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## **LANZAROTE CONVENTION**

Council of Europe Convention on the protection of children  
against sexual exploitation and sexual abuse

**Replies to the general overview questionnaire**

**CYPRUS**

Replies registered by the Secretariat on 14 March 2014

Updated information registered by the Secretariat on 29 August 2016



**The Questionnaire was prepared by the Social Welfare Services, of the Ministry of Labour and Social Insurance.**

**The Republic of Cyprus has signed the Council of Europe Convention on the protection of children against Sexual Exploitation and Sexual Abuse, and has ratified it in 2015.**

## **GENERAL FRAMEWORK**

### **Question 1: Definition of “child”**

a. Does the notion of “child” under your internal law correspond to that set out in **Article 3, letter (a)**, i.e. “any person under the age of 18 years”?

A child is considered “any person under the age of 18 years”, according to article 2 of the Prevention and Combating of Sexual Abuse and Sexual Exploitation of Children and Child Pornography Law of 2014 (L.91(I)/2014).

Article 2 of the Combating Trafficking and Exploitation of Persons and for the Protection of Victims Law of 2014 [L.60(I)/2014 also includes a person aged twenty-one years, if at the time of recognition as a victim under the provisions of this Law, he/she was under the age of eighteen.

b. What legislative or other measures have been taken to ensure that when the age of a victim is uncertain and there are reasons to believe that the victim is a child, the protection and assistance provided for children are accorded to him or her in accordance with **Article 11, para. 2**?

According to legislation, when the age of a victim is uncertain and there are reasons to believe that the victim is a child, or if that person states that he/she is a minor, article 31(3) of the L.91(I)/2014 provides that the Social Welfare Services ensure that, the above provision is adhered to so that the person presumed to be a child has immediate access to assistance, support and protection in accordance with the provisions of the above mentioned Law.

c. Please state whether the age for legal sexual activities is below 18 years of age and if so, please specify the age set out in internal law.

According to article 2 of the L.91(I)/2014, the “age of consent” for sexual activity is specified as the age of seventeen (17) years of age.

### **Question 2: Non-discrimination**

Is discrimination, on grounds such as the ones mentioned in the indicative list in **Article 2**, prohibited in the implementation of the Convention, in particular in the enjoyment of the rights guaranteed by it? If so, please specify. If not, please justify.

Article 4(1) of the L.91(I)/2014 provides that the implementation of the Law as well as the use of the measures for the protection and promotion of victim rights shall be assured without any

discrimination based on sex, race, colour, language, religion, political or other view, ethnic or social origin, relation to a national minority, property, birth, sexual orientation, health condition, disability or other condition.

### **Question 3: Overview of the implementation**

Please indicate (without entering into details):

- a. The main legislative or other measures to ensure that children are protected against sexual exploitation and sexual abuse in accordance with the Convention;

#### **Laws**

The Prevention and Combating of Sexual Abuse and Sexual Exploitation of Children and Child Pornography Law of 2014 (L.91(I)/2014).

The Convention of the Council of Europe on the Protection of Children from Sexual Exploitation and Sexual Abuse (Ratification) Law of 2014.

The Violence in the Family (Prevention and Protection of Victims) Law of 2000 to 2015 prohibit any form of violence by family members against children.

The Law for Combating Trafficking and Exploitation of Human Beings and for the Protection of Victims [L.60(I)/2014] has special provisions for children (articles 10, 11, 38, 39, 40, 41, 49, 50 and 58), including unaccompanied minors; it further provides for a national coordinator and for the establishment of a multidisciplinary group with the task to take all necessary measures for combating trafficking and exploitation of human beings and to protect. The Law has incorporated Directive 2011/36/EU.

The Law 95(I)/2001 on the Protection of Witnesses, establishes provisions for the protection of witnesses during criminal proceedings.

The UN Convention on the Rights of the Child (Ratification) Law of 1990 as well as the Optional Protocol to the UN Convention on the Rights of the Child on the Sale of Children, Child Prostitution and Child Pornography (Ratification) Law of 2006 [N.6 (III) / 2006].

#### **Other measures**

Cooperation between government agencies and NGOs is established through the Manual of Interdepartmental Procedures as concerns the handling of Cases on Domestic Violence, which has been approved by the Council of Ministers in 2002.

The Advisory Committee for the Prevention and Combating of Violence in the Family was established in 1996, which consists of 11 members from governmental departments, professional bodies and NGOs. The Committee prepares National Action Plans for the Prevention and Combating of Violence in the Family.

The Cyprus Police has issued the Operational Guide for Police Officers for Trafficking in Human Beings and the Manual for Recognizing Victims of Trafficking.

Through the State Aid Scheme, financial support is provided by the Social Welfare Services to the Association for the Prevention and Handling of Violence in the Family, for the operation of a Crisis Centre, the Shelter and other support services, since 1998.

Since 2010, the multi-disciplinary coordinating group to combat trafficking in human beings prepares National Action Plans against Trafficking in Human Beings.

In July 2015, the Council of Ministers appointed an Ad Hoc Committee for the development of a National Strategy on the Prevention and Combating of Sexual Abuse and Sexual Exploitation of Children and Child Pornography.

b. Whether your country has adopted a national strategy and/or Action Plan to combat sexual exploitation and sexual abuse of children. If so, please specify the main fields of action and the body/bodies responsible for its/their implementation;

In July 2015, the Council of Ministers appointed an Ad Hoc Interministerial Committee for the development of a National Strategy on the Prevention and Combating of Sexual Abuse and Sexual Exploitation of Children and Child Pornography. The National Strategy was adopted by the Council of Ministers on 21<sup>st</sup> March 2016.

Within the framework of the National Strategy, the Minister of Labour, Welfare and Social Insurance announced the intention of the Republic of Cyprus to create a Children's House for handling cases of sexual abuse and/or exploitation of children. The Children's House is expected to operate in 2017.

c. Whether your country has any guidelines to ensure a child-friendly implementation of the laws, measures and strategies referred to in letters (a) and (b) above. If so, please specify. With regard to judicial proceedings, please specify whether the Council of Europe Guidelines on Child-friendly Justice were taken as inspiration for your guidelines.

The L.91(I)/2014, provides, amongst others for the protection of the child victim through the judicial proceedings. Article 42 of the Law provides the general guidelines for the protection of the child victim through judicial proceedings (interviews conducted without delay in child-friendly rooms, by specially trained professionals, limited number of interviews, child escorted with her/his representative). Article 43 provides that recorded interviews with the child can be used in the Court as sufficient evidence and the Court can order so as the child will be cross-examined without attending the court room, using appropriate communication technologies. Within this framework, the court and law enforcement authorities take all necessary measures to protect the privacy and identity of a child by preventing any disclosure of information that could lead to the child's identification and take all other steps necessary to protect the child's rights and interests. Article 44 provides that according to Witness Protection Law, during the trial of the case where it is necessary for a child to appear in the court, the Court shall order that the hearing or part of it is undertaken behind closed doors.

In 2016, the Cyprus Police revised the child-friendly brochures (initially issued in 2008), ensuring that appropriate information reaches children and young people regarding sexual offences including information on what they can do if they are at risk of becoming victims of such offences:

- Child Rights Charter (targeted at children ages 9-12)
- Youth Rights Charter (targeted at children and young people aged 13-18)
- Surfing with safety (targeted at children and young people aged 10 and over)

Within 2016, the brochure will be revised and will include information on sexual abuse and sexual exploitation of children and child pornography.

In 2014, the Police, in cooperation with the Church of Cyprus, has issued an informative leaflet on “Dealing with Social Problems (gambling, drugs, internet): a guide to teaching staff and parents”, and the “Dealing with Social Problems (gambling, drugs, internet): a guide to young people”, aiming to advise both parents/teachers and young people on issues relating to safety in the three areas of gambling, drugs and internet use.

#### **Question 4: Child participation**

a. Please indicate what steps have been taken to encourage the participation of children, according to their evolving capacity, in the development and the implementation of state policies, programmes or other initiatives concerning the fight against sexual exploitation and sexual abuse of children (**Article 9, para. 1**);

The Commissioner’s Youth Advisory Committee was established by the Commissioner for the Protection of the Rights of the Child in February 2010 in order to be closer to children's views on issues that concern them. The Committee consists of 30 boys and girls, 13 to 16 years old. The Committee members meet every two months and discuss issues related to children's rights. Additionally, twice a year the group meets with the Commissioner, to share their views, experiences and opinions on issues that concern children. The mandate of the Group has a duration of one year. Moreover, the committee is a member of the European Network of Young Advisors.

In 2013, the Commissioner’s Youth Advisory Committee participated in a five-day experiential training organized by the Commissioner for Rights of the Child, which included information and awareness raising on the issue of sexual abuse and sexual exploitation of children, on the rights of children as derived from the UN Convention on the Rights of the Child, and the Council of Europe Convention for the Protection of Children against Sexual Exploitation and Sexual Abuse (The Lanzarote Convention). The Committee worked to promote the Council of Europe's campaign to end the sexual abuse and sexual exploitation of children, "One in Five" and to inform and raise awareness of the society on the issue of sexual violence against children.

According to legislation [L.91(I)/2014], the Commissioner for the Protection of Children’s Rights may act as the legal representative of a child, when the child’s interest is in conflict with the parents’, to ensure that the child is heard and to safeguard the best interests of the child.

Concerning the legal presentation of the child in court, in custody cases or cases where a child needs to be removed from his/her family, a report is required by the Social Welfare Services. That report needs to include the child's views and wishes.

There is a good practice of Children's Parliament, consisting of 80 members aged 12-18 years who meet every two months. However, they have not been involved in policies, programmes or other initiatives concerning the fight against sexual exploitation and sexual abuse of children.

b. In particular, please indicate whether, and if so, how child victim's views, needs and concerns have been taken into account in determining the legislative or other measures to assist victims (**Article 14, para. 1**).

#### **Question 5: Specialised bodies/mechanisms**

a. Please indicate the independent institution(s) (national or local) in charge of promoting and protecting the rights of the child. Please specify its/their responsibilities and indicate how resources are secured for it/them (**Article 10, para. 2, letter (a)**);

The Commissioner for the Protection of Children's Rights Law, is an independent institution in charge of promoting and protecting the rights of the child. Article 8(1) of the L. 74(I)/2007, states that *"While exercising his/her powers, the Commissioner: (a) acts independently, obeying the law, morality and conscience"*. The Office has its own budget line and is staffed with personnel in different fields of expertise.

The competences of the Commissioner [Section 4(1)] are to (a) represent children and their interests at all levels; (b) inform and sensitize society on children's rights in order to motivate society to safeguard children's rights in practice, in the family, in school, in the community and in society at large; (c) procure and promote the views of children whenever they cannot be heard; (d) supervise and monitor the implementation of the UN Convention and the European Convention on the Exercise of Children's Rights; (e) examine and monitor legislation and practices and submit proposals aiming at the harmonisation of the legislation with relevant international treaties and the promotion of ratification of such treaties by the Republic of Cyprus; (f) undertake information campaigns in order to change outdated perceptions on the position of children in society; (g) submit applications on behalf of any child for the appointment of a special representative in court proceedings affecting the child, when the law or the court precludes the holders of parental responsibility from representing the child, due to conflicts of interest; (h) represent children and their interests in proceedings affecting the child, when this is provided for in legislation, as well as in court proceedings where the Commissioner may be appointed representative of the child by the court; and (i) take any action the Commissioner deems necessary, for the fulfilment of his/her mission, within the framework of the Law.

Article 42 of the L.91(I)/2014 includes provisions so as if the parents or the holders of parental responsibility, according to the existing legal framework of the Republic of Cyprus, are precluded from representing the child as a result of conflict of interest between them and the child victim, or where the child is unaccompanied or separated from her/his family, the court may appoint the Commissioner for the Protection of Children's Rights for legal representation during the criminal investigation or proceedings in accordance with L.74(I)/2007.

b. Which legislative or other measures have been taken to set up or designate mechanisms for data collection or focal points, at the national or local levels and in collaboration with civil society, for the purpose of observing and evaluating the phenomenon of sexual exploitation and sexual abuse of children, with due respect for the requirements of personal data protection? **(Article 10, para. 2, letter (b));**

The Police gather data on child sexual abuse.

The Office of Combating Trafficking in Human beings has an electronic data base system where all relevant information is entered and recorded for both presumed and identified victims and for suspects. The data concerns all forms of trafficking and exploitation as specified by the Combating Trafficking and Exploitation of Persons and for the Protection of Victims Law of 2014 [L.60(I)/2014].

c. Which legislative or other measures have been taken to organise the collection and storage of data relating to the identity and to the genetic profile (DNA) of persons convicted of the offences established in accordance with this Convention? What is the national authority in charge of the collection and storage of such data? **(Article 37, para. 1).**

Article 22 of the L.91(I)/2014, provides for the establishment of a Registry for the collection and storage of data relating to the identity and to the genetic profile (DNA) of the persons (natural or legal persons) convicted of sexual crimes against children. This Registry, by law, includes amongst others, convictions, name(s), identity card number, date of birth (registration number for companies), passport details, home and work address, fingerprints, photos and DNA profile. Article 22 also provides that persons included in the registry should notify the Police concerning changes in their data information and failing to do so is a criminal offence.

#### **Question 6: National or local coordination, cooperation and partnerships**

a. Please describe how coordination on a national or local level is ensured between the different agencies in charge of the protection from, the prevention of and the fight against sexual exploitation and sexual abuse of children. In particular, please provide information on existing or planned coordination between the education sector, the health sector, the social services and the law enforcement and judicial authorities **(Article 10, para. 1);**

The Social Welfare Services, based on article 31(2) of the L.91(I)/2014, ensure that assistance, support and protection are provided to a child as soon as they or any other service involved have good reason to believe that a sexual offense has been committed against the child.

Cooperation between government agencies such as the education sector, the health sector, the social services and the law enforcement and judicial authorities is established through the Manual of Interdepartmental Procedures as concerns the Handling of Cases on Domestic Violence, which has been approved by the Council of Ministers in 2002.

Members of the Advisory Committee for the Prevention of Violence in the Family are appointed by the Ministry of Education and Culture, the Ministry of Health, Social Welfare Services, the Law Office, NGOs and academic institutions.



b. Is cooperation with a view to better preventing and combating sexual exploitation and sexual abuse of children encouraged between the competent state authorities, civil societies and the private sector (**Article 10, para. 3**)? If so, please specify how;

Cooperation with a view to better preventing and combating sexual exploitation and sexual abuse of children is encouraged between the competent state authorities, civil societies and the private sector, by legislation (Law L.91(I)/2014, Laws of 2000 to 2015, L.60(I)/2014).

Legislation sets the framework for cooperation at a policy level as well as at a case management level.

Furthermore all relevant departments have come together to create the National Steering Committee for the implementation of actions within the framework of the “One in Five” Campaign.

The L.91(I)/2014 includes specific provisions concerning the involvement of each service/institution (i.e. Social Welfare Services, the Police, the Health Sector, the Educational Sector, the Judicial Authorities) and the necessary cooperation between them concerning the prevention and fight against sexual abuse and sexual exploitation of children.

The appointment of the Ad Hoc Committee for the development of the National Strategy for the Prevention and Combating of Sexual Abuse and Sexual Exploitation of Children and Child Pornography has encouraged further cooperation between the state authorities, civil societies and the private sector with a view to better preventing and combating sexual exploitation and sexual abuse of children.

c. Are partnerships or other forms of cooperation between the competent authorities promoted with particular regard to the recipients of intervention programmes and measures for persons subject to criminal proceedings or convicted of any of the offences established in accordance with the Lanzarote Convention (**Article 15, para. 2 and Article 16**)?

According to article 47 of L.91(I)/2014, a Surveillance Authority of Sentenced Persons for Sexual Offences against Minors has been established, consisting of representatives from the Ministry of Justice and Public Order (President of the Authority), the Police (Deputy President), the Attorney General, the Mental Health Services of the Ministry of Health, the Social Welfare Services of the Ministry of Labour, Welfare and Social Insurance, the Ministry of Education and Culture, the Prison Department of the Ministry of Justice and Public Order, the Parole Board and the Youth Organisation.

Article 53 of L.91(I)/2014 provides that the Attorney General may apply to the District Court, which exercises criminal jurisdiction, to issue a referral decree for surveillance by the Surveillance Authority for a period of time specified by the Court, for a person who has been sentenced for sexual offense(s) against children.

The Surveillance Authority decides upon the offender’s cooperation with the Mental Health Services for psychological support and with the Social Welfare Services for social reintegration.

Article 52 of L.91(I)/2014 provides that the Social Welfare Services shall coordinate, in cooperation with all services involved, the adoption of all the necessary preventive and intervention measures in order to prevent and minimize the risks of repeated offences of a sexual nature against children. The Mental Health Services, in collaboration with other relevant services, ensure the availability of diagnostic evaluation, appropriate therapeutic interventions and effective programs to prevent and minimize the sexual risks of repetition of sexual offences against children.

#### **Question 7: International cooperation**

Has your country integrated prevention and the fight against sexual exploitation and sexual abuse of children in assistance programmes for development provided for the benefit of third states (**Article 38, para. 4**)? Please give examples.

No

#### **Question 8: Education, awareness raising and training**

- a. Which legislative or other measures have been taken to:
- ensure that children, during primary and secondary education receive information on the risks of sexual exploitation and sexual abuse, as well as on the means to protect themselves, adapted to their evolving capacities? (**Article 6, Explanatory Report, paras. 59-62**). Please also specify whether this information includes the risks of the use of new information and communication technologies (**Article 6, Explanatory Report, para. 63**);

At a primary prevention level, the School Health Services support and encourage self-esteem, self-image, self-respect of children through the Health Education Programme.

The Ministry of Education and Culture ensures that children, during primary and secondary education are informed about the dangers of sexual exploitation and abuse, and the ways they can protect themselves within the context of health education (which includes sex education). This information is provided in collaboration with parents. Special attention is given in the safe use of new information and communication technologies (article 55 of the L.91(I)/2014).

- encourage awareness of the protection and rights of children among persons who have regular contacts with children in the education, health, social protection, judicial and law-enforcement sectors and in areas relating to sport, culture and leisure activities? (**Article 5, para. 1**);

According to Article 54 of the L.91(I)/2014 all relevant services have an obligation to promote regular trainings for employees who may come into contact with children who have been victims of sexual abuse and/or exploitation with a view to enabling them to identify victims and potential victims of sexual abuse and/or exploitation (Police Officers, Officers of the Attorney General, lawyers, members of the judiciary and court staff, child welfare and health care personnel, other groups of people who may come in contact with children who have been sexually abused and/or exploited).

## Police

During basic training, Law enforcement officials are trained on issues of the rights of children, child abuse including child sexual abuse, child pornography and child sexual exploitation, in order to protect the rights of children, prevent sexual exploitation and detect any form of sexual abuse of children.

Specialized courses are organized annually at the Cyprus Police Academy, aiming to sensitize, and to offer police officers of all ranks, an update on current trends and developments in police practice and law in relation to child abuse of all kinds.

There are also opportunities to attend specialized seminars abroad.

## Social Welfare Services

During 2015, the Social Welfare Services provided training seminars to all Social Services Officers concerning the provisions of the Prevention and Combating of Sexual Abuse and Sexual Exploitation of Children and Child Pornography Law of 2014 [L.91(I)/2014] including the role and obligations of the Social Welfare Services under the Law.

The Social Welfare Services are in the final stage of developing a Manual of Internal Procedures on the steps to be undertaken when handling cases of sexual abuse and /or exploitation of children.

## Health Services (with particular focus on children in vulnerable situations)

Mental health professionals are actively involved in continuing education and training of new entrants to the Services on the above issues in a multiple days training package.

Mental Health Services for Children and Adolescents of the Ministry of Health are actively involved in the training of police, on issues related to child abuse, domestic violence, sexual exploitation of children, etc.

In addition, Mental Health Professionals participate in programs like education and awareness in schools, communities, etc.

The Mental Health Services for Children and Adolescents have participated in three Transnational European projects in relation to violence and children:

- **Needs Assessment and Awareness Raising Program for Bullying in Schools**, EU-Daphne II JLS/DAP/2005-1/040/YGand. The Republic of Cyprus was the sponsor (22.3.2006-21.3.2008). Participating countries: Cyprus, Germany, Greece, Lithuania
- **Inter-states actions of research, and instalment of technological innovations in Services to prevent violence in childhood and Adolescence** Interreg III A participating countries: Cyprus, Greece (2 centres).

- **Awareness raising and Prevention of Bullying Among Students: Development and Implementation of a School Training Programme for teachers (12.2.2008-12.2.2010)** Daphne III JLS/2007/DAP-1/015project, participating countries: Cyprus, Greece, Lithuania, Poland

All three programs have been completed successfully and the results were as follows:

1. The first nationwide epidemiological survey was conducted, on bullying in Cyprus, where it was found that 17% of students in Cyprus aged 11 to 14 years old have been involved in school bullying.
2. Informative manuals for parents / children and teachers have been developed on issues concerning bullying and were disseminated in written and in electronic form.
3. A manual for teachers was developed on how to provide information and how to handle effectively cases of bullying in the fifth and sixth grade of Elementary School.
4. Student workshops, based on experiential learning, have been incorporated in the Health Education Program in Primary Schools. A large number of schools, throughout Cyprus, participate each year in this program.

The Mental Health Services for Children and Adolescents, developed significant European research programs aimed at combating the phenomenon of bullying in schools and domestic violence. Among the related research:

- Research has been conducted in collaboration with the Ministry of Education, Pedagogical Institute and the Greek Society for the Study of Addiction Disorder on the Internet for online habits of adolescents, including the Cyber bullying, and examined the possible association of abuse with possible mental health problems.

The results of the above research have indicated that, about 25% of students have been engaged in cyber bullying once in their lifetime, either as victims or as a perpetrator or as victim and perpetrator. Furthermore the research has indicated that girls are more often victims than perpetrators. Also children involved in cyber bullying are significantly more at risk of suffering mental health problems than children who are not involved in cyber bullying.

The results of the above studies are regularly disseminated to other professionals by organizing relevant workshops, presentations at conferences, writing articles, lectures to the public, posting manuals on the internet and spread in schools, organized parents, professionals, Ministry of Health, Education, Social Services, etc.

- ensure that persons, referred to while replying to the bullet point above, have an adequate knowledge of sexual exploitation and sexual abuse of children, of the means to identify them and of the possibility of reporting suspicions of a child being the victim of such acts? (**Article 5, para. 2**).

All professionals mentioned above have adequate knowledge. Efforts are made to include all professionals in specialised training.

c. Which policies or strategies have been implemented to promote or conduct awareness-raising campaigns targeted at the general public where the focus is directed especially towards the risks and realities of sexual exploitation and sexual abuse of children? Please describe the material used for the campaign/programme and its dissemination. If possible, please provide an assessment of the impact of the campaign/programme. If there are currently plans for launching a (new) campaign or programme, please provide details (**Article 8, para. 1**);

The police participate in events that aim to promote awareness on issues of child abuse, with other Government Agencies and NGOs, distributing informative leaflets to the general public.

The Steering Committee of the Campaign "One in Five" in Cyprus has undertaken several activities for awareness raising targeted at the general public using the material prepared by the Council of Europe on the Campaign.

d. Which legislative or other measures have been taken to prevent or prohibit the dissemination of materials advertising the offences established in accordance with this Convention? If so, please provide details (**Article 8, para. 2, Explanatory Report, para. 66**).

Article 10 of the L.91(I)/2014 provides for the criminalization of the dissemination of materials advertising the offences established in accordance with this Convention.

Informative lectures are delivered in schools and other organized groups on child protection and awareness in relation to safe internet and child pornography. In the same context, an informative brochure has been published in Greek and English. The Police also cooperates with Cyberethics (NGO) which runs an electronic platform for reporting cases of child pornography and raising awareness (co financed by the European Union).

Cyprus Police has implemented an online platform for reporting incidents of child pornography. ([https://cybercrime.police.gov.cy/police/CyberCrime.nsf/subscribe\\_gr/subscribe\\_gr?OpenForm](https://cybercrime.police.gov.cy/police/CyberCrime.nsf/subscribe_gr/subscribe_gr?OpenForm)) Cyprus Police implements the Budapest Convention on Cybercrime (the Convention against Cybercrime (Ratification) Law of 2004) which penalizes all acts related to possession, distribution and procuring of child pornography via the Internet.

#### **Question 9: Recruitment and screening**

a. Which legislative or other measures have been taken to ensure that the conditions for accessing those professions whose exercise implies regular contact with children, ensure that the candidates to these professions have not been convicted of acts of sexual exploitation or sexual abuse of children? (**Article 5, para. 3**). Please specify to which professions such measures apply. Please also indicate for how long the criminal record of a person who was convicted for such crimes is kept in your country;

In order for a person to be employed by the Public Sector, the person has to present a Clearance Report. The Criminal Record Office at the Police Headquarters issues Clearance Reports for any individual wishing to be recruited in the public sector, which includes professions whose exercise implies regular contact with children (i.e. Teachers, Social Services Officers, Police

Officers, Health Professionals, etc.). Within this context, all records are kept within the system, but for offences that have been rehabilitated, a conviction may not be recalled.

During the procedure for the evaluation of the candidates for recruitment to Cyprus Police, a check is carried out with regards to criminal records, and candidates themselves must present clearance certificates for each criminal offence.

A Clearance Report is requested to be presented for recruitment in the private sector as well.

Further to the above, article 22 of the L.91(I)/2014, provides for the establishment of a Registry for the collection and storage of data relating to the identity and to the genetic profile (DNA) of the Republic of Cyprus keeps a Registry where data is registered in relation to natural or legal persons convicted for such offenses. This Registry, by law, includes amongst others, convictions, name(s), identity card number, date of birth (registration number for companies), passport details, home and work address, fingerprints, photos and DNA profile.

The Police issues a specific certificate in the context of L.91(I)/2014, proving that a person is not included in the Registry, kept pursuant to the provisions of Article 22 of the L.91(I)/2014, to anyone applying for a job in any professional, organized or voluntary activity that include frequent contact with children. The future employer is obliged, according to the provisions of L.91(I)/2016, to ask for such a certificate of applicants.

The Social Welfare Services have informed employers, employing persons with regular contacts with children, for the obligation of the employee to present a certificate that he/she is not included in the Registry, pursuant to article 22 of the L.91(I)/2014. Specifically a letter was sent to:

- the Association of Private Preschool Education Cyprus;
- the District Welfare Offices to inform all owners of childcare programs (day care centres, Child Protection Centres and Employment, home child minders) of their obligation as employers;
- the Pancyprian Volunteerism Coordinative Council (PVCC) to inform all persons (employees and volunteers) who come into contact with children to be aware of the provisions of the law.

b. Does the screening of candidates apply to voluntary activities (**Explanatory Report, para. 57**)?

The Social Welfare Services have informed, in writing, the Pancyprian Volunteerism Coordinative Council about the provisions of the L.91(I)/2014 and their obligation to ask for a certificate providing that the person is not listed in the Registry, as mentioned in Question 9a. The Pancyprian Volunteerism Coordinative Council informed its members of the above provisions of the new Law.

### **Question 10: Preventive intervention programmes or measures**

a. Which legislative or other measures have been taken to ensure that persons who fear that they may commit any of the offences established in accordance with the Convention, have access to effective intervention programmes or measures designed to evaluate and prevent the risk of offences being committed? Please specify under which conditions, if required (**Article 7, Explanatory Report, para. 64**);

The above provisions of the Convention are included in the L.91(I)/2014 (article 52), but at present there are no specific measures at place.

b. Which legislative or other measures have been taken to ensure that persons subject to criminal proceedings or convicted for any of the offences established in accordance with the Convention, may have access to effective intervention programmes or measures? Please specify under which conditions, if required (**Articles 15 to 17**). Please indicate in particular:

- who has access to these programmes and measures (convicts, persons subject to criminal proceedings, recidivists, young offenders, persons who have not committed a crime yet?);
- how the appropriate programme or measure is determined for each person;
- whether there are specific programmes for young offenders;
- whether persons have a right to refuse the proposed programme/measures?

Article 52(3) of L.91(I)/2014 provides that the Mental Health Services, in collaboration with other relevant services, ensure the availability of diagnostic evaluation, appropriate therapeutic interventions and effective programs to prevent and minimize the sexual risks of repeated offenses of sexual nature against children.

Persons subject to criminal proceedings and convicts have access to general mental health services. No specialised programme has been set up yet.

Young offenders are referred to general child/adolescent mental health services. No specialised programme for young offenders has been set up yet.

The Police or the Competent Court ensure that the persons for whom a referral to the Mental Health Services has been proposed, are fully informed of the reasons why such a referral has been proposed, of the need for their consent to the referral and of their right to refuse. In case they have been convicted, they are informed of the possible consequences of their denial to be referred to the Mental Health Services.

### **Question 11: Participation of the private sector, the media and civil society**

What steps have been taken to encourage:

a. The private sector (in particular the information and communication technology sector, the tourism and travel industry, the banking and finance sectors) to participate in the elaboration and implementation of policies, programmes or other initiatives to prevent sexual exploitation and sexual abuse of children? Please indicate which private sectors are concerned and explain how participation takes place. Please also provide information concerning any

relevant` code of conduct or enterprise charter aimed at protecting children from sexual exploitation and sexual abuse (**Article 9, para. 2, Explanatory Report, paras. 68-73**);

In order to encourage the private sector to participate in the elaboration and implementation of policies, programmes or other initiatives to prevent sexual exploitation and sexual abuse of children, different government Departments cooperate with non-governmental organizations in the implementation of programmes, campaigns, etc. towards the prevention of sexual abuse and sexual exploitation of children. For example:

Since 2013, the Ministry of Education and Culture and the Observatory for School Violence in cooperation with the non-governmental organization "Hope For Children" UNCRC Policy Center, organize seminars for parents, workshops and trainings in schools on informing, educating and empowering students on issues of bullying, sexual abuse and cybercrime. The above seminars, workshops and trainings are organized every year, according to the needs of schools.

"Hope For Children" UNCRC Policy Center, as an actor active in this field at national level, participated in the Steering Group for the ONE in Five Campaign and in the parliamentary meetings for the ratification of the Lanzarote Convention. Within the framework of awareness raising activities of the Steering Committee "Hope for Children" implemented the following:

- At the beginning of 2016, a training was organized for hotel staff on the issue of child safety (including child pornography) in cooperation with a private hotel company. It has also organized a training for the journalists on sexual abuse against children.
- In 2013, an academic research was conducted on online grooming, showing that there is an increasing number in the cases of online grooming worldwide and that steps should be taken to prevent online grooming against children through the cooperation of relevant stakeholders and the national law.
- In January 2016, an EU funded project began (it lasts for 2 years) on child-friendly justice in cases of sexual violence against children (JudEx+). The project aims to improve the child's experience when entering the judicial system in cases of sexual violence against children by improving the skills of professionals involved in representing children in judicial proceedings through trainings which take into consideration children's rights, their developmental needs, and social background in EU countries where the Lanzarote Convention has recently been ratified (Cyprus; Italy; United Kingdom; Bulgaria; Sweden; and Slovenia).
- The Ministry of Justice and Public Order and the Cyber Unit Crime of the Police of Cyprus are on the final stage to sign a Memorandum of Understanding (MoU) with "Hope for Children", which includes amongst others the obligation of the parties to create a stop child porn website, to protect children from online sexual exploitation.



- A cooperation among Europol and Missing Children Europe has been initiated by "Hope For Children" UNCRC Policy Center in order to establish a code of ethics with the Banks of Cyprus to sign an agreement on preventing and encumbering the trade of images of child sexual abuse, through the financial systems.

The Cyprus Family Planning Association has developed materials on how to educate children on reproductive rights and sexual education.

- b. The media to provide appropriate information concerning all aspects of sexual exploitation and sexual abuse of children (**Article 9, para. 3, Explanatory Report, para. 74**);

The Commissioner for the Rights of the Child, in 2015, has made a public statement on incidents of sexual violence of children who were mentioned in the media, stating that the media are key partners in the protection and promotion of children's rights. References of sexual violence against children by the media, using appropriate information, contributes both to raise awareness and also to apply pressure to the competent authorities to improve their interventions.

- c. The financing, including, where appropriate by the creation of funds, of the projects and programmes carried out by civil society aimed at preventing and protecting children from sexual exploitation and sexual abuse (**Article 9, para. 4, Explanatory Report, para. 75**). May the proceeds of crime be used to finance the above mentioned projects and programmes? Please provide details (**Article 27, para. 5, Explanatory Report, para. 193**).

Within the framework of the Council of Europe Campaign "One in Five", several stakeholders have been invited and participated in the Steering Committee for the implementation of the Campaign.

Through the State Aid Scheme, financial support is provided by the Social Welfare Services to an NGO (Association for the Prevention and Handling of Violence in the Family), for the operation of the European Helplines (116000 and 116111).

#### **Question 12: Effectiveness of preventive measures and programmes**

- a. Please specify whether an assessment of the effectiveness and impact of the preventive measures and programmes described in replies to questions 4, 10 and 11 is regularly carried out;

No.

- b. Please provide examples of the good practices in preventing sexual exploitation and sexual abuse of children.

N/A

## PROTECTION AND PROMOTION OF THE RIGHTS OF CHILDREN VICTIMS OF SEXUAL EXPLOITATION AND SEXUAL ABUSE

### Question 13: Reporting suspicion of sexual exploitation or sexual abuse

a. Are professionals working in contact with children bound by confidentiality rules? Do these rules constitute an obstacle for reporting to the services responsible for child protection any situation where they have reasonable ground for believing that a child is a victim of sexual exploitation or sexual abuse? Please indicate the criteria or guidelines which allow for the waiving of confidentiality rules (**Article 12, para. 1, Explanatory report, para. 89**);

Professionals working with children are bound with confidentiality rules. However according to legislation (Laws 2000 to 2015 and L.91(I)/2014) in cases where they have suspicions that a child is a victim of sexual exploitation or sexual abuse, confidentiality rules are waived in order to protect the child from any form of harm. All professionals are required to report to the Police.

In cases where the person withholding such a report is a professional such as a member of the police, a teacher, a social services officer, a psychologist, etc., this is taken into account as an aggravating factor. For the purposes of this Law, confidentiality cannot be used as a defence of such a person (article 30, L.91(I)/2014).

b. Are there any rules encouraging any person who knows about or suspects, in good faith, sexual exploitation and sexual abuse of children to report the facts to the competent authorities? If so, please specify under which conditions and to which authorities (**Article 12, para. 2, Explanatory Report, para. 91**). Please provide examples of good practice.

According to L.91(I)/2014, anyone who omits to report a case, coming to his/her knowledge, where a child has been sexually abuse and/or exploited and does not report such a case, commits an offence with a sentence of imprisonment up to 15 years or a fine of 20,000 euro.

According to the Violence in the Family (Prevention and Protection of Victims) Laws of 2000 to 2015, it is the responsibility of every citizen to report any case of violence against a minor or a person having severe mental or psychological deficiencies, which came to his/her knowledge, otherwise he/she commits an offence and in case of conviction, shall be liable to imprisonment up to 2 years or to a fine or to both such penalties.

### Question 14: Helplines

Which legislative or other measures have been taken to encourage and support the setting up of information services, such as telephone or Internet helplines, to provide advice to callers, even confidentially or with due regard for their anonymity? (**Article 13, Explanatory Report, para. 92**).

In the Republic of Cyprus, the following help lines operate:

1440 – Help line for victims of domestic violence, operates by the Association for the Prevention and Handling of Violence in the Family. It operates from 08:00 am to 22:00 pm daily and from 10:00 am to 22:00 pm on weekends and holidays. Calls are free of charge.

116 000 – European help line for missing children, operates by the Association for the Prevention and Handling of Violence in the Family and Hope for Children UNCRC Policy Center on a 24 hour basis. Calls are free of charge.

1460 – The Citizen Communication Line, operates by the Police on a 24 hour basis. Calls are free of charge.

#### **Question 15: Assistance to victims**

a. Please indicate which types of assistance described in **Article 14** are provided to victims of sexual exploitation and sexual abuse of children. (**Explanatory Report paras. 93-100**) Please specify:

- how the assistance is adapted to the victims' age and maturity;
- how due account is taken of the child's views, needs and concerns;
- if the assistance (in particular emergency psychological care) is also provided to the victims' close relatives and persons responsible for their care.

In cases of sexual exploitation and sexual abuse of children, according to the manual of interdepartmental procedures for handling cases of domestic violence, all services involved handle the case in a multidisciplinary approach. The services involved are the Social Welfare Services, the Health Services, the Mental Health Services, the Police and the Law Office of the Republic of Cyprus.

Each case of an abused child is handled according to the needs of victim and all decisions and measures taken are based on the best interest of the child.

Article 45(1) of the L.91(I)/2014 provides that all the services involved take all appropriate measures in order to provide short term and long term assistance to the child victim, within the framework of the physical and psycho-social recovery, after an individual evaluation of the child's personal condition, taking duly into consideration the child's opinion, depending on the child's age, psychological and mental condition, needs and concerns with the goal of finding permanent solutions for the child. Such services provided are health services, mental health services, social services, protection, etc. The Social Welfare Services are the competent authority for the coordination of the provision of the above services provided to the child victim.

Furthermore article 45(4) provides that immediate special psychological support is provided to the child victim and his/her family.

b. Please specify if and to what extent internal law provides for the possibility of removing (**Article 14, para. 3, Explanatory Report, para. 99**):

- the alleged perpetrator, when the parent or persons caring for the child are involved in his or her sexual exploitation or sexual abuse;
- the victim from his or her family environment when parents or persons caring for the child are involved in his or her sexual exploitation or sexual abuse.

Both a Restraining Order and a Removal of the Victim Order are included in the L.91(I)/2014 (articles 32, 33, 34).

The Law on Domestic Violence allows for 2 types of protection court orders: (a) Restraining Order (removing the accused from the family home) (b) Removal of the victim(minor) - it grants the Social Welfare Services the right of care and supervision of a minor victim and it authorizes the Services to remove the minor from the family residency and place him/her in a foster family or in a Children`s Home. The order is issued by Criminal Courts upon application from the Police, Social Welfare Services, the Attorney General, the victim or his / her representative.

- c. If internal law does provide for this:
- are the conditions and duration of such removal to be determined in accordance with the best interests of the child?

The conditions and duration of such removal is determined in accordance with the best interests of the child.

- are social programmes and multidisciplinary structures in place to provide the necessary support for victims, their close relatives and for any person responsible for their care? (**Article 11, Explanatory Report, paras. 87-88**).

All services involved in cases of sexual exploitation and sexual abuse of children make efforts to promote a multidisciplinary approach through meetings for case management.

- d. Which legislative or other measures have been taken to ensure that victims of an offence established in accordance with the Convention in the territory of a Party other than the one where they reside may make a complaint before the competent authorities of their state of residence? (**Article 38, para. 2, Explanatory Report, paras. 258-259**).

According to Article 41(1) of the L.91(I)/2014, if the victim is a national or a resident of another State, the prosecuting authorities take all necessary measures to minimize the difficulties faced concerning the criminal proceedings according to the provisions of the Convention established by the Council under Article 34 of the Treaty on European Union, on Mutual Cooperation in criminal proceedings between the EU Member States and its Protocol.

Article 41(2) provides that if a victim residing in another Member State, files a complaint concerning one of the offences included in the L.91(I)/2014, and the complaint is transferred to the law enforcement authorities of the Republic of Cyprus, the case would be investigated as if the victim was residing in the Republic of Cyprus.

**PROSECUTION OF PERPETRATORS OF SEXUAL EXPLOITATION  
AND SEXUAL ABUSE OF CHILDREN**

**Question 16: Criminal law offences**

a. Please indicate whether the intentional conducts in the box below are considered criminal offences in internal law;

Sexual Abuse:	Yes
Child Prostitution:	Yes
Child Pornography:	Yes
Participation of a Child in Pornographic Performances:	Yes
Corruption of Children:	Yes
Solicitation of Children for Sexual Purposes:	Yes
Aiding or abetting and attempt:	Yes

b. Wherever the intentional conduct which is criminalised differs from the Lanzarote Convention benchmark, please justify;

Intentional conduct is in accordance with the Lanzarote benchmark.

c. Please highlight whether there are any other offences not included in the box below incriminating sexual exploitation and sexual abuse of children in your country? Please provide their definitions and specify in which act these are included;

Article 10(1) of the L.91(I)/2014 “Highlighting opportunities for abuse and sex tourism against children”, provides that whoever procures material that creates opportunities to commit any of the offences provided in the Law, shall be guilty of a felony and in case of conviction, shall be subject to a sentence of imprisonment not exceeding 10 years. Article 10(2) of L.91(I)/2014 provides that whoever organizes trips for third parties, for commercial purposes or not, with the objective of committing any of the offences included in the Law, shall be guilty of a felony, and in case of a conviction, shall be subject to a sentence of imprisonment not exceeding 10 years.

In order to criminalize the production, supply, distribution or dissemination, acquisition or possession of child pornography, through the use of personal computer system, article 11 of the L.91(I)/2014 provides that the provisions of the Convention against Cybercrime (Ratification) Law of 2004 shall be applied.

d. Please also specify whether the age of a child plays a role in determining the gravity of the offence.

According to L.91(I)/2014, if the child victim is under the age of 13, then the child is considered to be ‘particularly vulnerable’, and more serious sanctions are imposed, such as life imprisonment.

**Sexual Abuse (Article 18)**

1. Engaging in sexual activities with a child who, according to the relevant provisions of national law, has not reached the legal age for sexual activities;
2. Engaging in sexual activities with a child where
  - use is made of coercion, force or threats;
  - abuse is made of a recognised position of trust, authority or influence over the child, including within the family;
  - abuse is made of a particularly vulnerable situation of the child, notably because of a mental or physical disability or a situation of dependence.

**Child Prostitution (Article 19)**

1. Recruiting a child into prostitution or causing a child to participate in prostitution;
2. Coercing a child into prostitution or profiting from or otherwise exploiting a child for such purposes;
3. Having recourse to child prostitution.

**Child Pornography (Article 20)**

1. Producing child pornography;
2. Offering or making available child pornography;
3. Distributing or transmitting child pornography;
4. Procuring child pornography for oneself or for another person;
5. Possessing child pornography;
6. Knowingly obtaining access, through information and communication technologies, to child pornography.

**Participation of a Child in Pornographic Performances (Article 21)**

1. Recruiting a child into participating in pornographic performances or causing a child to participate in such performances
2. Coercing a child into participating in pornographic performances or profiting from or otherwise exploiting a child for such purposes
3. Knowingly attending pornographic performances involving the participation of children.

**Corruption of Children (Article 22)**

The intentional causing, for sexual purposes, of a child who has not reached the internal legal age for sexual activities, to witness sexual abuse or sexual activities, even without having to participate.

**Solicitation of Children for Sexual Purposes (“grooming”) (Article 23)**

The intentional proposal, through information and communication technologies, of an adult to meet a child who has not reached the age for sexual activities as established by internal law, for the purpose of committing sexual abuse or producing child pornography, where this proposal has been followed by material acts leading to such a meeting.

**Aiding or abetting and attempt (Article 24)**

1. Intentionally aiding or abetting the commission of any of the above offences.
2. The attempt to commit any of the above offences.

**Question 17: Corporate liability**

Does your system provide that a legal person may be held liable for an offence established in accordance with **Article 26**? Please specify under which conditions.

Under the Criminal Law, a corporate entity could be held liable for offences related to offences covered by the Convention provided guilt is established / proved beyond reasonable doubt.

Article 13 of the L.91(l)/2014 provides that a legal person shall be liable for the offences included in the Law when these are committed to his/her benefit, by any person, who acts either individually or as a member of a body of the legal person and has a leading position on the legal person based on an authorization to act on behalf of the legal person or an

authorization to make decisions on behalf of the legal person or an authorization to perform controls within the legal person.

**Question 18: Sanctions and measures**

a. Please indicate which sanctions internal law provides for the criminal offences established in accordance with the Convention with regard to both natural and legal persons. Please specify whether the sanctions are criminal, civil and/or administrative sanctions (**Article 27, Explanatory Report, paras. 182-193**);

According to L.91(I)/2014 the following sanctions are imposed:

Criminal Offence	Criminal sanctions	
	Natural person	Legal person
Sexual Abuse of a child		
Causing a child, that has not reached the age of consent, to witness sexual activities or representation of sexual activities	Imprisonment not exceeding ten (10) years If the victim is a child under thirteen (13) years old subject to life imprisonment	Fine not exceeding 600,000€
Causing a child that has not reached the age of consent, to witness sexual abuse or representation of sexual abuse	Imprisonment not exceeding fifteen (15) years If the victim is a child under thirteen (13) years old subject to life imprisonment	Fine not exceeding 600,000€
Participating in sexual activity with a child that has not reached the age of consent	Imprisonment not exceeding twenty (20) years If the victim is a child under thirteen (13) years old subject to life imprisonment	Fine not exceeding 600,000€
Participating in sexual activity with a child that has not reached the age of consent, when a position of trust, authority or influence on the child is being abused or when a position of vulnerability of the child is being abused or when coercion, violence or threat is being used	Life imprisonment	Fine not exceeding 600,000€
Participating in sexual activity with a child that has reached the age of consent, when a position of trust, authority or influence on the child is being	Imprisonment not exceeding twenty (20) years If the victim is a child under thirteen (13) years old subject to life imprisonment	Fine not exceeding 600,000€

abused or when a position of vulnerability of the child is being abused or when coercion, violence or threat is being used		
Coercing of a child or using violence or threatening a child that has not reached the age of consent, to perform a sexual activity with a third person	Life imprisonment	Fine not exceeding 600 000€
Coercing of a child or using violence or threatening a child that has reached the age of consent, to perform a sexual activity with a third person	Imprisonment not exceeding twenty (20) years If the victim is a child under thirteen (13) years old subject to life imprisonment	Fine not exceeding 600,000€
Coercing or inciting a child to participate in a sexual activity with a third party	Imprisonment not exceeding twenty five (25) years If the victim is a child under thirteen (13) years old subject to life imprisonment	Fine not exceeding 600,000€
<b>Sexual Exploitation of Children</b>		
Provocation of participation of a child in pornographic shows or recruitment of a child in order to participate or making profit from the participation of a child in pornographic shows or exploitation of the child by other means	Imprisonment not exceeding twenty (20) years If the child is above the age of consent the sentence of imprisonment shall not exceed fifteen (15) years If the victim is a child under thirteen (13) years old subject to life imprisonment	Fine not exceeding 600,000€
Coercion of a child or use of violence so that the child participates in pornographic shows or threaten a child to that end	Imprisonment not exceeding twenty five (25) years If the child is above the age of consent the sentence of imprisonment shall not exceed fifteen (15) years If the victim is a child under thirteen (13) years old subject to life imprisonment	Fine not exceeding 600,000€
Knowingly watch pornographic shows or live child pornography or via other means	Imprisonment not exceeding fifteen (15) years If the child is above the age of consent the sentence of imprisonment shall not exceed fifteen (10) years If the victim is a child under thirteen (13) years old subject to life imprisonment	Fine not exceeding 600,000€



Cause or suggest to a child that has not reached the age of consent to participate in pornographic show live or via information and communication technologies	Imprisonment not exceeding ten (10) years If the victim is a child under thirteen (13) years old subject to life imprisonment	Fine not exceeding 600,000€
Provocation of the participation of a child in child prostitution or recruitment of a child in order to participate in child prostitution to gain profit from the child or exploitation of the child by other means	Imprisonment not exceeding twenty five (25) years If the child is above the age of consent the sentence of imprisonment shall not exceed twenty (20) years If the victim is a child under thirteen (13) years old subject to life imprisonment	Fine not exceeding 600,000€
Coercion of the child or use of violence so that the child participates in child prostitution or threaten the child to that end	Imprisonment not exceeding twenty five (25) years If the child is above the age of consent the sentence of imprisonment shall not exceed twenty (20) years If the victim is a child under thirteen (13) years old subject to life imprisonment	Fine not exceeding 600,000€
Engagement in sexual activities with a child within the framework of child prostitution	Imprisonment not exceeding twenty five (25) years If the child is above the age of consent the sentence of imprisonment shall not exceed fifteen (15) years If the victim is a child under thirteen (13) years old subject to life imprisonment	Fine not exceeding 600,000€
<b>Child Pornography</b>		
Obtaining or possessing of child pornography material	Imprisonment not exceeding ten (10) years If the victim is a child under thirteen (13) years old subject to life imprisonment	Fine not exceeding 600,000€
Knowingly gaining access to child pornography via information and communication technologies	Imprisonment not exceeding ten (10) years If the victim is a child under thirteen (13) years old subject to life imprisonment	Fine not exceeding 600,000€
Distribution, dissemination or broadcasting child pornography material	Imprisonment not exceeding fifteen (15) years If the victim is a child under	Fine not exceeding 600,000€

	thirteen (13) years old subject to life imprisonment	
Offering or providing or having child pornography material or providing information on how to obtain child pornography material	Imprisonment not exceeding fifteen (15) years If the victim is a child under thirteen (13) years old subject to life imprisonment	Fine not exceeding 600,000€
Production of child pornography material	Imprisonment not exceeding twenty (20) years If the victim is a child under thirteen (13) years old subject to life imprisonment	Fine not exceeding 600,000€
<b>Child solicitation for sexual reasons</b>		
Suggesting to a child that has not reached the age of consent, via information and communication technologies to meet him/her with the purpose of performing sexual activity with the child or the production of pornography material or the sexual exploitation of a child and the suggestion in question is followed by the performance of actions that lead to a meeting	imprisonment not exceeding ten (10) years	Fine not exceeding 600,000€
Inviting or approaching via information and communication technologies a child that has not reached the age of consent and trying to obtain or to have access or obtain or succeed in obtaining access to child pornography	Imprisonment not exceeding ten (10) years	Fine not exceeding 600,000€
<b>Opportunities for abuse and tourism against children</b>		
Procuring material that creates opportunities to commit any of the offences included in the L.91(I)/2014	Imprisonment not exceeding ten (10) years	Fine not exceeding 600,000€
Organizing trips for third parties with the objective of committing any of the offences included in L.91(I)/2014	Imprisonment not exceeding ten (10) years	Fine not exceeding 600,000€

**Note:** A legal person shall be liable for the offences provided above, when these are committed to his/her benefit, by any person, who acts either individually or as a member of a body of the legal person who has a leading position on the legal person based on an authorization to act on behalf of the legal person or an authorization to make decisions on behalf of the person or an authorization to perform controls within the legal person.

Also a legal person may be considered liable for the commitment of the above mentioned offences if incomplete surveillance or incomplete control by a person acting under the jurisdiction of the legal person has made the commitment of the offences in question possible in favour of the legal person.

Regardless of any of the above sanctions, the Court may, at any stage of the procedure or at any time of imposition of sanctions to a sentenced natural or legal person, order as additional sanctions (administrative/civil) the following:

1. the exclusion from public benefits or aid;
2. the temporary or permanent banning of a specified activity or provisions of services, either directly or via a third party;
3. the imposition of judicial oversight or referral to the Surveillance Authority;
4. the dissolution of the legal person;
5. the temporary or permanent closure of the estate or the facilities used for the commitment of the offence;
6. the prohibition of employment of the sentenced person at locations where there are children or are frequently used by children;
7. the termination of employment of the sentenced person at locations where there are children or are frequently used by children;
8. the prohibition of accommodation of the sentenced person at the place of accommodation of the victim or other children or at a location neighbouring either with the accommodation of the victim or other children, or with organized locations where there are children, or which are frequented by children.

b. Which legislative or other measures have been taken to provide for the possibility of taking into account final sentences passed by another Party in relation to the offences established in accordance with the Convention? Please provide details and describe any good practice resulting from the taking of these measures (**Article 29, Explanatory Report, paras. 203-208**).

According to national law any final sentence by another Party can be taken into account by the Republic of Cyprus, as long as the final sentence/court decision is registered in the Court in the Republic of Cyprus.

### Question 19: Jurisdiction

With regard to the offences referred to in question 16, please indicate which jurisdiction rules apply. Please specify under which conditions, if required (**Article 25, Explanatory Report, paras. 165-176**).

The offences referred to in question 16 are all criminal offences. The standard of proof in criminal cases is very high and they must be proved beyond reasonable doubt.

### Question 20: Aggravating Circumstances

Please indicate which of the circumstances referred to in **Article 28**, in so far as they do not already form part of the constituent elements of the offence, may, in conformity with the relevant provisions of internal law, be taken into consideration in your legal system as aggravating circumstances in the determination of the sanctions in relation to the offences established in accordance with this Convention (**Explanatory Report, paras. 194-202**).

According to article 19 of the L.91(I)/2014, in the determination of the offenses and in determining the sentence, the court would consider the following as aggravating circumstances:

- the commission of the offense imposed an intentional or unintentional serious form of negligence endangering the victim's life.
- the offense was committed against a child with mental or physical disabilities, or physical or mental incapacity.
- the offense was committed by a member of the victim's family, a person cohabiting with the victim or a person who holds a trust position, influence or power.
- the offense was committed by at least two persons who acted together.
- during the commission of a criminal offense violence was used or damage was caused to the victim.
- the criminal offense was committed by a criminal organization as defined in Article 63B of the Criminal Code.
- the offender has previously been convicted of offenses of the same type.
- the offense was committed by a public official while performing his/her duties.

### Question 21: Measures of protection for the child victim

a. Please describe the measures taken to inform child victims of their rights, the services at their disposal, the follow-up given to their complaint, the charges, the general progress of the investigation or proceedings, and their role as well as the outcome of their cases (**Article 31, para. 1, letter (a) and para. 2**). Please also indicate what is done to provide all relevant information in a manner adapted to the child's age and maturity and in a language that he/she may understand;

The Social Welfare Services are responsible for informing the child victims or the legal guardian of the child victim of their rights, the services at their disposal as well as network them with the appropriate services. Information concerning their complaint, the charges, the general progress

of the investigation or proceedings, and their role as well as the outcome of their cases may also be obtained by the Police.

Following the electronic and in-print publication in Greek and English of the Citizen's Rights Charter by the Cyprus Police (available at [www.police.gov.cy](http://www.police.gov.cy)) the Cyprus Police prepared Citizen's Charters for children and youngsters which are published electronically in the Police Official Website, to be accessed by children and members of the Police. The Charters are prepared in the context of Article 13 of the Convention on the Rights of Children ensuring children's access to information, concerning the Police, the services that could be obtained from the Police, as well as advice on various issues, like safety on the internet, for their protection. The Children's Rights Charter was drafted in a language understood by children and is highly illustrated.

Campaigns against child abuse are carried out periodically in the form of distributing informative brochures in public places, as well as including a relevant brochure on the police website.

The Commissioner for the Rights of the Child has established a child friendly webpage, where information is provided concerning the rights of the child and other issues concerning children. Furthermore the Commissioner encourages children to report such cases of abuse/violence/etc. directly to her Office.

Furthermore Cyprus participated in the Council of Europe Campaign "One in Five" in 2013-2016. A Steering Committee was established for the implementation of the campaign. The Commissioner of the Rights of the Child, several Ministries and NGOs participate in the Committee.

The information provided, is adapted according to the child's age and maturity. An interpreter may be used so as the information be provided in a language that the child victim understands.

b. Please also indicate which measures have been taken to enable the child victim to be heard, to supply evidence and to choose the means of having his/her views, needs and concerns presented, directly or through an intermediary, and considered (**Article 31, para. 1, letter (c)**);

Fundamental children's rights to be heard and to be presented and be considered in proceedings where the child's personal interests are affected, are fully respected and incorporated in the laws of the Republic of Cyprus.

The Police maintain specially designed, furnished and equipped rooms in almost all Police Divisions and at Police Headquarters to be used for hosting and handling vulnerable witnesses and for video recording their statements. Criminal Courts in all Districts are also equipped with CCTV systems which allow vulnerable witnesses to testify from a different room outside the Courtroom.

According to orders of the Chief of Police, which regulate video-recorded statements, such statements may only be taken by officers who have undergone extensive specialized training.

Further it must be noted that among the competences of the Commissioner for the Protection of the Rights of the Child, is child representation at all levels, and promotion of children`s views whenever they cannot be heard, submittance of applications on behalf of any child for the appointment of special representatives in court proceedings affecting the child, when the law or the court precludes the holders of parental responsibility from representing the child, due to conflicts of interest, and child`s representation in proceedings affecting the child, when this is provided for in legislation, as well as in court proceedings where the Commissioner may be appointed as the child`s legal representative.

c. What kind of support services are provided to child victims and their families so that their rights and interests are duly presented and taken into account? (**Article 31, para. 1, letter (d)**);

Article 36 of the L.91(I)/2014 provides for the right of the victim and his/her family or his/her guardian has access to all necessary information, such as the services or organisations that provide assistance to victims concerning protection, care, psychological support, legal or other advice, the type of assistance provided regarding the criminal procedure, where and how a victim may submit a complaint against the offender, the procedures following the complaint, how and under which conditions the victim may receive protection, to what extend and under which conditions the victim shall have access to legal advice legal assistance, any other type of advice, the right to compensation.

Article 37 of the L.91(I)/2014 provides for the victim`s right to legal advice.

Article 38 of the L.91(I)/2014 provides for the protection of the victim and the members of his/her family based on the Protection Plan for Witnesses and Collaborators of Justice.

Article 45(1) of the L.91(I)/2014 provides that all the services involved take all appropriate measures in order to provide short term and long term assistance to the child victim, within the framework of the physical and psycho-social recovery, after an individual evaluation of the child`s personal condition, taking duly into consideration the child`s opinion, depending on the child`s age, psychological and mental condition, needs and concerns with the goal of finding permanent solutions for the child. Such services provided are health services, mental health services, social services, protection, etc. The Social Welfare Services are the competent authority for the coordination of the provision of the above services provided to the child victim.

Furthermore article 45(4) provides that immediate special psychological support is provided to the child victim and his/her family.

d. Please describe the measures taken to protect the privacy, the identity and the image of child victims (**Article 31, para. 1, letter (e)**);

The Police maintain specially designed, furnished and equipped rooms in all Police Divisions and at Police Headquarters to be used for hosting and handling vulnerable witnesses and for video recording their statements. Criminal Courts in all Districts are also equipped with CCTV systems which allow vulnerable witnesses to testify from a different room outside the Courtroom.

According to orders of the Chief of Police, which regulate video-recorded statements, such statements may only be taken by officers who have undergone extensive specialized training.

Article 38(1)(a) of the L.91(I)/2014, provides that within the framework for the protection of the victim and the members of his or her family based on the Protection Plan for Witnesses and Collaborators of Justice, all appropriate measures are taken so that the victim's identity and image are secured and the publication of information which could lead to the victim's identification is prevented.

e. Please describe the measures taken to provide the safety of the child victims and witnesses and their families from intimidation, retaliation and repeat victimisation (**Article 31, para. 1, letter (f)**);

For the purpose of the protection of the child victims and witnesses and their families, retaliation and repeat victimization, according to Article 23 of the Violence in the Family (Protection of Victims) Laws of 2000 and 2004, a restriction order may be issued for the perpetrator.

f. Please specify whether the victim and his/her family are informed when the person prosecuted or convicted is released temporarily or definitely from detention or custody. Please indicate who delivers this information and how (**Article 31, para. 1, letter (b)**);

According to article 36(3) of the L.91(I)/2014 in case the prosecuting authorities judge that the victim is in danger from the pre-trial detention of a person in custody or the release of a convict, they shall inform the victim and take the necessary precaution.

g. Please also indicate what measures have been taken to ensure that contact between victims and perpetrators, within court and law enforcement agency premises, is avoided. Please specify under which conditions the competent authorities may authorise such contact in the best interests of the child or when the investigations or proceedings require such contact (**Article 31, para. 1, letter (g)**);

In the course of a trial, the Court decides whether the witness (victim) requires 'assistance' to testify and determines the measures that may be taken. Under the Law for the Protection of Witnesses 95(I)/2001 a person is considered to require assistance if he/she is under the age of 18 years. The measures available are:

- Whole or part of the trial behind closed doors,
- Testimony without the physical presence of the accused,
- Placement of partition,
- Use of CCTV,
- Use of any other means to ensure the accused is not visible by the victim,
- Use of audiovisual recordings.

h. Please specify under which conditions child victims of the offences established according to the Convention have access to legal aid provided free of charge (**Article 31, para. 3**).

Every person is entitled to legal aid (national and non-national, child or adult), if he/she cannot bear the costs of the proceedings without affecting the basic needs and obligations of himself and his family. The factors to be taken into account for allowing legal aid are the applicant's financial situation, the interests of justice taking into account the gravity of the case and other relevant circumstances.

Legal aid is granted in proceedings before the Court of Cyprus, inter alia, in civil and criminal proceedings for specific violations of human rights. (According to the legislation, human rights violations are violations of the rights listed in Part II of the Constitution of the Republic of Cyprus, the European Convention on Human Rights and Fundamental Freedoms (Ratification) Law of 1962, the International Convention on the Elimination of All Forms of Racial Discrimination (Ratification) Law of 1967, the International Covenant on Economic, Social and Cultural Rights (Ratification) Law of 1969, the International Covenant on Civil and Political Rights (Ratification) Law of 1969, the Convention against Torture and Other Forms of Cruel, Inhuman or Degrading Treatment or Punishment (Ratification) Law of 1990, the European Convention for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (Ratification) Law of 1989, the UN Convention on the Elimination of All Forms of Discrimination Against Women (Ratification) Law of 1985, the Convention on the Rights of Child (Ratification) Law of 1990).

For purposes of compliance with paragraph 2 of Article 15 of the **Directive 2011/36/EU** of the European Parliament and of the Council of 5 April 2011 on preventing and combating trafficking in human beings and protecting its victims, and replacing Council Framework Decision 2002/629/JHA, and also with paragraph 2 of Article 20 of the **Directive 2011/93/EU** of the European Parliament and of the Council of 13 December 2011 on combating the sexual abuse and sexual exploitation of children and child pornography, and replacing Council Framework Decision 2004/68/JHA, an amendment of the Legal Aid Law was undertaken by the Ministry of Justice and Public Order, in order to expand the free legal aid scheme, so as to cover also judicial procedures in Cyprus to children, who are victims of trafficking, sexual abuse, sexual exploitation, child pornography, or they are solicited for sexual purposes, for the purpose of claiming compensation, unless they have sufficient financial resources. The legal aid provided under this amendment includes advice, assistance and representation.

Article 37 of the L.91(I)/2016, provides for the right of the child victim to legal advice. Every victim regardless of his/her willingness to cooperate with the prosecuting authorities, concerning the criminal investigation, prosecution or trial, has the right of direct access to legal advice pursuant the Lawyers Law, at every stage of the procedure and if the victim does not have sufficient funds he/she has the right to free legal aid.

Furthermore article 39 of the L.91(I)/2016 provides that the victim has a right to compensation and article 40 of the L.91(I)/2016 includes provisions for the right of the victim to legal advice and legal representation in order to exercise the right to compensation.



## Question 22: Investigations and criminal measures to protect the child victim

a. What protective approach towards victims has been adopted to ensure that the investigations and criminal proceedings do not aggravate the trauma experienced by the child and that the criminal justice response is followed by assistance, where appropriate? (**Article 30, para. 2, Explanatory Report, paras. 211-215**);

In order to ensure that the trauma experienced by the child victim is not aggravated, Police Rules dictate that a video recorded statement from a child victim is taken only by police officers who have been specially trained for the purpose in the presence of a parent (when appropriate) or a Social Services Officer.

b. Which legislative or other measures have been taken to ensure that investigations or prosecutions of offences established in accordance with the Convention shall not be dependent upon the report or accusation made by a victim and that the proceedings may continue even if the victim has withdrawn his or her statement? (**Article 32, Explanatory Report, para. 230**);

Article 38(5) of the L91(I)/2014 provides that the investigation or criminal prosecution does not depend on the submission of a complaint or accusation by the victim or his/her representative and that the criminal procedure may continue even if the person withdraws his/her statement. Article 38(6) provides that the prosecution continues even after the victim has reached the age of 18.

c. Which legislative or other measures have been taken to ensure that the statute of limitation for initiating proceedings with regard to the offences established in accordance with **Articles 18, 19, paragraph 1.a and b, and 21, paragraph 1.a and b**, shall continue for a period of time sufficient to allow the efficient starting of proceedings after the victim has reached the age of majority and which is commensurate with the gravity of the crime in question? (**Article 33, Explanatory Report, paras. 231-232**);

Article 38(6) provides that the prosecution continues even after the victim has reached the age of majority.

d. Please clarify whether your judicial authorities may appoint a special representative for the victim who may be party, where the holders of parental responsibility are precluded from representing the child in proceedings related to sexual exploitation or sexual abuse of children as a result of a conflict of interest between them and the victim. Please specify who may be appointed as a representative and what are his/her tasks (**Article 31, para. 4**). Please also describe under which conditions it is possible;

Article 45 (3) of the L.91(I)/2014, provides that when there is a conflict of interest between the holder of parental responsibility and the child victim, the Commissioner of the Rights of the Child may legally represent the child in cooperation with the Director of the Social Welfare Services.

e. Please describe how your internal law allows for groups, foundations, associations or governmental or non-governmental organisations assisting and/or supporting victims to participate in legal proceedings (for example, as third parties) (**Article 31, para. 5**). Please specify under which conditions, if so required;

N/A

f. Please describe under which circumstances the use of covert operations is allowed in relation to the investigation of the offences established in accordance with the Convention (**Article 30, para. 5**);

There is no provision in national legislation for undercover operations related to the offences established in accordance with the Convention nor to Cybercrime.

g. Please also describe what techniques have been developed for examining material containing pornographic images of children (**Article 30, para. 5**).

Cyprus police are a member of ICSE database of Interpol, which enables the identification of child victims (pornography). Netclean software is used for previewing and categorization of child pornography.

### **Question 23: Child friendly interviewing and proceedings**

a. Please describe how interviews (**Article 35**) with child victims are carried out, indicating in particular whether:

Article 42(2) of the L.91(I)/2014 includes provisions for the protection of victims within the criminal procedure, such as interviews to be taken without delay in premises designed or adapted for this purpose, carried out by professionals trained for this purpose. All interviews need to be carried out by the same person and the number of interviews should be as limited in number as possible.

- they take place without unjustified delay after the facts have been reported to the competent authorities;

- they take place, where necessary, in premises designed or adapted for this purpose;

Please see Question 21(b) and (d)

- they are carried out by professionals trained for this purpose;

Please see Question 22(a)

- the same persons are, if possible and where appropriate, conducting all interviews with the child;

Please see Question 22(a)

- the number of interviews is as limited as possible and in so far as strictly necessary for the purpose of proceedings;

The numbers of interviews, concerning the legal proceedings are as limited as possible in order to protect the child from further victimization and safeguard the best interest of the child.

- the child may be accompanied by his or her legal representative or, where appropriate, an adult of his or her choice, unless a reasoned decision has been made to the contrary in respect of that person.

Please see Question 22(a)

- b. Please also specify whether all interviews with the victim or, where appropriate, those with a child witness, may be videotaped and whether these videotaped interviews may be accepted as evidence during the court proceedings;

Please see Question 21(g)

- c. Please describe under which conditions the judge may order the hearing to take place without the presence of the public and the child victim may be heard in the courtroom without being present, notably through the use of appropriate communication technologies? **(Article 36).**

The judge may order the hearing to take place without the presence (Article 44 of the L.91(I)/2014) of the public and the child victim may be heard in the courtroom without being present, through the use of appropriate communication technologies (Article 13 of the L.91(I)/2014), after it is requested by the legal representative of the child for the protection of the child victim and to avoid any further victimization of the child.