



# The EU Mutual Learning Programme in Gender Equality

## Tackling sexual harassment

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Comments Paper - Cyprus



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# Tackling sexual harassment in Cyprus

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## 1. Tackling Sexual Harassment

### 1.1 Country context on Digital sexual abuse

Public authorities and private stakeholders in Cyprus have taken action against new digital threats against children. In the last decade, the government has implemented several measures to develop an effective and comprehensive strategy against sexual exploitation of children online. Most of them are taken in the framework of comprehensive European programmes (e.g. Better Internet for Kids and the One in Five Campaign) and require the cooperation of relevant stakeholders such as government agencies, public institutions and the Police<sup>1</sup>.

#### 1.1.1 Policy context

##### Cyber Crime Unit

The Cyprus Police have set up the Cyber Crime Unit, which is responsible for investigating all cyber related crimes including child sexual abuse. Besides setting up this specialized unit, the Cyprus Police have improved, developed and supported procedures to identify victims through the International Child Sexual Exploitation Database managed by Interpol. Officers and investigators work in close cooperation with civil society organizations, such as Cyber Ethics.

##### Cyber Ethics

The Cyber Ethics project (the Cyprus Safer Internet Center), active in Cyprus since 2006, promotes the safer use of the Internet in Cyprus, and serves the needs of all people that live on the island. It operates as a combined Awareness Node, Helpline and Hotline.

##### ONE in FIVE Campaign"

The ONE in FIVE Campaign was launched in 2010 by the Council of Europe Programme "Building a Europe for and with Children", which was implemented in all Member States through different national agencies and NGOs<sup>2</sup>.

#### 1.1.2 Social circumstances

According to the National Strategy and Action Plan to Combat Sexual Abuse and Exploitation of Children and Child Pornography 2016-2019, through the ONE in FIVE Campaign, designating "ambassadors" from the mass media to promote the campaign to the public. There is also a collaboration with the Media Control Agency

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<sup>1</sup> Rossella Sala, January 2015, "Hope For Children UNCRC Policy Center, [http://www.uncrcpc.org/assets/images/The-impact-of-internet-and-new-media-on-the-occurrence-of-violence-against-children-in-Europe-and-in-Cyprus\\_final-draft](http://www.uncrcpc.org/assets/images/The-impact-of-internet-and-new-media-on-the-occurrence-of-violence-against-children-in-Europe-and-in-Cyprus_final-draft)

<sup>2</sup> ibid.

for the preparation of a new code of conduct on the presentation of children in commercials<sup>3</sup>.

A survey carried out in Cyprus for the year 2013 has shown, that in terms of exposure to sexual content 24% of children aged 9-16 were exposed to online sexual images in the past 12 months. When this percentage is analysed further by age, the findings show that 13% of children aged 9-10 years will be exposed to online sexual content and this percentage will increase to 39% for children aged 15-16 years. Moreover, the same survey shows that 13% of the children surveyed had direct contact with someone, whom they did not know and had never met, while 6% of the surveyed children had gone to a meeting with someone with whom they got acquainted (**with**) through the internet<sup>4</sup>. The number of children's digital sexual abuse and the child pornography cases are presented in the Annex III.

According to the Police, the majority of the victims (95%), are girls aged 13-16. They don't keep gender disaggregated data. Concerning the cases of adults, the complains fall into general offenses (Criminal Code) and are not classified as digital sexual abuse cases. So, they do not have statistics on them.

The above reported data show that the apparent increase in criminal cases, at least in terms of sexual abuse and exploitation, can be attributed more to increased complaints and not necessarily to increased incidents. That it is attributed to the fact that many children and adults now break the silence and finally make a complaint. A dramatic increase was noted in criminal files for child pornography cases. It should be noted also that the mentioned criminal files on child pornography included eighteen cases each year involving a relatively new phenomenon<sup>5</sup>. According to the Police this phenomenon consists of a record of produced material and children's invitations to participate in such material.

Measures to protect child victims and prosecute offenders are already in place and relevant laws have been successfully implemented by the police and public institutions. The fact that reported cases of child sexual abuse have tripled since 2013 proves that a significant effort has been made in regards to this issue<sup>6</sup>.

### 1.1.3 Legal background

The Republic of Cyprus has signed, ratified and essentially incorporated into the Republic's internal law all international treaties and Conventions concerning child protection (See Annex I). The adoption of Law 91(1)/2014 on the prevention and combating of sexual abuse, together with the ratification of the Lanzarote Convention in November 2014, demonstrate the commitment of the Cypriot government to enhance the protection of children online. It's important to state, that

<sup>3</sup> National Strategy and Action Plan to Combat Sexual Abuse and Exploitation of Children and Child Pornography 2016-2019, [http://www.mlsi.gov.cy/mlsi/sws/sws.nsf/All/070F867D2763F568C2257FC70024C4F4/\\$file/1%20NATIONAL%20STRATEGY%20TO%20COMBAT%20CHILD%20ABUSE.pdf](http://www.mlsi.gov.cy/mlsi/sws/sws.nsf/All/070F867D2763F568C2257FC70024C4F4/$file/1%20NATIONAL%20STRATEGY%20TO%20COMBAT%20CHILD%20ABUSE.pdf)

<sup>4</sup> National Strategy and Action Plan to Combat Sexual Abuse and Exploitation of Children and Child Pornography 2016-2019, [http://www.mlsi.gov.cy/mlsi/sws/sws.nsf/All/070F867D2763F568C2257FC70024C4F4/\\$file/1%20NATIONAL%20STRATEGY%20TO%20COMBAT%20CHILD%20ABUSE.pdf](http://www.mlsi.gov.cy/mlsi/sws/sws.nsf/All/070F867D2763F568C2257FC70024C4F4/$file/1%20NATIONAL%20STRATEGY%20TO%20COMBAT%20CHILD%20ABUSE.pdf)

<sup>5</sup> National Strategy and Action Plan to Combat Sexual Abuse and Exploitation of Children and Child Pornography 2016-2019

<sup>6</sup> Rossella Sala, January 2015, "Hope for Children UNCRC Policy Center, [http://www.uncrcpc.org/assets/images/The-impact-of-internet-and-new-media-on-the-occurrence-of-violence-against-children-in-Europe-and-in-Cyprus\\_final-draft](http://www.uncrcpc.org/assets/images/The-impact-of-internet-and-new-media-on-the-occurrence-of-violence-against-children-in-Europe-and-in-Cyprus_final-draft)

the employers whose work entails frequent contact with children (schools, sports clubs etc.) are obliged to require the employees' clear criminal record certificate in respect of these offences, and shall not be able to employ a person who will not produce such a certificate<sup>7</sup>.

#### 1.1.4 Good practices

- The ONE in FIVE Campaign addressed individuals, schools, civil society organizations, public institutions and governments, and aims at equipping them with the necessary knowledge to recognize and report sexual abuse cases.
- Some of the objectives of the NS (see Annex II) concerning the prevention are very interesting.

## 1.2 Country context on sexual harassment in public spaces

This phenomenon concerns all countries without exception, and it certainly appears to be inflated when society's tolerance and indifference is evident. It's an unwanted behavior based on gender, which affects women's dignity and also constitutes an obstacle to the safeguarding and enjoyment of fundamental human rights by women.

### 1.2.1 Policy context

The sexual harassment in public spaces is not covered by a specific law. It is necessary to criminalize harassment by making the relevant amendments to the Penal Code or the Family Violence Law and **(by)** the parallel framing of an effective investigation of such behavior and the provision of specialized support to victims. We hope that the recent signing and ratification of the Convention will tackle the various forms of sexual harassment.

### 1.2.2 Social circumstances

Last year, in the Cyprus Parliament a man MP attacked against a woman MP in the House of Representatives and nothing was done. This phenomenon highlights the need to take immediate and drastic measures for combating all forms of sexism. It is widely known that sexism is prevalent in every domain of the Cypriot society. Many people reacted, through the social media on the apathy of the state to combat such phenomena, but nothing was done.

The vast majority of women, due to deep-rooted stereotypes, do not complain. Instead, focusing their attention to possible errors committed by themselves. The absence of an institutional framework in Cyprus to ensure the possibility of police investigation and prosecution of conduct falling under the definition of harassment as well as the protection of victims increases the rates of harassment<sup>8</sup>.

<sup>7</sup> National Strategy and Action Plan to Combat Sexual Abuse and Exploitation of Children and Child Pornography 2016-2019, [http://www.mlsi.gov.cy/mlsi/sws/sws.nsf/All/070F867D2763F568C2257FC70024C4F4/\\$file/1%20NATIONAL%20STRATEGY%20TO%20COMBAT%20CHILD%20ABUSE.pdf](http://www.mlsi.gov.cy/mlsi/sws/sws.nsf/All/070F867D2763F568C2257FC70024C4F4/$file/1%20NATIONAL%20STRATEGY%20TO%20COMBAT%20CHILD%20ABUSE.pdf)

<sup>8</sup> Placement of a National Independent Human Rights Authority on the need to criminalize stalking, Action 1/2014, April 16, 2014, Council of Europe Convention on preventing and combating violence against women and domestic violence. Τοποθέτηση Εθνικής Ανεξάρτητης Αρχής Ανθρωπίνων Δικαιωμάτων αναφορικά με την ανάγκη ποινικοποίησης της παρενοχλητικής παρακολούθησης (stalking), Δράση 1/2014, 16 Απριλίου 2014

### 1.2.3 Legal background

As we saw above, the Cypriot legal system does not contain any specific provision under which the behavior of harassment may be prosecuted. At the level of common criminal law, what can be prosecuted are individual acts, which may be linked to harassment and constitute separate criminal offenses<sup>9</sup>. The new Law about the Convention of the Council of Europe for the Prevention and Combating of Violence Against Women and Domestic Violence (Ratification) Law of 2017 is expected to solve many of these problems<sup>10</sup>.

In the Labour sector, sexual harassment is dealt with under the Act on Equal Treatment of Men and Women in Employment and Vocational Training (205 (I) / 2002)<sup>11</sup>.

## 2. Policy debate

- a) The Trade Union movement in Cyprus took the initiative to promote a sexual harassment code at work places in cooperation with employers' organizations.
- b) The Gender Equality Committee in Employment and Vocational Training, last June, organized a forum on sexual harassment Cypriot jurisprudence. All the trade unions, the police, public servants and other NGO's participated in this forum and they realize the law practical implementation.

## 3. Learning

Danish policies and measures have many similarities with the Cyprus National Strategy and Action Plan to Combat Sexual Abuse and Exploitation of Children and Child Pornography 2016-2019. It's too early, also for Cyprus to see possible problems in the practical implementation of the innovative objectives of this strategy. The paradigm of Danish policies and measures will be very helpful for Cyprus if they face obstacles. Possible constraints for some of the actions can occurred if they have cost.

French policies and measures are very interesting for Cyprus, because the sexual harassment is very clear in their criminal law, while in Cyprus the definition is very general. In addition, France has very high preventively fines. Very interesting also, is the French campaign and measures on sexual violence and harassment in public transport. In Cyprus in recent years there has been a satisfactory public transport system, which has not yet reached the levels of other European countries. Most people prefer to travel with their own cars. There are no metro or trains in Cyprus.

<sup>9</sup> Such as (Art. 91A), the indecent act (Article 176), the immoral projection (Article 177), unsettled life in the sense of harassment for unethical purposes in a public place (Article 188), Parody and wandering, in the sense of a person wandering around a home in time and circumstances to conclude that his presence there is due to an unlawful purpose (Article 189) or malicious damage to property (Article 324)

<sup>10</sup> Published in the Official Gazette of the Republic of Cyprus in accordance with Article 52 of the Constitution. Number 14 (III) of 2017 Law Relating to the Council of Europe Convention on the Prevention and Fight Against Violence Against Women and Domestic Violence.

<sup>11</sup> Source: §7-12 & 30 of the Law on Equal Treatment of Men and Women in Employment and Vocational Training (Law 205 (I) / 2002), as amended.

The problem of sexual harassment in the transport has not yet been discussed. The drivers do not take any training on sexual harassment. General, the public transport system does not take into account the needs of women. Possible constraints can be the limited use of public transport mostly by elderly people. But it's a challenge for Cyprus to make use of this innovative campaign general for the public spaces, where there is a big problem.

## **4. Conclusions and recommendations for fighting sexual harassment**

The following is necessary in order to combat these phenomena:

- The states to proceed with the issue of laws and rules against sexual harassment in public spaces.
- The governments to proceed with the development and implementation of effective measures for combating all forms of discrimination and sexist violence.
- The mass media to take on an active role against sexual harassment and to stop ignoring and hushing up and fomenting misogyny, transphobia, homophobia and racism.
- The states to undertake a decisive role in women's empowerment and their support for reporting sexual harassment and hate speech.
- Society must be sensitized to show zero tolerance to sexual harassment and digital sexual abuse.
- The states must enhance the coordination and structures for joint management by the relevant services.
- Establishment of a communications mechanism between ministries and other services.
- Coordinated effort of training / specialization of the officers involved.
- Introduction of a multidisciplinary approach.
- Creation of specially designated areas for the reception, hospitality and handling of children and women, faced with such phenomena.
- The relevant services must be adequately staffed.

## ANNEXES

### ANNEX I Legal background on sexual digital abuse

- Convention on Cybercrime of Budapest (Law No.22 (III) of 2004).
- (UN) Convention on the Rights of the Child"(Law No.243 of 1990).
- The Hague Convention on the Civil Aspects of International Child Abduction (Law No.11(III) of 1994).
- In July 2014, the Cyprus House of Cyprus Representatives passed the Prevention and Combating of Sexual Abuse, Sexual Exploitation of Children and Child Pornography Law 91 (I) / 2014 (the "Law"), the provisions of which in essence harmonised Cypriot law with European Directive 2011/93 / EU and the Lanzarote Convention. Its aim is to focus on child protection rather than criminal punishment, providing assistance to minors from the moment a sexual abuse claim is alleged or reported to authorities.
- Also, the Lanzarote Convention was formally ratified by the House of Representatives and is being implemented in Cyprus as from 1 June 2015<sup>12</sup>.

In addition to the above, criminal offences of a sexual nature against children are included in the following laws:

- Criminal Code Cap 154.
- The Convention on Cybercrime (Ratification) Law of 2004 (22 (III) / 2004).
- The Combating of Trafficking and Exploitation of Persons and the Protection of Victims Law of 2007 (Law No.83(I)/2007), which replaced the Combating of Trafficking in Human Beings and Sexual Exploitation of Children Law of 2000 (3(I)/2000).
- The International Convention on the Rights of the Child with its Optional Protocols, adopted on 20.11.1989 by the United Nations<sup>13</sup>.

<sup>12</sup> Rossella Sala, January 2015, "Hope For Children UNCRC Policy Center, <http://uncrcpc.org.cy/gr/greek/documentation-center/organisational-documents/>

<sup>13</sup> Rossella Sala, January 2015, "Hope For Children UNCRC Policy Center, <http://uncrcpc.org.cy/gr/greek/documentation-center/organisational-documents/>



## ANNEX II Objectives of the National Strategy

### Pillar 1- PRIMARY PREVENTION

- A) Reducing abuse and exploitation incidents through prevention strengthening, informing and educating children.
- B) Educating and informing professionals who have contact with children (teachers, sports agents, health professionals, civil servants and officials, functionaries of voluntary, charitable and non-governmental organisations).
- C) Educating and informing parents / guardians of children.
- D) Educating and informing professionals in the handling of perpetrators or suspects or people who seek help so that they may not become perpetrators, with the aim of avoiding repeat offences or not committing offences
- E) Carrying out interventions and campaigns in the wider community for awareness-raising and information.
- F) Internet Security Educating and informing children on the dangers of the internet.
- G) Educating and informing parents / guardians on the dangers of the internet, tackling demand for child pornography.
- H) Changing the way, the image of children is presented in the society.<sup>14</sup>

### Pillar 2 - SECONDARY PREVENTION

- A) Responding swiftly and timely to the initial problems before they get worse.
- B) Training public officers and professionals who have contact with children in order to identify children who are at an increased risk of becoming victims or to identify vulnerable "high risk groups".
- C) Coordinating the services concerned.

### Pillar 3 - TERTIARY PREVENTION

- A) Tackling incidents after they have occurred,
- B) Coordinating the services concerned,
- C) Creating multidisciplinary teams,
- D) Training public servants and professionals who have contact with children to identify victims,
- E) Specialising public officials to investigate and respond to incidents (Police, social services, mental health services, lawyers),
- F) Specialising public and private health professionals in the long-term support and treatment of victims and perpetrators.

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<sup>14</sup> National Strategy and Action Plan to Combat Sexual Abuse and Exploitation of Children and Child Pornography 2016-2019,  
[http://www.mlsi.gov.cy/mlsi/sws/sws.nsf/All/070F867D2763F568C2257FC70024C4F4/\\$file/1%20NATIONAL%20STRATEGY%20TO%20COMBAT%20CHILD%20ABUSE.pdf](http://www.mlsi.gov.cy/mlsi/sws/sws.nsf/All/070F867D2763F568C2257FC70024C4F4/$file/1%20NATIONAL%20STRATEGY%20TO%20COMBAT%20CHILD%20ABUSE.pdf)

**Pilar 4 RESEARCH**

- A) Implementing a system to record incidents,
- B) Conducting scientific research

**Pilar 5 EVALUATION**

- A) Quantitative and qualitative evaluation of the effectiveness and the attainment of the objectives of specific actions. Therefore, it is necessary to set up a Committee which will be responsible for monitoring and evaluating the implementation of the strategy, providing support to the institutions and designing concrete actions. The Committee shall be named the "Voice"<sup>15</sup>.

### **ANNEX III The number of children digital sexual abuse and the child pornography cases.**

Year	Number of cases (general on children digital sexual abuse)	Child pornography
2013	23	
2014	106	76
2015	154	35
2016	126	30
2017 - 25/8/17	99	65

<sup>15</sup> National Strategy and Action Plan to Combat Sexual Abuse and Exploitation of Children and Child Pornography 2016-2019, [http://www.mlsi.gov.cy/mlsi/sws/sws.nsf/All/070F867D2763F568C2257FC70024C4F4/\\$file/1%20NATIONAL%20STRATEGY%20TO%20COMBAT%20CHILD%20ABUSE.pdf](http://www.mlsi.gov.cy/mlsi/sws/sws.nsf/All/070F867D2763F568C2257FC70024C4F4/$file/1%20NATIONAL%20STRATEGY%20TO%20COMBAT%20CHILD%20ABUSE.pdf)