

# Children's Rights during Colonialism: The Case Study of the Crown Colony of Cyprus

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## Abstract:

*The Commonwealth countries retain an unceasing connection to the United Kingdom. Ranging from the values of the Victorian England on human rights, to the oversea territories, the puritanical colonial power stigmatised in an emphatic way the lives of millions. The Republic of Cyprus constitutes a case on point of such influence. That said, this paper unearths a long-standing culture of disrespect for basic human rights generally and the rights of the child in particular amid the normalization of deviant behaviour towards children since 1878. The paper intends on investigating the legal and socio-legal position of children during the British colonialism in the Island of Cyprus. In analysing the factual and legal status of the cases in question, a brief historical overview is of the essence. Thus, the current paper is legally-based yet, rather interdisciplinary as history and diplomacy 'flirts' with the law. The originality of the paper focuses on the conspicuous gap in the academic literature relating to children's rights in the Island of Cyprus.*

**Keywords:** Children rights, colonialism, legal history, neglect, best interest of the child, sexual offences

## Introduction

There is no doubt that the Commonwealth countries, nearly all former British colonies, retain an unceasing connection to the United Kingdom. Ranging from Victorian England's values on human rights to overseas territories, the puritanical colonial power stigmatized millions' lives emphatically. The Republic of Cyprus constitutes a case on the point of such influence. The history of the 'acquisition' of the Island of Cyprus by the British Empire and what became a *place d'armes* until acquiring a greater degree of strategic importance have been extensively analyzed by academics. Nevertheless, in recent years there is an evidence emergence on the bibliography that

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focuses on the social and economic aspects of Colonial Cyprus. In turn, the current paper will portray children's rights during colonialism. However, what are children's rights? To put it simply, children's rights constitute a subset of human rights. Nevertheless, children are entitled to specific attention, special protection, and care following the cherished human rights of modern ages as those are included in the United Nations Convention on the Rights of the Child 1989 (UNCRC). The aim is to build a human rights culture in societies and secure human rights for the current and future generations.<sup>2</sup> In today's terms, a child is a person below the age of 18. Nevertheless, this was not always the case, as the definition of a 'child' and of 'childhood' varied over time, overstate prioritization, morality, and other social peculiarities.

Bearing in mind the above, the current article aims to unearth a long-standing culture of disrespect for fundamental human rights generally and the child's rights in particular amid the normalization of deviant behaviour towards children during the British reign in the island i.e., 1878 - 1959. By engaging in a legally flavoured yet historical retrospection, the paper offers a proper understanding of colonialism's impact on children's rights and possibly food for thought behind the leading causes and legal consequences of the legal and socio-legal deficiencies on children's rights that exist until today. By retaining some of the Ottoman legal and socio-legal aspects, the British Empire managed to create a unique mosaic system inherited during independence. As radical reforms were not introduced in Cyprus regarding children-related legal frameworks, the writer of the current paper argues that the normalization of children rights violations during colonialism impacted the developments of children rights approach, or lack thereof, throughout the years, and created what sociologists define as a culture of deviance.

As history and the Cyprus Law Reports suggest, primitive education, infanticide, child marriage, child labour, inequalities amongst genders, corruption, and vast criminality constituted some of the paradigms of historical legal deviant behaviour. So many behaviours had become expected and accepted until the black box of legal deficiencies opened. In other words, during colonialism, there was a deep-rooted pattern of legal deficiencies and a lack of children's rights within the island of Cyprus. Thus, this is the story of a deep-rooted banality of complicated historical, cultural life facili-

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<sup>2</sup> Amnesty International USA: Action for Human Rights. Hope for Humanity, Children Rights (Amnesty International USA, New York) <[https://web.archive.org/web/20080921082323/http://www.amnestyusa.org/Our\\_Issues/Children/page.do?id=1011016&n1=3&n2=78](https://web.archive.org/web/20080921082323/http://www.amnestyusa.org/Our_Issues/Children/page.do?id=1011016&n1=3&n2=78)> last accessed on 02/09/2020.

tated by an environment of scarcity and competition, elite bargaining, clientelism, incrementalism, patterns of information, routinization, governmental structures, and societal structures. Hence, the Island of Cyprus transformed and embraced the lack of protection (and thus, violations of their fundamental human rights) of vulnerable groups, particularly children, into acceptable behaviour. The research will further exemplify the limited, to next to no, legal framework or application of such framework thereof, protecting children. On the contrary, a culture of exploitation of children and women prevailed and became the foundations of legal practices.

That said, this paper intends to investigate children's legal and socio-legal position during British colonialism on the Island of Cyprus. A brief historical overview is essential in analyzing the legal and socio-legal status of the cases in question. Thus, the current paper is legally-based yet interdisciplinary as history and diplomacy 'flirts' with the law. The originality of the article is threefold. Firstly, there is a conspicuous gap in the academic literature relating to children's rights in general, specifically on Cyprus's Island. This conspicuous gap is more evident when analyzing British colonialism in Cyprus. Secondly, the originality flows from the inter-disciplinary approach engaged by the writer. The writer uses a historico-socio-legal to identify and critically analyze children's rights during colonialism in a holistic manner. Thirdly, the lack of digitalized resources and legal research on the subject matter pushed the author of the current paper to use primary sources and archival materials.

### **A brief historical background**

On the 4th of June 1878, following the defeat of the Ottoman Empire from Russia, 'Her Majesty the Queen of the United Kingdom of Great Britain and Ireland, Empress of India, and his Imperial Majesty the Sultan, being mutually animated with the sincere desire of extending and strengthening the relations of friendship happily existing between their two Empires, have resolved upon the conclusion of a Convention of Defensive Alliance with the object of securing for the future the territories in Asia of His Imperial Majesty the Sultan.'<sup>3</sup> Following the Convention, the Island of Cyprus was occupied and administered by England.<sup>4</sup> Since then, the island was administered by the United Kingdom in the shadow of a systemic legal, socio-legal and cultural deviance that survived after the 300 years of the Ottoman reign in Cyprus. By 1914 the island

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<sup>3</sup> The Cyprus Convention: Convention of Defensive Alliance between Great Britain and Turkey with Respect of the Asiatic Provinces of Turkey (Constantinople, 4th June 1878) <[http://www.lygeros.org/section\\_caratheodory/CyprusConvention\\_18780604.pdf](http://www.lygeros.org/section_caratheodory/CyprusConvention_18780604.pdf)> last accessed on 15/01/2019.

<sup>4</sup> Ibid.

had been formally annexed to the British government<sup>5</sup>, and approximately ten years later, on the 10th of March 1925, the island was proclaimed a British Crown Colony.<sup>6</sup>

The British came face to face with the mosaic and somewhat hybrid-like character of the island. Thus, it was unsurprising that the Ottoman Empire's legal and socio-legal aspects remained enforced and visible for a substantial period after transferring the island to the United Kingdom. Nonetheless, since then, the Empire's administration introduced laws as they felt numerous detriments within the justice domain, which inevitably made an urgent appeal for reform.<sup>7</sup> Nevertheless, if one considers the island's hybrid character, legal proceedings were due in different Courts under the Ottoman and English Law, respectively, subject to timely alterations or modifications by Cyprus Statute Law.<sup>8</sup> Robert Hamilton Lang, a former consul of the island, describes how 'very few of the judges have ever received an education suitable for the proper discharge of their duties, and as few have the inclination to study the new principles and ordinances of justice.' He explains how cadis (judges) overwhelmingly belonged to a religious school and were thus affected with all the prejudice of a Pharisaical sect and lived in a state which indisposes to assiduous application and prolonged attention.<sup>9</sup>

Nevertheless, as stated above, many years passed before the visible connection with the Ottoman legal administration was removed.<sup>10</sup> An illustrative example can be found in the Criminal Code of the island. The British Empire initially retained and used the Ottoman Penal Code up until 1928. Nevertheless, the British colonial administration's general purpose was 'to maintain law and order and keep things quiet'<sup>11</sup> as simple and as complicated as that might be. Consequently, Christodoulou

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<sup>5</sup> Erginel, Erdem. 'Traditionalists vs. Reformists: The Struggle for Leadership Within the Turkish Community of Cyprus Between the World Wars' (Third International Congress on Cyprus Studies November 13-17) 2000.

<sup>6</sup> Ibid.

<sup>7</sup> Epaminondas Epaminonda, 'A hybrid model of Mediterranean capitalism with British influences: The case of Cyprus' (Management & Organizational History 2016 11:3) 325.

<sup>8</sup> Great Britain, Colonial Office, 'The Cyprus Blue Book 1887-1888,' (Ψηφιακή Πλατφόρμα Κυπριακής Βιβλιοθήκης) 19 <<http://www.cypusdigitalibrary.org.cy/files/original/eb5f418ab164675131f062af47097a26.pdf>> accessed on 08/10/2018.

<sup>9</sup> Robert Hamilton Lang, *Cyprus: Its History, Its Present Resources, and Future Prospects* (Publisher Macmillan 1878) 20-350 <<https://archive.org/details/cyprusitshistor00langgoog/page/n8>> accessed on 10/12/2018.

<sup>10</sup> Andreas Kapardis, *Society, Crime and Criminal Justice in Cyprus 1878-2000*, (1<sup>st</sup> ed. Sakkoulas publishers' European studies in Law 2001) 90.

<sup>11</sup> Ibid, 42.

explains that, while the United Kingdom has always been very keen on their democratic values governing their institutions, during their long reign in the island of Cyprus, they never allowed locals to develop, enjoy representative political or social institutions.<sup>12</sup> For the first fifteen years of British colonialism, the population through Archbishop Sophronios expressed their concerns as they were financially drained and 'in a state of great misery.'<sup>13</sup> The participation of the Empire's subjects in the island's administration was lacking, so was the participation of children of that said administration. Hence, the voice of children was silenced and neglected. Due to the great state of misery, the islanders developed infanticide for the simple reason that they were too poor to have many children.<sup>14</sup> Others were giving birth to children merely because children came with a salary in the sense that children were engaged in work very early in their lives, as will be seen later.

### **Legal Reorganisation and international children protection**

On the 17th of January of 1879, the colonial power established the High Court of Justice of the Queen, which under Hill was awaiting the island's whole judicial system's reorganisation.<sup>15</sup> The Court was given full powers and competencies in all civil or penal character cases over all persons except where the Ottoman Sheri courts had exclusive competence, i.e., mostly in family law cases.<sup>16</sup> The Sheri or Sharia law is a religious law forming part of the Islamic tradition. It draws primarily from the religious precepts of Quaran.<sup>17</sup> The first major revision of the legal system in Cyprus was in 1882, then the British restructured the judicial system, including the courts, and introduced the unique feature of common law as we know it today. While the British were preoccupied with the reorganisation of the island's legal sphere, other Western cultures slowly began to acknowledge the risks of children's physical and psychological maltreatment by the 1900s.<sup>18</sup> According to Susan Benet, during the 1900s,

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<sup>12</sup> Ibid, 50.

<sup>13</sup> Ibid, 80.

<sup>14</sup> Robert Hamilton Lang, *Cyprus: Its History, Its Present Resources, and Future Prospects* (Publisher Macmillan 1878) 20-350 <<https://archive.org/details/cyprusitshistor00langgoog/page/n8>> accessed on 10/12/2018.

<sup>15</sup> Andreas Kapardis, *Society, Crime and Criminal Justice in Cyprus 1878-2000*, (1<sup>st</sup> ed. Sakkoulas publishers' European studies in Law 2001) 54.

<sup>16</sup> Ibid.

<sup>17</sup> Oxford Lexico, Sharia (Oxford: Oxford University Press) <<https://www.lexico.com/definition/sharia>> last accessed on 03/09/2020.

<sup>18</sup> Andreas Kapardis, *Society, Crime and Criminal Justice in Cyprus 1878-2000*, (1<sup>st</sup> ed. Sakkoulas publishers' European studies in Law 2001) 54.

non-governmental organisations and societies protecting children were increasingly funded across different nations.<sup>19</sup> Although children commenced being visible and understood as a vulnerable group in need of assistance, they were still not seen as right holders themselves but as mere charity beneficiaries.<sup>20</sup> Weisberg explains that European children remained legally under their fathers' possession or guardians while being virtually unprotected by their State.<sup>21</sup> The developments in child protection across Western cultures flourished until it triggered the professionalisation of child protection and care service disciplines such as social work, paediatric and clinical psychology. Moreover, the legal historiography firstly placed the creation of a universal instrument on children's rights through international law in 1924. In 1924 the League of Nations adopted what became known as the Geneva Declaration of 1924.<sup>22</sup> The 1924 Declaration was essentially an aspiring rather than a practical document. This was because it was merely a short list consisting of only 5 Articles.<sup>23</sup> Although the 1924 Declaration spoke in elegant tones of nations' responsibilities towards children, it was practically unfocused and virtually a mere aspirational document. Nevertheless, the 1924 Declaration provided that a child must be given a mean requisite for its normal development and protected against every form of exploitation. As children formed a substantial part of the workforce worldwide, though, child exploitation by any means was essentially societally and legally enforced on children, so was child marriage and bearing at an early age.

Since common law was introduced early in the island, a close analysis of the wording used in judicial cases can reveal that a child was seen as a mere object and was virtually unprotected and unconsidered by the State, contrary to the prevailing human rights principles of the time. On an appeal regarding the child's abandonment, which resulted in his death, the child is repeatedly referred to as 'it,' whereby other individuals by gender.<sup>24</sup> More specifically, in *R v Nash* the Court states that 'she left with the child in perfect health and when she returned she said she had left it with Mrs Hillier

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<sup>19</sup> Ibid.

<sup>20</sup> Richard C. Mitchell, 'Reflections on the UNCRC's Future from a Transdisciplinary Bricoleur' (International Journal of Children's Rights 21 2013) 510-522.

<sup>21</sup> Weisberg, 'The Concept of the Rights of the Child' (21 Revue of the INT'L Comm'n Jurists 43) 1978.

<sup>22</sup> Zoe Moody, 'Transnational treaties on children's rights: Norm building and circulation in the twentieth century' (Paedagogica Historica 2014 50:1-2) 151-164.

<sup>23</sup> Geneva Declaration of the Rights of the Child 1924, <[https://www.unicef.org/vietnam/01\\_-\\_Declaration\\_of\\_Geneva\\_1924.PDF](https://www.unicef.org/vietnam/01_-_Declaration_of_Geneva_1924.PDF)> accessed on 21.06.2018.

<sup>24</sup> *R v Nash* (1911) 6 C.A.R., 225 per Lord Alverstone L.C.J; Official Gazette of Cyprus, The Cyprus Gazette, Issue No.2625 of 31<sup>st</sup> December 1937: Cyprus Law Reports, Authority of the Supreme Court

and later she said the child was well.'<sup>25</sup> The subjectivation of a child is not rare within the legal histography of the island of Cyprus. On the contrary, children, women, and even low-income families were seen as inferior to men or wealthy families.

Disturbingly, the cases concerning private family life, including domestic violence cases, neglect on considering children, the effects of the proceedings, and the effects of the facts of the case on children. Thus, it follows that the legal maxim of the child's best interest, which should have been the paramount consideration of a competent court, was also intentionally or unintentionally neglected. As a matter of fact, children were not mentioned at all in divorce proceedings. The principle of the welfare of the child or the best interest of the child was indeed recognised in common law as the case of *Despinou v Theophilo v. Haralambo Abraam* suggests.<sup>26</sup> Nevertheless, it seems that the principle was applied rather ineffectively and only theoretically.<sup>27</sup> Even though the Court found evidence of repeated assaults upon the wife, the latter was held to be the party responsible for the divorce.<sup>28</sup> The direct and/or indirect effects of the above assaults on children were not addressed within the judgment. On the contrary, the husband was held to be the innocent party because the wife left the matrimonial house after the repeated abusive incidents. Following the Court's *ratio decidendi*, it was held that the father, despite abusive, was entitled to the child's custody. What is also of particular interest, in this case, is the fact that despite the repeated assaults, the Church often reconciled the couple while adjourning the application of divorce filed by the wife in the hope of reconciliation.<sup>29</sup> As such, domestic violence, disrespect and degrading treatment of a mother, and the direct and indirect consequences of the incident on the child and the welfare of the child were repeatedly neglected.

The inadequate consideration of children during colonialism can also be revealed through the case of *Rex v. Christophoro Ianni*.<sup>30</sup> In this particular case, a boy of 15

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Supplement No.4, p.12 <[http://cypruslibrary.moec.gov.cy/ebooks/The\\_Cyprus\\_Gazette\\_1937/index.html](http://cypruslibrary.moec.gov.cy/ebooks/The_Cyprus_Gazette_1937/index.html)> accessed on 8/10/2018.

<sup>25</sup> Ibid.

<sup>26</sup> The Cyprus Law Reports Vol. IV, *Cases Determined by the Supreme Court of Cyprus: on appeal from the District Courts from the years 1896, 1897 and 1898*, published by the authority of the judges of the Supreme Court, *Despinou Theophilo v. Haralambo Abraam* 1897, pp. 43-47.

<sup>27</sup> Ibid, 43-47.

<sup>28</sup> Ibid.

<sup>29</sup> Ibid.

<sup>30</sup> The Cyprus Law Reports Vol. VIII, *Cases Decided by the Supreme Court of Cyprus: On appeal from the district and magisterial courts and by the assize courts*, Government Printing Office, Nicosia 1919, *Rex v. Christophoro Ianni* 1909, pp.106-107.

years of age was charged with committing sodomy upon another little boy.<sup>31</sup> The accused boy was sentenced to castigation and to 'be of good behaviour for six months.'<sup>32</sup> Even though the judgment expressly acknowledged the seriousness of the crime, the judiciary, while exercising its discretionary powers, remained lenient on the basis that the perpetrator was of young age.<sup>33</sup> Throughout the judgment, the judiciary seems to consider a child of 15 years of age as too young but simultaneously mature enough to marry and work under the extreme weather conditions of the Mediterranean. While it is understandable to consider the punishment twice since there are two children involved, inadequate sentencing and reform often promote a culture of deviance while promoting a sense of impunity, inhumanity, and silence. The judgment, as it was also the case in *R v Nash*, did not specifically address the needs of the victim. The limited address of the victim's needs through inadequate sentencing is a particularly rampant phenomenon throughout colonial Cyprus' legal historiography. This phenomenon, which, as stated above, can promote the destructive culture of silence, led victims to feel unsafe while promoting despair, which leads to insufficient reporting of crimes. The preventive nature of punishment in such severe cases and the offender's reform and rehabilitation, which was of particular importance, as the accused was only 15 years old, were equally inadequately considered. Consequently, the child's best interest, or in this specific case of children, was again neglected.

### **Sentencing during colonialism**

The Blue Books can exemplify the overall culture and cruelty of British officers towards the Islanders. During the British colonial reign of the island, the Blue Books contained statistics and financial activities each year. The Blue Book of 1880 reveals that the judiciary's sanctions imposed on criminal defendants involved whipping, being bound over with or without surety, fines, peremptory imprisonment, and imprisonment.<sup>34</sup> Overall, researchers suggest that court statistics are limited, and they cannot provide an accurate index of the state of crime as a substantial number of offences, especially offences against the person, were not reported.<sup>35</sup> Nevertheless, dark figures in crime reporting are by no means unexpected. The phenomenon of dark

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<sup>31</sup> Ibid.

<sup>32</sup> Ibid.

<sup>33</sup> Ibid.

<sup>34</sup> Andreas Kapardis, *Society, Crime and Criminal Justice in Cyprus 1878-2000*, (1<sup>st</sup> ed. Sakkoulas publishers' European studies in Law 2001) 66, 68.

<sup>35</sup> Ibid, 84.



figures concerning that specific period might be attributed to the fact that the victim's family preferred to punish the culprit or culprits themselves during the Ottoman and British eras.<sup>36</sup> Williams also stipulates that the dark figures were also the result of 'arranged' recording, as the corrupt police personnel often accepted bribes to alter or refrain from reporting specific criminal activities.<sup>37</sup>

### **Sexual Exploitation and Slavery of children and women**

As soon as the island came under British rule in 1878, slavery legally ended.<sup>38</sup> Essentially, the social status, and inevitably the legal status, of hundreds of people initially brought as slaves during the Ottoman ruling began to be transformed rapidly but steadily. Yet, in his book, Kappler explains that slavery survived through the socially-enforced institutions of *besleme* or 'voluntary servitude' in practice.<sup>39</sup> After the Second World War, many individuals found themselves in a great state of misery. The financial drain led many families to desperation and separation. More specifically, many low-income families on the island gave their children away to wealthy families as household servants.<sup>40</sup> Despite been freed, many individuals never left their former masters, thus spent the rest of their lives with them, rebranded as household servants instead of slaves.<sup>41</sup>

Esme Scott-Stevenson, an English Lady residing in Cyprus, describes common instances of illegalities and sexual exploitation incidence against children by their masters. More specifically, Lady Esme describes an example when the wife of a *zaptiehs* (police officer) visited her village doctor in great grief. She entrusted the doctor that her only daughter, who lived in Nicosia as a servant, returned home in bad health. The doctor began to make rude remarks. The remarks described as rude in her book relate to the young girl's pregnancy.<sup>42</sup> The mother begged the village doctor to 'save her child from disgrace' and offered her services in the field for all her life.<sup>43</sup> When the doctor declined her offer, she changed her tone and declared that 'herself

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<sup>36</sup> Ibid, 84.

<sup>37</sup> Ibid, 84.

<sup>38</sup> Michalis N. Michael, Matthias Kappler and Eftihios Gavriel, *Ottoman Cyprus: A collection of Studies on History and Culture*, (Near and Middle East Monographs 4, Harrassowitz Verlag 2009) 162.

<sup>39</sup> Ibid.

<sup>40</sup> Ibid.

<sup>41</sup> Ibid.

<sup>42</sup> Esmé Scott-Stevenson, *Our Home in Cyprus* (Publisher Chapman and Hall 1880) 15-300 <<https://archive.org/details/ourhomeincyprus00stegoog/page/n8>> accessed on 10/12/2018.

<sup>43</sup> Ibid.

and her family would become a byword in the village; that her daughter would be as ruined socially as though she were the highest lady in the land; and she passionately threatened that she would go to Nicosia where the Turkish doctors would rapidly help to save her child.<sup>44</sup> The English doctor explained her threat's unlawfulness and warned her of the consequences as abortion was prohibited by law and punished by imprisonment.<sup>45</sup> Abortion in Cyprus constituted a criminal offence, subject to exception, up until March 2018. Since then, abortions can be performed on request until the 12th week of pregnancies, which is extended to 19 weeks in rape cases. Back to Lady Esme's testimony, her book explains that sexual-related practices had been only too common within the island, so were 'underground' abortions as parents rushed to 'save' their children's lives from 'disgrace' and societal stigmatisation after their masters have abused and impregnated them.<sup>46</sup> Three months later, the mother admitted that her daughter gave birth to a child but declared it had been born dead. Nevertheless, no traces of a body could be found where the parents indicated; thus, the parents were arrested.<sup>47</sup> Ultimately, the prisoners were released as without the body; the offence of murder was hard to be proved.<sup>48</sup> Nevertheless, the impact of the trial of the said parents was twofold. On the one hand, the prosecution had a salutary effect as it clarified the English law's position relating to abortion. On the other hand, though, Lady's Esme husband (official from England) never had another such case brought before him.<sup>49</sup> Accordingly, it emphasises that locals went 'underground' in a sense, keeping their family lives as distant as possible from the English officials and, as such, from the law. Locals knew that they could find revenues and solutions outside the legal sphere and either with illegal underground practices that went largely unpunished or religious methods considered illegal yet 'moral.'<sup>50</sup> The case further unearths the vulnerability of children working as servants as they were faced with sexual exploitation, amongst other things, while the law remained largely unable to protect children in domestic service and did not provide adequate and effective legal revenues in a case of pregnancy after an abuse. In terms of upholding abortions rath-

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<sup>44</sup> Ibid.

<sup>45</sup> Ibid.

<sup>46</sup> Esmé Scott-Stevenson, *Our Home in Cyprus* (Publisher Chapman and Hall 1880) 15-300 <<https://archive.org/details/ourhomeincyprus00stegoog/page/n8>> accessed on 10/12/2018.

<sup>47</sup> Ibid.

<sup>48</sup> Ibid.

<sup>49</sup> Ibid.

<sup>50</sup> Esmé Scott-Stevenson, *Our Home in Cyprus* (Publisher Chapman and Hall 1880) 15-300 <<https://archive.org/details/ourhomeincyprus00stegoog/page/n8>> accessed on 10/12/2018.

er than protecting the child's best interest, the strict approach of the law pushed the subjects of the Empire away from the legal sphere. Moreover, the wording used by Lady Esme in her book emphasises a puritanical culture and the tendency to stigmatising and define children and women in terms of sexual maturity or stigmatising anything which the society considered 'different' or abnormal. The wording also proves the culture of impunity beleaguering the communities since then. What is particularly concerning is the burden that falls on young girls and women, a somewhat form of victim-blaming and shaming, which is largely evident today, while lawyers blame women and young victims of sexual abuse. Simultaneously, the Court remains mostly uneducated on the psychological impacts of sexual-related abuses and diminishes the likelihood of victimisation of said victims.

Similarly, children in the institution of *basleme* remained vulnerable to sexual exploitation while the working conditions were cruel as subjects of the Empire, and their children were discriminated against based on their social status. *Basleme* was the common practice of adopting or fostering a child into relatively wealthy households and brought up that child as servants during the island's Ottoman reign.<sup>51</sup> Although there is no evidence of *basleme* being legally incorporated initially, since the island retained the Ottoman laws for a substantial time, it constituted a widespread phenomenon in every region of the Ottoman Empire and thus of the countries which moved from the Ottoman era to another colonial power, as it is with the current case. Theoretically, *basleme* was neither permitted nor allowed, but practically it constituted a repetition of child circulation and abuse. Young children, more usually female children, undertook household chores and baby-sitting with no payment whatsoever while enduring sexual harassment. The employers or foster parents did not pay any wages based on the assumption that taking custody of such a child was a charity, whereby abuse, neglect, and exploitation of children under the institution of *basleme* was not an issue neither for the society nor the law.<sup>52</sup> In her book, Nazan Maksudyan explains that since the Ottoman society tended to define foster children in terms of sexual instauration, unchastity, promiscuity, and intendency,<sup>53</sup> no social force was strong enough to regulate the criminal actions of the masters. Additionally, the book moves on to identify a case of pregnant children in *baslemes* who were forced to return to their villages

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<sup>51</sup> Nazan Maksudyan, *Orphans and Destitute Children in the Late Ottoman Empire* (Syracuse University Press, 1<sup>st</sup> ed. 2014) 54.

<sup>52</sup> *Ibid.*

<sup>53</sup> *Ibid.*

to give birth and essentially abandon their babies.<sup>54</sup> According to Nazan Maksudyan, court records contain a substantial number of legally enforced contracts between poor parents and persons of high status, such as government officials, artisans, and merchants, in exchange for their daughters.<sup>55</sup> Thus, it seems that *basleme* remained as an institution for a substantial period until the island's independence, creating a fertile environment for child sexual abuse. At the same time, other under-age servants, such as domestic servants, apprentices, and so on, were regularly sexually subjected and abused while the law failed to acknowledge the effects of such abuses on children and their families. Overall, through this *de facto* form of regulated but equally unregulated concubinage, children became even more vulnerable, and offences such as incest, sexual harassment, and slavery were inevitably promoted.

The discrimination and the systemic failure of initially the Ottoman Empire and then of the British Empire to regulate the institutions of *basleme* virtually permitted the promotion of criminal acts and impunity, diminishing the judicial institutions of the Empire and the trust of the community towards the rule of law. Archives reveal that in instances where children fought against their fates, they managed to escape or suicide, leaving their stigma in the legal history of criminal activities alongside social taboos and between the then blurred lines of charity and abuse. Another read on the law of the time unearths that in the absence of adequate legal regulation for adoption and child abuse, the subjects of the island moved on to foster children disregarding the state law *per se*. Hence, emphasising the two-tier unfair understanding of equity, equality, and humanity, or the lack thereof, of the legally pluralistic discursive in the Island of Cyprus.

With the passing of years and the legal reform that was undergone, a more Westernised criminal code was introduced in the Island of Cyprus. More specifically, up until 1928, the Ottoman Penal Law applied for offences against under-age persons in sections 197-200. Nevertheless, the new Griffith influenced Criminal Code, Cap.13, which was introduced in 1928, had some common features, including the wording which projected cultural stigmatisation and stereotypes of impureness and unnaturalness. Sections 152, 158-160 regulated the sexual abuse of children. All the crimes described therein were considered a felony, and the punishment was 5-14 years of imprisonment with corporal punishment dependent on the violence involved.

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<sup>54</sup> Nazan Maksudyan, *Orphans and Destitute Children in the Late Ottoman Empire* (Syracuse University Press, 1<sup>st</sup> ed. 2014) 54-59.

<sup>55</sup> *Ibid*, 28.

Nevertheless, neither the term 'abuse' nor the term 'child' was considered the same as it is nowadays. Abusing a girl under the age of sixteen was termed 'defilement,' and a boy was termed 'unnatural offence,' as if the sexualisation of an under-age female is defined by pollution, impure ceremonial use, and debase but still somehow natural. A flower that has been crumbled and thus lost its beauty and pureness. Whereby abusing an under-age boy was unnatural and should be contempt as such. Similarly, dividing them into genders is also a socio-legal harmful practice that promotes stereotypes that are even projected by the judiciary, which was supposed to promote justice, fairness, and equality. Simultaneously, the social labels projected within the law are particularly harmful, especially in such a close religious community that stigmatises the victims more than perpetrators. Such instances are widely described by Lady Esme Scott-Stevenson as described above and through the common law in several cases analysed herein. Analysing *baslemes* and other sexual abuses of children during colonialism based on today's human rights perspectives constitutes discrimination toward children based on their family and social status. A cycle of neglect of the child's best interest and gross disregard of children's voices and especially of under-age victims of sexual exploitation and abuse.

Slowly but steadily, the Criminal Code of the Crown Colony of Cyprus became what we know today, subject to amendments, Cap. 154. Nevertheless, the then-new Criminal Code is similar to Cap. 13 as it describes unnatural offences and defilement of underage boys and girls, respectively. The 1959 Criminal Code also defined rape, as such, the law is beginning to acknowledge the harmful practices of sexual exploitation. Yet, offences against the person were and still are, under the title 'Offences against Morality,' providing a degree of impureness on the victim and the perpetrator. The offences were considered felonies, and the law provided for 5-14 years of imprisonment, except in the case of rape, which was punishable by life imprisonments with or without corporal punishment.

### **The Island's Westernisation process: International developments after World War II**

Nevertheless, by the end of the Second World War, disregard and contempt for human rights have resulted in atrocities outraging humankind's conscience and the advent of an era based on freedoms. Human rights are the basic standards without which people cannot survive and develop in dignity. They are inherent to the human person, inalienable and universal. Thus, the international community set those common standards

with the adoption of the Universal Declaration of Human Rights in 1948, which gives great moral weight to the fundamental principle that all human beings, irrespective of race, religion, social status, and other physical physiognomies, are to be treated equally and respectfully. Hence, the 1948 Declaration is considered the first international agreement on the basic principles of human rights; thus, possesses historical importance.<sup>56</sup> The Universal Declaration of Human Rights contains two articles that refer to children, articles 25 and 26. Firstly, article 25(2) provides that ‘motherhood and childhood are entitled to special care and assistance. All children, whether born in or out of wedlock, shall enjoy the same social protection.’<sup>57</sup> Hence, the world began to understand children as a vulnerable group in need of assistance for the first time. Secondly, article 26 of the Declaration offers the right to education, access to education and sets the aims of such education.<sup>58</sup> Nevertheless, the 1948 Declaration specifies that ‘parents have a prior right to choose the kind of education that shall be given to their children.’<sup>59</sup> Consequently, a child is still seen as a beneficiary of rights rather than a right holder. A presumption that is enforced within the international and the national communities of that time equally. Nevertheless, as seen throughout the current research, human rights’ foundational doctrines were generally disregarded in the Crown Colony of Cyprus as the enlightenment movement never arrived on the island.

### **Children in Labour**

The subjectivation of children on the island can also be demonstrated through the rampant phenomenon of child labour. As the then-Attorney-General Stelios Pavlides reasoned, a boy usually completed elementary education by 12 years of age. The prohibition of employment of children under 14 years of age in private or public industrial undertakings was considered a gap in inactivity.<sup>60</sup> Thus, by 1944 a child could be

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<sup>56</sup> Equality and Human Rights Commission, What is the Universal Declaration of Human Rights?, <<https://www.equalityhumanrights.com/en/what-are-human-rights/what-universal-declaration-human-rights>> last accessed on 07/12/2018.

<sup>57</sup> Universal Declaration of Human Rights 1948, Article 25 <[https://www.ohchr.org/EN/UDHR/Documents/UDHR\\_Translations/eng.pdf](https://www.ohchr.org/EN/UDHR/Documents/UDHR_Translations/eng.pdf)> last accessed on 07/12/2018.

<sup>58</sup> Universal Declaration of Human Rights 1948, Article 26 <[https://www.ohchr.org/EN/UDHR/Documents/UDHR\\_Translations/eng.pdf](https://www.ohchr.org/EN/UDHR/Documents/UDHR_Translations/eng.pdf)> last accessed on 07/12/2018.

<sup>59</sup> Universal Declaration of Human Rights 1948, Article 26 <[https://www.ohchr.org/EN/UDHR/Documents/UDHR\\_Translations/eng.pdf](https://www.ohchr.org/EN/UDHR/Documents/UDHR_Translations/eng.pdf)> last accessed on 07/12/2018.

<sup>60</sup> Official Gazette of Cyprus, The Cyprus Gazette 1944, Authority Issue No. 3149 16<sup>th</sup> November 1944, p.262 <[http://cypruslibrary.moec.gov.cy/ebooks/The\\_Cyprus\\_Gazette\\_1944/index.html](http://cypruslibrary.moec.gov.cy/ebooks/The_Cyprus_Gazette_1944/index.html)> accessed on 08/10/2018.

employed as an apprentice to learn a trade.<sup>61</sup> The reasoning of the Attorney-General of the Island of Cyprus signifies the limited pursuance of education, as the primary purpose of a male child was to bring income to the household, and the purpose of a female child was to undertake the household. The subject of child labour was also emphasised by other Attorneys-General of the British Crown Colony. More specifically, Q.C., Criton Tornaritis explained that Cyprus has always been difficult to control wages, nature of the workplace, condition of services, and hours of work regarding under-age 'domestic servants.'<sup>62</sup> Thus, it follows that domestic servants and child-labour as an institution were retained as it was since the Ottoman empire, jeopardising children's development. What differentiated the Ottoman from the British era is that the latter introduced legal frameworks regulating child-labour. Children under the age of thirteen could be employed in 'light work of an agricultural or other character.'<sup>63</sup> Considering the burdens of agricultural trade combined with the extreme weather conditions of the Mediterranean, it shall be argued that it is anything but light. Hereafter, the law could only be interpreted as having the following purpose: to create a window for regulated child-labour of any kind as it served the societal purpose of such a child during that time. Thus, it is arguable that overall the institution of child-labour and domestic servants was retained from the Ottoman Empire, contrary to the new legislation introduced by Her Majesty. It could be easily argued that this was expectable as the new legal order remained unknown by the British Empire's local subjects as they remained uneducated and the laws were published mainly in the English language.

Evidence suggests that children invariably hastened to their mother with earnings close in the afternoon, and then the mother in her turn gave the earning to the man of the household.<sup>64</sup> Sir Samuel White Baker explained that women and girls were working hard with 'strong grubbing-axes, digging out the roots of brushwood from among the rocks and making them into faggots, as fuel for burning the grey limestone,' other women and girls 'were engaged with baskets collecting wild artichokes.'<sup>65</sup> The former consul in Cyprus, Sir Hamilton Lang, explains that the women and children chiefly

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<sup>61</sup> Ibid.

<sup>62</sup> The Official Gazette of Cyprus, The Cyprus Gazette, Issue No.3629 18<sup>th</sup> June 1952, p. 219-222 <[http://cypruslibrary.moec.gov.cy/ebooks/The\\_Cyprus\\_Gazette\\_1952-1953/index.html](http://cypruslibrary.moec.gov.cy/ebooks/The_Cyprus_Gazette_1952-1953/index.html)> accessed on 08/10/2018.

<sup>63</sup> Ibid.

<sup>64</sup> Sir Samuel White Baker, *Cyprus as I saw it in 1879* (MacMillan & Co 1879) 13- 457 <<https://archive.org/details/cyprusasisawitin00bakeuoft>> last accessed on 3/12/2018.

<sup>65</sup> Ibid.

performed the labour required.<sup>66</sup> Furthermore, children often worked in water mills. They found themselves turning the wheel either by night or day by mules or oxen.<sup>67</sup> Women and girls arguably wore cloth upon which the eggs are laid around their waists and cause them to hatch by the heat of their body.<sup>68</sup> Thus, exemplifying the primitive labour environment. Nevertheless, when a child's right is violated, it should be remembered that it brings a domino effect as rights are so inter-dependent and inter-connected. For example, in the case of child-labour the right of non-discrimination is violated too. Consequently, despite the international progress of human rights and, more specifically, children's rights, children on the island were deprived of their fundamental rights and needs. The notion that every child should be protected against every form of exploitation was not unknown to Western culture. On the contrary, the League of Nations introduced it in 1924. Nevertheless, in practice, children of the world were faced with a vicious and continuing cycle of violence and exploitation as disrespect of legal norms and socio-legal practices prevented the rule of law's functioning.

### **Child-marriage**

The age spectrum specified by law signified that a child could be married as soon as she or he reached fourteenth years of age, 'legalising' and retaining as such child-marriage. Like the laws regulating the family life of Christian, the Turkish Family (Marriage and Divorce) Law 1951 permitted the marriage of a woman once she completed her sixteenth year.<sup>69</sup> A close analysis suggests that the rights were of the parents and, more specifically of the father, whereby children seemed to be mere beneficiaries of such rights. It appears that the institution of child-marriage was retained from the Ottomans while both communities married their children at an early age.

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<sup>66</sup> R. Hamilton Lang, *Cyprus: Its History, Its Present Resources, and Future Prospects* (MacMillan and Co. 1878) <<https://archive.org/details/cyprusitshistor00langgoog/page/n8>> last accessed on 15/01/2019.

<sup>67</sup> Sir Samuel White Baker, *Cyprus as I saw it in 1879* (MacMillan & Co 1879) 13- 457 <<https://archive.org/details/cyprusasisawitin00bakeuoft>> last accessed on 3/12/2018.

<sup>68</sup> R. Hamilton Lang, *Cyprus: Its History, Its Present Resources, and Future Prospects* (MacMillan and Co. 1878) 237 <<https://archive.org/details/cyprusitshistor00langgoog/page/n8>> last accessed on 15/01/2019.

<sup>69</sup> Turkish Family Law 1959 CAP. 339, Article 6.



## Children rights developments through the 1950s

Gradually, a 'child' was determined as a person under the age of eighteen years.<sup>70</sup> Yet, the Children Act 1956 constitutes somewhat ambiguous legislation as it moves on to explain that children in need is a person under the age of sixteen.<sup>71</sup> The Act was introduced in Cyprus in 1956, and it is still applicable subject to amendments. Nevertheless, the fact that the age spectrum of a 'child' gradually expanded constituted a positive step towards realising the needs of a person under the age of eighteen. Maybe it was due to the international influences, as by 1950, governmental and non-governmental organisations worldwide were assembled assisting children. Nonetheless, the Children Act 1956 saw children again as beneficiaries of the rights rather than right holders. On the international sphere, on the other hand, devastating major armed conflicts in Europe constituted the trigger of the immediate adoption of the United Nations Declaration of the Rights of the Child in 1959.<sup>72</sup> Bennett Jr has found that the increased interest in human rights after the Second World War moved the international community in recognising child-centric human rights. The 1959 Declaration is the first document to date that purports to contain a comprehensive statement of children's rights.<sup>73</sup> Nevertheless, previous studies identified that even though the 1959 Declaration represents a historical centrepiece regarding international children's rights and is much more comprehensive and directed than its predecessor, the Geneva Declaration cannot be termed a 'comprehensive document' on children's rights.<sup>74</sup> Yet, the children on the island were deprived of their rights as the enlightenment movement that flourished in Europe never arrived in Cyprus.

## Education

Following the spirit and the humanitarian evolutions during the 1900s, the British Colonial power enacted legislation specifying that a 'child' is a person between the ages of four and fourteen in 1933.<sup>75</sup> The 1933 legislation also regulated that children

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<sup>70</sup> The Official Gazette of Cyprus Gazette, The Cyprus Gazette, Issue No.3953 14<sup>th</sup> June 1956, p.337-345 <[http://cypruslibrary.moec.gov.cy/ebooks/The\\_Cyprus\\_Gazette\\_1956-1957/index.html](http://cypruslibrary.moec.gov.cy/ebooks/The_Cyprus_Gazette_1956-1957/index.html)> accessed on 08/10/2018.

<sup>71</sup> Ibid.

<sup>72</sup> Zoe Moody, 'Transnational treaties on children's rights: Norm building and circulation in the twentieth century' (Paedagogica Historica, 2014 50:1-2) 151-164.

<sup>73</sup> Walter H. Bennet Jr., 'A Critique of the Emerging Convention on the Rights of the Child' Cornell International Law Journal, vol.20 Issue 1 Winter 1987, Article 1) 3-29.

<sup>74</sup> Ibid.

<sup>75</sup> The Official Gazette of Cyprus, The Cyprus Gazette For The Year 1933, Issue No. 2291 6 of January

not being less than four or more than fourteen shall be entitled to attend elementary school, whereby children not less than four or more than twelve shall attend school in a compulsory attendance area.<sup>76</sup> Governors customarily declared some areas as ‘compulsory attendance areas,’ normally school areas located in cities.<sup>77</sup> Otherwise, attendance was not compulsory, and the figures presented herein support this argument. It was the duty of the parent residing within a compulsory school attendance area to send such child regularly to a school. Nonetheless, it should be reminded that school areas were specific and thus limited, excluding some groups of children who were not living within two miles of such areas.<sup>78</sup> Consequently, while children’s rights to education and thus on the development began to develop, specific groups of children residing in non-rural areas were deprived of these rights. Similarly, the educational system seems to have created inevitable segregation based on ethnicity and religion, which was retained in the Constitution in 1960, differentiating as such children contrary to the cherished human rights principles and the values expressed in *Brown*.<sup>79</sup> At the same time, children belonging to other minorities were discriminated against as either the Quaran or Bible was taught respectively in each segregated school.

Nevertheless, still with the developments in education, Roger Heacock explains that education, amongst other things, was ‘primitive,’ with intellectual attainment barely surpassing a faint knowledge of the basics.<sup>80</sup> Figures show that in 1932, there were 32,441 boys and 24,236 girls enrolled in primary education throughout Cyprus in one of the 1,023 elementary schools.<sup>81</sup> Throughout this chapter, the patriarchal structure of the society is demonstrated through the children enrolled in schools, as boys were much more than girls. After all, the position of girls in a rather androcentric community was considered to be the household. Regarding secondary education, there were two ‘Moslem’ schools, one for boys and one for girls, and for the ‘Orthodox-Christians,’ there were five gymnasiums with a combined attendance of 1,066, seven village high schools with 469 pupils, three girls’ high schools with 252 pupils

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1933, p.325, <[http://cypruslibrary.moec.gov.cy/ebooks/The\\_Cyprus\\_Gazette\\_1933/index.html](http://cypruslibrary.moec.gov.cy/ebooks/The_Cyprus_Gazette_1933/index.html)> accessed 8 October 2018.

<sup>76</sup> Ibid.

<sup>77</sup> Ibid.

<sup>78</sup> Ibid.

<sup>79</sup> *Brown v. Board of Education of Topeka*, (1954) 347 U.S. 483.

<sup>80</sup> Roger Heacock Roger, ‘The Framing of Empire: Cyprus and Cypriots through British Eyes, 1878-1960’ (The Cyprus Review 1 23:2 2011) 26.

<sup>81</sup> Alexis Rappas, *Cyprus in the 1930s: British Colonial Rule and the Roots of the Cyprus Conflict* (I.B. Tauris & Co Ltd 2014) 44.

and the Commercial Lyceum in Larnaca with 213 pupils.<sup>82</sup> The considerable number of 60,000 children who attended schools is shadowed by the fact that 'up to 50 per cent of the children enrolled in the first class of village schools leave within two years, during which they may not even reach the second class'.<sup>83</sup> This is a result of society's structure, which valued physical and economic survival more than education. It can also be argued that it establishes a strong case of neglect of children's cognitive attainment and prosperous future, irrespective of his or her parent's background, as that is accorded through the United Nations Convention on the Rights of the Child today. Thus, the theoretical development of children's rights to education and development was tackled by society's social structure and the law's systemic inability to regulate these phenomena effectively.

Since religion and religious education were of high importance for the two communities, Moslem family affairs were regulated by Chapter 339, which introduced the Turkish Family Law of 1951.<sup>84</sup> More specifically, the parents shall bear such costs when it came to children's maintenance and education.<sup>85</sup> At the same time, the 1951 Law specified that the husband 'is the head of the conjugal union; he determines the place of residence and... Is generally charged with the care and support of the family'.<sup>86</sup> The woman shall 'adopt the family name of the husband; she shall assist the husband and support him with all her ability in the maintenance of the home and shall have the management of the household affairs'.<sup>87</sup> Consequently, Article 37 automatically shows women's subjectivation and thus determining that such a subjectivation was regulated in both communities equally, which was also evidenced during the Ottoman era. The relatively 'ornamental legalised' role of women somehow managed to survive, and it can be found today in the official publication on the website of the United Kingdom's government. More specifically, the website specifies that Turkish Family Law 'applies' where the parties are either of a Turkish nationality; professes the Moslem faith; and resides in Cyprus.<sup>88</sup> At this point, it should be emphasised that the official governmental site uses present simple terms, as in 'applies,' in a law going

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<sup>82</sup> Ibid.

<sup>83</sup> Ibid.

<sup>84</sup> Turkish Family Law 1959, CAP. 339.

<sup>85</sup> Ibid.

<sup>86</sup> Turkish Family Law 1959, CAP. 339, Article 37.

<sup>87</sup> Ibid.

<sup>88</sup> Publishing Service of UK Government, Marriage: Marriage in the United Kingdom, para.15.3 <[https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/258233/marriage.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/258233/marriage.pdf)> accessed on 08/11/18.

as far back as colonialism. All other marriages are regulated by the British Subjects' Marriage Laws 1889 and 1921.<sup>89</sup> Furthermore, the child's religious education is of paramount importance as the 1951 Law specifies that such education shall be determined by the father or, in his absence, by the mother provided that the mother is moslem.<sup>90</sup> If the mother is non-moslem, the Court shall entrust the religious education to the child's nearest relative on the father's side.<sup>91</sup>

According to one of the Blue Books of the Island of Cyprus, the expenditures for education during the first year of the British administration were £3,000 compared to law and justice, which was only £571.<sup>92</sup> Thus, signifying, on the one hand, the determination of the colonial reign to develop the rather primitive education, but on the other hand, the limited pursue of justice through law-abiding institutions. Blue Books constitute an essential research tool in all state departments' historical administrative practices and activities during the period 1886-1946.<sup>93</sup> Hence, despite the focus of the colonial administration on enhancing education, children's future was determined long before their existence, as there was no higher education within the island, and poorer groups of the society did not have the resources to send their children abroad to pursue a prosperous educated future. The strict androcentric patriarchal structure beleaguering the Island of Cyprus can be demonstrated through the law of that time as it is excluding children of their fundamental rights for a successful development through education.

It should be emphasised that, as in any patriarchal society, the law determined the domicile of origin of a child by the domicile of his father at the time of the child's birth, except in the case of an illegitimate child.<sup>94</sup> The latter is still largely applicable within the Republic even though under the current legal framework, the 'care for the minor child ('parental care') is the duty and right of the parents who exercise it

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<sup>89</sup> Ibid.

<sup>90</sup> Turkish Family Law 1959 CAP. 339, Article 48.

<sup>91</sup> Ibid.

<sup>92</sup> Great Britain, Colonial Office, *The Cyprus Blue Book 1889-1890*, Ψηφιακή Πλατφόρμα Κυπριακής Βιβλιοθήκης, 47 <<http://www.cyprusdigitallibrary.org.cy/files/original/eb5f418ab164675131f062af47097a26.pdf>> accessed on 08/10/2018.

<sup>93</sup> Ψηφιακή Πλατφόρμα της Κυπριακής Βιβλιοθήκης, *Blue Book/Κυανή Βίβλος*, <<http://www.cyprus-digitallibrary.org.cy/collections/show/3>> accessed on 20/11/2018.

<sup>94</sup> Official Gazette of of Cyprus, *The Cyprus Gazette (Extraordinary) 1939*, Authority Issue No. 2708 28<sup>th</sup> February 1939, p.169 <[http://cypruslibrary.moec.gov.cy/ebooks/The\\_Cyprus\\_Gazette\\_1939/index.html](http://cypruslibrary.moec.gov.cy/ebooks/The_Cyprus_Gazette_1939/index.html)> accessed on 08/10/2018; Turkish Family Law 1959 CAP. 339 Article 37.

jointly.<sup>95</sup> Parental responsibility includes the determination of name, the care of the person, the administration of the property, and the child's representation in every case or legal transaction relating to his or her property.<sup>96</sup> Yet, children in the Republic of Cyprus tend to adopt the father's family name irrespective of the equality between parents provided by law. Consequently, the social reality of the law emphasises the rather lyrical existence of equality. Additionally, in my professional expertise, to some extent, the judiciary tends to favour mothers in the applications of parental care, as it is rare for a father to win such an application.

### **Children in internment camps**

On top of the already distressing and inhuman culture within the island, in 1939, the colonial regime accepted Jewish immigrants who sought visas to British-controlled Palestine. At the end of World War II, the United Kingdom barred the Holocaust survivors who sought visas for Palestine, thus, embarking on clandestine passages, with thousands of Jewish, including children, being crammed on small, unseaworthy means of transportation.<sup>97</sup> In dealing with the refugee wave, the British government established internment camps on the Island of Cyprus in August of 1946. In the inhuman and culturally innate island, more than 2,000 children were born, and 500 orphans were brought from abroad.<sup>98</sup> Nevertheless, the conditions in the camps were somewhat challenging, resembling the overall distressing image of the island. Jewish refugees were treated like inmates, detained behind barbed wire with limited food and water. Dr Hadjisavvas correctly argues that camps caused further discontent while watchtowers' erection, coupled with armed British officers resembled the Nazi camps.<sup>99</sup> She moves on to identify the disturbing similarities between the refugees of the 1940s and today's refugees from Syria and Iraq.<sup>100</sup> Nonetheless, it could be easily argued that they resemble the 1974 situation in Cyprus as well.

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<sup>95</sup> Ο περί Σχέσεων Γονέων και Τέκνων Νόμος του 1990 (216/1990), Άρθρο 5.

<sup>96</sup> Ibid.

<sup>97</sup> Eliana Hadjisavvas, 'Migrant Movement in the Mediterranean; The Holocaust and the British Empire 1940-1950 (University of Birmingham 2017).

<sup>98</sup> Ibid.

<sup>99</sup> Jason Steinhauer, 'EU Month of Culture Spotlight: Cyprus' (The Library of Congress May 3, 2016) <<https://blogs.loc.gov/kluge/2016/05/cyprus-eliana-hadjisavvas/>> last accessed on 30/01/2019.

<sup>100</sup> Ibid.

## Conclusion:

Overall, this paper's work is the work of conceptualising 'the child' during British colonialism and the result of conceptualising 'the self' of the child. A 'self' that was determined long before its existence was an enhancement to the family's economic and social status. From the outset, children's existence was intertwined with the parent or guardian context. They were the object of an individual or individuals who determine themselves as masters or parents. Therefore, the origins of the colonial child are as much about the child as they are about the societal constructs of the child at that time. How childhood is conceptualised and understood throughout the island's socio-legal history had a detrimental effect on children and the legal maxim of the child's best interest per se. Unable to express their voice, children in colonial Cyprus remained silent as pervasive historico-socio-legal norms determined their future. The colonial history of the Island of Cyprus signifies the limited pursuance of education, as the primary purpose of a male child was to bring income to the household and the purpose of a female child was to undertake the household. British officials on the island were stunned by the innate nature of locals who were curious and keen to learn, touch, and stare at the new element, which, compared to them, seemed pleasant and prosperous.<sup>101</sup> Nevertheless, the British Empire's neglect to pursue children's rights, coupled with the social peculiarities of that time silenced the voices of children across the island. From in between the then blurred lines of sexual exploitation, neglect, abuse, and charity, to inadequate education and hard labour, children remain the victims of social peculiarities and other legal and socio-legal deficiencies.

As core principles and the responsibility to respect children's rights remained underdeveloped locally for a substantial period, undoubtedly, the United Nations Convention on the Rights of the Child came to spread hope. But that was not until much later in history, in 1989. By then, the Island of Cyprus gained its independence. Nevertheless, the vast influences of colonial power are still visible. As the paper suggests, social peculiarities dictated, and to some extent still do, the lives of children within the Island of Cyprus, disregarding, neglecting, and disrespecting core principles such as the best interest of the child and the voice of the child. Of course, whenever a new law is introduced, especially laws regulating communities' social lives, that said community rarely accepts it without condemning it.

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<sup>101</sup> Sir Samuel White Baker, *Cyprus as I saw it in 1879* (MacMillan & Co 1879) 13- 457 <<https://archive.org/details/cyprusasisawitin00bakeuoft>> last accessed on 3/12/2018.

A modern example is that of the civil partnership of same-sex couples. While it recently became legal in the Republic of Cyprus, it is largely condemned by the constitutional dogma of the Church, politicians in social media with the society projecting homophobic hate speech. As is the case today, so was during colonialism as well.

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