



COMMISSIONER FOR HUMAN RIGHTS
COMMISSAIRE AUX DROITS DE L'HOMME



Ref: CommHR/jp 043-2016

Mr Costas CLERIDES
Attorney General
Cyprus

Strasbourg, 26 October 2016

Dear Attorney General,

I should like to take the opportunity to follow up to my December 2015 visit to Cyprus which focused *inter alia* on the protection of human rights of unaccompanied migrant children (UMC). I noted that the number of UMC seeking asylum in Cyprus has almost doubled between 2014 and 2015, from 54 to 105, while there were more than 100 in the first half of 2016.


As noted in my March 2016 report following my visit to Cyprus, guardianship and legal representation of UMC is provided by the Social Welfare Services. However, in fact, Social Welfare Services lack the necessary expertise for providing proper legal advice. Therefore, if there is a need for legal assistance in these cases this is requested from your Office, as the sole legal adviser of all government departments. However, I understand that your Office also represents in court state services, such as the Asylum Service which examines asylum applications.

This practice raises a serious issue of independence and impartiality of legal assistance and representation, especially in cases where UMC seek judicial review of decisions issued by state services such as the Asylum Service or the Refugee Reviewing Authority.

I have been informed that, according to a recent amendment of the Refugee Law, the Social Welfare Services continue, under the same conditions, to provide legal representation of UMC as a rule, although there is now also a possibility for these children to be represented before courts by the Commissioner for Children's Rights. Despite the latter positive development, I note that the involvement of the Commissioner for Children's Rights in the legal representation of UMC concerns only court proceedings excluding non-judicial asylum proceedings. In addition, the decision whether or not to involve the Commissioner for Children's Rights in the representation of UMC before courts is taken by the Social Welfare Services that retain a general discretionary power.

In view of the above, I would appreciate receiving information about the measures you may envisage taking in order to avoid these situations of conflict of interest which adversely affect legal assistance and representation of UMC in Cyprus.

I look forward to receiving your reply and continuing a constructive dialogue with you.

Yours sincerely


Nils Muižnieks