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THE PROTECTION FROM HARASSMENT AND STALKING LAW, 2021
(English translation)

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NOTE FOR THE READER

The publication of the Office of the Law Commissioner is an English translation of Law No.114(I) of 2021 enacted in Greek.

However useful the English translation of the Law is in practice, it does not replace the original text of the Law since only the Greek text of the Law published in the Official Gazette of the Republic of Cyprus is authentic.

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A LAW TO PROVIDE FOR THE PROTECTION FROM HARASSMENT AND STALKING AND OTHER RELATED MATTERS

The House of Representatives enacts as follows:

Short title. 1. This Law may be cited as the Protection from Harassment and Stalking Law, 2021.

**PART I
INTRODUCTORY PROVISIONS**

Interpretation. 2. In this Law, unless the context otherwise requires-

‘course of conduct’ in relation to the harassment of a person, means displaying conduct which constitutes harassment, on at least two (2) occasions, and in case where such conduct concerns the harassment of two (2) or more persons, displaying such conduct on at least one (1) occasion for each of those persons.

‘family member’ means-

119(I) of 2000
212(I) of 2004
172(I) of 2015
78(I) of 2017
95(I) of 2019.

(a) a family member, within the meaning assigned thereto by the provisions of the Violence in the Family (Prevention and Protection of Victims) Law,

51(I) of 2016.

(b) a family member, within the meaning assigned thereto by the provisions of the Establishment of Minimum Standards concerning the Rights, Support and Protection of Crime Victims Law,

184(I) of 2015
115(I) of 2020.

(c) civil partner, within the meaning assigned thereto by the provisions of the Civil Union Law;

'harassment' means the cause of anxiety or distress to another person;

'victim' means a person against whom-

(a) an offence set out in this Law has been committed and for which a conviction has been issued, and/or

(b) an offence set out in this Law has been allegedly committed, whether it is being investigated by the Police and/or by a criminal investigator, or is pending before a court;

PART II CRIMINAL OFFENCES

Harassment.

3.- (1) Any person whose course of conduct amounts to harassment, which he knows or ought to have known that the said conduct amounts to harassment of the other, is guilty of an offence and is liable, on conviction, to imprisonment for a term not exceeding two (2) years, or to a fine not exceeding five thousand euro (€5,000) or both, provided that the act does not impose a stricter punishment under the provisions of any other law in force.

(2) In case the described in subsection (1) harassment, causes the victim to fear that violence will be used against him and/or against his family member and/or against his property, the person that pursues such course of conduct is liable, on conviction, to imprisonment for a term not exceeding five (5) years, or to a fine not exceeding ten thousand euro (€10,000), or both, provided that the act

does not impose a stricter punishment under the provisions of any other law in force.

(3) For the purposes of subsection (1), a person shall be deemed that he ought to know that his course of conduct amounts to harassment, if a reasonable person under the same circumstances would consider that this course of conduct amounts to harassment.

(4) It shall be a defence for the accused that-

(a) his course of conduct was pursued for the purpose of preventing or assisting the investigation of an offence, and/or

(b) his course of conduct was pursued under the provisions of any law in force or a court order or to comply with a condition or requirement imposed to any person under the law or a court order, and/or

(c) his course of conduct was reasonable under the circumstances.

Stalking.

4.- (1) Any person whose course of conduct amounts to stalking, which he knows or ought to have known that the said conduct amounts to stalking, is guilty of an offence and is liable, on conviction, to imprisonment for a term not exceeding two (2) years, or to a fine not exceeding five thousand euros (€5,000), or both, provided that the act does not impose a stricter punishment under the provisions of any other law in force.

(2) In case the described in subsection (1) stalking causes the victim to fear that violence will be used against him

and/or against his family member and/or against his property, or causes him serious concern or distress which has a substantial adverse effect on his day-to-day activities, the person that pursues such course of conduct is liable, on conviction, to imprisonment for a term not exceeding five (5) years, or to a fine not exceeding ten thousand euros (€10,000), or both, provided that the act does not impose a stricter punishment under the provisions of any other law in force.

(3) For the purposes of subsection (1), a person shall be deemed that he ought to know that his course of conduct amounts to stalking, if a reasonable person under the same circumstances would consider that this course of conduct amounts to stalking.

(4) For the purposes of this section, the following examples of a person's course of conduct amount to stalking:

(a) following another person;

(b) contacting, or attempting to contact, a person by any means;

(c) monitoring the use of a person's email and/or any other form of electronic communication, or sending posts on social media relating to the victim's personal life, or interfering with a person's posts on the internet;

(d) obstructing the movement of a person from or to his home and/or workplace and/or a public or private place to which that person frequents, through wandering or loitering in such places;

(e) interfering or threatening to interfere with any property owned or possessed by that person;

(f) watching or spying on a person.

(5) It shall be a defence for the accused that-

(a) his course of conduct was pursued for the purpose of preventing or assisting the investigation of an offence, and/or

(b) his course of conduct was pursued under the provisions of any law in force or a court order or to comply with a condition or requirement imposed to any person under the law or a court order, and/or

(c) his course of conduct was reasonable under the circumstances.

Aggravating
circumstances.

5. In case of conviction for an offence provided for in this Law, any of the following circumstances may be considered as an aggravating factor, for the purpose of passing sentence:

(a) The offence was committed against a person who was a member of the convicted person's family at the time the offence was committed, and/or against a person who is related to the convicted person by blood or marriage up to the third degree and/or against a person with whom the convicted person has and/or had a child;

(b) the offence was committed against a witness who has testified during the investigation of a case for which an

indictment has been filed in connection with the commission of an offence provided for in this Law;

(c) the offence was committed against a minor;

(d) the offence was committed against a member and/or former member of the victim's family and/or against a person who lives and/or lived together with the victim;

(e) the offence was committed against a person performing a public duty and because of the performance of the public duty;

(f) the offence was committed against a person with whom the convicted person has or had a romantic relationship;

(g) the commission of the offence has endangered a person's life;

(h) the offence was committed against a person in a vulnerable position, such as a person with a disability;

(i) during or immediately before the commission of the offence, the convicted person had shown hostility, aversion and/or contempt related to the sexual orientation, sex, gender identity, origin, nationality, religion or political belief of the victim and/or other person or persons;

(j) the offence was committed due, in whole or in part, to hostility, aversion and/or contempt for the victim because of his relationship with and/or support to any person on the grounds of sexual orientation, sex, gender identity, origin, nationality, religion and/or political belief;

(k) the convicted person has previously been convicted of an offence of the same nature;

(l) the offence was committed by the convicted person during the exercise of a public function or duty or power.

Court orders.

6.- (1) Any court exercising criminal jurisdiction may, upon application by the Police, the Attorney General of the Republic, the victim, a family member of the victim and/or another person acting on behalf of any of them, issue an order imposing on a suspect any prohibition and/or any restriction it deems necessary and/or desirable under the circumstances, until a criminal case is filed against him for an offence provided for in this Law:

Provided that the above application shall be supported by an affidavit sworn by the victim and/or a representative of the victim and/or a family member of the victim, who has direct knowledge of the facts and/or evidence.

(2) The order referred to in subsection (1) shall be issued upon proof of facts and/or evidence, which prima facie indicate a risk of recurrence and/or continuation of a conduct that constitutes an offence under the provisions of this Law and endangers the safety and/or physical and/or mental health of the victim and/or his family member.

(3) The power of the Court to issue an order under the provisions of subsection (1) includes issuing orders which may-

(a) prohibit and/or restrict the suspect and/or any other person specified in the order from approaching or following the victim; and/or

(b) prohibit and/or restrict, for a specific period of time or until a final judgment is delivered on the indictment, the suspect's access to the place of residence and/or work and/or the premises of the victim and/or of any other person specified in the order, and/or to places where they frequent; and/or

(c) prohibit the suspect from contacting and/or harassing the victim and/or any other person specified in the order.

(4) (a) An order issued pursuant to the provisions of subsection (1) shall remain in force for a period not exceeding eight (8) days from the date of service to the suspect and shall be returnable to the court within that period, on the day and time specified by the court.

(b) On the day and time specified, the court shall hear the suspect and/or any affected or interested person who shall appear, and determine whether to discharge the order or extend it for up to eight (8) days, provided that the total period that the order remains in force shall not exceed twenty-four (24) days before the filing of a criminal charge against the suspect.

(c) The suspect may request the annulment or amendment of the order before the expiration of the period specified therein.

(5) The court may, after a criminal charge has been filed against the suspect, issue a new order or extend the order

issued pursuant to the provisions of subsection (1), with effect until the trial of the case:

Provided that the provisions of subsections (1), (2) and (3) shall apply mutatis mutandis.

(6) The order provided for in subsection (1) may be imposed in lieu of any other penalty and/or together with other penalties that the court has the power to impose under the provisions of this Law or any other Law.

(7) Any person against whom an order has been issued under the provisions of this section and who violates any of its terms, is guilty of an offence and is liable, on conviction, to imprisonment for a term not exceeding two (2) years, or to a fine not exceeding four thousand euros (€4,000) or both.

PART III CIVIL WRONGS

Harassment and
stalking.

7.- (1) Any person whose course of conduct, which he knows or ought to have known, amounts to harassment commits the offence of harassment.

(2) Any person whose course of conduct, which he knows or ought to have known, amounts to stalking, commits the offence of stalking.

Provided that, for the purposes of this subsection, stalking involves any course of conduct described for in subsection (4) of section 4.

(3) For the purposes of subsections (1) and (2), a person shall be deemed that he ought to know that his course of conduct amounts to harassment or stalking, if a reasonable person under the same circumstances would consider that this course of conduct amounts to harassment or stalking.

Filing an action.

8. A person against whom any of the civil wrongs provided for in section 7 has been committed may file an action against the person who committed the offence in question.

Special defences.

9. In an action for harassment and/or stalking under the provisions of section 8, it is a defence that-

(a) the defendant's course of conduct was pursued as part of his professional capacity for the purpose of preventing or assisting the investigation of an offence; and/or

(b) the defendant's course of conduct was pursued under the provisions of any law and/or court order and/or for the purpose of complying with a condition and/or requirement imposed on any person by law and/or court order; and/or

(c) the pursuit of his course of conduct was reasonable under the circumstances.

Power of the Court to issue an interim order.

10.- (1) Notwithstanding the provisions of section 32 of the Courts of Justice Law and the provisions of any civil procedure rule, a court, hearing an action filed under the provisions of this section, whether exercising primary or secondary jurisdiction, may issue an interim order

imposing on the defendant any prohibition and/or restriction deemed necessary and/or desirable under the circumstances, for the purpose of the safety and/or protection of the applicant.

(2) A court exercising its jurisdiction under the provisions of subsection (1) may issue an interim order which, *inter alia*:

(a) restricts and/or prohibits the defendant from approaching and/or following the applicant;

(b) restricts and/or prohibits the defendant's access to the applicant's place of residence and/or work and/or to the movable or immovable property owned or possessed in whole or in part by the applicant;

(c) prohibits the defendant from contacting the applicant.

(3) The order provided for in subsection (1) shall be issued upon application supported by an affidavit stating facts and/or evidence which constitute *prima facie* evidence of harassment or stalking or that there would be recurrence or continuation of a conduct that constitutes harassment or stalking of the plaintiff and/or a member of his family.

(4) An order issued pursuant to the provisions of subsection (1) shall remain in force for a period not exceeding eight (8) days from the date of service to the defendant and shall be returnable to the court within that period, on a day and time specified by the court.

(5) The party against whom an order has been issued under the provisions of subsection (1) may request the

annulment or amendment of the order before the expiration of the period specified therein.

(6) Any person against whom an order has been issued under the provisions of this section and who violates any of its terms, is guilty of an offence and is liable, on conviction, to imprisonment for a term not exceeding two (2) years, or to a fine not exceeding four thousand euros (€4,000) or both.

Award of compensation.

11. A court hearing an action brought under the provisions of this section may award compensation specifically for psychological injury and/or suffering and/or anxiety and/or distress and/or for the damage and/or injury caused as a result of the civil wrong committed.

Restrictive measures when delivering a judgment in an action.

12. A court hearing an action filed under the provisions of this section may, when delivering a final judgment, impose restrictive measures, provided that a claim for restrictive measures has been made.

PART IV FINAL PROVISIONS

Power to make Regulations.

13. For the better carrying out of the provisions of this Law, the Council of Ministers may make Regulations to be published in the Official Gazette of the Republic.