

REPUBLIC



OF CYPRUS

**THE PREVENTION AND COMBATING OF SEXUAL ABUSE AND SEXUAL EXPLOITATION OF
CHILDREN AND CHILD PORNOGRAPHY LAW, 2014**
(English translation)

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A LAW TO REVISE THE LEGAL FRAMEWORK GOVERNING THE PREVENTION AND COMBATING OF
SEXUAL ABUSE AND SEXUAL EXPLOITATION OF CHILDREN AND CHILD PORNOGRAPHY

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The Prevention and Combating the Sexual Abuse, Sexual Exploitation of Children and Child Pornography Law of 2014 is published in the Official Gazette of the Republic of Cyprus in accordance with Article 52 of the Constitution.

Number 91(I) of 2014

A LAW TO REVISE THE LEGAL FRAMEWORK GOVERNING THE PREVENTION AND COMBATING OF SEXUAL ABUSE AND SEXUAL EXPLOITATION OF CHILDREN AND CHILD PORNOGRAPHY

Preamble.	For purposes of harmonisation with the acts of the European Union entitled -
Official Journal of the EU: L 82, 22.3.2001, p. 1.	"Council Framework Decision(2001/220/JHA),of 15 March 2001, on the standing of victims in criminal proceedings"; and
Official Journal of the EU: L 335, 17.12.2011, p. 1.	"Directive 2011/93/EU of the European Parliament and of the Council, of 13 December 2011, on combating the sexual abuse and sexual exploitation of children and child pornography, and replacing Council Framework Decision 2004/68/JHA"; and
6(III) of 2006	for the purposes of better implementation of the Optional Protocol to the United Nations Convention on the Rights of the Child, on the Sale of Children, Child Prostitution and Child Pornography (Ratification) Law, of the United Nations Convention Against Transnational Organised Crime and the Protocols thereto (Ratification) Law, of the Convention on Cybercrime (Ratification) Law, on the Convention on the Rights of the Child (Ratification) Law, of the European Convention on the Exercise of Children's Rights (Ratification) Law, as from time to time amended or substituted, as well as for the implementation of the Council of Europe Convention on the Protection of Children against Sexual Exploitation and Sexual Abuse, signed in Lanzarote on the 25 th October, 2007.
11(III) of 2003	
22(III) of 2004	
12(III) of 2010	
14(III) of 2013	
243 of 1990	
5(III) of 2000	
9(III) of 2010	
23(III) of 2005.	
	The House of Representatives enacts as follows:
Short title.	1. This Law may be cited as the Prevention and Combating of Sexual Abuse, Sexual Exploitation of Children and Child Pornography Law, 2014.

PART I

INTERPRETATION, SCOPE AND FIELD OF APPLICATION

Interpretation.

2. In this Law, unless the context otherwise provides-

"abuse of a position of authority, trust, or influence or vulnerability" includes the case where the victim has no other real or admitted choice, but to suffer or succumb to the abuse in question;

"age of consent" means the age below which engagement in sexual activities with a child is prohibited and which shall be the age of seventeen (17);

"child" means any person under the age of eighteen (18)years;

"child pornography" includes -

(a) any material that visually depicts child in real or simulated sexual conduct,

(b) any depiction for sexual purposes of a child's sexual organs;

(c) any material that visually depicts any person appearing to be a child, engaged in real or simulated sexual activity or any depiction of the sexual organs of any person appearing to be a child, or

(d) realistic images of a child engaged in sexual conduct or realistic images of the sexual organs of a child;

"child prostitution" includes the use of a child for sexual activities where money or any other form of remuneration or consideration is given or promised as payment in exchange for the child engaging in sexual activities, regardless of whether that payment, promise or consideration is made to the child or to a third party;

"coercion" includes -

(a) threats of harm to any person or property or physical restraint against any person;

(b) any conduct or plan intended to cause a person to believe that the omission to perform an act would result in harm to a person or property or physical restraint against any person;

(c) the abuse or threatened abuse of legal or administrative procedures concerning the status of any person; and

(d) the abuse of a relation of trust or authority or influence and/or vulnerable position;

"Commissioner" has the meaning assigned to this term by section 2 of the Commissioner for the Protection of Children's Rights Law, as from time to time amended or substituted;

"computer system" means any device or group of interconnected or related means, one or more of which, pursuant to a program, perform automatic processing of data;

"criminal proceedings" includes the investigation, prosecution, and hearing stage of the case for any offence provided for in Part II of this Law;

"exclusion order" means an order issued by the competent Court, under section 34 of this Law.

"harm" includes any bodily or sexual or mental harm, or disease or disorder, whether permanent or temporary, or any other harm against a particular person, as well as harm to once family, property, reputation;

74(I) of 2007
44(I) of
2014.

"legal person" means any entity having legal personality, recognised as such, pursuant to the relevant laws of the Republic or any other relevant applicable law, except for the government services or other organisations governed by public law, in the exercise of state authority and for public international organisations;

"member state" means a member state of the European Union;

"Minister" shall be the Minister of Labour, Welfare and Social Insurance;

"non-governmental organisations" means any non-profit organisations, duly registered pursuant to the Societies and Institutions Law, as from time to time amended or replaced, which, pursuant to their articles of association, have the mandate to be

active in the fields of human rights or the rights of the children or against domestic violence and which provide any supporting services;

"obligation of notification" means the obligation of notification imposed to a sentenced person, pursuant to section 22 of this Law.

"pornographic performance" includes the live exhibition, aimed at an audience of one or more individuals, including by means of information and communication technology of –

- (a) child engaged in a real or simulated sexual conduct, or
- (b) the sexual organs of a child for sexual purposes;

"position of trust, authority, or influence" includes -

(a) kinship by blood or by affinity up to the third degree between the victim and the person committing the criminal offence referred to in this Law, or

(b) any other relationship between the victim and this person, because of his or her position or capacity, including his or her relationship with the guardian of the child, teacher, employer, a person responsible for any public or private institution offering accommodation to children or in which persons are detained or taken into custody under any law or decision of administrative or judicial authorities, as well as with other persons with analogous position or capacity;

57 of 1972
85(I) of
1997.

"proceedings" includes, in addition to criminal proceedings, all contacts of victims as such, with any authority, public service or victim support group, in connection to their case, before, during or after criminal process;

"prosecution authorities" means the Attorney-General of the Republic and/or the Police;

"Services involved" means the Law Office of the Republic, the Ministry of Labour, Welfare and Social Insurance, the Social Welfare Services and the Social Insurance Services of the Ministry of Labour, Welfare and Social Insurance, the Ministry of Health, the Mental Health Services of the Ministry of

Health, the Ministry of Education and Culture, the Ministry of Justice and Public Order, the Police, the Ministry of Interior, the Civil Registry and Migration Department and the Asylum Service of the Ministry of Interior, the Ministry of Foreign Affairs and the consular authorities of the Republic abroad;

"sexual act" includes any act that is reasonably considered-

(a) sexual by its nature, regardless of the purpose of the person performing it, or

(b) may be sexual by its nature and the circumstances under which it is being performed make it sexual;

"sexual exploitation and sexual abuse of a child" includes the conduct as this is referred to described in sections 6 to 10 of this Law;

"Surveillance Authority" means the Surveillance Authority of Sentenced Persons for Sexual Offences against Minors, established in accordance with the provisions of section 47;

"teaching staff" means a teacher of pre-primary, primary, secondary or higher education, working in the public or private sector;

"victim" means a child in relation to which a procedure begins or there is an ongoing procedure regarding any of the offences described in this Law;

"video recording" means the recording by the use of any device in animated images of objects, events, organizations and persons, either in a moving or talking form, which can be reproduced and presented by the use of any technical means;

"violence" includes any action or omission or conduct that may cause harm to the victim;

Purpose of this Law.

3. The purpose of this Law shall be the taking of measures for the prevention, suppression and combating of the offences of sexual abuse and sexual exploitation of children, child pornography, and

child solicitation for sexual purposes, the protection and support of victims of the said offences, the establishment of monitoring and surveillance mechanisms of victims and offenders, and the promotion of international cooperation for the implementation of the above measures.

Principles on which the implementation of this Law is based.

4.-(1) The implementation of this Law by any Service involved and non-governmental organisation and the enjoyment of measures to protect and promote the rights of victims shall be secured without discrimination on any ground such as sex, race, colour, language, religion, political or other opinion, national or social origin, association with a national minority, property, birth, sexual orientation, state of health, disability or other status.

(2) Any Service involved and non-governmental organisation, shall safeguard, during the implementation of this Law, the child's interest, taking into account the age and level of psychological and body development or maturity, as well the vulnerability of the child's status.

Scope.

5.-(1) This Law shall apply to the prevention, investigation and prosecution of the offences prescribed in Part II thereof, as well as to the protection of victims of such offences, where-

(a) such offences are transnational in nature and involve an unlawful association within the meaning of section 63B of the Criminal Code, as from time to time amended or replaced;

Chapter 154.

3 of 1962
43 of 1963
41 of 1964
69 of 1964
70 of 1965
5 of 1967
58 of 1967
44 of 1972
92 of 1972
29 of 1973
59 of 1974
3 of 1975
13 of 1979
10 of 1981
46 of 1982
86 of 1983

186 of 1986
111 of 1989
236 of 1991
6(I) of 1994
3(I) of 1996
99(I) of 1996
36(I) of 1997
40(I) of 1998
45(I) of 1998
15(I) of 1999
37(I) of 1999
38(I) of 1999
129(I) of 1999
30(I) of 2000
43(I) of 2000
77(I) of 2000
162(I) of 2000
169(I) of 2000
181(I) of 2000
27(I) of 2001
12(I) of 2002
85(I) of 2002
144(I) of 2002
145(I) of 2002
25(I) of 2003
48(I) of 2003
84(I) of 2003
164(I) of 2003
124(I) of 2004
31(I) of 200
18(I) of 2006
130(I) of 2006
126(I) of 2007
127(I) of 2007
70(I) of 2008
83(I) of 2008
64(I) of 2009
56(I) of 2011

72(I) of 2011
163(I) of 2011
167(I) of 2011
84(I) of 2012
95(I) of 2012
134(I) of 2012
125(I) of 2013
131(I) of 2013.

(b) such offences are transnational in nature without involving an unlawful association within the meaning hereinabove; or

(c) such offences are not transnational in nature and irrespective of whether the involvement of an unlawful association exists or not.

60(I) of 2014.

119(I) of 2000
212(I) of 2004.

(2) This Law is complementary to the provisions of the Prevention and Combating of Trafficking and Exploitation of Human Beings and the Protection of Victims Law, as from time to time amended or replaced, in relation to the offences against the minors who are victims, as well as the provisions of Domestic Violence (Prevention and Protection of Victims) Law, as from time to time amended or replaced, where the offences of this Law are domestically by a member of the family, within the meaning of this law.

PART II CRIMINAL OFFENCES AND JURISDICTION OF COURTS

Sexual abuse of a child.

6.-(1) Without prejudice to the provisions of section 12, any person who causes a child, who has not reached the age of consent, witnessing sexual activities or depiction of sexual activities, even without this child having to participate, shall be guilty of a felony and shall be liable on conviction to imprisonment not exceeding ten (10) years.

(2) Any person who causes a child, who has not reached the age of consent, witnessing sexual abuse or depiction of sexual abuse, even without this child having to participate, shall be guilty of a felony and shall be liable on conviction to imprisonment not exceeding fifteen (15) years.

(3) Without prejudice to the provisions of section 12, any person who engages in sexual activities with a child who has not reached the age of consent, shall be guilty of a felony and shall be liable on conviction to imprisonment not exceeding twenty (20) years.

(4) Any person who engages in sexual activities with a child where there is -

(a) abuse of a position of trust, authority or influence over the child, shall be guilty of a felony and, shall be liable on conviction to life imprisonment,

(b) abuse of a vulnerable situation of the child, in particular because of a mental or physical disability or a situation of dependence, shall be guilty of a felony and shall be liable on conviction to life imprisonment,

(c) coercion, force or threat, shall be guilty of a felony and shall be liable on conviction to life imprisonment:

Provided that, where the child is over the age of consent at the time of the offence, the imprisonment provided for in paragraphs (a) and (c) shall not exceed twenty (20) years.

(5) Any person who coerces a child, forces or threatens a child, who has not reached the age of consent, into sexual activities with a third party, shall be guilty of a felony and shall be liable on conviction to life imprisonment:

Provided that, where the child is over the age of consent at the time of the offence, the imprisonment provided for in this subsection shall not exceed twenty (20) years.

(6) Any person who coerces or incites a child to participate in sexual activities with a third party, shall be guilty of a felony and shall be liable on conviction to imprisonment not exceeding twenty five (25) years.

(7) Any person who commits any of the offences of this section and the victim is a child who, at the time of the offence, was under thirteen (13) years old, shall be liable to life imprisonment.

Sexual
exploitation of
children.

7.-(1) Any person who causes a child to participate in pornographic performances or recruits a child to participate in them or profits from the participation of a child in pornographic performances or otherwise exploits a child for such purposes, shall be guilty of a felony and shall be liable on conviction to imprisonment not exceeding twenty (20) years:

Provided that, where the child is over the age of consent at the time of the offence, the sentence of imprisonment shall not exceed fifteen (15) years.

(2) Any person who coerces or forces a child to participate in pornographic performances or threatens a child for such purposes shall be guilty of a felony and shall be liable on conviction to imprisonment not exceeding twenty five (25) years.

Provided that, where the child is over the age of consent at the time of the offence, the sentence of imprisonment shall not exceed fifteen (15) years.

(3) Without prejudice to the provisions of section 12, any person who knowingly attends pornographic performances, or live child pornography or by other means, shall be guilty of a felony and shall be liable on conviction to imprisonment not exceeding fifteen (15) years.

Provided, where the child is over the age of consent at the time of the offence, the sentence of imprisonment shall not exceed ten (10) years.

(4) Any person who causes or proposes to a child who has not reached the age of consent, live or by means of information and communication technology, to participate in a pornographic performance for the purpose of, the person who causes the child, or suggests to the child, or the third party to attend this pornographic performance, shall be guilty of a felony and, in case of conviction, shall be liable on conviction to imprisonment not exceeding ten (10) years.

(5) Any person who causes a child to participate in child prostitution or recruits a child to participate in child prostitution profiting from or otherwise exploiting a child for such purposes

shall be guilty of a felony and, in case of conviction, shall be liable on conviction to imprisonment not exceeding twenty five (25) years:

Provided that, where the child is over the age of consent at the time of the offence, the sentence of imprisonment shall not exceed twenty (20) years.

(6) Any person who coerces or forces a child to participate in child prostitution or threatens a child for such purposes, shall be guilty of a felony and shall be liable on conviction to imprisonment not exceeding twenty five (25) years:

Provide that, where the child is over the age of consent at the time of the offence, the sentence of imprisonment shall not exceed twenty (20) years.

(7) Any person who is engaged in sexual activities with a child where recourse is made to child prostitution, shall be guilty of a felony and shall be liable on conviction to imprisonment not exceeding twenty five (25) years:

Provided that, where the child is over the age of consent at the time of the offence, the sentence of imprisonment shall not exceed fifteen (15) years.

(8) Notwithstanding the provisions of subsections (1) to (7), any person who commits any of the offences of this section and the victim is a child who, at the time of the offence, was under thirteen (13) years old, shall be liable to life imprisonment.

Child
pornography.

8.-(1) Without prejudice to the provisions of section 12, any person who acquires or possesses child pornography shall be guilty of a felony and shall be liable on conviction to imprisonment not exceeding ten (10) years.

(2) Any person who knowingly obtains access to child pornography by means of information and communication technology shall be guilty of a felony and shall be liable on conviction to imprisonment not exceeding ten (10) years.

(3) Any person who distributes, disseminates or transmits child

pornography shall be guilty of a felony and shall be liable on conviction to imprisonment not exceeding fifteen (15) years.

(4) Any person who offers, supplies or makes available child pornography or provides information on how to obtain child pornography shall be guilty of a felony and shall be liable on conviction to imprisonment not exceeding fifteen (15) years.

(5) Without prejudice to the provisions of section 12, any person who produces child pornography shall be guilty of a felony and shall be liable on conviction to imprisonment not exceeding twenty (20) years.

(6) Notwithstanding the provisions of subsections (1) to (5), any person who commits any of the offences of this section, where the child depicted on the material of child pornography is under thirteen (13) years old, shall be liable to life imprisonment.

Solicitation of children for sexual purposes.

9.-(1) Without prejudice to the provisions of section 12, any person who proposes, by means of information and communication technology, to meet a child who has not reached the age of consent, for the purpose of engaging in sexual activity with the child or the production of child pornography or the sexual exploitation of the child who has not reached the age of consent, and where the proposal was followed by material acts leading to such a meeting, shall be guilty of a felony and shall be liable on conviction to imprisonment not exceeding ten (10) years.

(2) Without prejudice to the provisions of section 12 any person who invites or solicits, by means of information and communication technology, a child who has not reached the age of consent, and attempts to obtain or attempts to access or obtains or succeeds in obtaining access to child pornography depicting that child, shall be guilty of a felony and shall be liable on conviction to imprisonment not exceeding ten years.

Advertising abuse opportunities and child sex tourism.

10.-(1) Any person who disseminates material advertising opportunities to commit any of the offences provided for in sections 6 to 9 of this Law, shall be guilty of a felony and shall be liable on conviction to imprisonment not exceeding ten (10) years.

(2) Any person who organizes for others, whether or not for commercial purposes, of travel arrangements with the purpose of committing any of the offences provided for in sections 6 to 9 of this Law shall be guilty of a felony and shall be liable on conviction to imprisonment not exceeding ten (10) years.

Websites
containing or
disseminating
child
pornography.

22(III) of 2004

12(III) of 2010

14(III) of 2013.

11.-(1) The provisions of the Convention Against Cybercrime (Ratification) Law, as from time to time amended or substituted, shall apply in relation to the punishment of the production, supply, distribution or dissemination, acquisition or possession of child pornography, through the use of a personal computer system.

(2) Subject to the provisions of subsection (1), the Court may, at any stage of the proceedings, order the following:

(a) the removal and/or no access to users of websites hosting web pages that contain child pornography or disseminate child pornography;

(b) the blocking of access to web pages containing or disseminating child pornography, for internet users residing in the Republic.

(3)(a) Internet providers offering services or access to the internet within the territory of the Republic are obliged, when they acquire knowledge or they are informed by the Service involved of the existence of child pornography on any website, to take immediately the necessary measures to interrupt access to internet users.

(b) Infringement of the obligation mentioned in paragraph (a) shall be a criminal offence which is punishable with imprisonment not exceeding three (3) years or with a fine not exceeding one hundred and seventy thousand Euro (€170,000) or with both such penalties.

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 within marriage.

12.-(1) Consensual sexual activities, as prescribed in subsections (1) and (3) of section 6, sub sections (3) of sections 7, sub sections (1) and (5) of section 8, and subsections (1) and (2) of section 9 between two children who have not reached the age of consent and are close in age and degree of psychological and physical development or maturity, in so far as the activities did not involve any abuse or violence or exploitation or coercion, shall not be a criminal offence pursuant to this Law.

(2) Consensual sexual activities, as prescribed in subsections (1) and (3) of section 6, sub sections (3) of sections 7, sub sections (1) and (5) of section 8, and subsections (1) and (2) of section 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 in so far as the activities did not involve any abuse or violence or exploitation or coercion, shall not be a criminal offence pursuant to this Law.

(3) Consensual sexual activities, as prescribed in, sub-sections (1) and (3) of section 6, sub-section (3) of section 7, sub-sections (1) and (3) of section 8 and sub-sections (1) and (2) of section 9, shall not be a criminal offence pursuant to this Law in the event of a marriage performed in accordance with section 15 of the Marriage Law, as from time to time amended or replaced, between a child and the person who performed the activity, and provided that this activity does not involve any abuse or violence or exploitation or coercion.

104(I) of 2003
66(I) of 2009.

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

Liability of legal persons.

13.-(1) A legal person can be held liable for the offences referred to in this Law, when these are committed for its benefit, by any person, acting either individually or as part of an organ of the legal person and who has a leading position within the legal person, based on –

(a) power of representation of the legal person; or

(b) an authority to take decisions on behalf of the legal person;
or

(c) an authority to exercise control within the legal person.

(2) Without prejudice to the provisions of sub-section (1), a legal person may be held liable for the commission of the offences provided for in this Law where the lack of supervision or control by a person referred to in sub-paragraph (1) has made possible the commission of the said offences for the benefit of that legal person, by a person acting under its authority.

(3) Liability of a legal person under sub-sections (1) and (2) shall not exclude criminal proceedings of natural persons who are perpetrators, instigators or accomplices to the offences provided for in this Law.

(4) A legal person convicted for the commission of any offence referred to in this Part shall be liable to a fine not exceeding six hundred thousand Euros (€600,000).

(5) In addition to the criminal liability for the commission of the offences provided for in this law, the legal person shall also have civil liability.

Additional penalties or sanctions on legal or natural persons.

14.-(1) Notwithstanding the provisions of any other law and notwithstanding the imposition of any other penalty or sanction for the commission of the criminal offences referred to in this Law, the court may, at all stages of the proceedings or at the time of imposing a penalty to a sentenced natural or legal person, order as additional penalty or sanction-

(a) exclusion from entitlement to public benefits or aid;

(b) temporary or permanent disqualification from the practice of specified commercial activities or provision of services, either directly or via a third party;

(c) placing under judicial supervision or referral to the Surveillance Authority, established under section 47 of this law,

for a period of time determined by the Court:

Provided that an order issued under this sub-section may be amended, renewed or withdrawn by the Court, after an application of the person for which the order has been issued or by an application of the Attorney-General of the Republic.

(d) a judicial winding-up order;

(e) temporary or permanent closure of establishments or facilities used to carry out the offence;

(f) prohibition of employment of the sentenced person in places where there are children or are frequented by children;

(g) termination of employment of the sentenced person in places where there are children or are frequented by children;

(h) prohibition of accommodation of the sentenced person in the place of residence of the victim or other children or in a place neighboring either with the place of residence of the victim or other children, or with organized places where there are children or are frequented by children;

(i) seizure and confiscation of any object or means used for committing any offence referred to in this Law, in accordance with the provisions of section 16;

(j) activation of an electronic monitoring and warning system, as defined in, sub-section (2) of section 21B of the Prisons Law, as from time to time amended or substituted.

62(I) of 1996
12(I) of 1997
96(I) of 2005
116(I) of 2008
37(I) of 2009.

(2) The court may, with the consent of the person for which the order has been issued, order his or her submission to diagnostic examination by a psychiatrist and/or a clinical psychologist of the Mental Health Services or a therapy by a psychiatrist and/or clinical psychologist of the Mental Health Services;

Provided that, if the aforementioned person is in prison, the responsibility for the evaluation, treatment of a possible co-morbidity, monitoring, attempt to develop therapeutic motives, support for the improvement of the sentenced person's

weakness, and preparation for a monitoring that may be ordered after his or her release, shall belong to the Prisons' Mental Health Department.

(3) Failure to comply with the court's order, issued under subsection (1) shall be a criminal offence which is punishable with imprisonment not exceeding five (5) years or with a fine not exceeding one hundred and seventy thousand Euro (€170,000) and/or with both such penalties.

70 of 1981
134 of 1988
228(I) of 2004.

(4) Notwithstanding the provisions of the Rehabilitation of Sentenced Persons Law, as from time to time amended or replaced, where a person is sentenced for an offence provided for in sections 6 to 10 and 15 of this law, the sentence in question is entered in his or her criminal record and is not struck off.

38(III) of 2007.

(5) Where any person is sentenced for the commission of an offence provided for in this Law, the court may, when imposing the penalty, take into consideration any previous convictions of the same person by courts of the other contracting states to the Council of Europe Convention on Action against Trafficking in Human Beings, as ratified by the Council of Europe Convention on Action against Trafficking in Human Beings (Ratification) Law and the Council of Europe Convention for the Protection of Children against Sexual Exploitation and Sexual Abuse, signed in Lanzarote on 25 October 2007.

(6) In addition to the criminal liability for the commission of the offences provided for in this law, the legal person shall also have civil liability.

Incitement,
abetting and
attempt to
commit the
offences of this
Law.

15.-(1) Any person who assists, incites or cooperates with any other person for the commission of an offence provided for in this Law shall be guilty of an offence and shall be liable on conviction to the same sentence of imprisonment as the perpetrator.

(2) Any person who attempts to commit the offences provided for in sub-sections (3), (4), (5), (6) and (7) of section 6, sub-sections (1), (2), (5), (6), (7) and (8) of section 7 and sub-sections (3), (4), (5) and (6) of section 8 of this Law, shall be guilty of an offence and shall be liable on conviction to a sentence of imprisonment not exceeding fourteen (14) years.

(3) Any person who attempts to commit the offences provided for in sub- sections (1) and (2) of section 6, sub- sections (3) and (4) of section 7, sub- sections (1) and (2) of section 8 and sub- sections (1) and (2) of section 9, shall be guilty of an offence and shall be liable on conviction to a sentence of imprisonment not exceeding seven (7) years.

(4) In order to prove the offences of attempt, assistance, incitement, abet in the commission of the offences provided for in this Law, the provisions of sections 20 to 23 of the Penal Code, as from time to time amended or substituted, shall be applied proportionately.

Predicate offences and confiscation of proceeds from offences.

16.-(1) The offences provided for in sections 7 to 11 of this Law shall be considered predicate offences pursuant to the Prevention and Suppression of Money Laundering Activities Law, as from time to time amended or substituted.

188(I) of 2007
58(I) of 2010
80(I) of 2012
192(I) of 2012
101(I) of 2013.

(2) Any profits deriving from the commission of the offences provided for in sections 7 to 11 of this Law shall be confiscated under the provisions of the Preventing and Combating Money Laundering Law, as from time to time amended or substituted.

(3) Notwithstanding the provisions of the Prevention and Suppression of Money Laundering Activities Law, as from time to time amended or substituted, the proceed of confiscation resulting from the provisions of sub-section (2), as well as any other fine imposed by the court for the commission of the offences provided for in sections 6 to 11 of this Law, shall be deposited to the Fund for Minor Victims of Sexual Exploitation and Abuse established under section 46 of this Law.

Extent of the jurisdiction of the courts.

17.-(1) Subject to the provisions of section 5 of the Penal Code and notwithstanding the provisions of section 6 of the Penal Code, the national courts shall have jurisdiction to try offences provided for in this Law, where these are committed on behalf of a legal person established in the Republic.

(2) Subject to the provisions of section 5 of the Penal Code and notwithstanding the provisions of section 6 of the Penal Code, national courts shall have jurisdiction to try offences provided for in this Law, where these are committed with the help of an electronic system accessed from the territory of the Republic, regardless of whether or not the electronic system is based on the territory of the Republic.

Exclusion of certain defences.

18.-(1) The fact that the accused was not aware or did not believe that the victim of the offence was a child who has not reached the age of consent, shall not be a defence in relation to the offences provided for in this Law.

(2) The consent of a child that has not reached the age of consent, whether this is real, or is given as a result of the use of threat or violence, or any other form of coercion, or fraud, or deception, or abuse of authority, or exploitation of the child's vulnerability, or the provision or taking of payments or tips, shall not be a defence in relation to the offences provided for in this Law.

Aggravating circumstances.

19. During the trial of the offences provided for in sections 6 to 9 and 15 and at computation of punishment, the following circumstances shall be taken into consideration by the court as aggravating circumstances:

(a) The commission of the offence, due to a liable or non-liable gross negligence, endangered the life of the victim;

(b) the offence was committed against a child in a vulnerable situation, such as a child with a mental or physical disability, in a situation of dependence or in a state of physical or mental incapacity;

(c) the offence was committed by a member of the victim's family, a person cohabiting with the victim or a person who has abused a position of trust, influence or authority;

(d) the offence was committed by at least two people acting together;

(e) at the time of commission of the criminal offence, violence was used or the victim was injured;

(f) the criminal offence was committed within the framework of a criminal organisation, as defined in section 63B of the Penal

Code, as from time to time amended or substituted;

(g) the perpetrator has previously been convicted of offences of the same nature;

(h) the offence was committed by a civil servant during the execution of his or her duties.

Dealing with
child offenders.

46(I) of 1996.

20. Notwithstanding the provisions of any other Law, any Court trying an offence, mentioned in this Law committed by a child, taking into consideration the interest of both the child victim and child offender, shall decide, where this is possible, the implementation of the Probation and Other Ways of Treating Offenders Law and shall apply the principle that the sentence of imprisonment shall be the last resort and, in case of a sentence of imprisonment, shall take into serious consideration, at the time of sentencing, the fact that it concerns a child.

Corroboration
and immediate
complaint
admissible as
competent
evidence.

21.-(1) Notwithstanding the provisions of any other law, for the purposes of proving the offences provided for in this Law, no corroboration is required.

Chapter 9.

42 of 1978

86 of 1986

54(I) of 1994

94(I) of 1994

32(I) of 2004

108(I) of 2006

14(I) of 2009

122(I) of 2010

170(I) of 2011.

(2) Without prejudice to the provisions of section 10 of the Evidence Law, as from time to time amended or substituted, a complaint by a victim concerning an offence provided for in this Law, to any police officer, social service worker, psychologist, psychiatrist or doctor of a different specialty examining the victim, teacher, member of a non-governmental organisation providing assistance and support to victims or member of the victim's close environment within a reasonable time frame from its commission, shall constitute competent evidence.

(3) Evidence of a victim given to an expert shall be considered as competent evidence.

Keeping of record and obligation of communication.

22.-(1) The Police shall keep a record, where the information mentioned in sub-section (2) shall be entered in relation to natural or legal persons convicted for any of the following offences or for whom a notice of their conviction abroad for such offences has been received, in accordance with the Framework-Decision 2009/315/JHA or any international convention signed by the Republic:

(a) An offence provided for in sections 6 to 10 and 15 of this Law,

(b) an offence against a child provided for in Part IV of the Penal Code,

87(I) of 2007
13(I) of 2012

(c) an offence provided for in sections 9, 10 and 11 on Combating of Trafficking and Exploitation of Human Beings and the Protection of Victims Laws of 2007 and 2012,

3(I) of 2000
87(I) of 2007.

(d) an offence against a minor provided for in sections 3 and 4 of the Combating of Trafficking of Human Being and on Sexual Exploitation of Minors Law of 2000,

22(III) of 2004
12(III) of 2010
14(III) of 2013.

(e) an offence provided for in the Convention on Cybercrime (Ratification) Law, as from time to time amended or substituted,

6(III) of 2006.

(f) an offence provided for in the Optional Protocol to the United Nations Convention on the Rights of the Child, on the Sale of Children, Child Prostitution and Child Pornography (Ratification) Law, as from time to time amended or substituted,

(g) an offence provided for in sections 9, 10 and 11 of the Combating of Trafficking and Exploitation of Human Beings and the Protection of Victims Law, as from time to time amended or substituted.

(2) The following information shall be registered in the Record created pursuant to sub-section (1) of this section for each person falling under the provisions of this section:

(a) His or her date of birth or, in the case of a legal person, the date of its registration in the Register of Companies,

(b) his or her identity card number or, in the case of a legal person, its registration number in the Register of Companies,

(c) his or her name and, in the case of use of another name or other names, these names,

(d) his or her home address or, in the case of a legal person, the address of its registered office on the date of its inclusion in the Record,

(e) the address of any premises within the Republic's territory, where he or she resides or frequently stays or works or carries out operations,

(f) if he or she has a passport or passports, the following details for each passport that his or her holds:

(i) The issuing authority,

(ii) the passport number,

(iii) the issue and expiry dates, and

(iv) the name and date of birth of the person for whom the passport was issued,

(g) three photographs (front and profile),

(h) his or her height,

(i) his or her fingerprints,

(j) data on his or her DNA profile, and

(k) offences for which he or she has been sentenced, offences for which there was direct admission of guilt and his or her usual course of action.

(3) A person convicted for an offence pursuant to this Law shall be obliged to communicate to the Police the information specified in sub-section(2), as well as any change in this information within three (3) days from the date of change or prior to this date, and also for the use of any name other than

the ones declared, within three (3) days from the date of its use or prior to this date:

Provided that, the person convicted may notify the Police about the aforementioned information data up to three (3) days prior to the date of change of this data or the use of another name, specifying also the date that this change or use is going to take place:

Provided further that, notwithstanding the provisions of this sub-section, the sentenced person shall be obliged to communicate to the Police at least fifteen (15) days prior to the date of any change in relation to the data specified in paragraphs (d) and (e) of sub-section (2) of this Article.

(4) The sentenced person shall communicate to the Police the data mentioned in paragraphs (a) to (g) of sub-section (2) in any case, at least once (1) per year, after the first communication.

(5) Failure to comply with the obligation imposed under the provisions of this section shall be a criminal offence which is punishable with imprisonment not exceeding three (3) years, or with a fine not exceeding one hundred and seventy thousand Euro (€170,000) or with both such penalties.

(6) Any person having the intention to employ a person for professional, organised or voluntary activities, that include frequent contact with children, shall be obliged not to proceed with the employment of any such person, unless that person presents a certificate proving that he or she is not included in the Record kept under the provisions of this section.

(7) Omission to comply with the obligation imposed under the provisions of sub-section (6) of this section shall be a criminal offence which is punishable with imprisonment not exceeding three (3) years, or with a fine not exceeding one hundred and seventy thousand Euro (€170,000) or with both such penalties.

Duration of the obligation of notification.

23.-(1) Subject to the provisions of sub-section (2), the obligation of notification mentioned in section 22 shall exist for a period specified as follows:

- (a) In relation to a person sentenced for life imprisonment or an imprisonment for a period longer than thirty (30) months, indefinitely,
- (b) in relation to a person sentenced for a period longer than six (6) months, but not longer than thirty (30) months, for a period of ten (10) years beginning on the date of his or her conviction,
- (c) in relation to a person sentenced for imprisonment for a period of time not exceeding six (6) months, for a period of seven (7) years beginning on the date of his or her conviction.

(2) Where the person convicted is an individual who at the time of the commission of the offence was below the age of eighteen (18) years old, the obligation of notification periods mentioned in sub-section (1) shall be reduced by one half (1/2).

(3) When calculating the periods of time mentioned in sub-sections (1) and (2), no period of time during which the sentenced person is imprisoned or detained shall be taken into consideration.

Method of notification.

24. The person convicted shall give the notification mentioned in section 22 at the Central Police Station of the district where he or she resides at the time of notification and shall receive a written receipt stating that the notification has been received.

Review of the indefinite obligation of notification.

25.-(1) The indefinitely obligation of notification, as provided for in section 23, shall be reviewed after fifteen (15) years from the conviction of the person convicted:

Provided that, where the said person was below the age of eighteen (18) years at the time of conviction, this period of time shall be reduced to eight (8) years.

(2) When calculating the period of time mentioned in sub-section (1), the period of time during which the person convicted is imprisoned, or detained, shall not be taken into consideration.

Court decision and information given to the person convicted.

26.-(1) At the end of the period of time mentioned in section 23, the Attorney-General of the Republic shall submit to the competent court all the relevant information and the court shall decide either the continuation of the obligation of notification for an additional period not exceeding fifteen (15) years, or its termination.

(2) Where the court decides the continuation of the obligation of notification, the Attorney-General of the Republic shall submit to the competent court all the relevant information at the end of the period of time specified in that decision, and the court shall decide anew either the continuation of the obligation of notification for an additional period not exceeding fifteen (15) years, or its termination.

(3) The Police shall inform the person convicted, no later than the date when fifteen (15) or eight (8) years are completed, as the case may be, whether the obligation of notification shall be terminated or continued, by service of the decision of Court.

(4) On taking the decision mentioned in sub-section (1), the Court shall take into consideration the following:

(a) The possible risk of likelihood that the convicted person is constituting a danger to cause sexual harm to the population or part of the population of the Republic,

(b) the severity of the offence or the offences for which he or she is convicted, and on which the obligation of notification is based,

(c) the period of time that has passed since the commission of the offence or the offences,

(d) whether the person convicted committed an offence pursuant to sub-section (5) of section 22 of this Law,

(e) the age of the person convicted, at the time the Court decision was delivered,

(f) the age of the person convicted, at the time the offence was committed,

(g) the age of the minor who was the victim of such an offence and the age difference between the victim and the person convicted,

(h) any other conviction for an offence included in this Law and/or offence against morality against a minor under the provisions of the Criminal Code or any other Law,

(i) whether criminal proceedings against the person convicted is still pending, for an offence included in this Law and/or offence against morality against a minor under the provisions of the Criminal Code or any other Law,

(j) any evidence brought before the Court in relation to the danger that the person convicted is considered to cause to the population or any part of the population of the Republic, including the opinion of the Surveillance Authority,

(k) any evidence brought by or on behalf of the person convicted, demonstrating that he or she is not considered a danger to the population or any part of the population of the Republic,

(l) any other thing that the Court considers that should be taken into account for taking its decision.

Right of person convicted to submit a request for reconsideration.

27. In case the Attorney-General of the Republic does not submit the relevant evidence before the court, as provided for in section 25 of this Law, the person convicted may refer himself to the court, with a written application, for the reconsideration of the obligation of notification and the court shall take the relevant decision, as provided for in this section.

Exchange of information among member states.

28. The information referred to in section 22 of this Law, as well as the information on the criminal record of persons convicted, shall be transmitted in accordance with the procedures provided for in the Framework-Decision 2009/315/JHA.

Further obligations of the Attorney-

29. The Attorney-General of the Republic, the Chief of the Police and the court before which the trial of a criminal case for the commission of an offence under this Law is still pending,

General of the Republic and Chief of the Police in relation to criminal investigation and prosecution of offences.

within the framework of their powers and jurisdiction, shall take the necessary measures in order to -

(a) ensure that the criminal proceedings concerning the offences provided for in this Law has priority and carried out without any delay;

(b) ensure that the criminal proceedings shall not aggravate the victim's traumatic experience;

(c) ensure that the persons, units or services entrusted with the criminal investigation, prosecution and filing of the offences provided for in this Law are properly trained regarding the implementation of this Law;

(d) place at the disposal of the persons, units or services entrusted with the criminal investigation and prosecution of the offences mentioned in this Law, effective investigation tools, such as those used against the organised crime or other serious crimes, as well as other necessary instruments and facilities;

(e) provide the investigating units or services the possibility to attempt the identification of the victims of the offences mentioned in sections 6 to 10, in particular through the analysis of child pornography material, such as pictures and audiovisual recordings transmitted or made available through the information and communications technology; and

(f) make sure that the uncertainty on the victim's true age shall not discourage the beginning of the criminal investigations.

Reporting suspicion of sexual exploitation and abuse of children and promotion of complaint.

30.-(1) Any person omitting to report a case coming to his or her knowledge, where a child or a child with mental or psychological deficiency is implicated in offences provided for in sections 6 to 10 and 15 of this Law or anyone not forwarding a relevant complaint, shall commit an offence, and shall be liable on conviction to imprisonment not exceeding fifteen (15) years or with a fine not exceeding twenty thousand Euro (€20,000) and/or with both such penalties.

(2) For the purposes of this section, in determining the sentence, the Court shall consider as aggravating circumstance the fact that the person omitting to report or not forwarding the complaint is a teacher, social service worker, or a practicing advocate, or a member of the Police or health care professional, such as a psychiatrist, doctor of any other specialty, nurse, psychologist or any other professional with activities relevant to the subject.

(3) In determining the sentence for the commission of the offence provided for in sub-section(1), the fact that the persons referred to in sub-section (2) omitted to make a complaint due to their professional secrecy, shall not be a defence.

PART III

RIGHTS AND PROTECTION OF VICTIMS WITHIN THE FRAMEWORK OF CRIMINAL PROCEEDINGS - VICTIMS' RIGHT TO COMPENSATIONS

Obligations of the Services involved on assistance, support and protection measures of victims.

31.(1) 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.

(2) 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.

(3) The Social Welfare Services shall ensure that, when the age of a person who has suffered from any of the offences provided for in sections 6 to 10 and 15 is uncertain, and there are reasons to believe that the person is a child, that person is presumed to be a child, in order to receive immediate access to assistance, support and protection, in accordance with the provisions of Part III and IV of this Law.

Court order for the removal of a victim.

32.-(1) 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 Ministry of Labour, Welfare and Social Insurance, 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.

(2) The Court may issue an interim order for the removal of a victim, by applying the provisions of section 33 of this Law.

Interim order restraining or removing the victim.

216 of 1990
60(I) of 1995
95(I) of 1995
30(I) of 1997
60(I) of 1997
21(I) of 1998
190(I) of 2002
203(I) of 2004
68(I) of 2008.

33.-(1) The Court may, upon application by a member of the family, or by the Police, or by the Attorney-General of the Republic, or by Commissioner appointed under the provisions of the Parents and Children Relations Law, as from time to time amended or substituted, or by the Director of the Social Welfare Services, or by the Commissioner, or by another person acting on behalf of any of the above, issue an interim order restraining the suspect or for the removal of the victim, until the criminal case against the accused for the criminal offence provided for in this Law is filed and tried.

(2) The Court shall issue an order, at any time, upon an application accompanied by an affidavit sworn by the victim or, by any other person who is in a position to have direct

knowledge of the facts or provided that any other evidence is brought before it, causing a prima facie risk for use of violence or repetition of the offence or the necessity of protection of the victim from an influence or any other way, including statements of the victim or other persons in any form, certificates, confirmations and other evidence under this or any other Law.

(3)(a) The interim order shall be valid for a period up to eight (8) days from the day of its service to the suspect and shall be returned to the Court during such period at the time and day as may be specified by the Court.

(b) At the day and time specified by the Court, the Court shall hear the suspect and/or any affected or interested person who shall appear and shall decide whether to terminate the validity of the order or to extend it up to eight additional days.

(c) The Court may, further extend the order for a period not exceeding eight (8) days, in each case, provide that the total validity period of the order shall not exceed twenty four (24) days before the filling of the criminal charge against the suspect.

(d) The Court may, after the filling of the criminal charges against the suspect, issue or extend an order to restrain or remove a victim to be valid until the trial of the case.

Restraining
order.

34.-(1) The Court may issue against a person charged for the commission of any offence under this Law, an order valid for such period and upon such conditions as it may impose, prohibiting such person to enter, or approach at a certain distance, or remain in the residence or place of accommodation of the victim or in places frequented by children.

(2) The Court shall, in the restraining order fix a date before the expiration of the restraining period, for the purpose of examining the possibility of extension or variation of such order.

(3) The Court shall, in the aforesaid examination, hear the views of the accused, the victim or his/her representative and any other person affected by the issue of the order, unless it is

not considered expedient that they shall testify against the accused, as well as the views of the competent services.

(4) The accused may apply for the revision or annulment of the order before the expiration of the period fixed therein.

(5) Restraining order may also be imposed in lieu of any other penalty of this section or together with other penalties that the Court has power to impose under any other Law.

(6) Any person against whom a restraining order has been issued and who, while the said order is in force, contravenes any of the conditions thereof, shall commit an offence and, in case of conviction, shall be subject to a sentence of imprisonment for up to two (2) years.

Victim protection from incrimination.

35.-(1) Sexual abuse and sexual exploitation victims shall not be criminally prosecuted and shall not be subject to sanctions for their involvement in criminal activities which they have been compelled to commit as a direct consequence of being subjected to any of the acts referred to in sections 6 and 7 and sub-section (5) of section 8.

(2) The Court before which a case against a victim for the commission of any offence is being tried, provided that it realises at any stage of the procedure that the conditions of sub-section (1) are met, if the prosecution against the victim is not interrupted, even if the Court judges that the victim is guilty, the Court shall not impose any penalty or sanction.

Right to receive information.

36.-(1) The Social Welfare Services and/or the Police shall, during their first contact with the victim and/or his/her guardian, depending on the age and maturity level, provide all the information needed, in a language he/she understands, concerning his/her rights, which include at least the following information:

(a) The services or the organisations that the victim may consult in order to receive support in relation to the provision of protection, care, psychological support, legal or other advice;

(b) the type of support that the victim may receive in

relation to the criminal proceedings;

(c) where and how the victim may submit a complaint against the offender;

(d) the proceedings following the complaint and his or her role as a victim within these proceedings;

(e) how and under which conditions the victim may receive protection;

(f) to what extent and under which conditions the victim shall have access to:

(g) legal advice, or

(h) legal assistance, or

(i) any other type of advice,

(j) and in cases (i) and (ii), whether he or she has such a right;

(k) which conditions are concurring so that the victim has a right to compensation;

(l) the particular mechanisms available in defence of the victim's interests, in case the victim resides in another member state or wishes to be transferred to the member state or third country of its origin,

(2) Provided that the victim or guardian or representative of the victim appointed under section 42 of this Law, shall so wish, the Police informs the victim on -

(a) the follow-up of the victim's complaint;

(b) the evidence that allows the victim, in the event of criminal prosecution, to be informed on the follow-up of the criminal proceedings in relation to the accused for the criminal activities

concerning the victim, unless the prosecuting authorities judge that, in extreme cases, this may affect the smooth running of the case; and

(c) the decision issued by the Court.

(3) Where the prosecuting authorities judge that the victim is in danger from the pre-trial detention of a person in custody or the release of a convict, they shall inform the victim and take the necessary precautions.

(4) The victim has the right to disclaim in writing the information taken under this section, unless the provision of this information is compulsory under the terms of the relevant criminal proceedings.

Communication
safeguards and
right to legal
advice.

37.-(1) The prosecuting authorities ensure the protection of children reporting cases of abuse within their family environment.

(2) The prosecuting authorities take necessary measures in order to reduce as much as possible any communication difficulties affecting the understanding or the participation of a victim that has the attribute of a witness, during the stages of the criminal proceedings.

(3) Every victim, regardless of his or her willingness to cooperate with the prosecuting authorities, concerning the criminal investigation, prosecution or trial, shall have the right of direct access to legal advice in accordance with the provisions of the Advocates Law, as from time to time amended or substituted, at every stage of the procedure and, where the victim has no sufficient resources, shall have the right to free legal aid notwithstanding the provisions of the Legal Aid Law, as from time to time amended or substituted.

Chapter 2.

42 of 1961

20 of 1963

46 of 1970

40 of 1975

55 of 1978

71 of 1981

92 of 1983

98 of 1984
17 of 1985
52 of 1985
9 of 1989
175 of 1991
212 of 1991
9(I) of 1993
56(I) of 1993
83(I) of 1994
76(I) of 1995
103(I) of 1996
79(I) of 2000
31(I) of 2001
41(I) of 2002
180(I) of 2002
117(I) of 2003
130(I) of 2003
199(I) of 2004
264(I) of 2004
21(I) of 2005
65(I) of 2005
124(I) of 2005
158(I) of 2005
175(I) of 2006
117(I) of 2007
103(I) of 2008
109(I) of 2008
11(I) of 2009
130(I) of 2009
4(I) of 2010
65(I) of 2010
14(I) of 2011
144(I) of 2011
116(I) of 2012
18(I) of 2013
84(I) of 2014.

165(I) of 2002

22(I) of 2005
77(I) of 2005
43(I) of 2006
132(I) of 2009
172(I) of 2011
8(I) of 2012
64(I) of 2014.

(4) The proceedings implemented for the provision of legal aid to a victim, in accordance with the provisions of this section, shall be determined by Regulations made under section 57 of this Law.

(5) In addition to legal advice, the Republic shall compensate the victims who cooperate with the prosecution authorities as witnesses in criminal proceedings for any expenses they may be subject to, due to their participation in the criminal proceedings.

(6) Any organisation, foundation, association or non-governmental organisation, with a purpose included in its articles of association the support and protection of victims of offences of sexual abuse and sexual exploitation may, provided that the victim or his or her guardian consents, assist and support the victim during the criminal proceedings.

Protection of
victim and
members of his
or her family
based on the
Protection Plan
for Witnesses
and
Collaborators
of Justice.

95(I) of 2001
15(I) of 2014.

38.-(1) A victim of the offences provided for in sections 6 to 10 and 15 of this Law shall be considered a witness needing assistance within the meaning of the Protection of Witnesses Law, as from time -to time amended or substituted, and shall be included in the Protection of Witnesses and Collaborators of Justice Scheme.

(2) Subject to the provisions of section 17 of the Protection of Witnesses Law, as from time to time amended or substituted, at the time of elaboration of the Protection of Witnesses and

Collaborators of Justice Scheme, the Attorney-General of the Republic, according to his or her judgment, shall also ensure that-

(a) all the appropriate measures are taken so that the victim's identity and image are secured and the publication of information which could lead to the victim's identification is prevented,

(b) all the appropriate measures are taken so that a sufficient protection level is assured for the victim and, when necessary, for the victim's family or persons equated with members of his or her family,

(c) this protection shall last even after the completion of the criminal procedure.

(3) Provided that under the circumstances it is deemed necessary, the prosecution authorities shall ensure the provision of effective and appropriate protection from a possible revenge or intimidation, especially during and after the investigation and prosecution of the offenders to the following people:

(a) Any person, other than the victim, reporting the commission of a criminal offence provided for in this Law or collaborating with the prosecuting authorities in any other way;

(b) any witness, other than the victim, testifying regarding the commission of a criminal offence provided for in this Law;

(c) where necessary, the members of the victim's family and the persons specified in this sub-paragraph's paragraphs (a) and (b);

(4) The prosecuting authorities shall take all the necessary measures for the provision of appropriate protection from a possible revenge or intimidation, especially during and after the investigation and prosecution of the offenders of offences provided for in this Law, to members of organisations, foundations, associations or non-governmental organisations carrying out activities or providing assistance to the victims,

pursuant to the provisions of this Law.

(5) The prosecuting authorities shall assure that the investigation or criminal prosecution shall not depend on the submission of a complaint or accusation by the victim or his or her representative and that the criminal procedure may continue even if this person withdraws his or her statement.

(6) The prosecuting authorities shall continue the prosecution even after the victim has reached the age of majority.

Victim's claim
to damages.

39.-(1) Notwithstanding and without prejudice to any other legal remedy provided for under any other law or regulations, the victim shall have a statutory right to claim damages against any person responsible, for the commission of the criminal offences against the victim, referred to in this Law, as well as for the violations of his/her human rights, who shall be respectively liable under civil law to pay any special and general damages to his victims.

(2) Jurisdiction for the trial of a claim for damages, as provided for in sub-section(1) of this section, shall have the competent District Court, as specified in the Courts of Justice Law, as from time to time amended or substituted.

14 of 1960
50 of 1962
11 of 1963
8 of 1969
40 of 1970
58 of 1972
1 of 1980
35 of 1982
29 of 1983
91 of 1983
16 of 1984
51 of 1984
83 of 1984
93 of 1984

18 of 1985
71 of 1985
89 of 1985
96 of 1986
317 of 1987
49 of 1988
64 of 1990
136 of 1991
149 of 1991
232 of 1991
237 of 1991
42(I) of 1992
43(I) of 1992
102(I) of 1992
26(I) of 1993
82(I) of 1995
102(I) of 1996
4(I) of 1997
53(I) of 1997
90(I) of 1997
27(I) of 1998
53(I) of 1998
110(I) of 1998
34(I) of 1999
146(I) of 1999
41(I) of 2000
32(I) of 2001
40(I) of 2002
80(I) of 2002
140(I) of 2002
206(I) of 2002
17(I) of 2004
165(I) of 2004
268(I) of 2004
21(I) of 2006
99(I) of 2007
170(I) of 2007
76(I) of 2008

81(I) of 2008
118(I) of 2008
119(I) of 2008
36(I) of 2009
129(I) of 2009
138(I) of 2009
19(I) of 2010
166(I) of 2011
30(I) of 2013
46(I) of 2014.

(3) The afore-mentioned general damages must be just and reasonable and in assessing them the Court shall take into account the following:

(a) the extent of sexual exploitation or sexual abuse and the benefit which the offender had obtained or might obtained from the exploitation or abuse of the victim;

(b) the extent of the offender's liability; and

(c) the kinship or the position of authority or influence of the offender over his victim.

(4) The court, taking into account the degree of cruelty of the sexual exploitation and abuse or the kinship or position of authority of the offender over his victim, may award exemplary damages.

(5) In case of death of the victim, the parents or the beneficiaries of the custody or the administrator of the property of the victim shall have a statutory right to claim damages.

66(I) of 2012
41(I) of 2013
159(I) of 2013.

(6) Notwithstanding the provisions of the Limitation of Actions Law, as from time to time amended or substituted, there is no limitation period for the actionable right of a child victim.

Right to legal
advice and
legal

40.-(1) Every victim, regardless of his or her willingness to collaborate with the prosecuting authorities concerning the criminal investigation, prosecution or trial, shall have the right

representation
in order to
exercise the
right to
compensation.

of direct access to legal advice and legal representation in order to demand compensation, pursuant to the Advocates Law, as from time to time amended or substituted, and, if the victim does not have sufficient resources, shall have the right to free legal aid, notwithstanding the provisions of the Legal Aid Law, as from time to time amended or substituted.

(2) The procedures implemented providing legal aid to a victim, in accordance with the provisions of this section, shall be determined by Regulations issued pursuant to section 57 of this Law.

Victims
residing
outside the
Republic.

25(III) of 2004.

41.-(1) If the victim is a national or resident of another state, the prosecuting authorities shall take the appropriate measures to minimise the difficulties faced where the victim is a resident of another State, particularly with regard to the criminal procedure, by implementing, in relation to member states of the European Union, the provisions of the Convention, established by the Council in accordance with Article 34 of the Treaty on European Union, on Mutual Assistance in Criminal Matters between the member states of the European Union and its Protocol (Ratification) Law, as from time to time amended or substituted.

(2) A complaint made by a victim, of offenses established in accordance with this Law who resides in another state, towards the authorities of the member state of his residence, provided that it is communicated to the prosecuting authorities of the Republic, shall be investigated in the same way as it would be investigated if the victim was at the Republic.

Protection of
victims within
the framework
of criminal
proceedings.

42.-(1) 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.

(2) Without prejudice to the rights of the defence of the accused the prosecuting authorities shall ensure that in criminal proceedings for the offences provided for in sections 6 to 10 and 15 of this Law –

- (a) interviews with the victim take place without unjustified delay after the facts have been reported either to the Social Welfare Services or the prosecuting authorities;
- (b) interviews with the victim take place, where possible, in premises designed or adapted for that purpose;
- (c) interviews with the victim are carried out by, or through professionals trained for that purpose, and by people of the same sex;
- (d) if possible, all the interviews with the victim are contacted by the same persons;
- (e) the number of interviews with the victim is as limited as possible and interviews are carried out only where strictly necessary for the purposes of the criminal investigations and proceedings;
- (f) 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.

Video recorded
statement of a
child

43.-(1) In cases where a child is a witness of offences provided for in Part II of this Law, the prosecuting authorities shall ensure that, within the framework of the criminal investigation of the offences thereof, all interviews with the child witness or victim shall be video recorded and that, at the time of trial of the case, these interviews shall be admissible as competent evidence under the Evidence Law, as from time to time amended or substituted.

(2) For the application of the provisions of sub-section (1) of

this section, the requirements and rules provided for in the Witnesses Protection Law, as from time to time amended or substituted, shall apply, and in particular, the following:

- (a) The Court shall have the obligation to order a cross-examination of the victim or child witness without his or her presence, with the use of the appropriate communications technology, unless a reasoned Court decision has been issued for the contrary; and
- (b) provided that it is to the benefit of the victim or the child witness, the Court and prosecution authorities, in order to protect the children's private life, identity and image, shall avoid the communication of information that could lead to his or her identification and shall take all necessary measures for the protection of the aforementioned rights and interests of the child.

(3) Notwithstanding the provisions of sub-section (2), where the provisions of sub-section (1) of section 42 of this Law are implemented, the consent provided for in paragraph (d) of section 10 of the Protection of Witnesses Law, shall be given by the Commissioner.

In-camera trial.

44. Subject to the provisions of the Protection of Witnesses Law, as from time to time amended or substituted, during the trial of the case concerning offences provided for in this Law, where a child is appearing before the Court as a victim or witness, the Court may order the hearing procedure or part of it to be carried out in-camera.

PART IV

ASSISTANCE AND SUPPORT TO VICTIMS

Support of victims.

45.-(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.

Establishment
of Victims
Support Fund.

46.-(1) There shall be established a "Minor Victims of Sexual Exploitation and Abuse Supporting Fund", under the control and supervision of the Ministry of Labour, Welfare and Social Insurance, where all revenues coming from the implementation of section 16, as well as from grants, contributions, donations and bequests.

(2) The administration of the Fund shall be determined by regulations made in accordance with section 57 of this Law.

(3) All the contributions to the Fund, of any kind, shall be considered to be made for charitable purposes.

(4) The Victims Support Fund shall allocate its resources on –

- (a) the provision of compensations to victims who, for any reason, cannot be compensated from executing a court decision on compensation by the perpetrators of the offences against them;
- (b) the funding of programs for the provision of assistance, support and legal aid to the victims; and
- (c) the funding of programs on the prevention and information regarding the sexual exploitation and abuse of children.

PART V
SURVEILLANCE AUTHORITY FOR PERSONS CONVICTED OF
SEXUAL OFFENCES AGAINST MINORS

Establishment
of Surveillance
Authority.

47. There shall be established, a Surveillance Authority for Persons Convicted of Sexual Offences against Minors, consisting of the following persons:

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

(h) representative of the Parole Board of Prisoners on License, as member, and

(i) representative of the Youth Board of Cyprus, as member.

Operation of Surveillance Authority.

48.-(1) The Chairman and four (4) other members of the Authority shall form a quorum and in case of absence of the Chairman, the Vice-Chairman shall be chairing the meeting.

(2) The Authority's decisions shall be fully justifiable and shall be taken by simple majority of its present members:

Provided that, in case of equality of votes, the president or the presiding of the Authority shall have a second and casting vote.

(3) Subject to the provisions of sub-sections (1) and (2), the Authority shall regulate, with a relevant decision, any matter concerning its internal operation.

Secretary of Surveillance Authority.

49. The Director General of the Ministry of Justice and Public Order shall appoint an officer of the Ministry as secretary of the Surveillance Authority, who shall be present at all its meetings and keep brief minutes of the procedure.

Jurisdiction of Surveillance Authority.

50. The Surveillance Authority shall have jurisdiction on persons referred to it for surveillance pursuant to paragraph (c) of sub-section (1) of section 14 or section 53 for a period of time specified by the Court.

Responsibilities of Surveillance Authority.

51.-(1) The Surveillance Authority shall have the following responsibilities:

(a) makes regulations, criteria and guidelines for the surveillance of a person under its jurisdiction, pursuant to this Law;

(b) inspects that the surveillance of a person under its jurisdiction is properly performed, pursuant to this Law;

- (c) defines, where appropriate and with the consent of the person that is being referred to it, psychological support or therapeutic intervention in relation to the person in question, taking into consideration the suggestion of the Mental Health Services;
- (d) forms a reintegration program for a person referred to it, as the case may be;
- (e) consult the Attorney- General of the Republic and/or the Police, ex officio or following their instructions, regarding the necessity to file a request for additional penalty or sanction, pursuant to section 14(1)(c) of this Law;
- (f) consult the Attorney- General of the Republic and/or the Police, ex officio or following their instructions in relation to the dangerousness of any person who is being referred to the Authority;
- (g) coordinates the competent authorities during the performance of their duties in relation to the person that is being referred to the Surveillance Authority;
- (h) ensures the availability of effective programs or intervention measures aiming the prevention and minimizing the risks of repetition of sexual offences against children;
- (i) takes the necessary measures in order to provide for an assessment of the dangerousness of the persons who are referred to it and the possible risk of repetition of the offence provided for in sections 6 to 10 and 15, aiming to define appropriate programs or intervention measures;
- (j) decides the termination of the surveillance;
- (k) keeps a record of the persons under its surveillance;

(l) performs any other duties assigned to it under a law:

Provided that, where the person referred to in the Surveillance Authority is a child, the aforementioned responsibilities shall be performed taking into account the special growth needs and the different psychopathology of children committing sexual offences.

(2) On taking the decision mentioned in paragraph (j) of sub-section (1), the Surveillance Authority may take into consideration the following:

- (a) The likelihood that the person convicted is constituting a danger to cause an offence pursuant to this Law
- (b) the severity of the offence or the offences for which this person has been convicted, and on which the surveillance is based,
- (c) the period of time that has passed since the commission of the offence or the offences,
- (d) whether the person convicted committed an offence pursuant to sub-section (5) of section 22 of this Law,
- (e) the age of the person convicted, at the time the Authority's decision was delivered,
- (f) the age of the person convicted, at the time the offence was committed,
- (g) the age of the victim of the offence and the age difference between the victim and the person convicted,
- (h) any other conviction for an offence included in this Law,
- (i) whether criminal proceedings against the person convicted is still pending, for an offence included in this Law
- (j) any evidence brought before the Surveillance Authority in relation to the danger that the person convicted is considered to cause for the commission of an offence

pursuant to this Law,

(k) any evidence brought by or on behalf of the person convicted before the Surveillance Authority, demonstrating that he or she is not considered a danger for the commission of an offence pursuant to this Law,

(l) (l) any other thing that the Surveillance Authority considers that should be taken into account for taking its decision.

PART VI

PREVENTIVE PROGRAMS AND INTERVENTION MEASURES

Preventive
measures and
intervention
measures

52.-(1) The Social Welfare Services shall coordinate, in cooperation with all the services involved, the adoption of all the necessary preventive and intervention measures in order to reduce the commission of the offences provided in sections 6 to 10 and 15.

(2) The Social Welfare Services shall take appropriate measures for the support of the child and his or her family by exercising, inter alia, a liaising role with other services, aiming at reducing the factors that place the child and his or her family in a vulnerable position.

(3) The Mental Health Services, in cooperation with other services involved, shall ensure the availability of a diagnostic evaluation, appropriate therapeutic interventions and effective programs with the purpose of preventing and minimizing the risks of repetition of sexual offences against children.

(4) The Bodies involved shall have the obligation to inform and educate their staff that may come or comes into contact with children at all prevention levels with the purpose of, inter alia, reducing the risks of committing an offence, identifying victims and possible victims of sexual abuse or exploitation and minimising offenders' recidivism:

Provided that, for the purposes of this sub-section, the Bodies involved shall fall under the fields of education, health, social protection, justice and law enforcement, as well as fields relative to sports, culture and recreational activities.

(5) The following persons may have access to the intervention programs or measures mentioned in sub-section (3) of this section:

(a) People who are criminally prosecuted for offences provided for in sections 6 to 10 and 15, under conditions that are not harmful nor contradict the right for defence or the requirements of a fair and impartial trial, and particularly in accordance with the presumption of innocence principle, and

(b) persons who have been convicted for an offence provided for in sections 6 to 10 and 15.

(6) The Mental Health Services, in cooperation with other services involved, where appropriate, at any stage of the procedure, shall have the responsibility to evaluate the hazard brought by the people mentioned in sub-section (5) above and the possible risk of repeating an offence provided for in sections 6 to 10 and 15, with the goal of determining appropriate intervention programs or measures.

(7) The Police or the competent court, in cooperation with other services involved, where appropriate, shall take the necessary measures so that the persons mentioned in sub-section (5) and to whom intervention programs or measures have been proposed in accordance with sub-section (3) -

(a) are fully aware of the reasons of the proposal;

(b) consent to participate in the programs or measures, being fully aware of the facts;

(c) have the possibility to refuse and, where it concerns persons convicted, shall be informed on the possible consequences of this refusal.

Application
for an order
of referral to
surveillance.

53.-(1) The Attorney General of the Republic may submit an application to the District Court of Nicosia which has criminal jurisdiction to issue an order of referral of a person to surveillance by the Surveillance Authority for a period of time

specified by the Court, who has been convicted for sexual offences against children within the territory of the Republic or abroad and for whom the offence has not been barred from his or her criminal record and who either serves a sentence of imprisonment or has been released within one (1) year from the date of entry into force of this Law, provided that this is considered necessary for the protection of children of offences provided for in this Law.

(2) An order issued by virtue of sub-section (1) of this section may be modified, renewed or withdrawn by the Court, after an application of the person for which the order has been issued or an application of the Attorney- General of the Republic.

(3) The Court may, at taking a decision pursuant to the provisions sub-sections (1) and (2), of this section, take into consideration, among others, the following:

- (a) The likelihood that the convicted person is constituting a danger to cause an offence pursuant to this Law
- (b) the severity of the offence or the offences for which he or she was convicted
- (c) the period of time that has passed since the commission of the offence or the offences,
- (d) the age of the person convicted, at the time the offence was committed,
- (e) any other conviction for an offence of similar nature,
- (f) whether criminal proceedings against the person convicted is still pending, for similar offences,
- (g) the views of the Surveillance Authority.

(4) Any person in breach of an order issued pursuant to this section shall be guilty of an offense and, in case of conviction, shall be subject to a sentence of imprisonment not exceeding five (5) years.

(5) For the purposes of this section, the term «sexual offences against children» shall include the following offences:

- (a) an offence against a child provided for in Part IV of the

Criminal Code, as from time to time amended or substituted,

- (b) an offence provided for in sections 9, 10 and 11 of the Combating of Trafficking and Exploitation of Human Beings and the Protection of Victims Laws of 2007 and 2012,
- (c) an offence against a minor provided for in sections 3 and 4 of the Combating of Trafficking of Human Being and on the Exploitation of Minors Law of 2000,
- (d) an offence provided for in the Convention against Cybercrime (Ratification) Law, as from time to time amended or substituted,
- (e) an offence provided for in the Optional Protocol to the United Nations Convention on the Rights of the Child, on the Sale of Children, Child Prostitution and Child Pornography (Ratification) Law, as from time to time amended or substituted,
- (f) an offence provided for in sections 9, 10 and 11 of the Combating of Trafficking and Exploitation of Human Beings and the Protection of Victims Law, as from time to time amended or substituted.

Training
for Services
involved and
obligations in
relation to
their contact
with children
or victims.

54.-(1) 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.

(2) 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.

(3) The training mentioned in sub-section (2) 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.

Education for children.

55. The Ministry of Education and Culture shall ensure that children, during primary and secondary education, receive information on the risks of sexual exploitation and sexual abuse, as well as on the means to protect themselves, adapted to their evolving capacities. This information, provided in collaboration with parents, where appropriate, shall be given within a more general context of information on sexuality and special attention shall be paid to situations of risk, especially where the use of new information and communications technologies is included.

Preventive intervention measures.

56. The Ministry of Education and Culture and the Commissioner, in collaboration with the Services involved shall -

- (a) organize awareness campaigns in the Republic concerning sexual abuse and sexual exploitation of children, child pornography and solicitation of children for sexual reasons;
- (b) issue aware raising leaflets for sexual abuse and sexual exploitation of children, child pornography and solicitation of children for sexual reasons;
- (c) cause the aware raising and training of the Mass Media;

(d) organise campaigns and take measures for the education and sensitization of society to discourage the demand that fosters sexual exploitation and child pornography;

(e) take all the appropriate actions and through the Internet, such as aware raising and sensitization campaigns of the public opinion, research and educational programs, in cooperation with academic institutions, non-governmental organisations and other interested bodies, aiming at sensitization of the public opinion and the limitation of the risk for persons, and especially for children, of becoming victims of such offences.

PART VI
FINAL PROVISIONS

Regulations
and Orders.

57.-(1) The Council of Ministers may make Regulations to be laid before the House of Representatives for approval, for the better implementation of the provisions of this Law.

(2) The services involved, where appropriate, may issue orders for the better implementation of this Law.

Repeal.
87(I) of 2007
13(I) of 2012.

58. The Combating of Trafficking and Exploitation of Human Beings and the Protection of Victims Laws of 2007 and 2012 are hereby repealed.

