**Submission for GA report 2021**

* **Legislation**

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Relevant is the Law on the Prevention and Combating of Sexual Abuse and Exploitation of Children and Child Pornography L.91 (I) / 2014 as well as the Police Orders no. 03/4, 3/36 and 3/45.

There is no discrimination regarding sex, race etc, concerning the Implementation of the specific Law.

The members of the Police who are investigating these cases, are specially trained and know very well the relevant legislation.

The investigation of cases concerning the sexual abuse of minors is carried out by the Special Investigation Teams, which are subordinated to the Office for the Prevention / Combating of Violence in the Family, the Abuse of Minors and Missing Persons and to the Office for Combating Electronics.

a) The tasks of the teams can be summarized as follows:

(1) Investigate cases of sexual abuse of minors, and where required with the assistance of the District Police Directorates.

(2) Collaborate in the investigation of these cases, with all stakeholders.

(3) Coordinate and supervise actions during the investigation of cases and participate in meetings aimed at informing and cooperating with stakeholders, for better handling of incidents.

(4) Ensure the implementation of the relevant Cooperation Protocols concluded by the Police with various competent bodies and organizations.

(5) Education.

b) Specifically, as soon as a complaint / information is received from a member of the Police about sexual abuse of a minor:

(1) The competent Investigative Office is informed immediately and in writing with a special form.

(2) Photographed testimonies of the minor victims are taken after all the relevant rules are observed or they are referred for psychological evaluation by the "Children's Home".

(c) In all cases of complaint, the testimony of the victim is taken by members of the Police, of the same sex, in a room specially arranged for this purpose.

(d) In cases where the complaint concerns the trafficking of minors for the purposes of prostitution and child pornography, the investigation of the cases should be done by both offices

* **Action of the Cybercrime Prosecution Division on the Investigation and prevention of child pornography cases, via the internet**

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**- Current situation**

The Cyprus Cybercrime Division (C.C.D) is responsible for the criminal investigation of cases that are related to Child Sexual Abuse (CSA) online. At the same time the C.C.D is responsible for the identification of CSA victims, the prevention of these offenses and the training of the police staff in relation to CSA. Based on the statistical representation of the problem over the last three years, there has been an increasing trend in the cases under investigation and a large increase in the flow of information from various partner bodies on the trafficking of CSA material.

**- National Strategy for a Better Internet for Children – Awareness**

The cybersecurity strategy of the Republic of Cyprus was approved by the ministerial cabinet in 2013. Within the action 14 (raising awareness) of the above mentioned strategy, a new strategy for awareness was generated and approved in 2018 by the ministerial cabinet. The role of the C.C.D is very important within the strategy and we are responsible for awareness raising to schools and parents via lectures and campaigns.

At the same time the C.C.D since 2014 runs online reporting platform for cybercrime <https://cybercrime.police.gov.cy> , mobile application for smart phones and the informative and reporting website [www.cyberalert.cy](http://www.cyberalert.cy) .

**- European multidisciplinary platform against criminal threats (EMPACT CSE) – Europol**

The C.C.D is taking part to EMPACT Child Sexual Exploitation. The phenomenon of sexual coercion and self-generated material was one of the targets that were identified within the European Policy Cycle and EMPACT CSE and several action were implemented to this direction.

**- Europol - Focal Point TWINS**

The C.C.D is taking part to the FP TWINS for many years now. In the framework of the cooperation with Europol FP TWINS the C.C.D is exchanging information related to CSE for analysis and gross match in a way that is possible to identify offenders and victims in relation to CSE investigation including sexual coercion.

**- Europol - Victim Identification Task Force (VITF)**

The C.C.D is taking part to this initiative and provides CSE content and investigators for the identification of the victims. During the VITF initiative MSs have the ability and opportunity to identify victims and offenders. This initiative cover investigating, preventing and protecting actions at the same time.

**- Europol - Stop Child Abuse/trace an object initiative**

The C.C.D is taking part to this initiative which has as target the identification of objects that are related to CSA/CSE with final target the identification of children victims. The C.C.D share these objects imaged to the social media of the police and more in order to facilitate the identification of victims.

**- Interpol Child Sexual Exploitation Database (ICSE)**

The O.C.C is an active member of ICSE for many years now and this gives the ability to our investigators to effectively investigate CSE cases and at the same time protect the child victims.

**- FBI USA - Violence Crimes Against Children International Task Force**

The VCACITF consists of online child sexual exploitation investigators from around the world and includes more than 69 active members from 40 countries. The task force hosts a five-week training session for newly invited task force officers, bringing them to the United States to work side-by-side with FBI agents in the Violent Crimes Against Children program. The C.C.D is active member of this initiative since 2010. In the framework of this cooperation, information related to CSE/CSA are being exchange with target, the effective investigation the safeguards and the protection of victims.

**- National Centre for Missing and Exploited Children – CyberTipline (NCMEC)**

The C.C.D in the framework of the cooperation with NCMEC and Europol has the ability to receive this CyberTiplines report every two months. As an instigation we can mentioned that in 2019 the O.C.C received more than 1000 CyberTipline reports involving suspect and victims from Cyprus in relation to CSE/CSA including self-produce material. The CyberTipline reports are being used for investigative awareness and protecting measures.

There is a dedicated National legislation in relation to Child Sexual Exploitation and Abuse that covers both online and offline incidents (Law 91(I)/2014).

The C.C.D is responsible for the investigation of the following offenses:

* **Law 91(I)/2014, article 8(1)**

Subject to the provisions of Article 12, anyone who **obtains or possesses** child pornographic material is guilty of a felony and, upon conviction, is liable to imprisonment not exceeding ten years (10) years.

* **Law 91(I)/2014 article 8(2)**

A person who **knowingly accesses** child pornography through information technology and communications is guilty of a felony and, upon conviction, is liable to imprisonment not exceeding ten years (10) years.

* **Law 91(I)/2014, article 8(3)**

Whoever **distributes, disseminates or transmits** child pornography is guilty of a felony and, upon conviction, is liable to imprisonment not more than fifteen (15) years.

* **Law 91(I)/2014, article 8(4)**

**Offering or making available** child pornographic material.

* **Law 91(I)/2014, Article 8(5)**

Subject to the provisions of Article 12, anyone who **produces** child pornographic material is guilty of a felony and, upon conviction, subject to imprisonment not exceeding twenty (20) years.

* **Law 91(I)/2014 Article 9(2)**

Subject to the provisions of Article 12, anyone who proposes to a child who has not reached the age of consent, through information, communication technology, to come into contact with intent to perform sexual intercourse with him/her or for the production of child pornography or for the sexual exploitation of a child, and this proposal led to actions that led to a meeting, shall be guilty of a felony and, upon conviction, subject to imprisonment not exceeding ten (10) years.

* **Law 91(I)/2014 Article 9(2)**

Subject to the provisions of Article 12, anyone who, through information communication technology, invites or approaches a child who has not reached the age of consent, and attempts to acquire, or attempts to have access, or acquires or obtains access to child pornographic material which depict that child, is guilty of a felony, and if convicted, is subject to imprisonment not exceeding ten (10) years.

* **Legislation on Combating Trafficking in Persons**

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The Law 60(I)/2014 on Prevention and Combating of Trafficking and Exploitation of Persons and the Protection of Victims, which provides the legal framework regarding the prevention and combating of trafficking and exploitation of human beings, as well as concerning victim protection, was adopted in April 2014. This law is aligned with Directive 2004/81/EC and Directive 2011/36/EU6 and replaces the previous national laws concerning trafficking in human beings, notably Law 87(I)2007. It is victim-oriented and provides inter alia, for the protection and promotion of the rights of the victims, without any discrimination regarding sex, race, political beliefs, color, religion, language, national or social origin and association with a national minority property, birth or other status.

The new legislation includes special provisions concerning support and protection of child victims of trafficking, including in the context of criminal investigations. Another relevant new law is Law 91(I)/2014 on the Prevention and Combating of Sexual Abuse and Sexual Exploitation of Children and Child Pornography, which is a transposition of EC Directive 2011/93 on combatting the sexual abuse and sexual exploitation of Child Pornography, replacing Council Framework Decision 2004/68/JHA.

It is noted that, the penalties envisaged by Law 60(I)2014 were amended by Law 117(I)/2019, enacted on 28 July 2019. The penalty for the basic offence of THB (Article 6) was raised from 10 years to up to 25 years imprisonment; the penalty for THB for organ removal (Article 7) was raised from 25 years to life imprisonment, and in the event where the life of the victim is in danger, from 30 years to life imprisonment; the penalty for THB for labour exploitation (Article 8) was raised from 6 years to up to 15 years and in the event where the victim is a child, from 10 years to life imprisonment; the penalty for THB for sexual exploitation (Article 9) was raised from 10 years to up to 25 years; and the penalty for child trafficking (Article 10) was raised from 25 years to life imprisonment.

Moreover, the penalty envisaged in Article 17 of Law 60(I)/2014, which criminalises the use of services provided by victims of trafficking where their client should reasonably have been able to conclude or suspect that the service was provided by a victim of trafficking, was raised from three year to up to 10 years or 50,000 euros, or both. In the event where the victim is a child, the penalty was raised from 10 years or 80,000 euros, or both to life imprisonment or 100,000 euros or both. Further, a new Article 17A was added new article concerning the criminalisation exclusively of the use of sexual services.

In relation to trafficking of minor cases, the best interests of children are assessed and guaranteed by all the services involved. Interviews with children are conducted without any delay. The number of interviews is as limited as possible and interviews are conducted by the same person. All interviews are conducted in the presence of the child's guardian. Written statements by child victims are always video recorded.

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