

## National Laws

Legislation of Interpol member states on sexual offences against children

# Cyprus - Chypre - Chipre

Nicosia

The information on this page is up to date as of spring 2006

The crimes child pornography, child prostitution, rape and other forms of child sexual abuse are all covered in the Cypriot legislation in:

- The Convention on Cybercrime, law 22(III)/2004
- Combating Trafficking in Human Beings and Sexual Abuse of Minors Law, 3(I)/2000

## I. Ages for legal purposes

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### Age of simple majority

This is not established by a specific law, but every law concerning children specifies its own legal age.

### Age of consent for sexual activity

Seventeen years of age (Criminal Code chapter 154, Article 154)

### Age of consent for marriage

A) According to Section 12 of the Marriage Law CAP. 279 as amended by Law 150/91, consent of parent(s)/guardian is required when persons under the age of eighteen (18) are concerned.

B) According to the Constitution of the church of Cyprus, the legal age for marriage is 18 years of age. However exceptional cases may be examined by the church for the permission of marriage under the age of eighteen (18).

## II. Rape

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### Section 144 of the Criminal Code CAP.154

'Any person who has unlawful carnal knowledge of a female, without her consent, or with her consent, if the consent is obtained by force or fear of bodily harm, or, in the

case of a married woman, by personating her husband, is guilty of the felony termed rape.'

**Section 145 of the Criminal Code CAP. 154**

'Any person who commits the offence of rape is liable to imprisonment for life.'

**Section 146 of the Criminal Code CAP. 154**

'Any person who attempts to commit rape is guilty of felony, and is liable to imprisonment for ten years.'

### **III. Other forms of child sex abuse**

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**'Incest', Section 147 of the Criminal Code CAP. 154**

'Any male person who has carnal knowledge of a female person, irrespective of whether with the consent or not of such female person, who is to his knowledge his granddaughter, daughter, sister or mother shall be guilty of the offence of incest and shall be liable to imprisonment for seven years.'

**'Unnatural offences with a child under thirteen (13) ', Section 174 of the Criminal Code CAP. 154**

'Any person who has, or attempts to have, with or without violence, carnal knowledge of a child under thirteen (13) years of age against the order of nature is guilty of a felony and is liable to imprisonment for fourteen years.'

**Indecent assault**

a) Indecent assault on females.

Section 151 of the Criminal Code CAP. 154 :

'Any person who unlawfully and indecently assaults any female is guilty of a misdemeanour.'

b) Indecent assault on males.

Section 152 of the Criminal Code CAP. 154:

'Any person who unlawfully and indecently assaults any male person is guilty of misdemeanour.'

**'Defilement of girls under thirteen (13) years of age', Section 153 of the Criminal Code CAP. 154**

'(1) Any person who unlawfully and carnally knows a female under the age of thirteen (13) years is guilty of a felony and is liable to imprisonment for life.

(2) Any person who attempts to have unlawful carnal knowledge of a female under the age of thirteen (13) years is guilty of a misdemeanour and is liable to imprisonment for three years.'

**'Defilement of girls between thirteen (13) and sixteen (16) years of age', Section 154 of the Criminal Code CAP. 154**

'Any person who unlawfully and carnally knows or attempts to have unlawful carnal knowledge of any female person of, or above, the age of thirteen (13) years and under the age of sixteen (16) years is guilty of a misdemeanour:

Provided that it shall be a sufficient defence to any charge under this section if it shall be made to appear to the Court before which the charge shall be brought that the person so charged had reasonable cause to believe that the female person was of, or above, the age of sixteen (16) years.'

## **IV. Child prostitution**

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### **Sexual exploitation of persons - Law 3(1)/2000**

Sec. 3(1): 'It is prohibited:

(c): The sexual exploitation or sexual abuse of minors\*

(d): Trafficking in minors for the purpose of sexual exploitation or sexual abuse

(2)(b): Any person acting contrary to the prohibitions mentioned in sec. 3(1)(c) & 3(1)(d), commits an offence and in case of conviction is liable to imprisonment for a period not exceeding 20 years.'

\*For the purposes of the Law 3(1)/2000, 'minor' means a person who has not completed the 18th year of his age.

### **Sec 5(1): Trafficking in human beings for the purpose of sexual exploitation**

'Any person trafficking any other person or persons with or without their initial consent or knowledge, for the purpose of future sexual exploitation contrary to secs 3 or 4 of this Law or any prescribed convention which prohibits similar exploitation or who in his knowledge induces, advises, permits or tolerates, participates or contributes to such trafficking of persons, commits an offence and in case of conviction is liable according to the provisions of this Law to a sentence of fine up to ten thousand pounds, (CY£10.000) or imprisonment up to ten (10) years or both.

(2) When an offence is committed according to paragraph (1), having a minor as a victim, the punishment provided for such an offence varies to imprisonment up to fifteen (15) years or to a fine up to fifteen thousand pounds (CY£15.000) or both.'

## **V. Child pornography**

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The age in child pornography legislation is 18 years (Criminal Code chapter 154, Article 154)

### **The Convention on Cybercrime, law 22(III)/2004**

#### **Title 3 – Content-related offences**

#### **Article 9 – Offences related to child pornography**

1. Each Party shall adopt such legislative and other measures as may be necessary to establish as criminal offences under its domestic law, when committed intentionally and without right the following conduct
  - a. producing child pornography for the purpose of its distribution through a computer system;
  - b. offering or making available child pornography through a computer system;
  - c. distributing or transmitting child pornography through a computer system;
  - d. procuring child pornography through a computer system for oneself or for another person;
  - e. possessing child pornography in a computer system or on a computer data storage medium.
2. For the purpose of paragraph 1 above, the term 'child pornography' shall include pornographic material that visually depicts:
  - a. a minor engaged in sexually explicit conduct;
  - b. a person appearing to be a minor engaged in sexually explicit conduct;
  - c. realistic images representing a minor engaged in sexually explicit conduct.
3. For the purpose of paragraph 2 above, the term 'minor' shall include all persons under 18 years of age. A Party may, however, require a lower age-limit, which shall be not less than 16 years.
4. Each Party may reserve the right not to apply, in whole or in part, paragraphs 1. sub-paragraphs d and e, and 2. sub-paragraphs b and c.

## **Combating Trafficking in Human Beings and Sexual Abuse of Minors Law 3(1)/2000**

### **Trading in pornography material - Law 3(1)/2000**

**Sec. 4(1):** 'Whoever, using children for trading purposes, makes, possess, carries, imports or exports by any means or circulates documents, printed material, literary works, drawings, paintings, emblems, photographs, movies or other indecent objects of any kind or uses any means of publication for the facilitation of the circulation or the trading of the indecent objects commits an offence and in case of conviction will be liable to imprisonment not exceeding ten (10) years.'