of a person, who is already an independent Commissioner pursuant to another law and/or act of the President of the Republic, in accordance with the provisions of the second proviso of subsection (1), then, the term of office of the Commissioner pursuant to this Law, may not exceed the term or the remainder of the term of office of the Commissioner appointed pursuant to such other law and/or act of the President of the Republic, provided that, irrespective of the number of appointments, the term of office of the Commissioner pursuant to this Law does not exceed twelve years in total.

(3) The Commissioner shall dedicate the whole of his time to the

exercise of his competences pursuant to this Law and may not–

- (a) hold any other public office in the Republic, or
- (b) be engaged in any other office or employment on payment, or
- (c) exercise any other occupation:

Provided that, the parallel exercise by the Commissioner of the duties of an independent Commissioner under another law and/or act of the President of the Republic shall not be deemed to contravene any of the provisions of this subsection.

(4) The Commissioner shall before assumption of his duties make before the President of the Republic an affirmation that he shall exercise his duties faithfully in the best interest of the children and the public interest in general.

Remuneration of the Commissioner.

**11.** The Commissioner shall receive such remuneration and benefits, as the Council of Ministers may from time to time approve.

Office of the Commissioner and budget thereof.  
6 of 44(I)/2014.

**12.-**(1) The Commissioner shall, for the exercise of his task, have an Office, the staff of which may consist of officers having such qualifications and serving upon such conditions, as may be prescribed.

(2) Until fiscal conditions permit the appointment of staff in accordance with the provisions of subsection (1) of this section, the Office of the Commissioner shall be staffed either by secondment of public officers, pursuant to the provisions of the Public Service Law, as amended or substituted for the time being, or/and by provision thereto of the services of educational officers, pursuant to the provisions of the Public Educational Service Law, as amended or substituted for the time being.

1 of 1990  
71 of 1991  
211 of 1991  
27(I) of 1994  
83(I) of 1995  
60(I) of 1996  
109(I) of 1996  
69(I) of 2000  
156(I) of 2000  
4(I) of 2001  
94(I) of 2003  
128(I) of 2003  
183(I) of 2003

31(I) of 2004  
218(I) of 2004  
68(I) of 2005  
79(I) of 2005  
105(I) of 2005  
96(I) of 2006  
107(I) of 2008  
137(I) of 2009  
194(I) of 2011  
78(I) of 2013  
7(I) of 2014  
21(I) of 2014.

10 of

1969

67 of 1978  
53 of 1979  
4 of 1985  
100 of 1985  
168 of 1986  
65 of 1987  
129 of 1987  
157 of 1987  
162 of 1987  
180 of 1987  
245 of 1987  
76 of 1988  
107 of 1988  
234 of 1988  
105 of 1990  
135 of 1991  
151 of 1991  
251 of 1991  
12 of 1992  
50(I) of 1992  
78(I) of 1992  
80(I) of 1992  
81(I) of 1992  
116(I) of 1992  
40(I) of 1993  
41(I) of 1993  
46(I) of 1993  
8(I) of 1994  
37(I) of 1994  
26(I) of 1995  
72(I) of 1995  
25(I) of 1996  
43(I) of 1996  
110(I) of 1996  
42(I) of 1997  
88(I) of 1997  
5(I) of 1998  
23(I) of 1998  
46(I) of 1998  
57(I) of 1998  
79(I) of 1998  
12(I) of 1999  
30(I) of 1999  
44(I) of 1999  
84(I) of 1999  
157(I) of 1999  
31(I) of 2000

48(I) of 2000  
83(I) of 2000  
131(I) of 2000  
13(I) of 2001  
21(I) of 2001  
162(I) of 2001  
163(I) of 2001  
135(I) of 2002  
207(I) of 2002  
17(I) of 2003  
113(I) of 2003  
44(I) of 2004  
80(I) of 2004  
100(I) of 2006  
36(I) of 2007  
52(I) of 2007  
84(I) of 2008  
21(I) of 2010  
93(I) of 2010  
21(I) of 2011  
24(I) of 2011  
195(I) of 2011  
76(I) of 2012  
164(I) of 2012  
8(I) of 2014.

Commissioner's  
Young Advisors  
Team.  
7 of 44(I)/2014.

**13.**-(1) There shall be established a Commissioner's Young Advisors Team (YAT), consisting of children aged thirteen to seventeen years for-

- (a) exchanging views between the young persons and the Commissioner on any matter concerning children's rights;
- (b) forming opinions, proposals, suggestions and submitting them to the Commissioner, on any matter concerning children and their rights;
- (c) discussing with the Commissioner issues concerning children and which the children themselves consider important;
- (d) empowerment of the children through workshops on matters concerning children's rights and or/matters of interest to, and/or affecting, children;
- (e) exchanging views, co-operating and taking part in activities of other young advisors teams in other European states and/or taking part in programs of the European Network of Ombudspersons for Children-ENOC;
- (f) co-organizing and taking part in activities of the Office of the Commissioner in relation to children's rights.

(2) The YAT shall consist of young persons with, as far as possible, a balanced representation of Cypriot society, in terms of geographical area,

sex, age, ethnic background, religious beliefs, cultural origin and social groups, including children with disabilities:

Provided that, in the composition of the YAT there shall be, if possible, at least one representative from the Children's Parliament and one representative from the Pancyprian Co-ordinating Students' Committee (PSEM).

(3) The selection process, the manner of functioning, the duration and mode of renewal of its term as well as any other matters relating to the smooth and efficient functioning of the YAT, shall be prescribed by guidelines compiled by the Commissioner in consultation with the YAT:

Provided that, for the compilation of the first guidelines there shall be consultation with the YAT existing on the date of the entry into force of this Law.

Consultation of the Commissioner with organized groups of children.  
8 of 44(I)/2014.

**13A.**The Commissioner shall consult with organized groups of children, in particular the Children's Parliament and the Pancyprian Co-ordinating Students' Committee (PSEM). The manner of consultation between the Commissioner and the said organized groups of children may be made on the basis of guidelines to be prescribed after consultation of the Commissioner with each one of the said groups.

Specialized groups of children.  
8 of 44(I)/2014.

**13B.**—(1) The Commissioner may form ad-hoc groups of children of any age and, in particular, children who because of their age cannot participate in the YAT, to discuss specific issues concerning children, to exchange views with the Commissioner in relation to his priorities as well as to how the Commissioner can best implement his various action plans, in relation to such specific issues.

(2) The manner of establishment, functioning and any other matters concerning the better and more efficient functioning of such groups shall be prescribed by guidelines compiled by the Commissioner, after consultation with the YAT.

Consultation with non-governmental organizations.  
8 of 44(I)/2014.

**13C.**The Commissioner shall, in the execution of his duties, consult with non-governmental organizations engaged in matters concerning either directly or indirectly children.

Informing the House of

**13D.**The Commissioner shall inform on an annual basis the House of

Representatives. 8 of 44(I)/2014. Representatives for any revision of the guidelines.

Resignation of the Commissioner. **14.** The Commissioner may submit his resignation in writing to the Council of Ministers, which shall not be revocable and takes immediately effect without the prior acceptance of the Council of Ministers being a prerequisite.

Dismissal of the Commissioner. **15.** The Commissioner may not be dismissed or retired from his office before the expiration of his term of office, except for the same reasons and in the same manner as the Judges of the Supreme Court are dismissed or retired from office, or in case he is convicted for an offence pursuant to subsection (4) of section 8.

#### **PART IV – MISCELLANEOUS PROVISIONS**

Appointment of the first Commissioner and time of assumption of his duties. **16.**–(1) The first Commissioner shall be appointed within sixty (60) days from the entry into force of this Law.

(2) The time of the assumption of duties of the first Commissioner shall, after the necessary stage for the preparation of his Office, be specified, by a decision of the Council of Ministers, issued within not later than three months from the appointment of the Commissioner.

Offences. **17.** Any person who–

- (a) omits, without lawful justification, to provide any information required by the Commissioner or willingly in any way obstructs the provision of such information, or
- (b) provides any information or particulars, knowing them to be inaccurate or which has adequate reason to believe that they are inaccurate, or
- (c) insults, obstructs or harasses the Commissioner or any person authorized by him,

shall be guilty of an offence, and shall be liable on conviction to imprisonment not exceeding one year or to a fine not exceeding eight

thousand five hundred and forty three euros (€8.543,00)\* or to both such penalties.

Regulations.

**18.** The Council of Ministers may, upon the recommendation of the Commissioner, make Regulations for prescribing any matter which under the provisions of this Law is required or permitted to be prescribed.

Rules of Court.  
9 of 44(I)/2014.

**19.** The Supreme Court may make Rules of Court to be published in the Official Gazette of the Republic, for the better carrying into effect of the provisions of paragraphs (g) and (h) of subsection (1) of section 4 of this Law.

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\* P.I. 312/2007 issued pursuant to section 9(1) of the Adoption of the Euro Law, 2007 [L. 33(I)/2007, as amended].