

# **LEGISLATIVE DEFINITIONS AROUND LEARNERS VULNERABLE TO EXCLUSION**

**Country Report: Cyprus**



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See the [Legislative Definitions around Learners Vulnerable to Exclusion web area](#) for further information about this activity.



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## INTRODUCTION

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Since the foundation of the European Agency for Special Needs and Inclusive Education (the Agency) in 1996, there have been key conceptual changes in the thinking behind and policy priorities for developments on the journey towards inclusive education.

A first shift was from the concept of special educational needs (SEN) to special needs education (SNE). This represented a move away from focusing on the learner (special educational needs), towards a focus on the provision that learners who experience difficulties at school may need (special needs education). The term '**special needs education**' widened the focus beyond learners with disabilities to include learners who appeared to be failing in school for a wide variety of reasons – for example, children living in poverty or those from different linguistic or cultural backgrounds. Special needs education, however, continued the deficit or medical model that still saw the problems as being within the learner.

There has never been an agreed definition of SEN or SNE that could be used across countries. The groups of learners considered to have **special needs** requiring additional provision largely differ across countries.

Inclusion requires a move away from a concern with the categories a learner may or may not fall into, to focus on the barriers some learners experience that lead to marginalisation and exclusion. This leads to an overall focus on **learners vulnerable to exclusion** by the education system. Agency work focuses on supporting the development of **inclusive education** systems in its member countries to ensure every learner's right to inclusive and equitable educational opportunities. This aim is directed at **all learners**, while recognising the need to specifically address specific **learners vulnerable to exclusion**.

Agency work acknowledges that every learner has their own unique experiences of discrimination and/or barriers to learning. All aspects of Agency work aim to consider everything and anything that can marginalise learners and increase their chances of exclusion (European Agency, 2021<sup>1</sup>). This requires a move away from a medical approach and labelling with separate provision for different groups, towards a rights-based approach that focuses on the barriers within the system ([European Agency, 2022a](#)).

Central to this commitment and understanding of inclusive education are the legal definitions or descriptions in policy that Agency member countries use to identify and potentially label learners to make additional provision and resources available for them based on their needs.

The Agency also acknowledges the growing need to take account of **intersectionality** – the interconnected nature of all social categorisations – when considering the needs of all learners. Intersectionality is the understanding that a person, group of people,

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<sup>1</sup> European Agency for Special Needs and Inclusive Education, 2021. *Multi-Annual Work Programme 2021–2027 Parameters*. Odense, Denmark. Unpublished



organisation or social problem is affected and impacted upon by a number of pressures, forces, levers, discriminations and disadvantages. It considers everything and anything that can marginalise learners and increase their chances of exclusion. This includes, but is not limited to:

... gender, remoteness, wealth, disability, ethnicity, language, migration, displacement, incarceration, sexual orientation, gender identity and expression, religion and other beliefs and attitudes ([UNESCO, 2020](#), p. 4).

The Agency's current [Multi-Annual Work Programme](#) (2021–2027) highlights the concept of intersectionality.

## The Legislative Definitions around Learners Vulnerable to Exclusion activity

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[Legislative Definitions around Learners Vulnerable to Exclusion](#) aimed to collect information from Agency member countries focusing on legislative definitions around learners vulnerable to exclusion in education systems. It collected evidence to indicate where countries currently stand regarding the **definition of** and **approach to** learner groups and risk factors within inclusive education systems. There was a particular focus on legislative definitions and descriptions around a broad vision of inclusive education for **all learners**.

Specifically, the activity examined how Agency member countries legally define and describe learners' needs in terms of considering them as groups of **learners with special needs** or **learners vulnerable to exclusion**. It also considered how **anti-discrimination legislation** and **legislation for inclusive education** define and/or describe learners' needs, and explored the concept of **intersectionality**.

In the activity, the term '**learners' needs**' is understood as a way to highlight a requirement for educational provision and/or support without applying a label based on an external factor that in some way describes or impacts upon an individual or group of learners. Using the non-categorical term 'learners' needs' would be an **ideal** approach for countries to take and is in line with the Agency position on inclusive education systems ([European Agency, 2022b](#)).

The **reality** – as evidenced by analysing countries' legislative definitions or descriptions in policy around learners' needs – clearly indicates that legislation and policy documents describe learners' needs with less of a focus on learner requirements for provision and support, and more on externally generated labels that identify groups of learner characteristics.

The activity uses the terms '**categories of groups of learners**' and '**groups of learners**'. They refer to the groups of learners identified through the analysis conducted in this activity. However, it must be made clear that references to categories of groups of learners do not in any way endorse or promote the labelling of learners. The term 'groups of learners' has been applied as a way of investigating where and how country legislation and policy make distinctions between different groups of learners who may be vulnerable to exclusion.



As with the journey towards inclusive education, legal definitions may be developing towards **learners vulnerable to exclusion** and the consideration of **intersectionality**. Therefore, to respect the context of all countries, information on **special needs** categories is considered, as well as definitions considering **all learners**.

Please refer to the [Legislative Definitions around Learners' Needs – Policy Brief](#) for more information about the activity.

## How the country reports were prepared

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Agency team members compiled evidence from 35 Agency member countries.

Agency team members collected the information in this country report from Agency reports, the [country information pages](#) and [Eurydice](#) sources. The extracts focus on identifying **legal definitions** around learners vulnerable to exclusion. They do not cover the different forms of provision for these learners. However, it is recognised that in some cases there may be *operational* definitions rather than *legal* definitions.

The extracts are considered evidence of a *legal definition* and are included if they explain how a term is understood within legislation and policy. In some cases, there may not be an extract that provides this information; however, the legal documents provide indirect evidence that a legal definition may exist. Where this indirect evidence was found, it has been included.

It is to be expected that there may not be information available in response to every question, as country contexts differ and each country is at a different stage on the journey to develop inclusive education. Therefore, a wide range of questions was selected to allow evidence to be collected from every Agency member country.

Each of the first three sections begins by clarifying key terminology.

This report includes three sections with information that the Agency team compiled:

1. [Legal definitions of special needs](#)
2. [Legal definitions of learners vulnerable to exclusion](#)
3. [Legal definitions of inclusive education](#).

Section 4 contains [additional questions](#) that country representatives could choose to answer. Country representatives also had the option to review and amend sections 1–3.

The completed country reports served to identify trends within and across countries on legal definitions related to learners vulnerable to exclusion. The activity report, [Legislative Definitions around Learners' Needs: A snapshot of European country approaches](#), explains how the country reports were used for the analysis and presents the findings.



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# LEGISLATIVE DEFINITIONS AROUND LEARNERS' NEEDS IN CYPRUS

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## 1. Legal definition of special needs

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A learner with special needs is understood as a learner who:

... for a wide variety of reasons, require[s] additional support and adaptive pedagogical methods in order to participate and meet learning objectives in an education programme. Reasons may include (but are not limited to) disadvantages in physical, behavioural, intellectual, emotional and social capacities ([UNESCO Institute for Statistics, 2012](#), p. 83).

### 1.1 There is a legal definition of special needs

#### *Evidence*

The Laws for the Education and Training of Children with Special Educational Needs (1999–2020) are the legislative framework which regulates the identification of children with special educational needs.

A child with special needs means:

a child having a serious learning or special learning functioning or adjusting difficulty, caused by physical, mental or other cognitive or psychological deficiencies and having need of special education and training. A child has a learning, special learning, functioning or adjusting difficulty if:

- if they have significantly greater difficulty in learning than the majority of children of a similar age, or
- if a disability prevents or impedes them from using the standard educational facilities and resources available in mainstream schools (Changing Role of Specialist Provision, Cyprus country report, p. 2).

### 1.2 The legal definition of special needs is found in laws and policies

#### *Evidence*

- Special Education Law 113(I)/1999
- Laws for the Education and Training of Children with Special Educational Needs (1999–2020)

([Agency Country information](#))



### 1.3 The legal definition of special needs is found in strategies and programmes

#### *Evidence*

No information.

### 1.4a Does your country's legal definition of special needs specify particular groups of learners?

Yes.

### 1.4b Which specific learner groups does the legal definition of special needs address?

Specific learner groups	Evidence
Learners with severe difficulties. Learners with specific sensory disabilities.	Special Education Law 113(I)/1999 <a href="#">(Agency Country information)</a>
Learners with special needs were categorised as having: <ul style="list-style-type: none"><li>• moderate intellectual disabilities;</li><li>• learning difficulties;</li><li>• emotional difficulties;</li><li>• physical disabilities.</li></ul>	Special Education Law 113(I)/1999 <a href="#">(Agency Country information)</a>
Learners with serious learning or special learning difficulties: <ul style="list-style-type: none"><li>• Learners with difficulty in adapting or functioning, due to their physical or mental condition;</li><li>• Learners with impaired learning, adaptation or functioning skills.</li></ul>	Laws 113(I)/1999, 69(I)/2001, 87(I)/2014, 166(I)/2020 <a href="#">Eurydice</a>

## 2. Learners legally considered vulnerable to exclusion from education

Within this document, the term **learners vulnerable to exclusion** encompasses all learners whose educational experience is 'impacted upon by a number of pressures, forces, levers, discriminations and disadvantages' (European Agency, 2021, p. 6). These learners may or may not fall into categories of special needs and a special type of provision may or may not be available to support them.

Although there may not be an official definition of learners vulnerable to exclusion, learner groups which are addressed in different legal documents as receiving support and not identified as learners with special needs are listed here.



## **2.1 There is a legal definition of learners vulnerable to exclusion from education**

### *Evidence*

Any child who suffers from an incapacity which prevents them from using educational facilities of the kind that are generally available at school for learners of their age.

Laws 113(I)/1999, 69(I)/2001

[Eurydice](#)

## **2.2 The legal definition of learners vulnerable to exclusion from education is found in laws and policies**

### *Evidence*

The Decision of the Council of Ministers authorises the Minister to modify the selection criteria for children aged 3 years up to 4 years and 8 months, for attending a public kindergarten, whenever necessary (No. 81.735, 2 December 2016).

[Country Policy Review and Analysis – Cyprus](#), pp. 19–20

## **2.3 The legal definition of learners vulnerable to exclusion from education is found in strategies and programmes**

### *Evidence*

No information.

## **2.4a Do your country's legislation, policies or strategies specify particular groups of learners?**

Yes.





## 2.4b Which specific learner groups are legally considered to be vulnerable to exclusion from education across legislation, policies or strategies?

Specific learner groups	Evidence
<p>Registration priority is given to children of compulsory pre-primary education age (4 years and 8 months and above). All other available places are offered to younger children aged between 3 years and 4 years 8 months, on the basis of certain criteria.</p> <p>Priority is given to children with special educational needs. The rest of the children are selected according to the following criteria, approved by the Minister (No. 81.735, 2 December 2016):</p> <ol style="list-style-type: none"><li>1. Children who attended the pre-primary school during the previous year, regardless of whether they are from the educational region or not</li><li>2. Orphans or children under the protection/supervision of the Social Welfare Services</li><li>3. Children from families receiving Minimum Income Guaranteed or Public Allowance</li><li>4. Children whose parents are both unemployed</li><li>5. Children from single-parent families</li><li>6. Children from large families</li><li>7. Children from families with five members</li><li>8. Children with a sibling who will attend pre-primary school in the same school year</li><li>9. Roma children</li><li>10. Age (older children, e.g. 4-year-olds, have priority over younger children, if the prior criteria are not met).</li></ol>	<p>The Decision of the Council of Ministers authorises the Minister to modify the selection criteria for children aged 3 years up to 4 years and 8 months, for attending a public kindergarten, whenever necessary.</p> <p>(No. 81.735, 2 December 2016)</p> <p><a href="#">Country Policy Review and Analysis – Cyprus</a>, pp. 19–20</p>

## 2.5a Does anti-discrimination and equal rights legislation address different learner groups in the education system?

Yes.



## 2.5b Which specific learner groups are listed in anti-discrimination and equal rights legislation?

Specific learner groups	Evidence
<p>The Ministry of Education, Culture, Sport and Youth serves the needs of children with disabilities, as provided in the Education and Training of Children with Special Needs Laws of 1999–2020 and in the Education and Training of Children with Special Needs Regulations of 2001–2013. This legislation provides children with disabilities with all the opportunities for equal education.</p>	<p>Education and Training of Children with Special Needs Laws of 1999–2020</p> <p><a href="#">Country Policy Review and Analysis – Cyprus</a>, p. 4</p>
<p>All children in Cyprus, regardless of gender or ethnic origin and irrespective of the residential status of their parents, are entitled to access to free education and are eligible for educational support. All children participate in school activities.</p>	<p>Elementary Education Act 2008–1998</p> <p><a href="#">Country Policy Review and Analysis – Cyprus</a>, p. 4</p>
<p>The anti-racist policy conceptualises racism in a broad manner, including all sorts of discrimination. It includes definitions of basic concepts which form the theoretical background (e.g. racism, racist incidents, discrimination, stereotypes, diversity, etc.) ... As the anti-racist policy views diversity as a multi-dimensional phenomenon, involving various aspects of people’s identities, it is expected to contribute to the decrease of bullying and discrimination based on any form of diversity in schools, including religion, beliefs, ethnicity, language, appearance, disability, gender, sexual orientation, etc.</p>	<p>Anti-racist policy: <a href="#">Code of Conduct against Racism and Guide for Managing and Recording Racist Incidents</a></p> <p><a href="#">Country Policy Review and Analysis – Cyprus</a>, p. 41</p>



Specific learner groups	Evidence
<p>One of the most crucial deliverables of the iDecide project is the iDecide toolkit, which, among other things, invites school leaders and staff to consider the following factors when making decisions:</p> <ul style="list-style-type: none"><li>• Cultural differences: Visits to religious sites need to take into consideration the various religions represented in the school population/community of the area/country in order to ensure that religious sites belonging to religious minorities will not be neglected systematically (regardless of intention).</li><li>• Disability – health issues: All disabilities/health issues/dietary requirements of the school population and the potential difficulties they may encounter need to be considered in the initial plan of the excursion/school visit.</li><li>• Economic obstacles: Depending on the socio-economic status of each pupil, school leaders and staff need to be sensitive of the cost.</li><li>• Geographical obstacles: The location of the community and the distance that children may need to travel everyday between the school and their homes needs to be considered.</li></ul> <p>Social obstacles: Before decisions are taken, the social characteristics of the pupil population, such as the type of family, the citizenship status of the parents, etc., need to be considered.</p>	<p><a href="#">iDecide project and toolkit</a></p> <p><a href="#">Country Policy Review and Analysis – Cyprus</a>, p. 40</p>

### 3. Legal definition of inclusive education

The Agency views **inclusive education** as:

... a systemic approach to providing high quality education in mainstream schools that effectively meets the academic and social learning needs of all the learners from the school's local community ([European Agency, 2015](#), p. 2).



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In inclusive education:

Learners are placed at the centre of a system that needs to be able to recognise, accept and respond to learner diversity. Inclusive education aims to respond to the principles of efficiency, equality and equity, where diversity is perceived as an asset. Learners also need to be prepared to engage in society, to access meaningful citizenship and to acknowledge the values of human rights, freedom, tolerance and non-discrimination ([Soriano, Watkins and Ebersold, 2017](#), p. 6).

### **3.1 There is a legal definition of inclusive education**

*Evidence*

No information.

### **3.2 The legal definition of inclusive education is found in laws and policies**

*Evidence*

No information.

### **3.3 The legal definition of inclusive education is found in strategies and programmes**

*Evidence*

No information.

### **3.4 Do legal documents related to inclusive education refer to all learners, specific learner groups, or both all learners and specific learner groups?**

Legal documents refer to specific learner groups.

## **4. Additional questions**

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### **4.1 Are there other specific learner groups that receive additional support within the education system that have not been accounted for in this document? If yes, which legal documents (legislation, policies or strategies) address them?**

The Ministry implements the School and Social Inclusion Actions project, co-funded by the European Social Fund. The project aims to:

- support the population living below the poverty line or being at risk of poverty and social exclusion;
- ensure social welfare and financially support the weaker groups of the population that are particularly affected by the economic crisis;
- reduce early school leaving;
- improve learning outcomes
- reduce school failure and delinquency.



A new policy for teaching Greek as a second language to learners with a migrant background has been introduced. The number of teaching periods per week have been increased to be in line with the Common European Framework of Reference for languages, for completing A1 and A2 levels of competence.

A number of primary schools are provided with additional support in Language and Mathematics, to help children at risk of illiteracy, as identified by the annual distribution of literacy and numeracy tests by the Centre of Educational Research and Evaluation.

The above support is provided to schools through circulars issued by the Ministry.

**4.2a Is the term or concept of ‘intersectionality’ mentioned in legislation?**

No.

**4.2b Share details on how the concept is mentioned in the legislation**

No information.

**4.3a Are there any proposals/plans for changes in legislation focused on learners vulnerable to exclusion?**

Yes.

**4.3b What proposals or plans exist for changes in legislation focused on learners vulnerable to exclusion?**

The Ministry received technical assistance from the European Commission’s Directorate-General for Structural Reform Support (DG REFORM) to reform the existing law on special education. Experts from the Agency have prepared a new draft law and regulations.

**4.4 Do you have any further comments?**

No information.