



CHILDREN BELOW THE AGE OF CRIMINAL RESPONSIBILITY IN CYPRUS: MEASURES, RIGHTS, PROCEDURE, PARTICIPATION

National Report for AIMJF's Comparative and Collaborative Research.

Niños por debajo de la edad de responsabilidad penal en Chipre: medidas, derechos, procedimiento, participación

Informe nacional para la investigación comparativa y colaborativa de la AIMJF

Enfants n'ayant pas atteint l'âge de la responsabilité pénale à Chypre: mesures, droits, procédure, participation

Rapport national pour la recherche comparative et collaborative de l'AIMJF

SUPREME COURT OF CYPRUS

Abstract: The paper is part of a collaborative research organized by the International Association of Youth and Family Judges and Magistrates (AIMJF/IAYFJM) on children below the age of criminal responsibility. The article explains the applicable measures and the procedure adopted, the child's rights and his or her participation in the Protective and Justice System in Cyprus.

Resumen: El documento es parte de una investigación colaborativa organizada por la Asociación Internacional de Juventud y Familia (AIMJF) sobre niños por debajo de la edad de responsabilidad penal. El artículo explica las medidas aplicables, el procedimiento adoptado, los derechos del niño y su participación en el sistema de protección y de justicia en Chipre.

Résumé : Le document fait partie d'une recherche collaborative organisée par l'Association Internationale des Magistrats de la Jeunesse et de la Famille (AIMJF) sur les enfants n'ayant pas atteint l'âge de la responsabilité pénale. L'article explique les mesures passibles d'application et la procédure adoptée, les droits des enfants et leur participation dans le système de protection et de justice à Chypre.

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Introduction

The International Association of Youth and Family Judges and Magistrates (IAYFJM or AIMJF, in the French and Spanish acronym) represents worldwide efforts to establish links between judges from different countries, promoting transnational judicial dialogue, in order to provide better conditions for a qualified attention to children based in a human rights approach.

To do so, AIMJF organizes research on international problems facing the operation of the courts and various laws relating to youth and family and training programs.

The aims of this research are to identify similarities and discrepancies among countries and to develop a cartography of measures, procedure, rights and participation of children below the minimum age of criminal responsibility.

This national report is based on a questionnaire prepared by AIMJF.

Questionnaire

1. **General Information**

1.1 What is the minimum age of criminal responsibility in your country?

In Cyprus, the minimum age of criminal responsibility is 14 years, as established by Law 18(I)/2006, which amended the Criminal Code (Cap. 154). This position has been reaffirmed and codified under Law 55(I)/2021 on Children in Conflict with the Law, which constitutes the central legal framework governing juvenile justice.

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According to section 13 of Law 55(I)/2021:

A child under the age of fourteen (14) years shall not be held criminally liable for his acts or omissions and shall be deemed incapable of committing a criminal offence.

This provision reflects a policy of absolute immunity from criminal prosecution for children under 14, aligned with international standards such as those of the UN Committee on the Rights of the Child, which encourages setting the minimum age at least 14 years (CRC General Comment No. 24, 2019).

1.2 Is there more than one minimum age of criminal responsibility? Is the 'doli incapax' rule applicable?

No. Cyprus applies a single minimum age of criminal responsibility, which is 14 years. *The 'doli incapax'* rule — a rebuttable presumption that a child between 10 and 14 cannot distinguish right from wrong — is not applicable in Cyprus. It was abolished through the 2006 amendment to the Criminal Code (Law 18(I)/2006), and this legislative position was affirmed in Law 55(I)/2021.

The legal framework now establishes a clear and fixed threshold, treating all children under 14 as absolutely incapable of forming criminal intent, without recourse to judicial discretion or rebuttal. Children under this threshold may still be referred to child protection or welfare services for support or intervention, but not to the criminal justice system.

2. Age Assessment

2.1 In case of application of the 'doli incapax' rule, how is this assessment made?

Not applicable in Cyprus.

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As noted above, Cyprus applies a single minimum age of criminal responsibility (14 years) and does not apply the ‘doli incapax’ rule.

The presumption of incapacity based on developmental maturity for children between certain ages was abolished by Law 18(I)/2006.

Children under 14 are considered absolutely incapable of criminal intent. No subjective assessment is required or permitted in this context.

2.2 In case of necessity of age assessment (due to lack of birth registration), how is this assessment made?

Where there is uncertainty or absence of official documentation verifying a child's age, age assessment procedures may be initiated by the competent authorities (e.g. immigration services, police, or judicial authorities), particularly in the context of criminal proceedings, asylum claims, or protective custody.

Such assessments follow a multidisciplinary and holistic approach, consistent with EUAA (European Union Agency for Asylum) standards and international child protection norms:

- **Medical assessments:** These may include dental analysis, bone age radiographs (e.g., wrist, collarbone), and other physical indicators. Such methods are used cautiously and only where necessary, given the potential margin of error and ethical concerns.
- **Psychosocial evaluations:** Involve psychologists, sociologists, social workers, or other child specialists assessing developmental maturity, cognitive function, and consistency of self-reported biographical information.
- **Hearing the child:** The child is heard appropriately (in accordance with Article 12 of the UNCRC and section 3 of Law 55(I)/2021), with communication adapted to their age and understanding. The benefit of the doubt is applied in borderline cases.

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Legal safeguards:

- The child has a right to legal representation, either privately or via the Legal Aid Law.
- The child has the right to challenge the outcome of an age assessment in administrative or judicial proceedings, including interim measures.
- Independent interpreters and child welfare officers are made available when needed, especially in cross-border or asylum contexts.

3. Police Intervention

3.1 In case a child under the minimum age of criminal responsibility commits an act considered as a crime, is he/she brought to a police station?

No.

Under Law 55(I)/2021, Part II, a child under the age of 14 is not criminally responsible and must not be brought to or held in a police station, even if they commit an act that would otherwise be considered a criminal offence.

According to section 16, when a public authority has reasonable suspicion that such a child has committed an offence:

The Police are informed, but the child is not arrested or detained.

The child is handed over to its parents or legal guardians, or, if that is not possible, to a trusted person designated by them. In no case is the child allowed to remain at a police station.

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If the child cannot be safely returned to the parents, is placed under the temporary care of the Social Welfare Services (SWS), which then:

- Convene a Child Welfare Family Council (CWFC) (section 17) to assess the child's situation.
- The CWFC, comprised of the child, parents, professionals, and coordinated by a Social Welfare Officer, evaluates the need for care, support, and preventive actions (section 18).
- It may also initiate procedures for protective custody if the child is at risk.

Importantly, as stated in section 22, any statements or testimony made by the child in the context of these proceedings are not admissible in court.

This legal framework ensures that children under 14 are treated from a child protection and welfare perspective, rather than through the criminal justice system. The emphasis is on rehabilitation, family support, and prevention of future delinquency, in accordance with the best interests of the child.

3.2 What are the legal guarantees for the child in this context? Can the child be imprisoned?

In the context of Part II of Law 55(I)/2021, a child under the age of 14, who is not criminally responsible, benefits from a legal framework that is entirely focused on protection, welfare, and prevention, rather than punishment. This framework is built upon strong legal guarantees that safeguard the child's rights and promote their well-being.

First and foremost, the law establishes a presumption of non-responsibility.

As defined in section 15, a child under the age of 14 is deemed incapable of criminal responsibility. This means that the child cannot be prosecuted, arrested, or treated as an offender, regardless of the nature of the act they are alleged to have committed. This principle forms the cornerstone of the protective approach adopted by the law.

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Furthermore, section 16(3) explicitly provides that under no circumstances may the child remain at a police station. Even in situations that may appear urgent or serious, the law is clear in prohibiting police detention. Instead, if a child is found in circumstances where intervention is needed, the child must be either returned immediately to its parents or guardians, placed with a trusted adult identified by the guardians, or temporarily entrusted to the care of the Social Welfare Services (SWS).

In cases where the parents cannot be located or are deemed unable to provide sufficient care and protection, SWS assumes full responsibility for the child's immediate welfare.

Once the incident is reported, the child's case is referred to a Child Welfare Family Council (CWFC), as described in sections 17 to 20. This Council, coordinated by a Social Welfare Officer, comprises relevant stakeholders including the child, their family, and specialized professionals. Its primary aim is to evaluate the needs of the child, understand the reasons behind its behavior, and decide on appropriate support measures.

These measures may include family or school-based interventions, psychological support, and social services, all tailored to promote the child's best interests and prevent future delinquent behavior.

The child is encouraged to participate in the process, and their views are taken into consideration when decisions are made.

Crucially, the law also protects the child's procedural rights. According to section 22, any statements made by the child in the context of the CWFC proceedings are not admissible in court. This ensures that the child's participation in welfare procedures cannot be used against them in any judicial context, preserving the non-punitive nature of the intervention.

In addition, the law provides a right to appeal decisions made by the CWFC. Section 21 states that the parents or legal representative of the child—or the child themselves, once they reach the age of 18—have the right to contest decisions by submitting an objection to the Director of Social Welfare.

This mechanism adds an extra layer of protection and oversight, ensuring accountability and fairness in the treatment of the child.

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With respect to the question of detention or imprisonment, the answer is unequivocal: a child under 14 cannot be imprisoned. The law makes no provision for any form of penal detention for children in this age group. Instead, all actions taken are guided by the principles of child protection and restorative welfare, in line with international standards such as the UN Convention on the Rights of the Child. This ensures that children are not criminalized, but instead are given the care, support, and guidance necessary for their development and reintegration into a safe and nurturing environment.

4. Measures

4.1 Is it possible to impose any kind of measure? Which one?

Yes, although a child under the age of 14 is not criminally responsible under Part II of Law 55(I)/2021, it is possible to impose supportive, protective, and preventive measures, but not punitive or criminal sanctions.

These measures are decided not by a court but through the intervention of the Child Welfare Family Council (CWFC), which is a multidisciplinary body established under sections 17 to 20 of the law.

When the Social Welfare Services are notified of a child's involvement in a potentially criminal act, and it is assessed that the child may need care or protection, the CWFC is convened. Its role is not to punish, but to assess the child's family, social, and psychological environment, and determine what non-punitive measures are necessary to protect the child and prevent future delinquency.

These measures may include:

- Support for the child's family through counseling, supervision, or economic and social assistance.
- Psychosocial support for the child, such as referral to mental health professionals or educational psychologists.
- School-based interventions, including collaboration with teachers and counselors.
- Placement of the child in a safe and supportive environment, if there is evidence of neglect or danger at home.

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- Parental capacity evaluations, which may lead to court applications for temporary or permanent removal of parental custody, only if deemed necessary (section 18(1)(b)–(c)).
- Mediation between the child and the victim, where appropriate, to foster understanding and accountability (section 18(1)(g)).

All these interventions are rehabilitative, supportive, and educational, and are designed to act in the best interests of the child. The focus is on helping the child reintegrate positively into society, not punishing or stigmatizing them.

In conclusion, while no judicial or penal sanctions can be imposed, significant protective and corrective measures can be taken to address the child’s behavior and prevent recurrence, always within a child welfare framework.

These interventions are also consistent with the UNCRC Article 40 and the Guidelines on Child-Friendly Justice (Council of Europe, 2010), which emphasize restorative and rehabilitative responses over punitive measures.

4.2 Is it possible to impose an out-of-home placement?

Yes, an out-of-home placement is possible under Part II of Law 55(I)/2021, but strictly as a protective, non-punitive measure. This intervention is not imposed as punishment, but rather as a child welfare response when the child is found to be at serious risk within the home environment.

Under Section 16(4)– (5):

If the parents or guardians are unavailable, or if there are reasonable suspicions of neglect, abuse, or lack of adequate care, the child may be temporarily placed under the care of the Social Welfare Services (SWS).

If the risk is substantiated, SWS may:

- Convene a Child Welfare Family Council (CWFC) to assess the child's situation and recommend appropriate support measures (Section 16(5)(a)),

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- Apply for a court order to remove parental custody or guardianship, if necessary (Section 16(5)(b)),
- Seek an emergency temporary court order for immediate placement in urgent cases involving serious threats to the child’s health or safety (Section 16(5)(c)).

Placement options may include:

- Foster care with relatives or approved families,
- Residential child protection centres,
- Therapeutic institutions for children with psychological or behavioural needs.

These measures must:

- Be proportionate, necessary, and always in the best interests of the child,
- Be subject to judicial authorisation and regular review (typically every 6–12 months),
- Be either voluntary (with parental consent) or court-ordered, particularly in situations of parental incapacity or serious harm.

The legal basis also draws from the Children Law (Cap. 352) and international standards such as the UN Convention on the Rights of the Child (UNCRC).

These placements are not criminal sanctions and are applied exclusively under child protection law, unless the child is over 14 and subject to diversion or judicial measures under Part III of Law 55(I)/2021.

Therefore, out-of-home placement is indeed possible, but only as a last-resort measure to ensure the child’s safety, care, and development, never as a punitive or judicial sanction.

5. Procedure

5.1 Who imposes such measures?

The Social Welfare Services (SWS) are the primary competent authority for the imposition and coordination of non-criminal protective or supportive measures for children under the age of

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criminal responsibility. While their function is administrative, it is grounded in legal authority provided by the Children Law (Cap. 352) and other child welfare legislation.

SWS initiates and oversees interventions such as:

- Family support and supervision,
- Referrals to the Child Welfare Family Council (CWFC) for multidisciplinary assessment and planning,
- Temporary care arrangements when parents are unavailable or unfit.

However, when interventions involve parental refusal, serious risk to the child, or the need for out-of-home placement, the Family Court becomes involved. Based on an application from SWS, the court may:

- Issue care orders,
- Approve placement decisions (including foster care or residential care),
- Impose supervisory or guardianship measures.

Such judicial decisions are necessary for any compulsory action, ensuring legal oversight and adherence to the best interests of the child principle.

Additionally, the Attorney General may be notified for procedural reasons (e.g., registration of the incident, formal closure, or diversion), but not for prosecution, since children under 14 cannot be held criminally responsible under Law 55(I)/2021.

5.2 Is there a legal procedure for the determination of these measures?

Yes.

Cyprus law provides a clearly defined legal framework for the determination of protective and supportive measures for children under the minimum age of criminal responsibility. This framework operates under Part II of Law 55(I)/2021, the Children Law (Cap. 352), and the Administration of Welfare Services Law, and is fully aligned with the UN Convention on the Rights of the Child (UNCRC).

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Key procedural safeguards include:

- **Best Interests of the Child:** All decisions must prioritize the best interests of the child, as required by Section 3 of the UNCRC and consistently upheld in the case-law of the Supreme Court of Cyprus.
- **Individualized Assessment:** Measures are not automatic; they are based on a thorough, multidisciplinary assessment of the child's family, social, and psychological situation. This process is primarily conducted through the Child Welfare Family Council (CWFC) under sections 17–18 of Law 55(I)/2021.
- **Legal Representation and Participation:** The child has the right to legal representation, either through legal aid or the appointment of a guardian ad litem. The child and/or their legal guardians must be given the opportunity to be heard before any measure is imposed.

Judicial Oversight: If any proposed measure affects liberty, custody, or parental rights (such as out-of-home placement or removal of parental responsibility), it must be authorized by the Family Court. This includes emergency protection orders and long-term care decisions, pursuant to Section 16(5)(b)–(c) of Law 55(I)/2021 and the Children Law.

Appeals Process: Decisions of the CWFC may be contested before the Director of Social Welfare (Article 21), ensuring procedural fairness and oversight.

In cases where the child is over 14 years old and subject to juvenile proceedings, Part III of Law 55(I)/2021 applies. In such scenarios, the Child's Council may recommend diversionary measures, and the Juvenile Court or prosecutor may approve or supervise them as alternatives to prosecution.

In conclusion, while the system emphasizes rehabilitation and social reintegration, the Attorney General of the Republic exercises decisive control over whether a child will face formal prosecution or be offered an alternative restorative path. This dual structure balances legal accountability with child rights protections, in full alignment with Cypriot legislation and international norms, including the UN Convention on the Rights of the Child (UNCRC).

In conclusion, the legal procedure in Cyprus guarantees that all child protection measures are imposed fairly, proportionately, and with full respect for the child's rights, ensuring both administrative diligence and judicial scrutiny.

5.3 Is it possible to adopt alternative resolution mechanisms?

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Yes.

Restorative justice, mediation, and community-based solutions are encouraged, particularly in inter-child disputes, minor harmful behaviours, or school-based incidents.

These are typically facilitated by:

- Trained welfare professionals,
- Juvenile prevention officers (within the Cyprus Police),
- In some cases, in collaboration with school counsellors or psychologists.

Such mechanisms may include:

- Victim-offender dialogue (with informed consent),
- Apology or restitution agreements,
- Conflict resolution workshops.

Although not yet formalised in a dedicated statutory framework, such practices are increasingly adopted in practice under the discretion of Social Welfare Services and align with section 40(3)(b) of the UNCRC and Council of Europe Guidelines on Child-Friendly Justice.

6. Assessment

6.1 Is there any kind of assessment of the child for the imposition of such measures?

Yes. The imposition of any protective, supportive, or restorative measure for children in Cyprus is based on a comprehensive and individualized assessment of the child's circumstances.

This applies to both non-criminal measures under **Part II of Law 55(I)/2021** (for children under 14) and to diversionary measures under **Part III** (for children over 14).¹

¹Children over the age of 14 in Cyprus are considered criminally responsible and are thus subject to the juvenile justice framework established under Part III of Law 55(I)/2021, which is designed to promote rehabilitation, ensure

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For children under 14:

- A Child Welfare Family Council (CWFC) is convened under sections 17–18 of Law 55(I)/2021, coordinated by a Social Welfare Officer.
- The Council conducts a multidisciplinary assessment, taking into account the child’s developmental stage, family dynamics, psychological well-being, educational needs, and the context of the incident.
- The purpose is not to apportion blame but to determine what support or protection the child needs.
- Based on this assessment, the Council may propose support plans, family interventions, or, in serious cases, out-of-home placement (s.16(5)).

For children over 14:

- When considering inclusion in a Decriminalization Program, the **probation officer (επιμελητής)** carries out a detailed **pre-program assessment** under **Article 36**.
- This includes interviews with the child, their parents or guardians, the child’s lawyer, police investigators, social workers, school representatives, and, where applicable, the victim.
- The officer may also request psychological evaluations and background reports.

accountability, and protect the rights of the child. This framework applies to individuals aged 14 to 21 for offences committed before reaching 18 years of age (section 23). Under section 33(2), the Attorney General may choose not to prosecute and instead refer the case to the District Police Director for a written observation (s.34) or initiate an evaluation for inclusion in a Decriminalization Program (sections 35–38). However, under section 33(3), the Attorney General retains the authority to proceed with prosecution, particularly in cases involving serious offences, recidivism, or prior unsuccessful diversion.

The Decriminalization Program, coordinated by a specially trained officer, involves an in-depth assessment of the child’s personal and social context (s.36). If admitted into the program, the child may receive a non-punitive measure such as an Unofficial or Official Warning (sections 39–40), be placed under supervision, be asked to offer a written apology or compensate the victim (s.41), or be referred to a Child Council. The supervision periods are set at a maximum of 12 months for official warnings and 6 months for unofficial warnings, and may be adjusted based on input from the Council (s.42).

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- The findings are submitted to the District Police Director, who then decides whether the child qualifies for diversion (sections 36–38).

In both cases, the assessment is holistic and child-centered, aiming to understand the root causes of the behavior and tailor interventions that are rehabilitative, not punitive. These procedures ensure that all decisions respect the child’s dignity, rights, and developmental needs.

7. Legal and Procedural Guarantees

7.1 What are the rights of the child in this procedure?

The child enjoys a full range of procedural and substantive rights during the imposition and implementation of protective or diversionary measures, grounded in international and national law.

These include:

- The right to be heard, in accordance with section 12 of the UN Convention on the Rights of the Child (UNCRC) and section 5(2) of Law 55(I)/2021. This means that the child’s views must be taken into account in all decisions affecting them, in a manner appropriate to their age and maturity.
- The right to legal assistance, whether through private representation or legal aid, especially where decisions may involve placement, intervention, or restriction of movement.
- The right to privacy, particularly during interviews, hearings, and any court proceedings (Article 16 UNCRC, sections 5, 24,25 ,26 27, 28 of Law 55(I)/2021, and national data protection legislation).
- The right to protection of their best interests, which must be a primary consideration in all procedures involving children (Article 3 UNCRC; affirmed in Cypriot administrative and family law jurisprudence).

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- The right to information, meaning that the child (and their guardian) must be informed in an age-appropriate way of the nature, purpose, and consequences of the measures considered or imposed.

These rights are further reinforced by Article 6 of the ECHR (right to a fair hearing) and the Council of Europe Guidelines on Child-Friendly Justice (2010).

7.2 Can the child refuse or challenge these measures?

Yes.

The child, either personally (depending on age and maturity) or through a legal guardian or appointed counsel, may challenge the imposition, content, or continuation of any welfare or protective measure.

Such challenges may be brought:

- Before the Family Court, in cases involving care orders, placement, or supervised measures under the Children Law (Cap. 352).
- Before the Juvenile Court or public prosecutor, where the child is subject to diversionary measures under Law 55(I)/2021.
- In administrative cases, via judicial review under Article 146 of the Constitution, where the child or guardian disputes the legality or proportionality of a decision by a public authority (e.g. Social Welfare Services).

Procedures must ensure access to remedies, legal aid where appropriate, and participation in proceedings in a manner consistent with the child's evolving capacities.

7.3 What happens if the child does not fulfil the obligations inherent to these measures?

If a child fails to comply with the conditions of a protective, supportive, or diversionary measure—such as failing to attend counselling sessions, education programs, or supervised activities—the response by the competent authority remains rehabilitative, not punitive, particularly for children under the age of criminal responsibility.

For children under 14:

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- Social Welfare Services (SWS) may conduct a reassessment of the child’s circumstances, considering whether the original measure remains suitable or whether additional supports are needed.
- The intervention plan may be adjusted in collaboration with the child, their guardians, and professionals involved.
- If non-compliance suggests serious risk or neglect, SWS may refer the matter to the Family Court for further protective orders, in accordance with the Children Law (Cap. 352) and Law 55(I)/2021.
- Detention or criminal sanctions are strictly prohibited; the child remains within the framework of welfare, not criminal law.

For children over 14:

- Non-compliance with diversionary measures (under Articles 39–42 of Law 55(I)/2021), such as failing to participate in a supervision plan or restorative program, may result in the revocation of diversion.
- In such cases, the Attorney General may decide to proceed with formal prosecution, especially if the behaviour is repeated or serious (section 38(2)).
- However, any such escalation must still respect the child’s rights and be proportionate to the circumstances.

This graduated, child-sensitive approach complies with CRC General Comment No. 24 (2019)², emphasizing that diversion and support—not punishment—should guide state responses to child non-compliance, ensuring that the child’s dignity, development, and best interests remain central.

8. The Role of the Justice System

² CRC General Comment No. 24 (2019) is a key interpretive document issued by the UN Committee on the Rights of the Child. It updates and replaces General Comment No. 10 (2007) and provides authoritative guidance on how states should implement Articles 37 and 40 of the UN Convention on the Rights of the Child (CRC), which deal with juvenile justice.

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8.1 Is it possible in your country that the justice system gets involved in these situations?

Yes. In Cyprus, the justice system—particularly the Family Court—has a defined and essential role in overseeing, authorising, and reviewing protective measures involving children, especially those under the minimum age of criminal responsibility.

Under the Children Law (Cap. 352) and Part II of Law 55(I)/2021, the Family Court may:

- Issue care or supervision orders, including the removal of a child from the family home;
- Authorise out-of-home placements, therapeutic interventions, or structured support plans;
- Adjudicate disputes or challenges against decisions made by the Social Welfare Services;
- Intervene in cases of neglect, abuse, or situations where parental responsibility is compromised or contested.

Judicial involvement becomes mandatory when:

- A measure affects the child’s liberty, residence, or contact with family members;
- Parental consent is unavailable or refused;
- Emergency protection orders are required to ensure the child’s immediate safety.

This judicial oversight ensures that all actions affecting the child are subject to legal scrutiny, are based on the principle of the best interests of the child, and comply with national law and international standards, including the UN Convention on the Rights of the Child (UNCRC).

8.2 In case of involvement of the justice system, can you briefly describe the procedure?

The procedure before the Children’s Court in Cyprus is established under Law 55(I)/2021 and is grounded in principles of specialization, child protection, and child-friendly justice.

According to Article 64, the Children’s Court is composed based on the seriousness of the offense: it consists of either one judge or a panel of three judges for cases where the maximum sentence exceeds five years. It has exclusive jurisdiction over all criminal cases involving a child as the

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accused (Article 65), except in specific circumstances where the child is co-accused with adults (Article 66). In such cases, the case may be jointly heard before a District Court or Assize Court, but the provisions of Law 55(I)/2021 must still apply to the child.

The court sessions are held in facilities separate from other courts, and hearings are conducted in a setting suitable and protective for children (Article 67). If a child is mistakenly brought before a regular criminal court, that court must refer the case to the Children's Court (Article 68). Judges sitting on the Children's Court receive specialized training on children's rights and juvenile justice (Article 69), and the court maintains its own probation service (Article 70).

Criminal proceedings against a child are initiated by the Attorney General (Articles 33 and 38(2)), and the procedures generally follow the Criminal Procedure Law, applied *mutatis mutandis* (Article 71). If the court determines that the child's parents are unable to provide adequate care, it may order the child to be placed under the legal care of the Director of Social Welfare Services or convene a Child Council (Article 72(1)). Based on the Council's assessment, the court may be informed of whether guardianship removal is necessary or whether other support measures are appropriate (Article 72(2)–(3)). In some cases, the court may dismiss charges and acquit the child.

Additionally, under Article 73, the Children's Court may at any stage order the convening of a Child Council, particularly if the child admits the offense and it is deemed in their best interests. The Council may explore social, psychological, or family issues and create a personalized action plan to support the child's reintegration.

In summary, the Children's Court in Cyprus functions as a key institution for delivering specialized, fair, and child-sensitive justice. It integrates protection, restorative justice, and rehabilitation in line with national legislation and the UN Convention on the Rights of the Child.

8.3 What are the rights of the child in this procedure?

In the juvenile justice procedures under Cyprus Law 55(I)/2021, children enjoy a comprehensive set of rights designed to ensure protection, participation, and dignity throughout all stages of legal proceedings. Key rights include:

- Right to Legal Representation:

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Children have the right to be represented by a lawyer. Legal aid is available where necessary, and in some cases, a guardian ad litem may be appointed to protect the child's interests (section 27).

- Right to be Heard:

In accordance with Article 12 of the UN Convention on the Rights of the Child and Law 55(I)/2021, children have the right to express their views in all matters affecting them and have those views considered in line with their age and maturity.

- Right to Privacy:

Court hearings involving children are held in camera (closed sessions) to protect the child's identity and private life (section e 67).

- Right to a Child-Sensitive Environment:

The law requires that courtrooms and proceedings be adapted to be non-intimidating and appropriate for children (section 67). Judges receive specialized training on child rights and juvenile justice (section 69).

- Right to Information:

Children must be informed in a language and manner they understand about the nature of the accusations, their rights, and the legal process (section 24 and 71).

- Right to Protection from Harmful Detention Conditions:

Children cannot be detained in the same facilities as adults. Any pre-trial detention must be used only as a last resort and under strictly regulated conditions (section 24(1)).

- Right to Rehabilitation and Reintegration:

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The system prioritizes diversionary and rehabilitative measures over punitive sanctions. This includes referral to a Child Council, restorative justice programs, and supervision instead of imprisonment (sections 35–42, 72–73).

- Right to Challenge Decisions:

Children or their guardians can challenge the imposition or continuation of measures before the Family or Juvenile Court, or through administrative judicial review (Article 146 of the Constitution).

These rights are designed to ensure that any interaction with the justice system is fair, respectful of the child’s dignity, and oriented toward their best interests and future reintegration into society.

9. Assistance or Support

9.1 Are there other kinds of assistance available on a voluntary basis?

Yes, in Cyprus, children can receive various forms of **voluntary assistance and support services** beyond those ordered by the court or legal authorities. These services aim to promote child welfare, prevent delinquency, and support reintegration. Key types of assistance include:

1. **Psychosocial Support:**
Offered through the Social Welfare Services (SWS), including individual counselling, family therapy, and crisis intervention. These services are accessible on a voluntary basis if the child or guardian consents.
2. **Educational and Vocational Programs:**
Non-formal education initiatives, skill-building workshops, and vocational training are available through governmental or NGO programs to support children’s development and prevent reoffending.
3. **Community and NGO Programs:**
Various civil society organizations run mentorship, youth clubs, conflict resolution workshops, and peer-support groups that children can join voluntarily.

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4. **Mediation Services:**

Informal conflict resolution and restorative dialogue (e.g., victim-offender mediation) can be initiated outside formal proceedings, with the informed consent of all parties.

5. **Child Protection Helplines and Counseling:**

Children can access confidential help through helplines, online chat platforms, or drop-in centers provided by organizations like “Hope for Children” CRC Policy Center or the Cyprus Family Planning Association.

These voluntary services are crucial in fostering a supportive environment that prioritizes prevention and positive youth development, and align with the principles of the UN Convention on the Rights of the Child.

10. Child Participation

10.1 Is the child heard in this procedure? By whom? At which stage of the procedure?

Yes.

Children in Cyprus have the right to be heard at all stages of welfare, administrative, and judicial proceedings that affect them. This right is anchored in Article 12 of the UN Convention on the Rights of the Child (UNCRC) and explicitly affirmed in Cypriot legislation, notably section 5 of Law 55(I)/2021 and the Children Law (Cap. 352).

In practice, the child is heard:

- During psychosocial assessments, by social welfare officers, often with input from psychologists, educators, or other professionals;
- Before the Family Court, either directly or through a guardian ad litem, depending on the child’s age, maturity, and capacity to express views;
- In case planning and placement review meetings, coordinated by the Social Welfare Services (SWS);
- In diversionary and juvenile justice procedures, particularly for children aged 14 and over, during interactions with the Child’s Council, court proceedings, or interviews conducted as part of decriminalization evaluations under Law 55(I)/2021.

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The child's views must be given due weight in accordance with their age and maturity. Procedures are designed to be child-sensitive, ensuring meaningful and respectful participation at every stage.

10.2 Is the child heard more than once in this procedure? How many times?

Yes.

The child may be heard multiple times throughout the procedure, depending on the evolving nature of their needs, preferences, or legal situation. This applies in both welfare and judicial contexts.

Instances when repeated hearings may occur include:

- Periodic reviews of care, supervision, or placement orders;
- Changes in the child's personal circumstances, such as shifts in living conditions, educational status, or health;
- At the child's request, if they wish to express new views or revise previous statements;
- If deemed necessary by the Social Welfare Services (SWS), or Child's Council to inform updated assessments or decisions.

There is no legal cap on the number of times a child may be heard. However, to protect their well-being, authorities strive to minimize unnecessary repetition and ensure that the principle of non-revictimisation is upheld—especially in sensitive cases involving abuse, neglect, or trauma.

10.3 Is there a protocol or guideline on how to hear the child in this situation?

Yes, although there is no single binding national protocol in Cyprus, professionals follow well-established international and European guidelines on how to hear and engage with children in legal and welfare proceedings. These include:

- The Council of Europe Guidelines on Child-Friendly Justice (2010);
- The Lanzarote Committee's Interpretative Opinions, particularly for child victims of sexual exploitation;
- The UN Committee on the Rights of the Child's General Comments, especially No. 12 (on the right to be heard) and No. 24 (on child justice);

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- Practical tools and training developed by the European Union Agency for Fundamental Rights (FRA) and EUAA, especially in asylum or cross-border cases.

In practice:

- Judges, police, social workers, and child psychologists are increasingly trained in child-sensitive, trauma-informed communication;
- The Children’s House (Barnahus model), where operational, adheres to recognised international forensic interview protocols for child victims;
- Child interviews and hearings are conducted in age-appropriate language, within supportive environments, often allowing the presence of a trusted adult;
- Children are informed in advance about the purpose of the interview and are reminded of their right to remain silent or express their views freely.

11. Legal Implications

11.1 Is there any record of legal infringement committed by children below the age of criminal responsibility?

No, Cyprus does not maintain criminal records for children below the age of criminal responsibility.

According to section 14 of Law 55(I)/2021, children under the age of 14 are deemed not criminally responsible, and therefore any act committed by them that would otherwise constitute a criminal offence does not result in:

- A criminal record,
- A police charge file, or
- An entry in any judicial registry.

However, the following may still occur:

- Administrative records may be kept by the Cyprus Police or the Social Welfare Services, particularly for incident reporting, statistical tracking, or child protection purposes.

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- These records are strictly confidential, internal, and do not have any legal or punitive implications. They are not disclosed to third parties (such as employers, courts, or schools), nor are they used in future legal proceedings.
- Their use is strictly regulated under data protection laws, including the General Data Protection Regulation (GDPR) and Cyprus's Law 125(I)/2018, which ensure the child's privacy and right to be forgotten.

Such records may, however, inform future welfare assessments, especially if recurring patterns of behaviour or risk are identified, but always within a supportive, non-punitive framework.

11.2 In case of damages, what kind of rights and remedies does the victim have?

Although a child under the age of 14 in Cyprus cannot be held criminally responsible, civil liability may still arise under national law, particularly under the *Civil Wrongs Law (Cap. 148)*.

Key principles:

- Victims may seek compensation for harm (e.g. personal injury, property damage) through civil proceedings against the child's legal guardians, who may be held vicariously liable under sections 51 and 52 of Cap. 148.
- The court considers whether the guardians failed to exercise appropriate supervision, and may also weigh the child's age and level of understanding when assessing foreseeability and contributory negligence.

Limitations and procedural safeguards:

- The child cannot be sued directly, and no penal or administrative sanctions can be imposed on them.
- Victims do not participate in the design or enforcement of child protection or diversionary measures.
- Victims may, in some instances, submit a victim impact statement or report concerns to the Social Welfare Services, particularly if the incident involves serious harm or raises

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concerns for public safety. This input can be used in risk assessments and planning further interventions for the child.

These provisions reflect a balance between the victim’s right to civil redress and the child’s right to protection and rehabilitation, fully aligned with Article 3 of the UN Convention on the Rights of the Child (UNCRC), which prioritizes the best interests of the child.

12. Reforms in Progress

12.1 Are there ongoing reforms on this subject?

Yes.

Cyprus is actively pursuing reforms aimed at strengthening the rights and procedural protections of children both below and above the age of criminal responsibility. These reforms are intended to enhance alignment with international standards, particularly the UN Convention on the Rights of the Child (CRC), the European Convention on Human Rights (ECHR), and the Council of Europe Guidelines on Child-Friendly Justice.

Key Developments:

- **Establishment of Specialised Juvenile Courts:**
While Law 55(I)/2021 establishes a dedicated juvenile justice framework, cases involving children are still often heard in regular criminal courts. Legislative proposals are under consideration to create specialised juvenile court divisions, staffed by judges and prosecutors trained in child psychology and restorative justice principles.
- **Institutionalisation of Restorative Justice Mechanisms:**
The Ministry of Justice, in collaboration with the Deputy Ministry of Social Welfare, is drafting legislation to formally embed mediation and victim-offender dialogue within the juvenile justice system. These reforms aim to support voluntary, non-punitive resolutions for minor or inter-child offences.³

³ Despo Michaelidou, a former Supreme Court judge now serving as Commissioner for Children’s Rights, acts as an independent, presidentially appointed watchdog; her 2025 report highlights continued problems in schools (expulsions, disciplinary measures, inadequate facilities, limited disability support), underscoring the need for robust external oversight.

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- **Expansion of the Barnahus / Children’s House Model:**
As part of Cyprus’s Recovery and Resilience Plan, the government has pledged to expand the Barnahus model beyond Nicosia to other districts, ensuring equitable access to multidisciplinary support and forensic interviews for child victims of abuse.
- **Judicial Training and Capacity Building:**
Supported by the European Judicial Training Network (EJTN) and EU programs, ongoing training is being provided to judges, prosecutors, and welfare professionals in areas such as trauma-informed care, child-sensitive interviewing, and international legal standards.

It should be mentioned that the Supreme Court ⁴ holds ultimate administrative supervisory authority over the Family and Juvenile Courts—ensuring procedural efficiency and child-centred decision-making—while preserving judicial independence and refraining from interference in individual rulings. One of its justices is formally designated to track and resolve systemic issues within those tribunals through internal administrative channels.

In parallel, the Supreme Council of Judicature—composed of all Supreme Court judges—appoints, promotes and disciplines every lower-court judge, thereby reinforcing independence and professional standards.

The 2023 judicial reform—establishing a fully-fledged Court of Appeal and a separate Supreme Constitutional Court—streamlined these supervisory mechanisms and strengthened the Supreme Court’s administrative oversight role without altering its core protective functions.

SUPREME COURT, 30 June 2025

File: mKyriacou/Research on Children under the age of criminal responsibility/June 2025

⁴ Cyprus restructured its judiciary effective 1 July 2023, with the establishment of a three-tier system: first-instance courts, the new Court of Appeal, and the Supreme Court as the final appellate tier. A distinct Supreme Constitutional Court now handles constitutional and administrative appeal

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