

## CYPRUS

**FOCUSED QUESTIONNAIRE aimed at gathering information for a forthcoming exchange of views to build capacity 1**

- 1. What is the legal age for sexual activities in your country (i.e. what is the age above which a child may engage in sexual activities with a person aged 18 or more, without the latter committing a criminal offence)?**

According to article 2 of the Prevention and Combating of Sexual Abuse and Sexual Exploitation of Children and Child Pornography Law of 2014 (L. 91(I)/2014), the legal age for sexual activities in Cyprus is when a child reaches the age of 17 years old.

- 2. Is there only one legal age for sexual activities or does the legal age for sexual activities depend on the type of sexual activity? Please specify.**

There is only one legal age for sexual activities.

- 3. Does the legislation in your country include the issue of age difference between the persons engaged in sexual activities? Please specify (including, if relevant, age difference between a child and an adult or between children).**

According to article 12 of the L. 91(I)/2014 consensual sexual activities 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.

Furthermore, according to article 12 of the L. 91(I)/2014, consensual sexual activities, 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.

- 4. Does your legislation make a difference between the legal age of sexual activities and the age under which a child is never deemed to be in position to give his/her consent? Please specify the different age limits, if appropriate.**

Article 12 of the L. 91(I)/2014, as described above (Q.3) does not apply in cases where any of the involved children is under the age of (13) thirteen.

- 5. What are the situations where, irrespective of age of the child, the child is never deemed to be in position to give her/his consent (e.g. abuse of position of trust, authority or influence)?**

According to the L. 91(I)/2014 the child is never deemed to be in position to give his/her consent when such activities involved any abuse or violence or exploitation or coercion and when the abuse was from a person of trust, authority or influence.

6. **Does your legislation or case law define “consent” and/or “lack of consent” by a child to sexual activities? If so, please provide details, including examples.**

According to the L. 91(I)/2014 the legal age of sexual activities is connected with the consent and is given as a definition as follows:

“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)

7. **Has there been a change in the legal age of sexual activities or the age under which a child is never deemed to be in position to give his/her consent in recent years? If, so, can you please specify the changes and the rational of the change?**

The age of sexual consent has been defined in the L. 91(I)/2014.

8. **Is there an on-going discussion in your country to change the legal age of sexual activities or the age under which a child is never deemed to be in position to give his/her consent? If so, can you indicate whether the aim is to lower or raise the legal age of sexual activities and/or the age under which a child is never deemed to be in a position to give his/her consent?**

At present there is no discussion to change the legal age of sexual activities or the age under which a child is never deemed to be in position to give his/her consent.

9. **Is the fact that a child may sexually abuse another child by for example taking advantage of his or her position of influence or trust reflected in your legislation? If so, how?**

The above Law applies to all ages committing a sexual offence against a child. It is noted that the age of criminal responsibility in Cyprus is (14) fourteen years old and therefore in order for a child to have criminal responsibility for a sexual offence against another child, he/she must be 14 years old and above.

**FOCUSED QUESTIONNAIRE aimed at gathering information for a forthcoming exchange of views to build capacity 2**

1. **If there is no time limit foreseen in the legislation of your country for initiating proceedings with regards to sexual offences against children:**

There is no time limit foreseen in the legislation for initiating proceedings with regards to sexual offences against children. The Law includes provisions for reporting suspicion of sexual exploitation and abuse of children and promotion of complaint in order to initiate proceedings immediately.

- (a) Please specify whether there has never been a time-limit or when this was abolished.**

There has never been a time limit.

- (b) Please specify whether there is no time limit for all sexual offences against children or only for certain types of offences.**

For all sexual offences.

- (c) Please specify the sexual offences against children for which there is no time limit.**

N/A

2. If there is a time limit foreseen in the legislation of your country for initiating proceedings with regards to sexual offences against children:
  - (a) Please specify what are such limitation periods and to which specific offences they apply.
  - (b) Please specify when the limitation period begins to run in practice (from the moment the offence was committed, when the child reaches the age of majority, or in the event of specific other circumstances).
3. Please add any other information you deem necessary to clarify the situation in your country as regards the statute of limitation for initiating proceedings concerning sexual offences against children.