



REPUBLIC OF CYPRUS



THE COMMISSIONER FOR CHILDREN'S
RIGHTS OFFICE

Address by The Commissioner for Children's Rights,
Ms Leda Koursoumba, at the International Conference on
"Welfare of the Child and Beliefs of the Parents"
at the University of Nicosia, Friday 23/04/2010

I am particularly pleased and honored to address this Conference on "Welfare of the Child and Beliefs of the Parents" organized by the Department of Law of the University of Nicosia and the Cyprus Institute for State and Church Relations.

In the last two decades there has been a growing body of knowledge and a drastic change of attitude regarding the triangular relationship of **child**, **parents** and **state**. The UN Convention on the Rights of the Child is the first legally binding instrument which establishes the distinct, yet, interdependent

roles of the child, the parent and the state and introduces the notion of the “**best interest**” of the child, as a right which must be safeguarded in every decision affecting the child. The scope of parental rights in connection with the raising of their children has been the focus of much debate among academics. Finding the balance between the three parts, is not an easy process, especially when complex and ambiguous issues are involved. As a result, the implementation of the law in matters of child welfare is not an easy task. A judgment must be made as to what constitutes **the child’s best** interest, and, to balance it with the right of parents to bring up their children with their moral, cultural, religious and political values.

As a result, a number of dilemmas arise as to what and how it can be determined what constitutes a violation of children’s rights, such as: to what degree do personal diversity or variations in a parent’s lifestyle, values or beliefs, reflect a positive, healthy and constructive behavior that is in line with the child’s best interest, versus when does diversity represent negative, dysfunctional and potentially harmful behavior that endangers a child’s wellbeing? When and how are parental activities based on personal belief systems evaluated, in order to determine whether they result in maltreatment or neglect? To what extent are parental rights considered a legitimate obstacle to

government intervention to protect children from harmful parenting practices? Can a line be drawn, beyond which, it can be agreed that, state efforts to assume greater authority over the care and education of children are not legitimate?

The answers to these questions are by no means straightforward; and decisions regarding children's welfare are often made more difficult by our responsibility to preserve the needs of both parents and children, and by the obligation of the state to promote and maintain a democratic society that is based on values that respect diversity and multiculturalism. So, adopting an exclusionary policy that permits the State to intrude freely into many aspects of parenting and education would, possibly, eliminate the rights of parents to raise their children according to their own beliefs or cultures.

Such issues and dilemmas **can and should** be addressed in the light of the UN Convention on the Rights of the Child. The Convention was ratified by Cyprus in 1991 and, thus, became part of the domestic law with superior force to any other national law. It is common knowledge that, the CRC is a core human rights instrument, which, for the first time, puts the child in the centre by recognising its inherent dignity and equal rights as a member of the human family. In parallel, the CRC stresses the necessity to protect and provide for the

child “by reason of his physical and mental immaturity”. It recognizes the importance of the family as “the natural environment for the growth and wellbeing of ... children”. Because children do not possess the physical and intellectual abilities to claim and protect their rights like adults, they are primarily dependant on their families’ ability to secure them whatever they need to develop physically and intellectually with the support of the state as a guarantee for the provision of equal opportunities in the development of their personality. Children need a stable home in which permanent, intimate, nurturing and caring relationships are formed in their family in order to build a sense of identity and belonging. At the same time, the CRC places an obligation on the State, on one hand, to support the family in its role and, on the other, to intervene and protect the best interest of the child if the family failed to do so.

My basic mission, as the Commissioner for Children’s Rights in Cyprus, is to protect and promote the rights of the child, through an extremely wide framework of competences prescribed by the Law. My task is not a simple one. I am often faced with complaints involving disputes between, on the one hand, parents’ choices and decisions over child-rearing practices or education and, on the other, the obligation of the State to protect and safeguard children’s wellbeing. When the abuse or neglect of a child is apparent, then it can be

relatively easy to form my recommendations to the relevant state authorities. However, what happens when parents, teachers, authorities, courts or the child have conflicting opinions about what is “best” for the upbringing or the education of the child? The endeavour is to find answers by applying the provisions of the Convention (and its relevant case law) in a manner that reflects proper implementation of the four guiding principles, that is: non-discrimination; the child’s best interest to be a primary consideration; the right to life, survival and development; and the child’s participation rights, that is, the right to express an opinion and to have that opinion taken into account in any matter affecting the child.

By way of example, I can mention a complaint submitted to me by a parent regarding the refusal of his child’s school to excuse him from attending the class on religion. My intervention to the Minister of Education and Culture, was successful and the school acknowledged the right of the child not to attend the course on religion provided thereby. In my intervention I had underlined the child’s right for freedom of thought, conscience and religion which must be safeguarded by the state, as well, as the right of the parents to provide direction to the child in the exercise of his right in a manner consistent with their own beliefs and with the evolving capacities of the child. At the same time I invoked

the principle of non-discrimination, stressing that the school should handle the issue in a way that would not stigmatise or marginalize the child. I recommended that a public dialogue and a wider discussion be developed, with the participation of children, regarding the nature, the goals and the methodology of the way religious studies are taught in Cypriot public schools.

The issued might have been more complex if we had a teenager whose views were departing from those of his parents. Then, we would have to balance the child's right to freedom of thought, conscience and religion and his right to have his views being given due weight in accordance with his age and maturity, versus the parents' child-rearing rights-responsibilities and to raise their child according to their own beliefs, and the state's obligation to ensure enjoyment of the child's rights, i.e to religion and to have his views taken into consideration as well as the primacy of his best interest.

The basic aim of our educational system must be the promotion of diversity, pluralism and democratic values through curricula that respect every child's religious, cultural, moral and political beliefs or values. The "Toledo Guiding Principles on Teaching about Religions and Beliefs in Public Schools", inter alia, emphasize the need for preparation of curricula, textbooks and

educational materials for teaching about religions and beliefs, that take into account religious and non-religious views in a way that is inclusive, fair, and respectful. Care should be taken to avoid inaccurate or prejudicial material, particularly when this reinforces negative stereotypes.

In concluding, I would like to congratulate the organisers and wish you success in your deliberations. I have no doubt that the Conference will contribute positively to the discussion of the sensitive issues of child welfare and in promoting awareness on children's rights by sending a powerful message that: "In all actions concerning children, whether undertaken by public or private social welfare institutions, courts of law, administrative authorities or legislative bodies, **the best interests of the child shall be a primary consideration**" (Article 3 of the CRC).