

Inequality in student enrolment: Time for Change in the Legislative Framework

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A country's education policy must ensure that every child enjoys equal opportunities to access school, regardless of personal or family circumstances. In Cyprus, however, recent developments bring to the fore a serious issue of unequal treatment of children of families with temporary residence in the country.

On 09/01/2018, with the decision No. 84.078 of the Council of Ministers, the age of initial enrolment in pre-primary and first grade of primary school was increased. This decision is strictly applied, with no exceptions, except in special cases, such as those of children of diplomats and those serving in the Hellenic Military Service in Cyprus (ΕΛ.ΔΥ.Κ). These children are enrolled without restrictions, taking into account the frequency of their parents' travel. Despite the logic of this exception for the children of diplomats, it does not apply equally fairly to families temporarily residing in Cyprus for business purposes. Moreover, these children, although their stay in the country is short-term, are forced to comply with strict registration rules, creating educational and social gaps.

Current legislation denies children of temporary residents the right to enrol in the first grade of primary school if they have not reached the age of 6 before 1 September of each year. In contrast, the children of diplomats and those of parents in the Hellenic Military Service in Cyprus may enrol in the relevant grade on the basis of their age, in accordance with the rules of their country of origin. In other words, when these child of temporary resident families return to their country of origin and reintegrate into the education system, they will be at a disadvantage compared with their classmates, as they will be forced to attend classes with younger children, since in their country of origin the age of entry into the first grade starts at the age of 5. Since there is an exception for the children of diplomats and those serving in the Hellenic Military Service in Cyprus, which recognises the particularities of their temporary movements, why should the same not apply to the children of families who are in Cyprus on temporary residence permits for business purposes? This difference creates an unjustified gap in the equal treatment of children, who should be protected from any inequalities, regardless of the professional status of their parents.

This policy is not only unfair, but also jeopardises the social, emotional and learning development of the children of temporary residents. The education system must be flexible and adaptable to the needs of these families, avoiding unequal treatment and the violation of basic rights. It is not reasonable to impose such severe restrictions on children of temporary residents when there are solutions that could be implemented without affecting the quality of education. Parents working temporarily in Cyprus are entitled to equal treatment for their children, just like the families of diplomats.

Despite the persistent efforts and detailed letters of the law firm Michael Kyprianou, at the urging of the Director of the office in Paphos, Mr Savvas Savvides, to the Ministry of Education, Sports and Youth, the latter Ministry chose to insist on the implementation of the general registration policy, ignoring the calls for justice and equality. Even the Commissioner for Children's Rights, who had intervened as early as 2021 proposing changes to the enrolment policy, failed to bring about meaningful reforms. In fact, in a more recent letter to the Ministry of Education (MoE), the Commissioner reiterated the issue after further intervention by the law firm, urging the said Ministry to take a position on the issue before the start of the new school year. However, the Ministry of Education did not respond, merely reiterating the existing provisions of the current legislation. The intransigence of the MoE in not considering these proposals discriminates against children in temporary residence in the country and undermines their fundamental rights to education. It is time to acknowledge the injustice that is taking place and make meaningful changes that will ensure equal opportunities for all.

The MoE should be sensitive and review the enrolment policy, ensuring that all children, regardless of their circumstances, have equal opportunities to access education. Introducing reasonable exceptions for families with temporary accommodation is a first step towards restoring equality and fairness in education.

The content of this article is valid as at the date of its first publication. It is intended to provide a general guide to the subject matter and does not constitute legal advice. We recommend that you seek professional advice on your specific matter before acting on any information provided. For further information or advice, please contact Savvas Savvides, Senior Partner, Michael Kyprianou & Co LLC, Paphos office, Tel +357 26930800 or email savvas.savvides@kyprianou.com

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