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Hearing children in family proceedings: Cyprus

1. General Obligation to hear children

As things now stand, a general provision on the right of the child to be heard is found in article 12 of the Convention of the United Nations on the Rights of the Child ratified by Cyprus (Laws no 243 of 1990 and no 5(III) of 2000). Indeed, article 12 of the CRC establishes the right of every child to freely express her or his views, in any administrative or judicial procedure which affects him or her and subsequent right for those views to be given due weight, according to the child's age and maturity.

Moreover, a number of laws concerning children provide for the right of the child to be heard depending on her or his maturity. Indicatively, article 6 (3) of the Law on the Relationships between Parents and Children of 1990 (216/1990) as amended, states that depending of the child's maturity and in so far it can understand, its opinion must be requested and be taken into account before any decision in proceedings concerning parental responsibility, and article 5 of the Law on Adoption (19(I)1995), as amended, provides for the right of child to be heard in proceeding concerning her or his adoption (Corina Demetriou, 2014).

The right of a child to be heard in family law proceedings, depending on age and maturity, is also well established in the case law (Corina Demetriou, 2014). It follows from the case-law of the specialized family courts that the manner in which the court gives the child the opportunity to be heard must abide by the procedural rules of the country; the child may be interviewed without the presence of the parties or their lawyers and without a public hearing being permitted; it is at the discretion of the court to decide at which point of the procedure the child is heard; and the weight attached to the child's opinion depends on her or his age and maturity.

2. Minimum age

- The law does not provide a minimum age.
- The maturity of the child is not connected to age and is a matter for judicial consideration. If the child is considered mature by the court but is refused to be heard, the decision is subject to appeal (CRIN, 2015).

3. Who hears the child?



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The judge decides on the maturity of the child (Cypriot Ministry of Justice and Public Order, 2010, p. 14). The judge may interview the child (Country Profile, 2016). Indirect hearing methods are not used (Country Profile, 2016).

4. Specific rules for hearing children in child abduction cases?

- The return applications are heard by specialized family court judges (Cypriot Ministry of Justice and Public Order, 2010, p. 10).
- Hearing the child in abduction cases is at the discretion of the judge or competent authority. The maturity and age of the child are decisive (Country Profile, 2016).
- In return cases, “not only does the objection have to be raised by the parent, the authorities further suggest that this will only be used in rare cases where this is “absolutely necessary”” (Fenton-Glynn, n.d.), which places restrictions on the right of the child to be heard.
- It is possible to appoint a guardian ad litem to represent the child’s best interests in return proceedings, but the Cypriot authorities do not yet have experience with that (Country Profile, 2016).
- If the court comes to the conclusion that the opinion of the child has been influenced by other persons, it must weigh the opinion of the child with the objectives of the Hague Convention of 1980.

5. Cross-border element (i.e. hearing a child who is abroad in second-chance procedure Brussels IIbis?)

No information available

6. Other relevant matters

The study by the European Commission shows a gender difference in hearing the child, however, according to Psarra, this does not necessarily corresponds with the reality.

7. Legal sources on hearing the child

Article 12 of the of the Convention of the United Nations on the Rights of the Child

Article 12 of Regulation Brussels IIbis

Article 13, indent b, of the Hague Convention on the Civil Aspects of International Child Abduction

Article 6, paragraph 3, of the Law on the Relationships between Parents and Children of 1990 (216/1990)



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8. Sources in literature

- [Cypriot Ministry of Justice and Public Order](#), 2010
- [CRIN](#), 2015
- [European Commission](#), 2015
- [Fenton-Glynn](#), n.d.
- [Concluding Observations UNCRC](#), 2013
- [Hague Convention Country Profile](#) section 10.4 (published 2016)
- Contact person for Cyprus: Maria Psarra