

Protection of Children against Sexual Abuse in the Circle of Trust: Legal Frameworks (Lanzarote Convention Monitoring Questionnaire)

Fields marked with * are mandatory.

Introduction

1. The Council of Europe Convention on Protection of Children against Sexual Exploitation and Sexual Abuse (hereinafter “the Lanzarote Convention” or “the Convention”), which entered into force in July 2010, requires criminalisation of all forms of child sexual abuse. It sets out that states in Europe and beyond shall adopt specific legislation and take measures to prevent sexual violence, to protect child victims and to prosecute perpetrators.

2. The Committee of the Parties to the Convention (also known as the “Lanzarote Committee”), established to monitor whether Parties effectively implement the Convention (Article 1 § 2), decided that:

“1. The monitoring of the implementation of the Convention in the Parties shall be based on a procedure divided by rounds, each round concerning a theme decided by the Lanzarote Committee or any other approach deemed appropriate by the Lanzarote Committee within the scope of the Convention.

2. The Lanzarote Committee will determine the length of each monitoring round in the light of the themes selected and the provisions of the Convention to be monitored.

3. The monitoring round will be initiated by addressing a questionnaire on the implementation of the relevant provisions of the Convention with respect to the selected theme. The Parties shall respond to the questionnaire within the time-limit set by the Lanzarote Committee.”[1]

The notion of the circle of trust

3. In January 2018, the Lanzarote Committee concluded its first monitoring round “Protection of children against sexual abuse in the circle of trust”. The notion of “circle of trust” includes members of the extended family, persons having care-taking functions or exercising control over the child, and any other persons with whom the child has relations, including his/her peers.[2]

The previous and current monitoring rounds on the circle of trust

4. The two implementation reports adopted as a result of the first monitoring round evaluated the frameworks and strategies put in place by the 26 States Parties to the Lanzarote Convention which had ratified it by the time the monitoring round was launched[3]. Since then, the Convention has been ratified by 22 other Parties,[4] and numerous changes have taken place in the subject area due to the development of international standards and national reforms. Furthermore, a child’s circle of trust remains the environment

where the vast majority of sexual abuse occurs.[5] The Committee therefore decided to come back to the subject matter of the first monitoring round in 2023, to both take stock of the situation in the 22 Parties that had not been examined in the first round and to evaluate the follow-up given to the Committee's recommendations by the 26 Parties that had.

5. All of the current 48 Parties will be monitored at the same time to create a momentum around specific aspects of the monitoring theme. To ensure a more accurate reflection of the situation in the Parties and a speedier publication of intermediary results, the monitoring round will be divided into several parts and conducted on the basis of information submitted by the Parties and other stakeholders in response to questionnaires specific for each part.

Involvement of civil society and other relevant stakeholders in the monitoring round

6. In accordance with paragraph 4 of Rule 26 of the Lanzarote Committee's Rules of Procedure, the Secretariat shall seek the views of the representatives of civil society and any other bodies involved in preventing and combating sexual exploitation and sexual abuse of children on the implementation of the Convention by Parties, in particular by asking them to comment on the replies to this questionnaire or by any other means (e.g. by offering the observers and participants in the Lanzarote Committee to submit any relevant information they may have with regard to any Party to the Convention by replying directly to some or all of the questions of this questionnaire). These comments and replies will be transmitted by the Secretariat to the Party(ies) concerned and made public.

Type of questions and elements to be borne in mind when replying

7. Each of the questionnaires of this monitoring round will contain questions derived from the Committee's first monitoring round recommendations and findings, as well as a few new questions based on the Committee's adopted texts and international standards that have emerged in the meantime, including the case-law of the European Court of Human Rights, to gather information for capacity-building purposes. The first part of the monitoring round will assess the legal framework and related procedures with respect to sexual abuse of children in the circle of trust ("Legal frameworks").

8. This specific first questionnaire was adopted by the Lanzarote Committee on 2 June 2023. It is recalled that, in accordance with Rule 26 of the Lanzarote Committee's Rules of Procedure:

"...2. The Secretariat shall address such questionnaires to the Parties through the member in the Lanzarote Committee representing the Party to be monitored, who will act as "contact person".

3. Parties shall submit their replies in one of the official languages of the Council of Europe to the secretariat within the time limit set by the Lanzarote Committee. The replies shall be detailed, answer all questions and contain all relevant reference texts. The replies shall be made public.

5. The Secretariat may request additional information if it appears that the replies are not exhaustive or unclear. Where warranted, with the consent of the Party(ies) concerned and within the limits of budgetary appropriations, the Bureau of the Lanzarote Committee may decide to carry out a visit in the Party(ies) concerned to clarify the situation."

9. In addition, Parties are kindly requested to:

- answer the questions with regard to central, regional and local levels to the extent possible. Federal States may, in respect of their sovereign entities, answer the questions in a summarised way;
- provide, whenever questions/answers refer to it, the relevant text (or a summary) of legislation or other regulations in English or French;

- answer the questions from a gender equality perspective, i.e. specifying, where relevant, whether and how measures for victims and/or offenders take into account gender-specific requirements.

10. The term “national legal framework” used in the questionnaire includes not only laws but also all forms of regulations (decrees, resolutions, administrative directions, instructions, and any other decisions creating legal consequences for more than one individual) and higher courts’ directive rulings.

11. The questions asked concern the legal frameworks pertaining to both online and offline forms of activity. Should your national legal framework distinguish between them, please provide details.

12. As indicated above, some of the questions are included for capacity-building purposes. Therefore, nothing in the wording of these questions should be taken as an indication of a preferred state of affairs or course of action.

13. The questionnaire uses a colour-coded system to help you differentiate questions based on the Lanzarote Committee’s 1st monitoring report’s “invite” recommendations (in blue) and “urge”/ “consider” recommendations (in red). The questions based on the European Court of Human Rights’ case law and the Committee’s adopted texts are coloured red. The questions included for capacity-building purposes are coloured blue.

14. Some of the questions are addressed only to specific Parties found to be not in compliance with a particular requirement of the Convention in the first monitoring round, or to those Parties and to the 22 Parties which had not been evaluated during the first monitoring round. All other questions are meant to be replied to by all Parties.

[1] Rule 24 of the Lanzarote Committee’s [Rules of Procedure](#)

[2] See [1st Implementation Report “Protection of Children against Sexual Abuse in the Circle of Trust: The Framework”](#), p. 12. Examples of the different categories of persons may be found in paragraphs 123-125 of the [Explanatory Report to the Lanzarote Convention](#)

[3] Albania, Austria, Belgium, Bosnia and Herzegovina, Bulgaria, Croatia, Denmark, Finland, France, Greece, Iceland, Italy, Lithuania, Luxembourg, Malta, Republic of Moldova, Montenegro, Netherlands, North Macedonia, Portugal, Romania, San Marino, Serbia, Spain, Türkiye and Ukraine

[4] Andorra, Armenia, Azerbaijan, Cyprus, Czech Republic, Estonia, Georgia, Germany, Hungary, Ireland, Latvia, Liechtenstein, Monaco, Norway, Poland, the Russian Federation, Slovakia, Slovenia, Sweden, Switzerland, Tunisia, United Kingdom

[5] See the [Explanatory Report to the Lanzarote Convention](#), paras. 48 and 123-125

IDENTIFICATION OF THE RESPONDER

* Name of the Party responding or concerned by your response

Cyprus

* Name of the contact person/coordinator

* Email address of the contact person/coordinator

KEY NOTIONS Question 1. Does your national legal framework:

a. **have a reference to “abuse of a recognised position of trust, authority or influence” as a separate sexual offence against children?**^[6] If yes, please provide a copy of the relevant provision(s).

[6] 1st Implementation Report “Protection of Children against Sexual Abuse in the Circle of Trust: The Framework” adopted by the Lanzarote Committee on 4 December 15, Recommendation 3.

- Yes
 No

If appropriate, please provide more information (1.a No)

The Cypriot legal framework does not refer to the term “recognized” in the context of “abuse of a recognized position of trust, authority or influence”. Instead, the Cypriot legal framework uses the broader term “abuse of position of trust, authority or influence” and criminalizes “abuse of a position of trust authority or influence” as a separate offence in Article 6, provision 4, subparagraph (a) in Part II: Criminal Offences and Courts’ Jurisdiction of the legislation.

Specifically, article 6 (4)(a) provides that whoever engages in a sexual act with a child when abuses a position of trust, authority or influence over the child, is guilty of a felony and, on conviction, is liable to imprisonment for life.

It further provides that in a case where the child has exceeded the age of consent at the time of the commission of the offense, the prison sentence provided for in paragraphs (a) shall not exceed twenty (20) years.

As mentioned, article 6 (4)(a) provides that whoever engages in a sexual act with a child when (abuses a position of trust, authority or influence over the child, is guilty of a felony and, on conviction, is liable to imprisonment for life.

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b. **[for 22 Parties + Belgium and Luxembourg] establish a separate offence of sexual abuse of children by someone in a recognised position of trust, authority or influence instead of considering the fact that the perpetrator holds that position just as an “aggravating circumstance”?**^[7] If yes, please indicate the specific legal provision.

[7] *Ibid.*, Recommendation 2

- Yes
 No

If appropriate, please provide more information (1.b No)

The Cypriot legal framework does not establish a separate offence of sexual abuse of children by someone in a recognized position of trust, authority, or influence. Furthermore, Article 19, subparagraph c states that courts during criminal proceedings take into consideration as an “aggravating circumstance” if the perpetrator abused a position of trust, authority or influence. Although, as mentioned before, the term “recognized position” is not included in the Cypriot legal text.

Copy of the article

“Aggravating circumstances

19. When adjudicating the offenses provided for in articles 6 to 9 and 15 and in measuring the penalty, the following circumstances are taken into account by the court as aggravating circumstances:

- (a) The commission of the offense exposed the life of the victim through culpable or culpable gross negligence;
- (b) the offense was committed against a child in a vulnerable position, such as a child with a mental or physical disability, in a state of dependency or in a state of physical or mental incapacity;
- (c) the offense was committed by a member of the victim's family, by a person who lives with the victim or by a person who has abused a position of trust, influence or power;
- (d) the offense was committed by at least two persons acting jointly;
- (e) during the commission of the criminal offense violence was used or damage was caused to the victim;
- (f) the criminal offense was committed in the context of a criminal organization as defined in article 63B of the Criminal Code Law, as amended or replaced from time to time;
- (g) the offender has previously been convicted of offenses of the same type;
- (h) the offense was committed by a public official in the performance of his duties.”

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c. [list specific categories of adults in contact with children automatically qualifying as holding this position?](#)^[8]

[8] *Ibid*, Recommendation 4. Examples: members of the extended family (including new partners), persons having caretaking functions (including trainers of any kind) or exercising control over the child professionally or on a voluntary basis (including persons who look after children in their leisure-time) and any other person trusted by the child (including other children).

- Yes
 No

Please provide information in support of your answer, if possible referring to specific legal provisions and their exact wording (1.c Yes)

Article 2 of Law. 91(I)/2014 provides the following specific categories of adults in contact with children automatically qualifying as holding this position:

- i. blood or consanguineous relationship up to the third degree between the victim
- ii. Child's guardian
- iii. Teacher
- iv. Employer
- v. Manager of any public or private institution that accommodates children or in which persons are confined or detained pursuant to any law or decision of administrative or judicial authorities, as well as with other persons with a similar position or capacity.

Therefore, the courts can examine if there is abuse of a position of trust authority or influence, based on the facts of the case. The Supreme Court has stated in case G.A. case v Republic, CRIMINAL APPEAL NO. 178 /2017, dated 24/10/2018, that «In our Law, the positions or qualities mentioned in a specific way do not constitute a "closed number" (numerus clausus), and the general phrase that follows does not refer to persons who are in positions or qualities of the same class or category, but, by extension, to persons in similar positions or capacities. The broad approach is clearly to achieve the purposes of the Law (see article 3 of the Law) which is not consistent with the suggestion of the defense in this case. A different interpretation, in fact, would lead to the absurd result that the intention of the legislator was to consider the position of e.g. trust, power and influence of the husband with his wife's niece (by incest, by side, 3rd degree), without any other fact being required, except this kinship and not being considered a relationship of trust, power and influence, a close relationship created in such a way that in fact to be proportional to the position of the child's guardian. It clearly shows the legislator's choice not to limit things to "recognized positions", but to give the term "position of trust, power or influence" a wider, pragmatic, meaning. It is under this sense of the law that the appellant was charged and found guilty.

The finding of the Criminal Court concerned the de facto formed position of trust and influence towards the child, which became a similar position or capacity to that of the child's guardian. Regarding the question of the possibility of whether there was a real or admissible option of avoidance, an issue which the learned counsel for the appellant linked above with the concept of "position of trust", the Criminal Court found that the appellant methodically imposing himself as a "person of the family ", he fixed the child on his appetites without leaving him the possibility of escape».

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d. [define the notion of "circle of trust"?](#)^[9]

[9] *Ibid*

- Yes
- No

Please provide information in support of your answer, if possible referring to specific legal provisions and their exact wording (1.d Yes)

a general context of trust, the notion of “circle of trust” can be found in Article 2 of the above legislation. The exact term “circle of trust” is not included in the text. However, it is established that members of family by blood or consanguineous relationship or people with position determined in provision (b), can be considered as people included in the notion “circle of trust”:

“«Position of trust, authority or influence” includes –

(a) Blood or consanguineous relationship up to the third degree between the victim and the person who commits a criminal offense provided for in this Law, or

(b) any other relationship between the victim and that person, due to his position or capacity including his relationship with the child's guardian, teacher, employer, manager of any public or private institution that hosts children or to which they are confined or persons are detained pursuant to any law or decision of administrative or judicial authorities, as well as with other persons in a similar position or capacity;”

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VICTIMS' AGE Question 2. Does your national legal framework:

a. **[for 22 Parties + Italy, Portugal, San Marino, and Türkiye] provide that every child up to 18 years of age is protected against the criminal offence of sexual abuse by someone in a recognised position of trust, authority or influence?**^[10]Please refer to the specific legal provisions.

[10] *Ibid.*, Recommendation 6

- Yes
 No

Please provide information in support of your answer, if possible referring to specific legal provisions and their exact wording (2.a Yes)

It is provided that every child up to 18 years of age is protected against the criminal offence of sexual abuse. In Article 2 of the legislation, it is provided that a child is considered to be a person under 18 years old.

Article 2 of the law provides “«Child” means a person under eighteen (18) years of age;”
The Cypriot legislation defines the age of consent in Article 2 in the Law (91(I)/2014), as the child is not below 17 years old.

Article 2 provides that “«Age of consent» means the age below which sexual acts with a child are prohibited, which is defined as the age of seventeen (17);”

As mentioned before, a child by law is the person who is under 18 and age of consent for engaging in sexual activities is 17 years old.

As stated in Q.1 article 6 (4) (a) prohibits the sexual abuse of a child by someone in a position of trust, authority or influence. Therefore, children up to the age of 18 are protected in such cases and the legal age for engaging in sexual activities is not relevant in the case of sexual abuse of a child by someone in a position of trust, authority or influence.

Furthermore, consent is not relevant in cases of sexual abuse of a child by someone in a position of trust, authority or influence.

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b. [for 22 Parties + North Macedonia and Ukraine] indicate that the child's legal age for engaging in sexual activities is not relevant in the case of child sexual abuse by someone in a recognised position of trust, authority or influence?^[1] Please provide details.

[1] *Ibid.*, Recommendation 5

- Yes
 No

Please provide information in support of your answer, if possible referring to specific legal provisions and their exact wording (2.b Yes)

As stated in Q.1 article 6 (4) (a) prohibits the sexual abuse of a child by someone in a position of trust, authority or influence. Therefore, children up to the age of 18 are protected in such cases and the legal age for engaging in sexual activities is not relevant in the case of sexual abuse of a child by someone in a position of trust, authority or influence.

Furthermore, consent is not relevant in cases of sexual abuse of a child by someone in a position of trust, authority or influence.

Specifically, provides for the consensual sexual acts between minors or between a child and an adult, where the age difference between the two does not exceed three years or in the context of marriage. Article 12 provides the following:

12.(1) Consensual sexual activities as defined in subsections (1) and (3) of section 6, subsection (3) of section 7, subsections (1) and (5) of section 8 and subsections (1) and (2) of Article 9 between two children who have not reached the age of consent and who are of a similar age and a similar degree of psychological and physical development or maturity, and whose activities do not involve any abuse or violence or exploitation or coercion do not constitute criminal offense under this Law.

(2) Consensual sexual activities as defined in subsections (1) and (3) of section 6, subsection (3) of section 7, subsections (1) and (5) of section 8 and subsections (1) and (2) of article 9, between an adult and a child who has not reached the age of consent, where the age difference between the two does not exceed three (3) years and which activities do not involve any abuse or violence or exploitation or coercion do not constitute a criminal offense under this Law.

(3) Consensual sexual activities, as defined in subsections (1) and (3) of section 6, subsection (3) of section 7, subsections (1) and (3) of section 8 and subsections (1) and (2) of article 9, do not constitute a criminal offense under this Law in the event that a marriage has been concluded as provided for in article 15 of the Marriage Law, as amended or replaced from time to time, between a child and the person who committed the act and if in such act does not include any abuse or violence or exploitation or coercion.

(4) This article does not apply in cases where any of the children involved is under the age of thirteen (13).”

Combined these articles, in the case of child sexual abuse by someone in a recognized position of trust, authority or influence, the age of consent cannot be considered as a legitimate defense during court proceedings. Cases involving children under the age of 13 are not protected by Article 12 of the Law.

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SCOPE OF OFFENCE Question 3. Does your national legal framework criminalise sexual abuse of children:

a. **where the offender abuses a recognised position of influence?** [12] Please refer to the specific legal provisions.

[12] *Ibid*, Recommendation 1

- Yes
 No

Please provide information in support of your answer, if possible referring to specific legal provisions and their exact wording (3.a Yes)

Cypriot legislation criminalizes sexual abuse of children where the offender abuses a position of influence. As explained above, the legislator provided a wide scope on the matter of position of influence. article 6 (4)(a) provides that whoever engages in a sexual act with a child when abuses a position of trust, authority or influence over the child, is guilty of a felony and, on conviction, is liable to imprisonment for life. It further provides that in a case where the child has exceeded the age of consent at the time of the commission of the offense, the prison sentence provided for in paragraphs (a) shall not exceed twenty (20) years.

As mentioned, article 6 (4)(a) provides that whoever engages in a sexual act with a child when (abuses a position of trust, authority or influence over the child, is guilty of a felony and, on conviction, is liable to imprisonment for life.

The Cypriot legal framework does not establish a separate offence of sexual abuse of children by someone in a recognized position of trust, authority, or influence. Furthermore, Article 19, subparagraph c states that courts during criminal proceedings take into consideration as an “aggravating circumstance” if the perpetrator abused a position of trust, authority or influence. Although, as mentioned before, the term “recognized position” is not included in the Cypriot legal text.

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b. **[for 22 Parties + Belgium] where the victim is below 18 and emancipated through marriage, and the perpetrator is the victim’s spouse or marital partner?**^[13] Please refer to the specific legal provisions.

[13] *Ibid.*, Recommendation 7

- Yes
 No

Please provide information in support of your answer, if possible referring to specific legal provisions and their exact wording (3.b Yes)

Article 12(2) protects consensual sexual acts between a child and an adult, where the act does not involve violence or coercion. Regardless, if the act involves coercion, it is considered a criminal offense based on Article 6(4) (c) which provides that whoever engages in a sexual act with a child when coercion, force or threats are used, is guilty of a felony and, on conviction, is liable to imprisonment for life;

It is also provided that in a case where the child has exceeded the age of consent at the time of the commission of the offense, the prison sentence provided for in paragraph (c) shall not exceed twenty (20) years.

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c. [for 22 Parties + the Republic of Moldova] where no coercion, force or threat is used by the perpetrator holding the position of trust, authority or influence?^[14] Please refer to the specific legal provisions.

[14] *Ibid.*, Recommendation 8

- Yes
 No

Please provide information in support of your answer, if possible referring to specific legal provisions and their exact wording (3.c Yes)

In case of sexual abuse of children, where no coercion, force or threat is used by the perpetrator holding the position of trust, authority or influence is not covered by consensual acts, Article 12.
Furthermore, the legislator provided that sexual abuse of children can be criminalized under the circumstance in Article 6(4)(b), according to the mentioned legislation. In that case, “the vulnerable position of the child is abused, mainly due to a mental or physical disability or a state of dependence is guilty of a felony and, if convicted, is subject to life imprisonment.”

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SCOPE OF OFFENCE Question 4. Does your national legal framework:

a. criminalise sexual abuse of children for acts other than sexual intercourse and equivalent actions?^[15]

Please specify which other acts are covered and whether violation of a child’s “sexual integrity” specifically is criminalised.

[15] *Ibid.*, Recommendation 9

- Yes
 No

Please provide information in support of your answer, if possible referring to specific legal provisions and their exact wording (4.a Yes)

Criminalization of sexual abuse of children for acts other than sexual intercourse, can be found also in the offences of sexual exploitation of children (Article 7) and child pornography (Article 8), solicitation of children for sexual purposes (article 9) and Advertising abuse opportunities and child sex tourism (article 10).
Sexual exploitation of children

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b. [for 22 Parties + Bulgaria] ensure equal sanctions for sexual abuse committed within a heterosexual and homosexual sexual activity?^[16] Please refer to the specific legal provisions.

[16] *Ibid.*, Recommendation 11

- Yes
 No

Please provide information in support of your answer, if possible referring to specific legal provisions and their exact wording (4.b Yes)

Article 4 of the Law, ensures that no person is a subject to discrimination based on their sex.
“Principles on which the application of this Law is based
5. (1) The implementation of this Law by any involved agency and non-governmental organization and the use of measures to protect and promote the rights of victims is ensured without any discrimination based on sex, race, color, language, religion, politics or other point of view, ethnic or social origin, relationship with an ethnic minority, property, birth, sexual orientation, health condition, disability or other condition.”

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c. [for 22 Parties + Albania and the Republic of Moldova] make any distinct reference to “homosexual activities” in the description of criminal offences involving sexual abuse and sexual exploitation of children?^[17] Please refer to the specific legal provisions.

[17] *Ibid.*, Recommendation 12

- Yes
 No

If appropriate, please provide more information (4.c No)

Our national legal framework does not differentiate heterosexual and homosexual sexual activity or any other gender specific parties. Therefore, it does not provide sanctions for sexual abuse committed within a homosexual sexual activity.
Regardless of the gender of parties involved, our national legal framework does not make any distinct reference to “homosexual activities” in the description of criminal offences involving sexual abuse and sexual exploitation of children.

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EX OFFICIO PROSECUTION Question 5. Does your national legal framework:

- a. contain a requirement to investigate and prosecute sexual abuse and exploitation of children by someone in a recognised position of trust, authority or influence without a complaint from the victim or his/her legal representative? [18] Please refer to the specific legal provisions.

[18] *Ibid.*, Recommendation 57

- Yes
 No

Please provide information in support of your answer, if possible referring to specific legal provisions and their exact wording (5.a Yes)

Ex officio investigation and prosecution of child sexual abuse and exploitation by a child or family begins and proceeds, regardless of whether the victim or his/her legal representative complains to the police. It applies to all sexual abuse offences regardless of whether there is abuse of trust, authority or influence. Article 38 (5) of the Law provides that “The prosecuting authorities shall ensure that the investigation or prosecution is not dependent on the submission of a complaint or complaint by the victim or his representative and that the criminal proceedings may continue even if that person withdraws his testimony”.

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- b. contain a requirement to continue the proceedings even if the victim has withdrawn his/her complaint /statements?[19] Please refer to the specific legal provision(s).

[19] *Ibid*

- Yes
 No

Please provide information in support of your answer, if possible referring to specific legal provisions and their exact wording (5.b Yes)

Article 38 (5) of the Law provides that “The prosecuting authorities shall ensure that the investigation or prosecution is not dependent on the submission of a complaint or complaint by the victim or his representative and that the criminal proceedings may continue even if that person withdraws his testimony”.

Further article 21(2) of the Law provides:

“Corroborating testimony and direct complaint admissible as testimony

21.(1) Regardless of the provisions of any other law, for the purposes of proving the offenses provided for in this Law no supporting testimony is required.

(2) Without prejudice to the provisions of article 10 of the Law on Evidence, as amended or replaced from time to time, a complaint made by a victim of an offense provided for in this Law to any police officer, social services worker, psychologist, psychiatrist or doctor of another specialty who examines the victim, an educator, a member of a non-governmental organization that provides assistance and support to victims or a member of the victim's close environment within a reasonable period of time after its commission, constitutes competent testimony.”

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c. **[for Portugal]** in case of a sexual act committed by an adult in respect of a child aged 14-16 years old which does not result in the child's death or suicide, require the child victim to lodge a complaint as a prerequisite for investigation and prosecution?^[20]

[20] *Ibid.*, Recommendation 56

- Yes
 No

Please provide information in support of your answer, if possible referring to specific legal provisions and their exact wording (5.c Yes)

does not apply for cyprus

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MEASURES IN RESPECT OF CHILDREN WHO SEXUALLY OFFEND AND CHILDREN DISPLAYING RISKY AND HARMFUL SEXUAL BEHAVIOUR Question 6. Does your national legal framework:

a. provide for non-criminal measures in respect of the children below the age of criminal responsibility who commit acts of sexual abuse towards other children?^[21]Please provide details.

- Yes
 No

Please provide information in support of your answer, if possible referring to specific legal provisions and their exact wording (6.a Yes)

The relevant act for children who offend is “the establishment of a friendly criminal justice system to children in conflict with the law, Law 55(I)/2021”.

The age of criminal responsibility in Cyprus is 14 (as provided by article 14 of the Criminal Law, Cap. 155 and article 23 of the Law 55(I)/2021).

Children below the age of 14 cannot be criminally responsible for crimes committed including acts of sexual abuse of other children. Articles 15 – 22 of the Law 55(I)/2021 provides for the treatment of children in conflict with the law

who act without criminal liability. Specifically, article 16 provides that

- in the event that a public authority official has reasonable suspicions that a child has committed a criminal offence, he shall immediately inform the Police, who shall ensure that the bailiff informs the exercising parental care of this child and, in case the child is under their control, hand it over to them and at the same time inform the Social Welfare Services. In the event that the child is handed over to the guardians and the curator has a reasonable suspicion that the child is not receiving adequate care and protection, he shall inform the Social Welfare Services of this fact.
- In the event that for any reason it is not possible for the child to be immediately handed over to those exercising parental care, the child is transferred to a person indicated by the exercising parental care and under no circumstances remains in a police station. In the event that the practitioners of parental care cannot be found, the child is handed over by the guardian to the Social Welfare Services, who place the child temporarily in their care until the delivery of the child to the practitioners can be arranged as soon as possible parental care.
- In the event that the child is placed in the temporary care of the Social welfare services and there are reasonable suspicions that the said child is in need of care or protection, which seems unlikely or remote to receive from those exercising parental care, the Social Welfare Services-, the Social Welfare Services proceed immediately to convene a Child Welfare Family Council to assess his case and take any necessary measures in accordance with the provisions of article 17, and/or if they deem it necessary, apply the provisions of the Parent-Child Relations Law regarding the issuance of an order removing parental care or guardianship of the child, and/or in extremely urgent cases, in which there is an immediate risk to the health and well-being of the child and it is judged by the Social Welfare Services that the risk is such that its prevention is not satisfied by waiting until the issuance of a decree as provided above the Social Welfare Services may refer to the Family Court for the issuance of an ex- parte temporary decree, so as to place the child in a place where his protection and well-being are guaranteed until the issuance of a decree of removal of parental care or guardianship.

Article 17 provides that the Child Welfare Family Council is convened by the Social Welfare Services, coordinated by a Social Services Officer appointed for this purpose and made up of the child, the child's parents, the representative of the child, if appointed, any other relative of the child, as may be determined by the co-ordinator after consultation with the child and the child's parents or representative, as the case may be; any professional who, in the judgment of the coordinator, may contribute to the work of the Council, due

to his expertise or due to his relationship with the child or due to his knowledge of the case of the child and his family, including an officer of Mental Health Services and/or educational psychologist of the child's school unit and the coordinator.

Article 18 provides for the responsibilities of the Family Child Welfare Board and specifically assess whether the child for whom the board has been summoned needs special care or protection which it is unlikely to receive under the conditions assessed by the Social Welfare Services as prevailing in its family and social environment, with the ultimate aim of protecting the child and the prevention of future delinquent behavior of the child. In case it assesses that the child needs the care and protection referred to above, decides to take the necessary measures to support the child and/or his family and/or support the child in the context of his school unit, including, where deemed necessary, cooperation with any public authority. In the event that the support referred to above does not produce positive results, apply for the issuance of a decree of removal of parental care or guardianship for the full or partial exercise of parental care of the child by the Director or a commissioner appointed pursuant of the provisions of the Parent and Child Relations Law.

Article 19 provides for the implementation of decisions of the Child Welfare Family Council.

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b. [differentiate between adults and children above the age of criminal responsibility in the application of sanctions for offences involving sexual abuse of children?](#)^[22] Please refer to the specific legal provision(s) and specify the age of criminal responsibility in your legislation.

[22] Question included for capacity-building purposes

- Yes
 No

Please provide information in support of your answer, if possible referring to specific legal provisions and their exact wording (6.b Yes)

Regarding children who are above the age of criminal responsibility and have committed a crime, including offences involving sexual abuse of other children, articles 87-105 of Law 55(I)/2021 provides for the sanctions that can be imposed in case a child is found guilty of an offence. These sanctions are applied in cases of a minor offender above the age of criminal responsibility i.e. 14. Specifically article 87 provides that in the event that the Children's Court finds the child guilty in conflict with the law, it may impose the following measures or penalties:

- (a) Reprimanding the child;
- (b) imposing a fine;
- (c) ordering costs and/or special compensation from the child victim;
- (d) an order requiring his guardian to pay compensation to the victim;
- (e) parental supervision order;
- (f) a community supervision order;
- (g) detention order in a child detention center;
- (h) suspension of detention;
- (i) monitoring order with electronic bracelet;
- (j) decree of mandatory cooperation of the child with any public authority;

(k) a treatment order at a substance addiction treatment center licensed by the Cyprus Addiction Treatment Authority, in accordance with the provisions of the Treatment of Accused Users or Substance Dependents Law.

Also, article 20 of the Prevention and Combating of Sexual Abuse, Child Sexual Exploitation and Child Pornography Law of 2014 provides for the treatment of child abusers and specifically it provides that notwithstanding the provisions of any other Law, a court hearing a case for the commission of an offense referred to in this Law by a child taking into account the interests of both the child victim and the child offender shall decide, where possible, the application of the Guardianship and Other Ways of Treating Offenders of the Law and applies the principle that the imposition of a prison sentence is the last resort and, in case it decides to impose a prison sentence, when determining it takes seriously the fact that the accused is a child.

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CHILD VICTIMS' RIGHT TO PROTECTION AND PARENTAL RIGHTS

Question 7. Does your national legal framework:

a. [provide for the possibility for child protection professionals to conduct exploratory interviews of a child without informing in advance the parents/legal guardians in cases in which there is a reasonable suspicion of sexual abuse by someone in a recognised position of trust, authority or influence and there is a reason to believe that parents/legal guardians may prevent a child from disclosing sexual abuse?](#)^[23] Please provide details.

[23] 1st Implementation Report "Protection of Children against Sexual Abuse in the Circle of Trust: The Framework", Recommendation 26

- Yes
- No

Please provide information in support of your answer, if possible referring to specific legal provisions and their exact wording (7.a Yes)

According to article (6) (6) of the violence in the family (prevention and protection of victims) law 2000, the family counsellor shall exercise the powers conferred upon him by paragraphs (g) and (i) of subsection (2) of this section without requiring the consent of the person or persons having the parental care of the said minor and shall thereafter report the case to the police, provided that the attorney-General of the Republic is informed immediately and in writing about the incident.

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b. provide for the possibility for child protection professionals to conduct exploratory interviews of a child without acquiring the parents/legal guardians' prior consent in cases in which there is a reasonable suspicion of sexual abuse by someone in a recognised position of trust, authority or influence and there is a reason to believe that parents/legal guardians may prevent a child from disclosing sexual abuse?^[24] Please provide details.

[24] *Ibid*

- Yes
 No

Please provide information in support of your answer, if possible referring to specific legal provisions and their exact wording (7.b Yes)

According to article (6) (6) of the violence in the family (prevention and protection of victims) law 2000, the family counsellor shall exercise the powers conferred upon him by paragraphs (g) and (i) of subsection (2) of this section without requiring the consent of the person or persons having the parental care of the said minor and shall thereafter report the case to the police, provided that the attorney-General of the Republic is informed immediately and in writing about the incident.

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c. allow for the removal of the suspected perpetrator from the family environment in case of reasonable suspicion of sexual abuse of a child living in the same environment together with the suspect?^[25] Please provide details.

[25] This question results from the Committee's reasoning that "before resorting to the removal of the victim, the removal of the perpetrator should be preferred" (page 28 of the 1st implementation report).

- Yes
 No

Please provide information in support of your answer, if possible referring to specific legal provisions and their exact wording (7.c Yes)

According to article 34(1), of the prevention and combating of sexual abuse and sexual exploitation of children and child pornography law 2014, the court may issue against a person accused of committing any offense under this Law, a decree, which shall be valid for the period and with such conditions as it may impose, prohibiting him from enters or approaches within a certain distance or remains in the victim's residence or living space or in places frequented by children.

(2) The court in the exclusion order it issues shall specify a date before the expiry of the exclusion period in which it considers the possibility of extending or varying this order.

(3) During the above examination, the court hears the opinions of the accused, the victim or his representative and any other person who is affected by the issuance of the decree, except where it is not considered appropriate for them to testify against the accused, as well as the opinions of the services involved.

(4) The defendant may request a revision or annulment of the decree at the expiration of the period specified therein.

(5) An exclusion order may be imposed instead of any other penalty under this article or together with other penalties which the court has power to impose under any other law.

(6) A person against whom an exclusion order has been issued and who, while the said order is in force, contravenes any of the conditions contained therein commits an offense and, on conviction, is liable to imprisonment for a term not exceeding two (2) years.

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d. **consider the removal of the child victim from the family environment as a last resort procedure? Is that procedure clearly defined, and does it set out conditions for and duration of the removal?**^[26] Please provide details.

[26] *Ibid.*, Recommendation 27

- Yes
 No

Please provide information in support of your answer, if possible referring to specific legal provisions and their exact wording (7.d Yes)

According to article 32 of the prevention and combating of sexual abuse and sexual exploitation of children and child pornography law 2014, the Court may, during or after the trial of a case in relation to the offences provided for in this Law, order the removal of the victim and his/her placing in a safe place or his/her placing under the care of the Director of Social Welfare Services of the Deputy Ministry of Social Welfare Services, for such a period as it may considers appropriate, provided that it considers that this is necessary for the child's interest, and provided that any other measures against the offender shall not ensure the interest and protection of the child.

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e. ensure that the different agencies involved in the coordination and collaboration concerning child sexual abuse are allowed to share personal information as appropriate?^[27] Please provide details.

[27] *Ibid.*, Recommendation 25

- Yes
 No

Please provide information in support of your answer, if possible referring to specific legal provisions and their exact wording (7.e Yes)

Within the framework of the implementation of the National Action Plan to Combat Sexual Abuse and Exploitation of Children (2013-2019), a central unit has been in operation since 2017, called, "The Children's house". The Children's house, is a Child friendly one stop shop which aims to support children for whom there is suspicion that they are victims of sexual abuse (e.g. forensic interview, psychological support, psychosocial support). The Children's House provides a multi-disciplinary, child-friendly approach to the management of cases of child sexual abuse. It operates under the supervision of the Social Welfare Services and in cooperation with the Social Welfare Services and all competent Services/Organizations. It is fully subsidised by national resources.

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CHILD VICTIMS' RIGHTS TO PROTECTION AND PARENTAL RIGHTS

Question 8. Does your national legal framework clearly distinguish:

- cases of suspension of parental rights as a provisional measure to protect the child before a court decision on the conviction of the concerned parent is taken, and
- cases of withdrawal of parental rights once the court has convicted the said parent?^[28] Please provide details.

[28] *Ibid.*, Recommendation 32

- Yes
 No

Please provide information in support of your answer, if possible by referring to specific legal provisions and their exact wording (8 Yes)

According to article 32 of the prevention and combating of sexual abuse and sexual exploitation of children and child pornography law 2014, the Court may, during or after the trial of a case in relation to the offences provided for in this Law, order the removal of the victim and his/her placing in a safe place or his/her placing under the care of the Director of Social Welfare Services of the Deputy Ministry of Social Welfare Services, for such a period as it may considers appropriate, provided that it considers that this is necessary for the child's interest, and provided that any other measures against the offender shall not ensure the interest and protection of the child.

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CHILD VICTIMS' RIGHTS TO PROTECTION AND PARENTAL RIGHTS

Question 9. Does your national legal framework provide for:

a. [automatic suspension of parental, visitation, and child hosting rights of parents against whom criminal proceedings for sexual abuse of own child are pending?](#)^[29] Please provide details.

[29] Question included for capacity-building purposes, i.e. to map whether there are Parties that have a particular legal framework in such cases.

- Yes
 No

If appropriate, please provide more information (9.a No)

According to article 32 of the prevention and combating of sexual abuse and sexual exploitation of children and child pornography law 2014, the Court may, during or after the trial of a case in relation to the offences provided for in this Law, order the removal of the victim and his/her placing in a safe place or his/her placing under the care of the Director of Social Welfare Services of the Deputy Ministry of Social Welfare Services, for such a period as it may considers appropriate, provided that it considers that this is necessary for the child's interest, and provided that any other measures against the offender shall not ensure the interest and protection of the child.

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b. [automatic withdrawal of parental rights of parents convicted of sexual abuse of own child?](#)^[30] Please provide details.

[30] *Ibid*

- Yes
 No

If appropriate, please provide more information (9.b No)

According to article 32 of the prevention and combating of sexual abuse and sexual exploitation of children and child pornography law 2014, the Court may, during or after the trial of a case in relation to the offences provided for in this Law, order the removal of the victim and his/her placing in a safe place or his/her placing under the care of the Director of Social Welfare Services of the Deputy Ministry of Social Welfare Services, for such a period as it may considers appropriate, provided that it considers that this is necessary for the child's interest, and provided that any other measures against the offender shall not ensure the interest and protection of the child.

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GUARANTEES OF PROTECTION FOR PERSONS REPORTING SUSPECTED OFFENCES Question 10.

How does your national legal framework ensure that any person reporting in good faith suspected sexual abuse and sexual exploitation of a child, including a person bound by professional confidentiality rules, does not get prosecuted or punished by judicial proceedings for defamation, libel or similar offences?^[31]

[31] Based on *Yuppala v. Finland* (no. 18620/03), 2 December 2008 and *M.P. v. Finland* (no. 36487/12), 15 December 2016. Partly based on Article 12 of the Lanzarote Convention.

Under Cypriot criminal law, defamation / libel are not criminal offences but civil offences.

Under the Criminal Act, Cap. 155 it is a criminal offence to give false information to a police officer (Article 114). For this offence, a person is guilty if knowing or having reason to believe that a criminal offense has been committed, gives information about it to a police officer or other person authorized to investigate such offense, which he knows or believes to be false. Therefore, for proving this offence it has to be shown that the person reporting the offence knows or under the circumstances believes the information to be false.

Therefore, a person reporting a suspected sexual abuse, acting in good faith is protected and cannot be prosecuted. Additionally, under article 30 of the Prevention and Combating of Sexual Abuse, Child Sexual Exploitation and Child Pornography Law of 2014, anyone who fails to report a case that comes to his knowledge, where a child or a child with an intellectual or mental deficiency is a victim of sexual abuse or related offences commits an offense and in in case of conviction he is subject to a prison sentence of up to fifteen (15) years or to a fine of up to twenty thousand euros (€20,000) or to both of these penalties.

For the purposes of this article, when measuring the penalty, the court takes as an aggravating circumstance the fact that the person who fails to report or does not promote a report, is an educator, social services worker or lawyer practicing the profession or a member of the police force or a health professional, such as a psychiatrist, a doctor of any other specialty, a nurse, a psychologist or another professional with related activities.

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ASSISTANCE TO THIRD PARTIES Question 11.

What kind of legislative or other measures does your national legal framework have in place to ensure that persons close to the victim may benefit, where appropriate, from therapeutic assistance, notably emergency psychological care?^[32]

[32] 1st Implementation Report "Protection of Children against Sexual Abuse in the Circle of Trust: The Framework", Recommendation 30

Although such provisions are not included in the legal framework, in practise the Children's House provides support and therapy to persons close to the child (i.e. parents, siblings, guardians, etc.).

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ASSISTANCE TO THIRD PARTIES Question 12.

When determining the support required to the victim and the persons close to him or her, how does your national legal framework ensure that the child's disclosure does not worsen his or her situation and that of the other non-offending members of the family?^[33]

[33] *Ibid.*, Recommendation 31

According to article 31 (1) (2) of the prevention and combating of sexual abuse and sexual exploitation of children and child pornography law 2014, the Services involved, as well as the non-governmental organizations involved shall treat victims with all due respect of their dignity, recognize their rights and legal interests, particularly within the framework of the criminal proceedings as well as ensure that they receive special treatment, corresponding best to their interest, condition, age and degree of maturity. The Social Welfare Services shall ensure the provision of assistance, support, and protection to a child immediately when they or any other Service involved have good reasons to believe that one of the offences provided for in sections 6 to 10 and 15 may have been committed against the child, regardless of the child's willingness to cooperate in a criminal investigation, inquiry, prosecution or trial.

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MONITORING OF OFFENDERS Question 13. Does your national legal framework provide for:

a. a mechanism to monitor or supervise persons convicted of child sexual abuse and, specifically, persons convicted of child sexual abuse while holding a recognised position of trust, authority or influence?^[34]

Please provide details.

[34] *Ibid.*, Recommendation 33

Yes

No

Please provide information in support of your answer, if possible referring to specific legal provisions and their exact wording (13.a Yes)

Article 53 of the Prevention and Combating of Sexual Abuse, Child Sexual Exploitation and Child Pornography Law of 2014 provides for the application for issuance of an order of referral to supervision of convicted persons. Specifically, it provides that the Attorney General of the Republic may submit an application to the District Court of Nicosia, which exercises criminal jurisdiction, for the issuance of a decree of referral to supervision by the Supervisory Authority for a period to be determined by the court, of a person who has been convicted for offenses of a sexual nature against children within the territory of the Republic or abroad and for which the offense has not been expunged from his criminal record and who is either serving a prison sentence or has been released from prison within one (1) year, as long as it deems this necessary to protect children from committing offenses provided for in this Law. Such a decree issued may be amended, renewed or repealed by the court at the request of the person for whom the decree has been issued or of the Attorney General of the Republic.

The Supervision Authority for Convicted Offenses of a Sexual Nature against Minors, consists of the following persons:

- (a) Representative of the Ministry of Justice and Public Order, as chairman of the Authority,
- (b) a representative of the Police, as deputy chairman of the Authority,
- (c) a representative of the Attorney General of the Republic, as a member,
- (d) a representative of the Mental Health Services of the Ministry of Health, as a member
- (e) a representative of the Social Welfare Services of the Ministry of Labour, Welfare and Social Insurance, as a member,
- (f) a representative of the Ministry of Education and Culture, as a member,

- (g) a representative of the Department of Prisons of the Ministry of Justice and Public Order, as a member,
- (h) a representative of the Parole Board, as a member, and
- (i) representative of the Cyprus Youth Organization, as a member.

The Supervisory Authority has the following powers:

- (a) Establish regulations, criteria and guidelines for the supervision of a person;
- (b) control the proper processing of the supervision of a person;
- (c) determine, on a case-by-case basis and with the consent of the person referred to it, taking into account the recommendation of the Mental Health Services, psychological support or therapeutic intervention in relation to the person in question;
- (d) draw up a reintegration program for a person referred to it, as the case may be;
- (e) advise the Attorney General of the Republic and/or the Police, ex officio or following their instructions, regarding the dangerousness of any person referred to them;
- (f) coordinate the competent authorities in the exercise of their powers related to a person referred to the Supervisory Authority;
- (g) ensure the availability of effective intervention programs or measures aimed at preventing and minimizing the risks of repeat offenses of a sexual nature against children;
- (i) take the necessary measures in order to ensure the assessment of the dangerousness of the persons referred to it and the possible risk of repeating the offense, in order to determine appropriate intervention programs or measures;

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b. **sharing with other countries data concerning persons convicted of child sexual abuse?**^[35] Please provide details.

[35] Based on Article 38 of the Lanzarote Convention.

- Yes
 No

Please provide information in support of your answer, if possible referring to specific legal provisions and their exact wording (13.b Yes)

Article 28 of the law provides for the exchange of information between Member States and specifically it provides that the data referred to in article 22 of the Law, as well as the criminal record of convicted persons, are transmitted in accordance with the procedures defined in Framework Decision 2009/315/JHA.

Article 22 provides that the Police shall maintain a File, in which the following information is entered in relation to natural or legal persons who have been convicted sexual abuse of children or related offenses or for whom notification is received that they have been convicted of such offenses abroad, in accordance with the provisions of Framework Decision 2009/315/JHA or any international treaty signed by the Republic:

- (a) The date of birth or, in the case of a legal entity, the date of registration in the Register of Companies,
- (b) its identity number or, in the case of a legal entity, its registration number in the Register of Companies,
- (c) his name and, if he uses another name or names, those names;
- (d) its residential address or, in the case of a legal entity, the address of its registered office on the date of its inclusion in the Record,
- (e) the address of any property within the territory of the Republic in which he regularly resides or stays or is employed or carries out work,
- (f) if he has a passport or passports, the details for each passport he holds, i.e. the issuing authority, the passport number; the issuance and expiration dates, and the name and date of birth of the person to whom the passport was issued,
- (g) three photographs of him (front and profile);
- (h) its height,
- (i) his fingerprints,
- (j) data about his genetic profile (DNA), and
- (k) the charges for which he has been convicted, the charges for which there was an immediate admission and his usual course of action.

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MEASURES IN RESPECT OF PROFESSIONALS AND LEGAL PERSONS Question 14. Does your national legal framework:

a. **allow for the immediate removal or suspension of a professional or volunteer working with children suspected of sexually abusing a child?**^[36] Please provide details.

[36] Based on Article 27§3(b) of the Lanzarote Convention.

- Yes
 No

Please provide information in support of your answer, if possible referring to specific legal provisions and their exact wording (13.a Yes)

Regarding the removal or suspension of a professional or volunteer suspected of child abuse, article 33 of the Law provides that a court can issue a Temporary order of exclusion of suspect or removal of victim. Specifically, it is provided that the court may, following an application by a family member or the police or the Attorney General of the Republic or a commissioner appointed pursuant to the provisions of the Parent-Child Relations Law, or the Director of Social Services of Welfare or the Commissioner or another person acting on behalf of any of them, to issue a temporary order of exclusion of the suspect or removal of the victim, until a criminal case is submitted before that Court and tried against the accused for a criminal offense provided for in this Law.

The court can issue the decree at any time following an application accompanied by an affidavit of the victim or any person who is in a position to have direct knowledge of the facts or if any other evidence is presented before it, which creates prima facie apparent risk of violence or repetition of the offense or the necessity of protecting the victim from influence or otherwise, including statements of the victim or other persons in any form, certificates, statements and other evidence pursuant to this Law or any other law.

Furthermore, 34 provides that the court may issue against a person accused of committing any offense under the Law, a decree, which shall be valid for the period and with such conditions as it may impose, prohibiting him from entering or approaching within a certain distance or remaining in the victim's residence or living space or in places frequented by children. A person against whom an exclusion order has been issued and who, while the said order is in force, contravenes any of the conditions contained therein commits an offense and, on conviction, is liable to imprisonment for a term not exceeding two (2) years.

Both decrees can be issued for any case involving an allegation of sexual abuse of child, including cases involving abuse by professionals or volunteers working with children.

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b. **ensure that professionals working in the public, private or voluntary sectors failing to report offences of child sexual abuse occurring in “out-of-home care”^[37] settings are held liable?**^[38] Please provide details.

[37] In accordance with the Declaration of the Lanzarote Committee on protecting children in out-of-home care from sexual exploitation and sexual abuse adopted at its 25th meeting (15-18 October 2019), “out-of-home care” represents all settings in which children can be placed out of their home for care (see point b of the Declaration).

[38] Based on the Declaration of the Lanzarote Committee on protecting children in out-of-home care from sexual exploitation and sexual abuse, point 6.

- Yes
 No

Please provide information in support of your answer, if possible referring to specific legal provisions and their exact wording (13.b Yes)

Article 30 of the Law 94(l)/2014 provides that it is an offence for any person to not report suspected sexual exploitation and abuse of children and file a complaint. Specifically, article 30 states:

“30.(1) Anyone who fails to report a case that comes to his knowledge, where a child or a child with an intellectual or mental deficiency is involved in offenses provided for in articles 6 to 10 and 15 of this Law or does not promote a relevant report, commits an offense and in in case of conviction he is subject to a prison sentence of up to fifteen (15) years or to a fine of up to twenty thousand euros (€20,000) or to both of these penalties.

(2) For the purposes of this article, when measuring the penalty, the court considers as an aggravating circumstance the fact that the person who fails to report or does not promote a report, is an educator, social services worker or lawyer practicing the profession or a member of the police force or a health professional, such as a psychiatrist, a doctor of any other specialty, a nurse, a psychologist or another professional with related activities.

(3) In assessing the penalty for the commission of the offense under subsection (1) it is no defense that the persons referred to in subsection (2) failed to make a complaint because of their professional secrecy”.

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c. **ensure that legal persons failing to protect children in their care from sexual abuse are held liable?**^[39]

Please provide details.

[39] *Ibid.*, see point 7.

- Yes
 No

Please provide information in support of your answer, if possible referring to specific legal provisions and their exact wording (13.c Yes)

Article 13 of the Law 94(l)/2014 provides for the liability of legal entities. Specifically, it provides for the following:

“13.(1) A legal person is responsible for the offenses provided for in this Law when they are committed for its benefit, by any person, who acts either individually or as a member of an organ of the legal person and who holds a leading position in that legal person based on –

- (a) power of attorney of the legal entity; or
- (b) power to make decisions on behalf of the legal entity; or
- (c) power to exercise control within the legal entity.

(2) Without prejudice to the provisions of subsection (1), a legal person may be held liable for the

commission of the offenses provided for in this Law in a case where the insufficient supervision or the insufficient control by a person specified in subsection (1) has made it possible for the said offenses to be committed for the benefit of the legal entity by a person acting under its jurisdiction.

(3) The liability of the legal entity pursuant to subsections (1) and (2) does not exclude the criminal prosecution of natural persons who act as perpetrators, moral perpetrators or accomplices in the offenses provided for in this Law.

(4) A legal person convicted of committing any offense provided for in this Part shall be subject to a fine not exceeding six hundred thousand euros (€600,000).

(5) In addition to the criminal liability for the commission of the offenses provided for in this Law, the legal person is also subject to civil liability”.

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SPECIAL REPRESENTATIVES Question 15. How does your national legal framework ensure that special representatives and guardians ad litem who are appointed to avoid a conflict of interest between the holders of parental authority and the child victim:

a. [receive appropriate training and legal knowledge to ensure and safeguard the best interests of the child victim during criminal investigations and proceedings?](#)^[40]

[40] 1st Implementation Report “Protection of Children against Sexual Abuse in the Circle of Trust: The Framework”, Recommendation 35

According to article 54 (1) (2) (3) of the prevention and combating of sexual abuse and sexual exploitation of children and child pornography law 2014, the Services involved shall have the obligation to promote regular training of employees who are likely to come into contact with children, victims of abuse or exploitation, including front-line police officers, aimed at helping them to identify victims and possible victims of sexual abuse or exploitation. The professionals who are likely to come into contact with victims of sexual abuse and sexual exploitation who are minors shall have to be duly trained, in order to identify these victims and deal with them.

The training must be promoted for the members of the following categories, provided that they are likely to come into contact with victims: (a) Police officers, (b) Officers of the Law Office of the Republic, (c) lawyers, (d) members of the judicial authorities and the court’s administrative staff, (e) child care and healthcare staff, (f) other groups of persons who, in the performance of their duties, are likely to come into contact with minors who are victims of sexual abuse and sexual exploitation.

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b. [avoid combining the functions of a lawyer and guardian ad litem in one person?](#)^[41]

[41] Ibid., Recommendation 36

According to article 32 (1) of the prevention and combating of sexual abuse and sexual exploitation of children and child pornography law 2014, the Court may, during or after the trial of a case in relation to the offences provided for in this Law, order the removal of the victim and his/her placing under the care of the Director of Social Welfare Services of the Deputy Ministry of Social Welfare. The director of Social Welfare Services (public authority) assigns the role of guardian, to Social Services Officers.

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c. [are provided free of charge for the child victim?](#)^[42]

[42] *Ibid.*, Recommendation 37

yes. Articles 37(3) and 40 of the Law, guarantee the right of the child victim to have access to a lawyer as well as legal aid. Specifically, Article 37 provides that prosecuting authorities ensure the protection of children who report cases of abuse within their family environment and take appropriate measures to reduce as much as possible any communication difficulties affecting the understanding or participation of a victim who has the status of a witness, during the stages of the criminal procedure. Further, every victim, regardless of his willingness to cooperate with the prosecuting authorities, for the criminal investigation, prosecution or trial, has the right of immediate access to legal advice in accordance with the Advocates Law, in every stage of the procedure and in case the child does not have sufficient resources, he has the right to free legal aid.

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SPECIAL REPRESENTATIVES Question 16. [for 22 Parties + Malta]

a. **Do you appoint a special representative or guardian ad litem when there is a conflict of interest between the holders of parental authority and a child?**^[43] Please provide details.

[43] *Ibid.*, Recommendation 34

- Yes
 No

Please provide information in support of your answer, if possible referring to specific legal provisions and their exact wording (16.a Yes)

According to article 42 (1) of the prevention and combating of sexual abuse and sexual exploitation of children and child pornography law 2014, where, by the laws of the Republic, the parents or holders of parental responsibility are precluded from representing the child as a result of a conflict of interest between them and the child victim, or where the child is unaccompanied or separated from its family, the Court may appoint the Commissioner for the legal representation of the child in criminal investigation or proceedings in

accordance with the Law on the Commissioner for the Protection of Children's' Rights of the Child, as from time to time amended or substituted.

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b. **Is this person allowed to be present throughout the criminal proceedings?**^[44] Please provide details.

[44] *Ibid*

- Yes
 No

Please provide information in support of your answer, if possible referring to specific legal provisions and their exact wording (16.b Yes)

According to article 42 (2) (f) of the prevention and combating of sexual abuse and sexual exploitation of children and child pornography law 2014, the victim may be accompanied by a representative who is appointed under this section or, where appropriate, an adult of the child's choice, unless a reasoned Court decision has been made to the contrary in respect of that person

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SUPPORT FOR CHILD VICTIMS IN INVESTIGATIVE AND JUDICIAL PROCEEDINGS Question 17. In investigative and judicial proceedings how does your national legal framework ensure that:

a. **protection measures are available to all children irrespective of their age?**^[45] Please provide details.

[45] *Ibid.*, Recommendation 38

Part III of the law provides for the Victims' Rights and Protection in Criminal Procedure as well as Victims' Right to Compensation. It provides that all measures afforded by the law are available to all children irrespective of their age.

Article 31 provides for the obligations of the involved services for assistance, support and protection measures for victims

Article 35 provides for the protection of victims from criminalization

Article 38 provides for the protection of the victim and his family members based on the Protection Plan for

Witnesses and Associates of Justice

Article 42 provides for the protection of victims in criminal proceedings

Article 43 provides for the recorded statement of a child

Article 44 refers to the right to hold the Trial in camera

Article 45 provides for the right of the Victim to have support

Relevant is also article 29 which provides for the additional obligations of the Attorney General of the Republic and the Chief of Police in relation to the criminal investigation and prosecution of offenses.

“29. The Attorney General of the Republic, the Chief of Police and the court before which a criminal case for the commission of an offense pursuant to this Law is pending, shall, within the framework of their powers and responsibilities, take the necessary measures in order to -

- (a) ensure that criminal proceedings relating to the offenses provided for in this Act are given priority and are carried out without delay;
- (b) ensure that the conduct of the criminal proceedings will not exacerbate the traumatic experience experienced by the victim;
- (c) ensure that the persons, units or agencies charged with the criminal investigation, prosecution and prosecution of the offenses provided for in this Law receive appropriate training in relation to the application of this Law;
- (d) make available to the persons, units or services charged with the criminal investigation and prosecution of the offenses referred to in this Law, effective investigative tools, such as those used against organized crime or other serious crimes as well as other necessary means and facilities•
- (e) enabling investigative units or agencies to attempt the identification of victims of the offenses referred to in Articles 6 to 10, in particular through the analysis of child pornography material, such as photographs and audio-visual recordings transmitted or made available through information technology and of communications; and
- (f) ensure that uncertainty about the true age of the victim will not prevent the initiation of criminal investigations”.

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b. [specificities of sexual abuse committed in respect of a child by someone in a recognised position of trust, authority or influence are taken into account in the measures and procedures applied during criminal investigations and proceedings in order not to aggravate the trauma experienced by the child?](#)^[46] Please provide details.

[46] *Ibid.*, Recommendation 39

Yes. As above

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c. **a child who is a presumed victim of sexual abuse is supported by a professional trained to safeguard children's psychological well-being**?^[47] Please provide details.

[47] Based on *N.Ç. v. Türkiye* (no. 40591/11), 9 February 2021

According to article 45 of the prevention and combating of sexual abuse and sexual exploitation of children and child pornography law 2014,

(1) The Services involved shall take all the necessary measures, within the framework of their responsibilities, in order to assist and support the child victims, in the short and long term, in their physical and psycho-social recovery, following an individual assessment of the special circumstances of the child, taking due account the child's views, depending on his or her age, psychological and mental condition, needs and concerns with a view to find a durable solution for the child.

(2) The Services involved shall, each within the framework of its responsibilities provide direct access of every victim to the rights provided for in this Law.

(3) The Social Welfare Services shall support the child and the family by exercising, inter alia, a liaising role with other Services, aiming at ensuring the child's interest. Where the Social Welfare Services ascertain that the persons entitled the parental care of the victim do not ensure the interest of the child and, as a result, cannot represent it due to a conflict of

interests between them and the victim, they shall take all necessary measures and proceed with all the necessary procedures so that a commissioner is appointed in accordance with the provisions of the Parents and Children Relations Law, as from time to time amended or substituted, and section 42 of this Law.

(4) The Mental Health Services, after referral from a competent Service, shall provide special psychological support to the victim and its family.

(5) For the implementation of this section, the Social Welfare Services shall be the competent authority for the coordination of all the services involved.

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SUPPORT FOR CHILD VICTIMS IN INVESTIGATIVE AND JUDICIAL PROCEEDINGS Question 18.

Since the adoption of the 1st implementation report in the 1st monitoring round in 2015, has your national legal framework been amended to ensure that the justice system accommodates more fully the specificities attached to the participation of children as victims in proceedings and not solely as perpetrators of criminal offences?^[48] Please provide details.

[48] 1st Implementation Report "Protection of Children against Sexual Abuse in the Circle of Trust: The Framework", Recommendation 40



- Yes
 No

If appropriate, please provide more information (18 No)

Since the adoption of the 1st implementation report in the 1st monitoring round in 2015, there has been no amendments in the national legal framework. Currently the Prevention and Combating of Sexual Abuse and Sexual Exploitation of Children and Child Pornography of 2014 is under review and the issue has been taken in due consideration.

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INVESTIGATION Question 19. In the investigation phase:

In 2023 the Steering Committee for the Rights of the Child (CDENF) circulated a questionnaire in the framework of its mapping study of the implementation and development of Barnahus model in Europe. Should your authorities have responded to this questionnaire, you may reiterate those replies and complete as need be.

a. **are interviews of child victims arranged in a child-friendly setting separate from the usual premises where investigations and interviews are conducted (such as police, hospital or court premises), and are such settings provided throughout your territory?**^[49] Please provide details.

[49] *Ibid.*, Recommendation 41

- Yes
 No

Please provide information in support of your answer, if possible referring to specific legal provisions and their exact wording (19.a Yes)

According to article 42(1) (b) of the prevention and combating of sexual abuse and sexual exploitation of children and child pornography law 2014, interviews with the victim take place, where possible, in premises designed or adapted for that purpose. In that case the Children's House, which has been in operation since 2017, handles cases of sexual abuse and/or exploitation of children. The Children's House provides a multi-disciplinary, child-friendly approach to the management of cases of child sexual abuse. It operates under the supervision of the Social Welfare Services and in cooperation with the Social Welfare Services and all competent Services/Organizations. It is fully subsidised by national resources.

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b. [are all staff responsible for interviewing child victims required to undergo suitable qualifying training?](#)^[50]

Please provide details.

[50] *Ibid.*, Recommendation 42

- Yes
 No

Please provide information in support of your answer, if possible referring to specific legal provisions and their exact wording (19.b Yes)

In Cyprus Police, we have a specially trained National Unit for Handling Cases of Child Sexual Abuse, under the Safeguarding Sub-Directorate, of the Crime Combating Department of the Police Headquarters. Its main duties are to prevent, suppress and combat sexual abuse of children. All the police officers, who are members of this National Unit, are specially trained for two weeks, in the Police Academy of Cyprus, in the handling of minors and in the taking audiovisual statements from minors under 18 years old. Furthermore, they receive additional trainings concerning vulnerable victims, both in Cyprus and abroad. (article 54(1) of the prevention and combating of sexual abuse and sexual exploitation of children and child pornography law 2014)

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c. [does your national legal framework require that interviews with child victims are conducted as soon as possible after the offence, that their duration and number are limited, and that in their organisation account is taken of the child's age and attention span?](#)^[51] Please provide details.

[51] *Ibid.*, Recommendation 43

- Yes
 No

Please provide information in support of your answer, if possible referring to specific legal provisions and their exact wording (19.c Yes)

According to the Law 91(I) 2014 (Article 42), interviews with the victim are carried out without any delay, provided the victim can give testimony and considering his/her mental state. Statements are received, provided that a formal complaint has been reported, either to the Social Welfare Services, or to the Police. Interviews with the victim, are taken at specialized locations that have been designed for this purpose. Interviews with the victim must be conducted by trained professionals and by persons of the same sex. The number of interviews with the victim, should be as limited as possible and secondary statements are conducted, only if its deemed strictly necessary.

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d. [for Serbia] how do you ensure that child victims of sexual abuse by someone in a recognised position of trust, authority or influence are not repeatedly interviewed during the proceedings?^[52]

[52] *Ibid.*, Recommendation 54

does not apply for cyprus

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e. where it is indispensable to interview the child victim more than once, does your national legal framework require that the interviews should, if possible and where appropriate, be conducted by the same person and under the same material conditions as the first?^[53] Please provide details.

[53] *Ibid.*, Recommendation 44

- Yes
 No

Please provide information in support of your answer, if possible referring to specific legal provisions and their exact wording (19.e Yes)

Yes, the legal framework requires, if possible, all interviews with the victim to be conducted by the same person.

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f. does your national legal framework offer criminal defence the possibility to contest a child's disclosure during the interview through questions, thus obviating the need for the child to be present in the court room during the proceedings?^[54] Please provide details.

[54] *Ibid.*, Recommendation 45

- Yes
 No

Please provide information in support of your answer, if possible referring to specific legal provisions and their exact wording (19.f Yes)

Article 12 of the Witness Protection Law provides that the cross examination and re- examination of a witness may be videotaped and said video admitted as the witness testimony. Specifically, it provides that when the videotaped testimony of a witness is accepted as the main examination, the Court may order that the cross-examination of the witness and the re-examination be videotaped and said video recording admitted as the witness's evidence.

The videotaping must be done in the presence of the persons whose videotaping will be ordered by the

Court, so that the Court and the lawyers of the parties may see and hear the examination of the witness and communicate with the persons in whose presence the video is taken and the accused may see and hear such cross-examination or re-examination and communicate with his lawyer.

The witness whose cross-examination or re-examination was videotaped pursuant to this article shall not be called for further cross-examination or re-examination, unless the Court orders his further cross-examination or re-examination.

It is noted that the provisions of this article apply to all witnesses, including child victims, whose testimony is videotaped. It is further noted that the provisions of this article are rarely applied.

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JUDICIAL PROCEEDINGS Question 20. In the judicial proceedings:

In 2023 the Steering Committee for the Rights of the Child (CDEF) circulated a questionnaire in the framework of its mapping study of the implementation and development of Barnahus model in Europe. Should your authorities have responded to this questionnaire, you may reiterate those replies and complete as need be.

a. [is systematic use of video equipment made in order to record interviews of child victims or enable him or her to testify remotely during the proceedings?](#)^[55] Please provide details.

[55] *Ibid.*, Recommendation 46

- Yes
 No

Please provide information in support of your answer, if possible referring to specific legal provisions and their exact wording (20.a Yes)

Article 43 of the Prevention and Combating of Sexual Abuse, Child Sexual Exploitation and Child Pornography Law of 2014 provides that in cases where a child is a witness to offenses provided for in the Law (i.e. offences relating to sexual abuse, child pornography), the prosecuting authorities shall ensure that, in the context of the criminal investigation of these offences, all interviews with the child witness or victim are videotaped and that, during the adjudication of the case, these interviews are considered as competent testimony by virtue of the Law on Evidence, as it is amended or replaced from time to time.

Furthermore, for the application of the provisions of article 43, the conditions and rules provided for in the Witness Protection Law shall apply and in particular the following:

(a) The court shall order the victim or child witness to be cross-examined in absentia, using appropriate communications technology, unless a reasoned court order is made to the contrary; and

(b) where it is in the interest of the victim or child witness, the court and the prosecuting authorities in order

to protect the privacy, identity and image of the children prevent the disclosure of information that could lead to their identification and receive any other necessary measure to protect the above-mentioned rights and interests of the child.

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b. [does your national legal framework make an exception in the requirement to be physically present at court hearings for child victims of sexual abuse, including when they are giving evidence?](#)^[56] Please provide details.

[56] *Ibid.*, Recommendation 59

- Yes
 No

Please provide information in support of your answer, if possible referring to specific legal provisions and their exact wording (20.b Yes)

Article 7(2) of the Witness Protection Act, provides that the testimony of the witness who needs assistance may be given either in another room within the court premises, including any building located in the court yard, or in another place deemed appropriate by the Court. A witness who needs assistance, according to article 3 of the Law, is any person who at the time of the hearing he has not attained the age of eighteen years or if the witness is mentally ill or otherwise of reduced mental and social adaptability or if the witness suffers from physical infirmity or disability.

Therefore, in all cases of sexual abuse of child, the victim and / or child witnesses, their testimony is videotaped and during the hearings, the videotaped testimony is considered to be part of the testimony of the child. Further, given that children as considered as witnesses in need of assistance, in sexual abuse cases, the victims and / or child witnesses provide their live testimony through video link remotely, ensuring that the child does not have to be physically in Court and further ensuring that the child does not come face to face with the defendant during the hearing.

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c. [is there any difference in the scope of the application of this requirement based on the child's age?](#)^[57] Please provide details.

[57] *Ibid.*, Recommendation 60

- Yes
 No

If appropriate, please provide more information (20.c No)

There is no difference in the application of the above requirements based on the child's age. As per article 2 of the Prevention and Combating of Sexual Abuse, Child Sexual Exploitation and Child Pornography Law of 2014 a child is any person under the age of 18, and therefore, the provisions of the law are applicable for all children regardless of their age.

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d. [are video recordings of interviews of child victims regarded as admissible evidence?](#)^[58] Please provide details.

[58] *Ibid.*, Recommendation 47

- Yes
 No

Please provide information in support of your answer, if possible referring to specific legal provisions and their exact wording (20.d Yes)

Video recordings of interviews of child victims are regarded, as stated above, as admissible evidence, provided that certain conditions are met. Articles 9 and 10 of the Witness Protection Act are relevant and they state that the Court may accept as the main examination the videotaped testimony of a witness who needs assistance. The Court will not accept the videotaped testimony or part of it if, in its opinion, taking into account all the circumstances of the case, its acceptance would not be in the interest of justice.

The Court shall not accept videotaped testimony unless-

- (a) The video recording relates to the case under trial;
- (b) the witness whose videotaped statement has been admitted may appear in Court for cross-examination if requested;
- (c) the rules for taking a videotaped deposition referred to in Article 10 have been observed;
- (d) a transcribed and audio tape of the videotaped deposition is presented with the videotaped deposition.

Article 10 provides for the rules for taking a videotaped deposition and are as follows:

- (a) The name, address, occupation and capacity of the person taking the deposition, as well as the person operating the imaging device, is stated or written down before the beginning of the deposition;
- (b) the place, date and time of the start of the deposit, as well as the time of the end of the deposit, are mentioned or indicated;
- (c) the name, address and occupation of the person giving the statement is stated or recorded;
- (d) a statement of the person taking the statement to the person giving the statement that it will be videotaped and that it can be presented to the Court as testimony and a statement of the person giving the statement that he consents to the taking of the videotaped statement is recorded:
Provided that, in the case of a minor, consent is given by the person who has parental care;
- (e) the videotape is produced by the operator of the videotaping device and he affirms on oath that the videotape faithfully reproduces the testimony and that nothing has been removed or added to what was said during the videotaping and that no other alteration has been made to the videotaping;
- (f) a copy of the transcribed and typed audio tape of the videotape on which the statement was recorded is

given to the person making the statement or, where the person making the statement is a minor, to the person who has given his consent for the purposes of paragraph (d).

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e. [what measures do you take to guard against any further contact between a child victim of sexual abuse by someone in a recognised position of trust, authority or influence and a presumed offender during the criminal proceedings?](#)^[59]

[59] *Ibid.*, Recommendation 48

Regarding the measures taken against further contact between the child and presumed offender, article 33 of the Law provides that a court can issue a Temporary order of exclusion of suspect or removal of victim. Specifically, it is provided that the court may, following an application by a family member or the police or the Attorney General of the Republic or a commissioner appointed pursuant to the provisions of the Parent-Child Relations Law, or the Director of Social Services of Welfare or the Commissioner or another person acting on behalf of any of them, to issue a temporary order of exclusion of the suspect or removal of the victim, until a criminal case is submitted before that Court and tried against the accused for a criminal offense provided for in this Law.

The court can issue the decree at any time following an application accompanied by an affidavit of the victim or any person who is in a position to have direct knowledge of the facts or if any other evidence is presented before it, which creates prima facie apparent risk of violence or repetition of the offense or the necessity of protecting the victim from influence or otherwise, including statements of the victim or other persons in any form, certificates, statements and other evidence pursuant to this Law or any other law.

Furthermore, 34 provides that the court may issue against a person accused of committing any offense under the Law, a decree, which shall be valid for the period and with such conditions as it may impose, prohibiting him from entering or approaching within a certain distance or remaining in the victim's residence or living space or in places frequented by children. A person against whom an exclusion order has been issued and who, while the said order is in force, contravenes any of the conditions contained therein commits an offense and, on conviction, is liable to imprisonment for a term not exceeding two (2) years.

Both decrees can be issued for any case involving an allegation of sexual abuse of child, including cases involving abuse by someone in a position of trust, authority or influence.

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f. [does your national legal framework allow taking the child's testimony without the presumed offender being present?](#)^[60] Please provide details.

[60] *Ibid*

- Yes
 No

Please provide information in support of your answer, if possible referring to specific legal provisions and their exact wording (20.f Yes)

Regarding the videotaping of the child testimony, this is done in a specifically designed room. During the interview only the child and the interviewer are present in the room, with the videographer and social worker placed in another room. So in this instance, the potential offender is not present. During the proceedings before the Court, it is the constitutional right of the accused to be present in the court room and he cannot be excluded from the proceedings. However, as mentioned above, the child usually testifies remotely via video link, therefore, there is no possibility for the accused to come in contact with the child.

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g. [how do you ensure that face-to-face confrontation with the defendant during the proceedings does not take place?](#)^[61]

[61] *Ibid*

Article 35 of the Law provides for the protection of the child victim and his family members and specifically any victim of the offenses provided for the Law is considered a witness who needs assistance within the meaning of the Witness Protection Law.

Under this article, the prosecuting authorities shall ensure that effective and appropriate protection from possible retaliation or intimidation is provided in particular during and after the investigation and prosecution of the perpetrators to the following persons:

- (a) Any person, other than the victim, who reports the commission of a criminal offense under this Act or otherwise cooperates in any way with the law enforcement authorities;
- (b) any witness, other than the victim, who gives evidence in relation to the commission of a criminal offense under this Act;
- (c) where necessary, the members of the victim's;

The prosecuting authorities shall take all necessary and necessary measures to provide adequate protection against possible revenge or intimidation, in particular during and after the investigation and prosecution of the perpetrators of the offenses provided for in this Law, for members of organizations, institutions, associations or non-governmental organizations that carry out activities or provide assistance to victims in accordance with the provisions of this Law.

The prosecuting authorities shall ensure that the investigation or prosecution is not dependent on the submission of a complaint or complaint by the victim or his representative and that the criminal proceedings may continue even if that person withdraws his testimony.

The prosecuting authorities continue the prosecution even after the victim reaches adulthood.

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h. [what measures do you take to prevent violation of the child victims' right to privacy by the media through disclosure or publication of personal information or data?](#)^[62]

[62] *Ibid.*, Recommendation 49

Furthermore, Article 15 of the Witness Protection Act, prohibits the publication or disclosure in any way of the name of any child victim of sexual abuse, as well as the content or part of the content of his deposition and any person who contravenes this provision commits an offense punishable with imprisonment not exceeding three years or with a fine not exceeding three thousand pounds, or with both.

Further, the trial can be held behind closed doors therefore excluding the public and any other person not involved in the trial during the proceedings.

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i. [does your national legal framework provide for free legal aid to child victims of sexual abuse by someone in a recognised position of trust, authority or influence under the same or more lenient conditions as that available to adults?](#)^[63] Please provide details.

[63] *Ibid.*, Recommendation 50

- Yes
 No

Please provide information in support of your answer, if possible referring to specific legal provisions and their exact wording (20.i Yes)

Articles 37 and 40 of the Law, guarantee the right of the child victim to have access to a lawyer as well as legal aid. Specifically, Article 37 provides that prosecuting authorities ensure the protection of children who report cases of abuse within their family environment and take appropriate measures to reduce as much as possible any communication difficulties affecting the understanding or participation of a victim who has the status of a witness, during the stages of the criminal procedure. Further, every victim, regardless of his willingness to cooperate with the prosecuting authorities, for the criminal investigation, prosecution or trial, has the right of immediate access to legal advice in accordance with the Advocates Law, in every stage of the procedure and in case the child does not have sufficient resources, he has the right to free legal aid.

Article 40 provides for the right to legal advice and legal representation to exercise the right to compensation and specifically, provides that every victim, regardless of his willingness to cooperate with the prosecuting authorities, for the criminal investigation, prosecution or trial, has the right to

- (a) immediate access to legal advice and legal representation for compensation claims, in accordance with the Law on Lawyers, as amended or replaced from time to time,
- (b) legal aid according to the provisions of the Law on Legal Aid, as amended or replaced from time to time.

Additionally, article 6D of the Legal Aid Law, provides for the legal aid for victims of human trafficking and child victims of sexual exploitation, child pornography, sexual exploitation and/or sexual abuse

Specifically, it provides for the free legal aid is provided to a child who is a victim of human trafficking, in proceedings before a District Court to claim compensation pursuant to the Prevention and Combating of Human Trafficking and Exploitation and the Protection of Victims Law, as amended or replaced from time to time and free legal aid to a child who is a victim of sexual exploitation, child pornography, sexual exploitation and/or sexual abuse, in proceedings before a District Court to claim compensation pursuant to the Prevention and Combating of Sexual Abuse, the Sexual Exploitation of Children and Child Pornography Law.

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j. [does your national legal framework grant to child victims of sexual abuse by someone in a recognised position of trust, authority or influence the right to be represented in their own name by a lawyer trained in the relevant matters?](#)^[64] Please provide details.

[64] *Ibid.*, Recommendation 51

- Yes
- No

Please provide information in support of your answer, if possible referring to specific legal provisions and their exact wording (20.j Yes)

According to article 42 (1) of the prevention and combating of sexual abuse and sexual exploitation of children and child pornography law 2014, where, by the laws of the Republic, the parents or holders of parental responsibility are precluded from representing the child as a result of a conflict of interest between them and the child victim, or where the child is unaccompanied or separated from its family, the Court may appoint the Commissioner for the legal representation of the child in criminal investigation or proceedings in accordance with the Law on the Commissioner for the Protection of Children's' Rights of the Child, as from time to time amended or substituted.

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k. what assistance, if any, do you provide to child victims of sexual abuse by someone in a recognised position of trust, authority or influence, once a criminal justice decision has been taken?^[65]

[65] *Ibid.*, Recommendation 52

According to the prevention and combating of sexual abuse and sexual exploitation of children and child pornography law 2014, all children victims of sexual abuse, are treated in the same way.

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