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Rights of minors in court proceedings

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Cyprus



Cyprus

1. The child's legal capacity

In Cyprus, the minimum age of criminal responsibility is 14. For all matters, the minimum age at which a plaintiff can bring a case to court in their own right is 18.

2. Access to adapted proceedings

2.1. Criminal justice

In general, a child has no legal capacity to sue and thus can only bring an action through his/her parents/guardian.

As far as the Courts are concerned, criminal cases where the victim is a child are dealt with by the ordinary criminal courts at present. However, specific Laws with specialised child-sensitive provisions for the protection of child victims/witnesses exist.

2.2. Civil justice

There are no specialist institutions dealing with children in civil judicial proceedings.

2.3. Administrative justice

The Social Welfare Services of the Ministry of Labour, Welfare and Social Insurance provide services for the protection and support of children throughout the judicial process. All the services provided and policies implemented by the Social Welfare Services have as a primary consideration the best interests of the child.

2.4. Legal and policy measures in place to avoid undue delay in the handling of cases involving children

There are no time limits concerning when civil judicial proceedings must be commenced or terminated, regardless of whether a child or an adult is involved.

In ordinary civil cases, the Courts will try to prioritise cases involving children as far as this is possible, having regard to the huge case load. Any requested interim orders will be dealt with without undue delay.

2.5 Child specific support mechanisms

In the case of civil judicial proceedings, no arrangements are in place to ensure that court premises are suitable for children and no psychological or other support is offered, unless a particular need for such support is diagnosed.

There are no regulations requiring court sessions to be adapted to the child's pace and attention span. If there are images or other material to be presented in court that may be deemed as harmful for the child, the judge may order that the child be removed from the courtroom. The only protective measure for civil proceedings is the conducting of the trial in camera.

3. Multidisciplinary aspects

In cases of violence in the family the Social Welfare Services cooperate with all the other relevant services based on a manual of interdepartmental proceeds, approved by the Council of Ministers in 2002. In cases of sexual abuse against children the Social Welfare Services cooperate with the other relevant services establishing a multidisciplinary approach.

4. Training of professionals

Cyprus Police Academy, which is the educational institution of Cyprus Police, provides lectures on handling juveniles related cases, at all levels of Police training. Such lectures aiming to educate police officers of all ranks, are offered at the basic training Program for recruit Police Officers, at advanced courses as well as at specialized courses.

The Social Services Officers receive initial as well as on going training on issues related to children, i.e. interview with a child, handling cases involving children, etc.

Concerning judges in ordinary civil and criminal courts, there are no training requirements pertaining to the treatment of children during court proceedings. Judges generally attend training seminars and conferences in Cyprus and abroad as and when organised.

5. Best interests of the child

In cases where the court needs to take a decision on the best interests of the child, the court may take into consideration a report prepared by the Social Welfare Services, which contains not only the observations made by the Social Services Officer, but also the views of the child.

6. Monitoring of decisions in proceedings involving children

The Juvenile Offenders Law is expected to be comprehensively revised with the aim to ensure more specifically procedures in favour of children and young persons. This will improve and strengthen the proceedings involving children, for the best interests of the child.

7. Access to remedies

A child may access any complaint, legal appeal or judicial review under normal procedures, through their parent, legal guardian or legal representative.

Concerning claims for damages/compensation during or after criminal proceedings in which the child was a victim, if an ordinary civil claim is made for damages/compensation it will have to be made on behalf of the child by their parent or legal guardian. As for orders for compensation of victims within the actual criminal proceedings, the ordinary criminal courts have limited powers.

In case where there is a conflict of interests between the child and his/her parents/guardians, the Social Welfare Service may take the child under the care of the Director of Social Welfare Services, who is the guardian of the child and is deemed necessary will assign a legal representative for the child.

8. Family life

In the Republic of Cyprus there are different types of adoption:

- National adoptions
- Intercountry adoptions
- Adoption of his/her spouse's child from a previous marriage.

In all cases of an adoption, the child's best interests are taken as the paramount consideration, based on article 21 of the UN Convention on the Rights of the Child.

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