

National Report on Hate Crime Monitoring

Cyprus



With financial support from the Fundamental Rights and Citizenship Programme of the European Union



Introduction

This report is prepared and submitted in the context of TOGETHER! Empowering civil society and law enforcement agencies to make hate crime visible, which is a transnational programme co-funded by the Justice Department of the European Commission. The project is of two years duration, from the 1st of December 2014 until the 31st of November 2016, and is implemented by NGOs from the Republic of Cyprus (RoC), Italy, the Czech Republic and Spain. KISA – Action for Equality, Support, Antiracism, in cooperation with the Office of the Cypriot Ombudsperson as an affiliated partner, implements the project in the RoC. The project is coordinated by SOS Racism Gipuzkoa, while other partners are: SOS Racisme Catalunya (Spain), Organization for Aid to Refugees - OPU (Czech Republic), and Lunaria, CGIL - Department of Immigration and Social Policy, University of Roma Tre (Italy).

The project aims to improve the capacities of Law Enforcement Agencies -LEAs and Civil Society Organisations – CSOs (NGOs as well as community-based organisations) in making hate crime visible among European society, which is a vital step to tackle hate crime and address related fundamental rights violations.

The specific objectives of the project are:

- To strengthen the capacity of LEAs and CSOs to identify and report hate crime and to interact with victims;
- To improve data collection on hate crime by creating and implementing standard methodologies and tools for data collection aimed at LEAs and CSOs;
- To strengthen networking and collaboration between LEAs and CSOs –on a national and international level, in information exchange and follow up on hate crime.

These goals have been designed to be met through the following:

- Elaborating a comprehensive training programme on hate crime (based on European best practices), aimed at LEAs

and CSOs.

- Implement
 - a) training sessions and
 - b) follow-up sessions with members of LEAs and CSOs in the partner countries.
- Develop
 - a) a protocol aimed at LEAs, and
 - b) a data-collection tool aimed at NGOs on hate crime reporting, based on European best practices.
- Promote the setting up of mechanisms of information-exchange between CSOs and LEAs in the partner countries.
- Elaborate four national reports and a comparative report on hate crime, based on data collected by CSOs using the data-collection tool.
- Organise an international conference on the under reporting of hate crime.

The context in which the programme was created is the persistent presence of indications that the situation of hate crime in Europe is not improving, despite the efforts of EU Member States to combat the phenomenon, which is based on racism and xenophobia. Under-reporting of hate crime based on racism and xenophobia continues to be a significant problem throughout the EU.

A clear added value of the project at EU level is the standardisation of knowledge on hate crime for officers and agents of LEAs as well as for CSOs in different countries through training courses, as well as the standardization of methodologies for reporting cases of hate crime among Member States.

Indeed, the availability of comparable information and data on hate crime will help the institutions of the Member States to take decisions and implement the most appropriate measures in the fight against hate crime. Likewise, it will facilitate comparison of the results of these decisions and actions at European level, as well as analysis and exchange of good practices between actors from different European countries.

Moreover, the project deliverables (handbook, videos, data collection tools, reports, etc.) are available on the project website, making possible for concerned people, organizations, institutions and other agencies in Member Countries to utilise them to raise awareness on hate crime among the European society.

More information about the project and its deliverables are available on the project website at www.togetherproject.eu.

1) Making hate crime visible in the Republic of Cyprus - the state of the art

What is hate crime?

This project adopts the definition of hate crime provided by the Organisation for Security and Cooperation in Europe (OSCE), according to which, a hate crime is any crime (criminal offence) with a bias motivation, which means that the perpetrator(s) intentionally chose the target(s) of the crime because of a (real or alleged) protected characteristic of the victim(s). Such protected characteristics are: ethnic origin, migratory background, colour, religion, language, gender identity, sexual orientation, age, disability, health status (including mental health).

Legislation on hate crime

The RoC has no legislation on hate crime as such. Neither the penal code nor any other law specifically addresses or defines hate crime as a crime per se. The Combating of Certain Forms and Expressions of Racism and Xenophobia by means of Criminal Law, Law of 2011 (Law 134(I)/2011) is the only major legislation relevant to hate crime and it was introduced for reasons of transposing Council Framework Decision 2008/913/JHA of 28 November 2008, on combating certain forms and expressions of racism and xenophobia by means of criminal law, which only criminalises the specific conduct provided in the Council Framework Decision. In addition, Law 134(I)/2011 establishes that racist and/ or xenophobic motive must be taken into account as an aggravating factor on the imposition of the penalty, but it does not cover any other protected characteristics (such as homophobia, misogyny, transphobia, ableism, ageism) as an aggravating factor. A 2015 amendment of the Penal Code (Law 87(I)/2015) criminalises the intentional

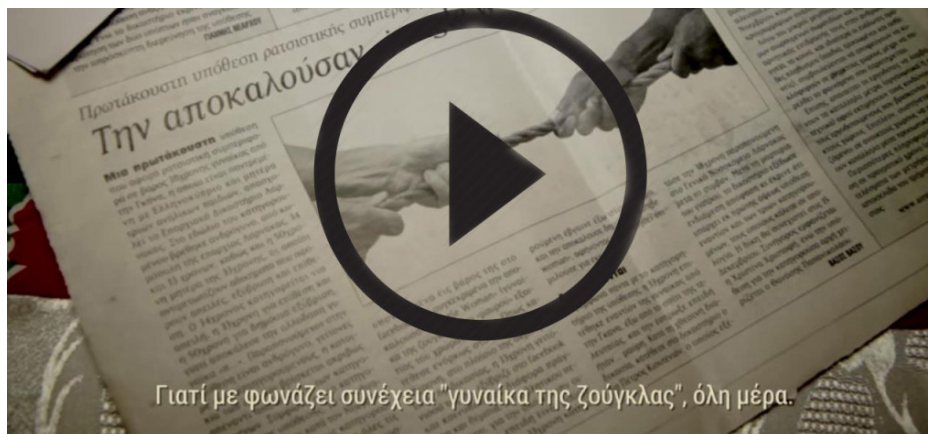
publicly inciting to violence or hatred directed against a group of persons or a member of such a group defined by sexual orientation or gender identity.¹ The commission of such act referred to above is criminalised if done by public dissemination or distribution of tracts, pictures or other material or in any other manner. Before this amendment, hate speech was only criminalised in regards to racism and xenophobia. Currently, hate speech is prohibited when it targets a person or a group of persons on the basis (or the assumption) of their ethnic origin, race, colour, religion, gender identity and sexual orientation.

Data collection

The police

The institution officially tasked with collecting data on hate crime in Cyprus is the Office for Combating Discrimination (OCD), which is under the Criminal Investigation Office (CIO) of the Cyprus Police. The OCD has been operating since 2005 and has the responsibility of monitoring the investigation of complaints and reports submitted to the police on incidents of discrimination. The OCD keeps a registry of incidents of hate crime and it collaborates with police investigators for handling of incidents of discrimination with the purpose of ensuring the effective implementation of the relevant legislation. It also cooperates with other stakeholders (both governmental institutions and NGOs).

¹ TOGETHER! Empowering civil society and Law Enforcement Agencies to make hate crimes visible. Let's End Hate Crime – Country Report: Cyprus. http://kisa.org.cy/wp-content/uploads/2016/01/Hate_Crime_Together_report_Cy.pdf



Victims of hate crime can report a complaint of what they experienced at the local police station in the area the incident(s) happened. When such a complaint is submitted, the police are required to investigate it and prepare a report, which they submit to the District Police Director and then to the OCD and also, in case they think there is enough evidence to prosecute the case, to the Attorney General. The Attorney General decides and instructs whether to prosecute it or not. The evidence provided as well as matters of public interest must be taken into consideration when making such a decision. NGOs and/or other representatives of the victim(s), as well as witnesses, can also report hate crimes. Yet, at least in practice, the victim(s) will eventually have to give a statement to the police station, in order for the complaint to be investigated.

Upon receipt of a complaint, the competent police station must fill out a standardised form, which includes potential bias indicators used for recording purposes. Police officers have, according to police orders as well as their training, to make all efforts to reveal any bias motivation of a crime. Yet, it evidently depends very much on individual police officers how much effort they will put on this. As a matter of fact, in many cases, hate crime incidents remain unresolved and/or not registered as hate crime due to the inefficiency and/or reluctance

of police officers to recognise, register and investigate them as such. Police officers' lack of awareness and allowing personal prejudices to interfere with their professional conduct can and do hinder reporting and investigation of hate crime incidents.

The police Order 3/38 issued by the Chief of Police states that an incident must be identified and recorded as a racially motivated offence in case it is reported or perceived as such by the victim, or a person/ an NGO acting on behalf of the victim, or a witness, or a member of the police, or the Ombudsperson.

The registry the OCD keeps on hate crime incidents records incidents the police have identified as "cases of racial nature and/ or with racial motive" since 2005 and it gives information, both on an annual basis and total numbers, on the following data:

- Numbers of: incidents recorded; cases that have been criminally investigated; cases filed as "undetected, non-existent, otherwise disposed, non-police nature"; cases reviewed; cases filed as "in abeyance"; and cases filed in Court, including information on the number of cases pending before the Court and the outcome of those not anymore pending.
- Type of crime, based on the following categories: against a person; against

property; verbal assaults, hate speech/acts/threats.

- Number of complainants and accused persons.
- Nationality/ ethnic origin of complainants and accused persons.
- Motive under the following categories: language, disability, nationality/ethnic origin, age, religion, community, political views, sexual orientation, “race,” gender, colour, and unspecified.

As it is mentioned in the fifth report on Cyprus (2014)² of the European Commission against Racism and Intolerance from the Council of Europe (ECRI), in its fourth report on Cyprus (2011)³, ECRI urged the authorities of the RoC to improve their Crime Report System so as to guarantee the collection and publication of accurate data and statistics regarding: the number of racist and/ or xenophobic incidents and offences reported to the police; the number of prosecuted cases; the reasons for not prosecuting the cases that are not prosecuted; and the results of prosecuted cases. It also urged the authorities of the RoC to develop their court archiving system in order for cases to be classified by subject matter as well and to clearly point to any racist elements.⁴ Moreover, in its report for 2014, the OSCE Office for Democratic Institutions and Human Rights (ODIHR) observed that “Cyprus has not reported reliable statistics on hate crimes to ODIHR.”⁵

Since then, the police registry has been updated and improved,⁶ making data available for

the period 2005 to 2015 and providing details on data such as those ECRI had suggested. Such statistics and data are available on the police website in English and Greek.⁷ ECRI was informed by the RoC that attempts are being made for the improvement of the court archiving system too. Therefore, in its fifth report, ECRI concluded that Cyprus has only partially implemented its recommendations.⁸

There is currently not and there has never been so far any regular, comprehensive training of the police on hate crime. There have been seminars / parts of seminars on hate crime as part of the in-service training. Workshops, speeches, lectures and seminars on hate crime have been carried out by NGOs (i.e. ACCEPT LGBTI Cyprus and KISA). However, such training is not carried out on a regular basis and it is not obligatory for all police officers, although it addresses police officers of all positions. New police recruits as well as cadets and members of the CIO have to attend a mandatory special training on xenophobia and racism organised by the Cyprus police Academy.

Independent authorities

The following institutions may facilitate and cooperate with the police for the recording of hate crime incidents, although they do not have a specific recording mechanism of their own:

The Anti-Discrimination Body is an independent authority that functions within the framework of the Office of the Commissioner for Administration and Human Rights (Ombudsperson). As stated in its webpage, “[i]ts main objective is the combating of racism and discriminations and the promotion of equal

found in section 3 of this Report (Monitoring Hate Crimes in the Republic of Cyprus).

⁷ Cyprus police. Incidents and/or Cases of Racial Nature and/or with Racial Motive 2005-2015. Last update, March 2016. [http://www.police.gov.cy/police/police.nsf/All/C28D21002D58DE09C2257F930017C3AA/\\$file/Ratsismos%20Agglikas%202005-2015.pdf](http://www.police.gov.cy/police/police.nsf/All/C28D21002D58DE09C2257F930017C3AA/$file/Ratsismos%20Agglikas%202005-2015.pdf)

⁸ ECRI. ECRI Conclusions on the Implementation of the Recommendations in Respect of Cyprus Subject To Interim Follow-Up. March 31, 2014. <http://www.coe.int/t/dghl/monitoring/ecri/country-by-country/cyprus/CYP-IFU-IV-2014-021-ENG.pdf>

² ECRI. ECRI Conclusions on the Implementation of the Recommendations in Respect of Cyprus Subject To Interim Follow-Up. March 19, 2014. <http://www.coe.int/t/dghl/monitoring/ecri/country-by-country/cyprus/CYP-IFU-IV-2014-021-ENG.pdf>

³ ECRI. ECRI Report on Cyprus (Fourth Monitoring Cycle). March 23, 2011. <http://www.coe.int/t/dghl/monitoring/ecri/country-by-country/cyprus/CYP-CbC-IV-2011-020-ENG.pdf>

⁴ ECRI. ECRI Conclusions on the Implementation of the Recommendations in Respect of Cyprus Subject To Interim Follow-Up. March 31, 2014. <http://www.coe.int/t/dghl/monitoring/ecri/country-by-country/cyprus/CYP-IFU-IV-2014-021-ENG.pdf>

⁵ OSCE ODIHR. Hate Crime Reporting. <http://hatecrime.osce.org/cyprus>

⁶ More information on the police registry can be

treatment with respect to human dignity.”⁹ It was established in 2004 in accordance with the Combating of Racial and Other Forms of Discrimination Law. The Anti-Discrimination Body examines complaints submitted by anybody regarding discrimination and it can also make interventions relating to discrimination cases ex-officio. If a discriminative treatment or practice is affirmed, the Anti-Discrimination Body has the authority to apply sanctions. Its competencies cover both the public and the private sectors. Reports on cases are issued and often published online. Its annual report publishes data on complaints submitted to it.

The Commissioner for Children’s Rights receives and examines complaints regarding violations of children’s rights. Such complaints may include hate crimes against children, but there are no recorded data available.

The Independent Authority for the Investigation of Allegations and Complaints Against the Police (IAIACAP) investigates complaints against members of the police. Any person or their representative can submit a complaint to IAIACAP against a member/s of the police. In this context, complaints that relate to hate crimes committed by members of the police can also be examined and recorded by the IAIACAP. Yet, the complaint form of the IAIACAP, which is available online,¹⁰ does not contain any reference to hate crime, or even discrimination. There is no available information regarding the number or any other data of complaints involving possible hate crimes or discrimination by members of the police. The only available relevant data in IAIACAP’s annual report¹¹ concern complaints for violations of human rights by police officers. Moreover, in its annual report IAIACAP gives data about the nationality of complainants.

Civil society organisations

Apart from independent authorities, NGOs may also facilitate and cooperate with the police for the recording of hate crime incidents. Unfortunately, NGOs have no capacity to systematically record such data and provide relevant statistics.

In November 2014, KISA set up an online mechanism for reporting and recording racist, discriminatory and hate speech incidents – Racism and Discrimination Alert (RADIALert).¹² RADIALert was initially developed by KISA to address the urgent need for supporting and empowering people experiencing racist violence and hate crime in general and also to record and report such incidents in the RoC. At the same time, it aimed to address and challenge the rising levels of institutional racism and discrimination, racist attacks and crime against migrants and refugees, particularly in the context of the economic crisis and the ever-rising nationalist, islamophobic and racist public discourse.

On the basis of the evaluation of RADIALert, it was established that this online mechanism was instrumental in recording and reporting incidents of racist violence and hate crime. It was very important that, for the first time ever in Cyprus, people experiencing racist violence and hate crime in general, as well as others (friends or family members or other witnesses, NGOs, migrant and refugee associations and other groups) were able to actually report incidents of racist violence and hate crime. However, it was also very clear that there were difficulties and problems in relation to the extent of the use of the RADIALert reporting mechanism by those concerned. The low rate of reporting such incidents online is also due to the fact that migrants and refugees, who are among the most vulnerable to hate crime, are still more familiar with reporting these in a more direct way, i.e. in person or through the phone, to KISA or other organisations, rather than through the indirect and impersonal way of an online reporting mechanism. Through this Project, KISA has effected some changes in order to improve RADIALert and develop it

9 http://www.ombudsman.gov.cy/ombudsman/ombudsman.nsf/page61_en/page61_en?OpenDocument

10 IAIACAP. Έντυπο Υποβολής Παραπόνου [Complaint Form].

http://www.iaiacap.gov.cy/iaiacap/iaiacap.nsf/DMLcomplainform_en?OpenForm

11 IAIACAP. Annual Report 2014. October 2014.

12 <http://radialert.org/en/home/>

to a more user-friendly tool to be used both in the RoC and in partner countries to record hate crime in general.

Aequitas, also an NGO, developed in 2016 the online platform Say No to Hate Speech, in the framework of the project 'Say No to Hate Speech – Young People Empowered,' a project funded by the European Youth Foundation of the Council of Europe. The platform contains

general information on hate speech and from the 12th of September 2016, it will include online chat services "offering support and information for victims of hate speech through psychoeducation as well as support and information for others such as parents, guardians and friends of victims."¹³

13 <http://www.notohatespeech.com/online-platform/>

2) Improving networking for the monitoring of hate crimes: strengths, weaknesses, opportunities and threats.

The Project provided among others training on hate crime for CSOs and LEAs with the aim to improve participants' understanding of hate crime, educate participants on the national and EU legal context regarding hate crimes, discuss ways of making hate crime visible, promote a victim-centred approach in dealing with hate crime cases, discuss community - police relations, and educate on methods of recognising, monitoring and reporting hate crime.

After a training of trainers,¹ the training programme was implemented in the four partner countries. More specifically, KISA carried out the following training sessions in Cyprus:

For LEAs:

Training sessions provided in the project:

(8.5 hours each, split in 2 days – 4.5 hours the first day and 4 hours the second day)

- 1) April 5-6, 2016, in Larnaca – 8 participants
- 2) April 7-8, 2016, in Nicosia – 14 participants
- 3) April 11-12, 2016, in Nicosia – 13 participants
- 4) April 14-15, 2016, in Limassol – 11 participants

Both our experience and the feedback we have had from the members of the police that par-

ticipated in the training sessions (from the evaluation questionnaires completed at the end of each session as well as the comments made during the sessions) demonstrate that the training was particularly successful. At the same time, the urgent need for further training of LEAs on hate crime has been confirmed.

It is important to note here that KISA's co-operation with the Department for Combating Crime of the Police and particularly the OCD has been very good and important in the context of the implementation of the project. As a matter of fact, the most successful training session was the one held on 11-12 April 2016 in Nicosia, in which a Sergeant of the OCD participated, the interventions of whom throughout the course of this session were particularly supportive to and reinforcing the training's goals. For this reason, and knowing that the particular Sergeant has experience as a police trainer too, KISA suggested her active involvement as a co-trainer in future trainings.

Overall, the training had very positive feedback on the content, subject matter, methods, material distributed and its results. The majority of participants in the sessions said they either did not know anything or knew very little about hate crimes before the training and expressed the desire and need of their colleagues to participate in future training sessions. It appeared that the participants acquired or developed their knowledge on hate crime,

¹ A two-day long session held in Prague, in September 2015, in which 12 trainers from the four countries of the partners participated.

especially in relation to the identification, the legal framework, and the importance of recording and investigating hate crimes.

Additional training session:

November 22, 2016, in Nicosia – 9 participants

The four training sessions above received very positive feedback and confirmed the need for further training of LEAs. While members of the police from various departments, offices and cities of the RoC participated in the training, there were no participants from the Immigration Office of the Police. Furthermore, despite the successful implementation of the training, participants did not reach the number targeted by the Project (60 members of LEAs). KISA, taking these facts into account

and acknowledging the importance for the Immigration Police to be trained in relation to hate crimes, organised an additional training session for the LEAs, targeting especially police officers of the Immigration Office. This additional training session was carried out on 22/11/2016, in the Cyprus Police Academy, in Nicosia, with 9 participants, mainly from the Immigration Office and the detention centre for undocumented migrants in Mennoyia. As this training session has been additional to the 4 sessions provided in the project, it is not included in the analysis of the statistical data below, regarding the evaluation of the training.



Evaluation			
LEAs			
Questions 1 to 5			
Question	Yes	No	Comments
1. Has your understanding of prejudice/bias/stereotyping changed as a result of the training?	24	##	<ul style="list-style-type: none"> • It has become clearer. (5) • I gained understanding regarding the impact of stereotypes. (2) • It has improved. (4) • It has changed positively. • I can now identify the offences committed. (2) • It is important for racism to be identified. • Better recognition and approach.
2. Has your understanding of hate crimes changed?	34	6	<ul style="list-style-type: none"> • I can now understand how serious hate crimes are. (4) • It has become clear. (4) • I got information regarding the investigation. • I got a more detailed knowledge of the subject. (3) • It is important to understand how to prevent crimes. • I gained understanding of the law and legal evidence. • I will now pay attention to the motives of a crime. • I understood that it is important to pay attention to details so as to prevent the worst. • I now think that the way to approach hate crimes should be different [from what I thought before]. • I realised we always overlook hate crimes over other crimes and that we should not do that.
3. Has your assessment of the Law Enforcement's role in preventing and responding to hate crimes changed?	25	##	<ul style="list-style-type: none"> • It has changed because now I know what I can do. (2) • It has changed in terms of awareness (what hate crimes are and whom to call when dealing with them). • Pay more attention if there is racism behind some crimes. (2) • More understanding of how dangerous a hate crime can be. • Better knowledge of the legal consequences of a hate crime. • We should include hate (as a motive in) crime, where it exists.

4. Has the assessment of your role as a representative of the Law Enforcement Agencies in preventing and responding to hate crimes changed?	29	9	<ul style="list-style-type: none"> • Improved. (2) • Regarding prevention, I now know it by heart. • A more sensitive approach towards hate crime victims. (2) • We should take into account the motives of a crime when we prepare a report for it. (2) • It is important to prevent hate crimes. • As LEAs, we should be more sensitive to hate crimes. (2) • The law is the same for everyone. We should pay more attention if there is racism behind an offence. • All cases should be looked in to and not over-looked.
5. What will you do differently as a result of this training?	x	x	<ul style="list-style-type: none"> • Better handling of hate crimes victims. • Improve the quality of my work when dealing with such incidents. • More human approach. (5) • I will show patience and understanding. • I will do what I always did anyway, because I am also a victim of racism. • Recognise hate crimes and their victims. (2) • Share my knowledge with my co-workers. • Pay more attention to details that could prevent hate crimes. (7) • Each case is different and therefore, our approach should also be different in each case. • More professional. • More prevention. • Better knowledge of whom to contact. (3) • Different approach, without prejudice.

Questions 6 to 14									
Response scale: 1=strongly disagree - 5=strongly agree									
Question	1		2			3		4	5
6. The training met your overall expectations.	0		0			16		12	11
7. The training duration was appropriate.	0		3			10		12	15
8. The content of the training, in terms of substance, was appropriate.	0		0			4		18	18
9. The content of the training was relevant to your work.	0		0			6		12	21
10. The format of the training (group work, exercises, presentations, etc.) was appropriate.	0		0			2		17	21
11. The opportunities for interaction with fellow participants were adequate.	0		0			9		9	20
12. The opportunities for interaction with the trainer were adequate.	0		0			3		9	29
13. The trainers were knowledgeable about hate crimes, investigation and response.	0		0			0		8	31
14. The trainers presented in an engaging and interesting manner.	0		1			1		7	31

Questions 15 - 17	
Questions	Answers
15. Please identify 3 key strengths of the training:	<ul style="list-style-type: none"> • Exchange of ideas. (7) • Recognising the (importance of the) cooperation between NGOs and committee. • Gained more awareness on hate crimes. (16) • Increasing LEAs efficiency in relation to hate crimes. (5) • The section on the identification of victims. (3) • Talked about justice/ judicial procedures. • Knowledge of procedures. • Team work. • The section on investigation. (3) • Food for thought. • Helpful on how to deal with people. • Increasing sensitivity on hate crimes. (2) • Supporting and explaining the cooperation between the different departments. • Interesting way of teaching. (4) • Everyday examples. (2) • It was not too long. • Empathy. (2) • Talking about how to avoid racist approach from the police itself.
16. Please identify 3 key weaknesses (areas you would propose for further improvement/ revision) of the training:	<ul style="list-style-type: none"> • More training time (5) • Need for practice (2) • Needs more focused on the relevant unit of the police • Need for more videos. • Improve the audio/video quality (2) • Power point presentation
17. Please provide below any other comments on the training.	<ul style="list-style-type: none"> • Speakers discussed the investigation of different types of hate crime incidents. This shows they are not specialised in one type of crime investigation and that they may need systematic education or training so they can be closer to the subject. • Everyone from any organisation should take part, no matter of the position. • All police members should attend the seminar.

For CSOs:

(1 day, 8 hours each)

- 1) May 27, 2016, in Nicosia – 6 participants
- 2) May 31, 2016, in Nicosia – 25 participants

KISA believes that migrants and refugees as well as members of vulnerable groups in general should have an active role in any activities organised on issues that concern them. For this reason, KISA invited migrant and refugee associations as well as informal groups and active members of the various migrant and refugee communities to the training. Moreover, KISA hold individual sessions with leading facilitators from the communities and worked with them in order to guarantee the active participation of migrants and refugees in the training sessions.

NGOs, migrant and refugee communities, activists, trade unions, and think tanks participated in both sessions. Due to a high interest

from English speakers (migrant communities and organisations as well as Turkish Cypriot organisations), the second training session was held in English, while the first was in Greek. Both of them were held in Nicosia, as all invitees who responded could only make it in Nicosia.

Both our experience and the feedback we have had from the members of CSOs and migrant associations and other groupings that participated in the training sessions (from the evaluation questionnaires completed at the end of each session and the comments made during the sessions) demonstrate that the training was indeed needed, as many of them gained/improved their knowledge on identifying hate crime and also supporting victims of hate crime. The training also aimed at improving the cooperation of various stakeholders with each other and in this respect, the training sessions also served to strengthen networking between CSOs.



Evaluation results			
CSOs			
Questions 1 to 5			
Question	Yes	No	Comments
1. Has your understanding of prejudice/ bias/ stereotyping changed as a result of the training?	10	6	<ul style="list-style-type: none"> • Every time there is an opportunity for discussion, everything is better understood • Through understanding stereotypes and prejudices we can take part in changing and preventing hate crimes. • I now know about classifications and rules. • I now started to really think of hate crime. • I now have a better understanding of the link between prejudices, stereotypes, and hate crimes. • Things are clearer now.
2. Has your understanding of hate crimes changed?	14	2	<ul style="list-style-type: none"> • Some dimensions that I did not know enough about are now clearer to me. • I now know what a hate crime is. • I gained more knowledge about the different kinds of hate crime. • I better understand hate crime now, through learning also about the situation in other countries. • I now acknowledge it is necessary for the society and for myself to know what hate crime is. • I didn't know a lot about hate crimes before. The testimonies made it clear immediately what hate crime is and how we can tackle it. • I now have better definitions & keys to identify hate crimes. • I acquired a deeper knowledge about hate crimes. • Now I know what hate crime is and I will try to transfer this knowledge to other vulnerable groups too.
3. Has your assessment of the Civil Society's role in preventing and responding to hate crimes changed?	12	4	<ul style="list-style-type: none"> • After this seminar, I think the role of CS in responding to hate crimes must be more visible and strong. • We must be alert about hate crimes and act at any time. • Although it is difficult, the CS has a role to play in preventing and responding to hate crimes. I do think, however, that this is a bigger problem and it will take a lot of time. • Yes, especially concerning cooperation with the government and independent authorities. • Up to now, I did not know of hate crime prevention. • Outlining the role of civil society helps positively in evaluating what can be done. • Hate crime has to do with how society raises its children and the hate coming from the family.

4. Has the assessment of your role as a representative of the Civil Society Organisations in preventing and responding to hate crimes changed?	14	2	<ul style="list-style-type: none"> • Yes, through the deeper understanding of the competent authorities involved. • As a representative, I must organise myself and join others. • I think we should realise that we cannot change everything, but we should speak up. • From now on, I know what hate crime is and I know how to deal with such cases, including where to report them. • Not sure.
5. What will you do differently as a result of this training?	x	x	<ul style="list-style-type: none"> • I had necessary information. • I will put more attention on my job on the vulnerable groups, who are potential victims of hate crimes. (3) • I will be more effective in dealing with hate crimes. • I will try to raise awareness on the issue. • Inform the individuals I help of their rights. • I will report any hate crime incident I come across and refer victims to the competent authorities. • I will try to cooperate more with other institutions. • I will be more sensitive. • I will take initiative to do something mostly to look into it and also seek for opportunities to cooperate with other organisations and seek for other training opportunities. • I will guide hate crime victims. • I can now tell what hate crime is.



Questions 6 to 14									
Question	Response scale: 1=strongly disagree - 5=strongly agree								
	1		2		3		4		5
6. The training met your overall expectations.	0		0		2		10		4
7. The training duration was appropriate.	1		0		1		9		4
8. The content of the training, in terms of substance, was appropriate.	0		1		3		5		6
9. The content of the training was relevant to your work.	1		1		1		4		9
10. The format of the training (group work, exercises, presentations, etc.) was appropriate.	0		2		4		3		7
11. The opportunities for interaction with fellow participants were adequate.	0		1		2		5		8
12. The opportunities for interaction with the trainer were adequate.	1		0		1		5		9
13. The trainers were knowledgeable about hate crimes, investigation and response.	1		1		0		7		7
14. The trainers presented in an engaging and interesting manner.	1		0		0		10		5

Questions 15 - 17	
Questions	Answers
15. Please identify 3 key strengths of the training:	<ul style="list-style-type: none"> • Knowledgeable trainers (2) • Good and clear content (2) • Different background of participants (5) • Sharing experiences (5) • Relax environment (3) • Real life examples (2) • Clear definitions • Practical guidelines and networking (2) • Engagement of trainers and participants • Documentation • Interaction • Exchanging of use • Interesting chapters • The language the trainers used was understandable • Interesting approach of the subject • Recognition • Prevention • Reporting
16. Please identify 3 key weaknesses (areas you would propose for further improvement/revision) of the training:	<ul style="list-style-type: none"> • Hot. • Few breaks. • No interactive role games. (2) • No active participation. (2) • It could be more specific on what we can do. • Authorities and media were not present. • More time should be devoted in bringing theory and practice together. • Weak coordination. • Too much time wasted in analysing specific NGO results. • It was too long. • Low participation of organisations • They did not give us the material.
17. Please provide below any other comments on the training.	<ul style="list-style-type: none"> • It is a long training. • I wish more positive results could be achieved from this training. • There could be more discussions and with a better coordination. • The training should involve the police, the government, and the media at the same time with CSOs. • Great job.

Other actions related to hate crime carried out by KISA

For more than 16 years now, KISA has been supporting, with its Migrants and Refugees Centre, victims of hate crime in various ways and especially in claiming their rights. KISA works against any form of discrimination, with focus on anti-racism. It acknowledges that discrimination and hate crime often target people at multiple levels (not only on the basis of their migratory background/ ethnic origin, for example, but also on the basis of their gender/ gender identity/ sexual orientation/ disability status/ health status/ age/ class/ political beliefs) and it therefore has an intersectional approach in its action.

KISA works from the grass root level at direct communication with communities of vulnerable to discrimination and racism persons and especially migrants and refugees. Its activities towards migrants and refugees who are victims of hate crime include mainly:

- Provision of free information, advice, advocacy, mediation and support services.
- Pro bono legal representation in strategic

litigation cases.

- Empowerment and capacity building actions.

KISA's activities towards society in general of the RoC regarding hate crime include:

- Sensitisation and awareness-raising.
- Active engagement with the mainstream as well as the social media.
- Advocacy for structural, legal and structural policy changes.

Finally, KISA strongly believes in the cooperation and coordination of CSOs at national, EU, and international level. At the national level, KISA works together with other NGOs in order to overcome the difficulties and better work together and coordinate their actions. KISA is also a very active member in European and international NGO Networks such as PICUM (Platform for International Cooperation On Undocumented Migrants), ENAR (European Network Against Racism), EMHRN (Euro-Mediterranean Human Rights Network), AEHD (European Association for the Defence of Human Rights), the JUSTICIA European Rights Network, Migreurop and UNITED for Intercultural Action.

3) Monitoring Hate Crimes in the Republic of Cyprus

Official data of the police¹ show that the most frequently reported hate crime incidents involve racist violence and then bias against political views. Yet, according to the same data, the vast majority of complaints are submitted by Greek Cypriots and then by Turkish Cypriots followed by Greek citizens. This of course raises concerns over the methodology used to collect such data, taking also into consideration that reports from CSOs reveal that the most vulnerable groups to hate crime are migrants, refugees and Turkish Cypriots. It is important to note here that according to the findings of the Country Report prepared and published in the framework of this project, migrants report fear of walking in the streets because of racist violence against them.²

Moreover, CSOs report that hate crime incidents are far more common than official data suggest. This is because very often victims of hate crime will not report their experience at all or they will report it as a discrimination act and not as a hate crime. Another reason is that usually the police report hate crime incidents not as hate crime but as common crime. A common reason that racist crime is unreported is fear of arrest, detention and deportation. Victims of hate crime are often undocumented migrants who will not officially report their experience as the common practice of the police is to arrest undocumented migrants and detain them for deportation reasons, even when they are victims of crimes. Moreover,

1 These data are presented later on in the report.
2 TOGETHER! Empowering civil society and Law

Enforcement Agencies to make hate crimes visible. Let's End Hate Crime – Country Report: Cyprus.

usually undocumented migrants will not seek health care even when they are injured, due to fear of being reported to the police and other authorities. Such fear is reasonable as there have been many cases that health service professionals or other hospital staff reported undocumented migrants to the police resulting in their arrest, detention and deportation. Moreover, even migrants with legal resident status are afraid to report violence against them to the police, as they fear that such a report will lead them losing their residence permit. This is because residence permits of migrant workers in Cyprus depend on their employers, who are often disturbed if workers “have issues” with the police, especially if they have to be absent from work – to give a statement to the police or to act as witness in court, for example.

According to the experience of civil society organisations, LGBTIQ³ persons are very also vulnerable to hate crime. Yet, homophobic/ biphobic/ transphobic violence is rarely reported officially. This is because LGBTIQ* persons are often afraid of the stigma associated with revealing their sexual orientation and/ or gender identity. Although recently the LGBTIQ* community has been receiving more acceptance in the Cypriot society, as a result mainly of the visibility it has gained through the work of LGBTIQ* activists and groups, homophobic/ biphobic/ transphobic violence remains highly unreported. This is also because often homophobic/ biphobic/ transphobic violence is exercised by family members or sexual partners.

Another major reason why hate crime incidents often remain unreported is that most members of the police are not trained to identify, investigate and prosecute hate crimes. As a result of the lack of expertise, often incidents reported to the police are not identified as hate crimes and they are therefore investigated under the general Penal Code, without taking into account the hate motive. Training

on hate crime is not really available to LEAs and that is why the majority of police officers are not in a position to identify hate crime incidents and investigate, prosecute and record them as such.

Moreover, civil society (NGOs, migrant/ refugee/ LGBTIQ* communities, activists, and trade unions) often lacks expertise too in identifying hate crime incidents and supporting victims of hate crime. As a result, hate crime incidents are often not reported or treated as such and victims of hate crime do not receive appropriate advice/ information/ support.

In general, many people are not aware of what constitutes hate crime often persons from vulnerable communities and groups, for a variety of reasons, cannot recognise they have experienced a hate crime incident. Sometimes, they perceive it as a common crime, without recognising hate motives behind it, while at other times they completely ignore it, as discrimination in general is so much normalised in society that it often goes unnoticed, even when violently expressed. It often happens that hate crime victims justify perpetrators (especially if they are family members, partners, colleagues or friends) because of internalised for example racism/ homophobia/ biphobia/ transphobia/ misogyny/ ableism and/ or victim-blaming and/ or dependency of the victim on the perpetrator.

In some cases, victims also report that they consider hate crime incidents as part of their everyday lives and they are therefore not willing or afraid to stand up for their rights, while others do not believe that reporting these incidents will ensure them any vindication and/ or bring any positive change for them individually or for their communities in general. This stems mostly from the authorities' failure to properly investigate such incidents and to prosecute and convict the perpetrators.

As a result of all the above reasons, hate crime incidents are highly unreported and hate crime remains invisible and its consequences as well as its causes are

3 LGBTIQ* stands for Lesbians, Gay, Bisexual, Transgender, Intersex, Queer and other non-heterosexual, and non-binary persons

not effectively addressed.

Racism and xenophobia in the Republic of Cyprus

As the European Network Against Racism (ENAR) notes in its briefing on Afrophobia in the RoC⁴, police in general and Immigration officers in particular have been reported to exercise ethnic profiling and racist violence. Moreover, public figures, including government Ministers and church officials, have been reported to use racist speech and hate crime, without any consequences whatsoever. According to the same report, the OCD is understaffed and burdened with multiple mandates, which results in inadequate resources and capacity to monitor and prosecute racist crime. At the same time, the response of the criminal justice system on hate crime is not effective, while the Attorney General's Office and the courts do not collect data on hate crime cases as such.⁵

Furthermore, as ENAR's Shadow Report of 2011-2012 on Cyprus argues, victims of hate crimes are often invisible and have no means to pursue redress and compensation, since they are either not informed of such rights or do not have access to legal aid for such procedures.⁶

During the period January – October 2015, KISA's Migrant and Refugee Centre served more than 250 people with a migratory background (migrants, refugees – including recognised refugees, asylum seekers and persons with subsidiary protection – visitors, students, many of whom victims of racism and racist violence, trafficking and exploitation, EU citizens, family members of Cypriot and EU citizens, and people who have been naturalised as Cypriots), who all faced discrimination in Cyprus. Of the 250, 150 were new cases requiring specific and specialised handling. 49 cases also

required specific and specialised handling, but KISA had already files for them. In addition, all these cases needed careful and systematic follow-up.

The remaining cases concerned incidents of discrimination that victims or people related to victims contacted KISA to report them and to ask for general information as to what they could do but did not require/ wish further support.

The 199 cases requiring support and follow-up concerned:

- 33 cases of labour exploitation in the farming and agriculture industry, including 11 cases of victims of trafficking.
- 31 cases of labour exploitation in domestic work, including 7 cases of victims of trafficking.
- 18 cases of members of family of a Cypriot citizen.
- 9 cases of members of family of an EU citizen.
- 74 cases of detention of undocumented migrants, including 2 EU citizens.⁷
- 13 cases of third-country nationals living in the Republic of Cyprus for long periods of time without rights and in most instances being denied even residence permits. Some of them concern families with children, while others had their applications for naturalisation rejected without adequate/justifiable explanation.
- 21 cases of stateless persons, who have been discriminated on the basis of being stateless, as they were refused citizenship, protection and documents, such as residence permit.

According to the AIACAP's report for 2014, 212 complaints were submitted to the AIACAP during the year. 87 of them (41%) concerned violations of human rights by police officers. Of the 212 complaints, 174 were submitted by Greek Cypriots, 12 by European nationals, one

4 ENAR. Fact Sheet Briefing – Afrophobia in Cyprus. March 2016. http://www.enar-eu.org/IMG/pdf/cyprus_fact_sheet_briefing_final.pdf

5 Ibid

6 ENAR. ENAR Shadow Report 2011-2012: Racism and Related Discriminatory Practices in Cyprus. http://www.enar-eu.org/IMG/pdf/cyprus_-_unedited.pdf

7 Many of them also fall under other categories of discrimination, such as victims of trafficking, victims of labour exploitation, or members of family of EU/Cypriot citizens.

by a Turkish Cypriot and 25 by migrants.⁸

According to the report of the Anti-Discrimination Body for 2014, 52 of the 77 complaints it received in 2014 concerned discrimination on the basis of ethnic origin or nationality of a person or a group of persons. According to the report, every year the complaints the Anti-Discrimination Body receives concern, in their vast majority, discrimination on the basis of ethnic origin or nationality.⁹

Yet, the police registered only 11 incidents of hate crime in 2014. Criminal investigations were carried out only for 6 of them, 3 of them have been labelled as “undetected, non-existent, otherwise disposed, non-police nature.” None of them has been reviewed and none

of them was pending in March 2016, during the last update of data. 1 of them had been against (a) person(s), 2 against property and 8 concerned verbal assaults. For 3 of them court cases have been filed – 1 of which resulted in conviction and the other 2 were still pending in March 2016. It is also interesting to note that out of the 20 complainants, only 2 are Greek-Cypriots (the other complainants being 4 from Israel, 2 from Benin, 1 from Pakistan, 4 Turkish-Cypriots, and 7 unspecified), whereas 13 out of the 14 accused persons are Greek-Cypriots (and 1 from Romania). Moreover, 1 incident was on the grounds of nationality/ ethnic origin, 1 on the grounds of religion, 3 on the grounds of community, 3 on the grounds of sexual orientation, and 4 on the grounds of colour¹⁰.

8 IAIACAP. Annual Report 2014. October 2014. [http://www.iaiacap.gov.cy/iaiacap/iaiacap.nsf/All/5506E28A675DECBAC2257E030037473E/\\$file/%CE%95%CE%9A%CE%98%CE%95%CE%A3%CE%97%20%CE%91%CE%A1%CE%A7%CE%97%CE%A3%202014%20-%20%CE%A4%CE%95%CE%9B%CE%99%CE%9A%CE%9F.pdf?OpenElement](http://www.iaiacap.gov.cy/iaiacap/iaiacap.nsf/All/5506E28A675DECBAC2257E030037473E/$file/%CE%95%CE%9A%CE%98%CE%95%CE%A3%CE%97%20%CE%91%CE%A1%CE%A7%CE%97%CE%A3%202014%20-%20%CE%A4%CE%95%CE%9B%CE%99%CE%9A%CE%9F.pdf?OpenElement)

9 Anti-Discrimination Body. Annual Report 2014. [http://www.ombudsman.gov.cy/ombudsman/ombudsman.nsf/All/C7DFF67D3CAF7B5EC2257F14003F73A7/\\$file/1Book%20DIAKRISEON%202014%20GR%20Mech%20Electr%20Edition%20for%20web.pdf](http://www.ombudsman.gov.cy/ombudsman/ombudsman.nsf/All/C7DFF67D3CAF7B5EC2257F14003F73A7/$file/1Book%20DIAKRISEON%202014%20GR%20Mech%20Electr%20Edition%20for%20web.pdf)

10 <http://www.police.gov.cy/police/police.nsf/All/C28D21002D58DE09C2257F930017C3AA?OpenDocument>



Incidents and/or Cases of Racial Nature and/or with Racial Motive 2005-2015¹
(Last update: March 2016)

	2005	2006	2007	2008	2009	2010	2011	2012	2013	2014	2015	Sub-total (2005 - 2010)*	Total
Incidents	2	18	3	6	8	34	16	14	8	11	11	71	131
1. Records	1	1	0	2	1	2	2	5	3	5	0	7	22
2. Criminal Investigations	1	17	3	4	7	32	14	9	5	6	11	64	109
2.1 Undetected, Non existent, Otherwise Disposed, Non police nature	0	1	1	3	4	5	7	5	0	3	1	14	30
2.2 Being reviewed	0	0	0	0	0	0	0	0	0	0	7	0	7
2.3 In Abeyance	0	0	0	0	0	0	1	0	0	0	0	0	1
2.4 Filed in Court	1	16	2	1	3	27	6	4	5	3	3	50	71
2.3.1 Pending in Court	0	0	0	0	0	0	1	0	3	2	2	0	8
2.3.2 Suspension, Interruption, Nolle prosequi	0	0	2	0	2	4	2	1	0	0	0	8	11
2.3.3 Acquittal	1**	0	0	0	0	2**	0	1	0	0	0	3	4
2.3.4 Conviction	0	16	0	1	1**	21	3	2	2	1	1	39	48

Source: Office for Combating Discrimination, Crime Combating Department, police Headquarters

*For this period no cases are pending before the court

** Charges of a racist nature were raised

Incidents and/or Cases of Racial Nature and/or with Racial Motive 2005-2015 based on the way of assault¹

(Last update: March 2016)

	2005	2006	2007	2008	2009	2010	2011	2012	2013	2014	2015	Sub-total (2005 - 2010)*	Total
Incidents	2	18	3	6	8	34	16	14	8	11	11	71	120
Classification on the way of assault													
Against person	2	1	2	2	4	10	15	5	5	1	4	21	47
Against property	0	17	1	5	4	22	5	3	1	2	5	49	60
Verbal Assaults, Hate speech/ acts/threats	2	2	1	0	5	24	4	6	7	8	3	34	59

Source: Office for Combating Discrimination, Crime Combating Department, police Headquarters

*For this period no cases are pending before the court



¹ Ibid

Nationality / Ethnic Origin of Complainants in Incidents and/or Cases of Racial Nature and/or with Racial Motive 2005-2015¹

(Last update: March 2016)

Nationality	2005	2006	2007	2008	2009	2010	2011	2012	2013	2014	2015	Total
Egypt								1				1
Ivory Coast									1			1
Bulgaria				2				1	3		1	7
Germany						1			1			2
Georgia						4			1			5
Ghana								1				1
Dominican Republic						1						1
Greek Cypriot	3				1	28	12	5		2	2	53
Greece		15					2				1	18
United Kingdom				3		4			1			8
United States of America		1			1							2
India						3	1					4
Jordan							1					1
Iraq							2					2
Ireland						4						4
Israel						1		2		4		7
Kenya								1				1
China							1					1
Kurdistan			1						2			3
Croatia								1				1
Lebanon								1				1
Bangladesh			1			4	1					6
Benin	1									2		3
Nigeria					1	1						2
Pakistan									1	1		2
Palestine						2	5					7
Romania	1			1			3					5
Syria											1	1
Sudan				1								1
Turkish Cypriot	1	6	1	4	5	4				4	5	30
Turkey									1			1
Zimbabwe					1							1
Unspecified						1	1	3		7	2	14
Total	6	22	3	11	9	58	29	16	11	20	12	197

Nationality / Ethnic Origin of Accused in Incidents and/or Cases of Racial Nature and/or with Racial Motive 2005-2015¹

Nationality	2005	2006	2007	2008	2009	2010	2011	2013	2014	2015	Total
Egypt				1	2						3
Ivory Coast											0
Bulgaria											0
Germany											0
Georgia			1								1
Dominican Republic											0
Greek Cypriot	1	14	2	15	6	35	43	14	13	22	186
Greece											0
United Kingdom						1					2
United States of America											0
India											0
Ireland											0
Jordan					1						2
Israel											0
Kenya											1
China											0
Kurdistan											0
Croatia											0
Lebanon											0
Bangladesh											0
Benin											0
Nigeria											0
Pakistan					1						1
Palestine						6	2				8
Romania					1				1		2
Syria					2						2
Sudan											0
Turkish Cypriot											0
Turkey											0
Zimbabwe											0
Unspecified			1		1	4		2			16
Total	1	14	4	16	14	46	45	16	14	22	224

Source: Office for Combating Discrimination, Crime Combating Department, police Headquarters

¹ Ibid

Motive in Incidents and/or Cases of Racial Nature and/or with Racial Motive 2005-2015¹

(Last update: March 2016)

Motive	2005	2006	2007	2008	2009	2010	2011	2012	2013	2014	2015	Total
Language							1	1				2
Special needs								1				1
Nationality / Ethnic origin	2	17	3	6	4	26	12	7	4	1	3	85
Age												0
Religion		1			3	1		1	1	1		8
Community					1	1				3	6	11
Political views	1	16			2	3	2		1			25
Sexual orientation							1	3	1	3		8
Race		1			1	3		1			1	7
Gender												0
Color	1		1		2	5	9	1	2	4	1	26
Unspecified						1						1
Total	4	35	4	6	13	40	25	15	9	12	11	174

Source: Office for Combating Discrimination, Crime Combating Department, police Headquarters

1 Ibid

In the period 2005 – 2015, the police identified 131 incidents of hate crime. Criminal investigations were carried out for 109 of them. 30 of them have been labelled as “undetected, non-existent, otherwise disposed, non-police nature.” Only 7 of them have been reviewed and only 1 was pending in March 2016, during the last update of the data. 47 of them had been against (a) person(s), 60 against property and 59 concerned verbal assaults. Court cases have been filed for 71 of them – 48 of which resulted in conviction, 4 resulted in acquittals, 11 were suspended/ interrupted by the Attorney General, 8 were still pending in March 2016. 186 out of the 221 accused persons are Greek-Cypriots. Moreover, 85 incidents were reported to have been on the grounds of nationality/ ethnic origin, 26 on the grounds of colour, seven on the grounds of religion, 8 on grounds of “race,” 2 on grounds of language, 11 on the grounds of community, 25 on grounds of political views, 8 on the grounds of sexual orientation, 1 on grounds of disability, and for 1 the motive(s) remained unidentified.¹

Age and gender have never been identified by the police as grounds for any hate crime incident. This is not because people are not targeted on the basis of their age or gender, but rather because ageism and sexism, particularly misogyny and transphobia, seem to be invisible to the authorities and especially to the police. Indicative of this is the fact that there are no statistics available in regards to the gender, gender identity, and age of hate crime victims or perpetrators.

Hate speech

Hate speech is unfortunately dominant in the Cypriot society and it targets all vulnerable groups (migrants, refugees, LGBTIQ* persons, women, Turkish Cypriots, Muslims, disabled persons, the elderly, and persons with serious diseases and health syndromes, including psychiatric ones, especially STDs). Public figures, including politicians, employ hate speech often in their public statements and the mainstream media make regular use

1 <http://www.police.gov.cy/police/police.nsf/All/>

of hate speech, especially against migrants and refugees. KISA advocates and campaigns against the use of hate speech, focusing on the fact that hate speech cultivates hatred and intolerance, =, incites violence and conflict, and it normalises discrimination, marginalisation and exclusion of vulnerable communities and groups. Two examples of hate speech incidents that KISA has successfully handled are the following:

Conviction against CyBC for xenophobic and racist statements

Kostakis Konstantinou, an actor was a guest on the show “Together” on the Cyprus Broadcasting Corporation (CyBC) on Wednesday, 19 June 2013, and declared among other things: “Too much democracy is an illness for a place; too much democracy is an illness [...]. I like this thing that Golden Dawn is doing in Athens now. [...] We saw you are afraid to walk in Saint Panteleimon. [...] When I walk down the street and am being watched by 800 foreigners who have done I don’t know what in their country, I am not racist, but I can’t watch that. I can’t watch you commit a crime, be my guest, let me feed you and give you water, and give you the cheques as well and you just not respecting me, because I am respectful too when I go to your country Mr. Pakistani and Mr. Indian and whatever, I am respectful because I am in your country.”

On June 27 2013, KISA reported the broadcast and CyBC for these unacceptable statements to the Cyprus Media Complaints Commission (CMCC), to the Cyprus Radio-television Authority, to the Anti-Discrimination Body of the Ombudsperson’s office, as well as to the Attorney General. The complaint involved the breach of the Journalists’ Code of Practice, of the Cyprus Broadcasting (Amending) Law of 2010 [117(I)/2010], of the Law regarding Fighting Certain Types of Displays of Racism and Xenophobia through Criminal Justice of 2011 [N. 134(I)/2011] and of the Equal Treatment (Racial or Ethnic Origin) Law of 2004 [59(I)/2004]. The response of the relevant authorities was positive. The Anti-Discrimination Body informed KISA they were

investigating the claim. The CMCC examined KISA’s complaint and decided that the content of the broadcast constitutes a breach of the conditions of the Journalists’ Code of Practice. CMCC imposed the administrative fine of €3000 on the Corporation for the breach of article 18(B) of the Cyprus Broadcasting Corporation (Amending) Law of 2010 [117(I)/2010]. However, the Attorney General judged it is not within his jurisdiction to investigate the case and referred us to the Chief of Cyprus police.²

Racist, xenophobic, and islamophobic speech by a famous singer on CyBC

Notis Sfakianakis, a famous Greek singer, made racist, islamophobic, and xenophobic comments during a TV show (Tête-à-tête) of the CyBC. More specifically, Sfakianakis referred to refugees as “illegal immigrants” and “ripsaspides”³ and argued that “they rape Greece.” He also questioned the experiences of refugees claiming that they are all rich people and that they serve “Turkey’s plan for the islamisation and hence the extinction of Greece.” Moreover, he erased refugees’ experiences, such as the hardships they go through during their journeys and racist violence against them. Finally, he spoke against multiculturalism claiming that multiculturalism “is a nightmare” and that “our society is going from bad to worse and the global dictatorship is just before the gates⁴. What is happening here now, this mess of cultures, this is where it leads us to.”

KISA was aware of some of the above through relevant advertising clips with quotes from the episode. Therefore, KISA asked the CyBC not to air the specific episode of the show. Yet, the CyBC finally decided and aired it three times, using sound intervention only to cover certain

² KISA. Important Conviction and Fine for CYBC for Xenophobic and Racist Statements. November 13, 2013. <http://kisa.org.cy/important-conviction-and-fine-for-cybc-for-xenophobic-and-racist-statements/>

³ “Ripsaspis” [sing.] (“ripsaspides” [plural]) is a Greek word denoting somebody who cowardly ran away during wartime, instead of staying and defending their country.

⁴ “Before the gates (of the city)” is a Greek expression denoting a danger which is very close.

cursing words. Both the CyBC and the journalist of the show claimed that cancelling the airing of the episode or cutting certain parts of it so as not to promote racist, islamophobic, and xenophobic speech would constitute “censorship.”

Following complaints by KISA, the Anti-Discrimination Authority and the Cyprus Media Complaints Commission (CMCC) examined the case and found that the CyBC should not have aired the episode promoting racism, islamophobia, and xenophobia. More specifically, the Anti-Discrimination Authority published a report highlighting that “hate speech is dangerous because of the fact that its effects and impact on individuals, society, and democracy cannot be underestimated or ignored: What is at stake is human dignity, human rights, the claim for equal opportunities and equal participation, the idea of an open and peaceful coexistence, the democratic values of modern civilization. Even if such a speech does not reach the point of being criminally punishable, the consequences it has, on both a social level and on the level of the rule of law, still render it reprehensible and unacceptable.”⁵ Moreover, the Cyprus Radiotelevision

Authority (CRTA) examined ex officio the case and found that there are violations of the Cyprus Broadcasting Law on airing content “inciting hatred based on race, sex, religion or nationality” and imposed a total administrative fine of €21,000.⁶

The police are also investigating the case.

Αρχής Κατά των Διακρίσεων αναφορικά με την Προβολή από το ΠΙΚ Τηλεοπτικής Συνέντευξης με Ρατσιστικές και Μισαλλόδοξες Αναφορές [Report of the Anti-Discrimination Body regarding the Screening by the CyBC of an Interview with Racist and Intolerant Speech]. May 27, 2016. http://www.ombudsman.gov.cy/ombudsman/ombudsman.nsf/index_new/index_new?OpenForm

6 CRTA. Αυτεπάγγελτη Διερεύνηση Πιθανών Παραβάσεων από το Ραδιοφωνικό Ίδρυμα Κύπρου (Τηλεοπτική Εκπομπή Π.Ι.Κ. 1) [An Ex Officio Investigation for Possible Violations by the Cyprus Broadcasting Corporation (Telecast CyBC 1)]. May 11, 2016.

<http://kisa.org.cy/wp-content/uploads/2016/06/%CE%95%CF%80%CE%B9%CF%84%CF%81%CE%BF%CF%80%CE%AE-%CE%94%CE%B7%CE%BC%CE%BF%CF%83%CE%B9%CE%BF%CE%B3%CF%81%CE%B1%CF%86%CE%B9%CE%BA%CE%AE%CF%82-%CE%94%CE%B5%CE%BF%CE%BD%CF%84%CE%BF%CE%BB%CE%BF%CE%B3%CE%AF%CE%B1%CF%82.pdf>

5 Anti-Discrimination Authority. Έκθεση της

4) Reported cases of hate crime in the Republic of Cyprus

The following are some examples of hate crime incidents KISA has handled:

Arson attacks against migrants' cultural, religious, and meeting spaces

On 20/3/10 there was an arson attack with Molotov cocktails by unknown persons against an old factory that was used by migrants and young people as a meeting place.

On 21/3/10 there was another arson attack with Molotov cocktails against the mosque in Larnaca. The imam and people who were exercising their religion in the mosque had previously noted that eggs, stones, and bottles had been thrown repeatedly against the mosque, causing the breaking of a glass.

On 28/4/10, arsonists broke into the Palestinian community's house in Larnaca, which gave premises to cultural and social events of the community and where, among other things, Palestinians were having Greek lessons. The arsonists left messages with red paint on one of the walls of the building stating "you started, we finish it" and "not the end." KISA highlighted in a relevant press release on 29/4/2010 that the message left by arsonists clearly implied their racist motives, since, apparently, the arsonists had not liked the fact that Palestinians were using the building for cultural and social events and therefore, they decided to "finish" it.¹

The first two incidents were silenced by both the media and the police and only KISA published a relevant press release on 23/3/10. The third incident was not completely silenced, but the motives of the perpetrators were silenced, as the media and the police referred to it as

a "criminal act" and "hooliganism" but made no reference to the racist motives of the perpetrators.

It is worth to mention that around a month before the last incident, a nationalist group named "Μαύρες Ταξιαρχίες" (Black Brigades) had organised a racist action in Larnaca, distributing pamphlets with clearly racist content titled 'STOP! Migration.' KISA expressed the belief that there was a correlation between this action and the three incidents of racist violence in Larnaca and urged the police to investigate the incidents and also the possibility of organised racist violence. Yet, the police never responded to our request, or solved the case, or announced any results of any investigation - it is not known whether the police actually investigated the case at all.

These incidents are reported in ENAR's Shadow Report of 2009 – 2010 as "the most conspicuous incidents of racist violence" in the RoC during the period.²

On 21/2/2016 there was an arson attack against the mosque, which is a listed monument, in Denia village. This was not the first arson attack against the mosque in Denia as there was another one during its restoration. The mainstream media referred to the arson attack as a commonplace crime. The government publicly condemned the crime and asked the police to investigate the case and prosecute the perpetrators. Yet, the police have made no prosecutions as they were not able to solve the case and find any suspects to prosecute.

The Anti-Discrimination Body of the office of the Ombudsperson issued a public statement on the incident stating that "It is obvious that the arson attack against a religious monument, such as this particular mosque, is an intolerant and racist act with clear motives and targeting. Such criminal acts emanate

1 KISA. Η ΚΙΣΑ Καταδικάζει Έντονα τη Ρατσιστική Βία στη Λάρνακα [KISA Strongly Condemns the Racist Violence in Larnaca]. April 29, 2010. <http://kisa.org.cy/%CE%B7-%CE%BA%CE%B9%CF%83%CE%B1-%CE%BA%CE%B1%CF%84%CE%B1%CE%B4%CE%B9%CE%BA%CE%AC%CE%B6%CE%B5%CE%B9-%CE%AD%CE%BD%CF%84%CE%BF%CE%BD%CE%B1-%CF%84%CE%B7-%CF%81%CE%B1%CF%84%CF%83%CE%B9%CF%83%CF%84%CE%B9/>

2 ENAR. ENAR Shadow Report 2009/2010: Racism and Discrimination in Cyprus. <http://www.enar-eu.org/IMG/pdf/cyprus.pdf>

from the hostility and prejudice against the Turkish Cypriot community and its religious identity and undermine the principles of an open, multi-religious, and multicultural society. [...] Unfortunately, the circumstances around such incidents are not at all random or irrelevant to their goals. With the talks for solving the Cyprus problem in progress, such hate crimes undermine the efforts to achieve a solution and create tensions between the two communities, retracting painful memories of the past.”³

Racist attacks during Rainbow Festival 2010

This has been the only case that was brought before the Court in relation to incitement to hatred, although it was not recognised as a “hate crime.” More specifically, on the 5th of November 2010, persons participating in a racist march claiming to be against “illegal immigration” attacked the antiracist Rainbow Festival, which KISA organises annually, in front of the police. The police was not capable of efficiently reacting to the attack and seemed to watch the events in apathy.

The racist march was held by the Greek Resistance Movement and other nationalistic-chauvinistic groups and people and in parallel to the Rainbow Festival. The official slogans of the racist march were against Turkish Cypriots, Jews, Muslims, people under international protection, undocumented migrants, and KISA.

Among others, the attack involved: an attempted murder with knife against a Turkish Cypriot musician participating in the festival; the beating of another Turkish Cypriot musician participating in the festival; assaults against migrants, in many cases with serious bodily injuries; risk to the bodily integrity of many people, including children;

and considerable material damages.⁴

Three persons were finally accused, amongst other for incitement to hatred, as one of their slogans was “axe and fire against KISA dogs.” On the 19th of September 2014, the Larnaca District Court acquitted them, deciding that the prosecution did not prove their case and that the slogans above were not related to any protected characteristic under the law, i.e. ethnic or national origin or colour, and that therefore they could not be considered as inciting hatred against a specific group of people.⁵

Homophobic and racist attack against a gay couple EU citizens

On Easter’s day 2013, some 10 Cypriot men assaulted a same-gender couple of EU citizens. During the assault, the attackers beat the couple shouting homophobic insults. The couple reported the incident to the local police station on the same day. While the police have brought charges to three persons for assault and causing grievous bodily harm, they have not investigated the possible racist and homophobic motives of the crime. At the same time, the couple, as they informed KISA, asked and insist for the prosecution of all the perpetrators, but the police advised them not to insist on the prosecution of all those who participated in the attack and to testify only against the three perpetrators charged.⁶ The

4 KISA. KISA Under Prosecution Again: The police “Stood by Us and They Are All Our Children”, KEA. March 26, 2011. <http://kisa.org.cy/kisa-under-prosecution-again-the-police-stood-by-us-and-they-are-all-our-children-%CE%BA%CE%B5%CE%B1/>

5 KISA. Το Επαρχιακό Δικαστήριο Λάρνακας Αθώωσε Τρεις Κατηγορούμενους για Προτροπή και Συμμετοχή σε Πράξεις Ρατσιστικού Μίσους και Ρατσιστικής Βίας [The Larnaca District Court Acquitted Three Persons Accused of Incitement to Racist Hate and Participation in Racist Violence]. September 24, 2014. <http://kisa.org.cy/24-09-2014-%CF%84%CE%BF-%CE%B5%CF%80%CE%B1%CF%81%CF%87%CE%B9%CE%B1%CE%BA%CF%8C-%CE%B4%CE%B9%CE%BA%CE%B1%CF%83%CF%84%CE%AE%CF%81%CE%B9%CE%BF-%CE%BB%CE%AC%CF%81%CE%B9%CE%B1%CE%BA%CE%B1%CF%82-%CE%B1/>

6 KISA. Need for the Immediate Investigation of Homophobic, Sexist and Racist Motives Behind Two Attacks and Abuses in Villages in the District of Limassol. July 4, 2013. <http://kisa.org.cy/need-for-the-immediate-investigation-of-homophobic-sexist-and-racist-motives-behind-two->

3 Anti-Discrimination Body. Δημόσια Τονοθέτηση Αρχής Κατά των Διακρίσεων σχετικά με τον Εμπρησμό του Τζαμιού στη Δένεια. [Public Statement of the Anti-Discrimination Body on the Arson Attack against the Mosque in Denia]. Nicosia. February 22, 2016. http://www.ombudsman.gov.cy/ombudsman/ombudsman.nsf/index_new/index_new?OpenForm

couple had been verbally harassed for some time but for the first time the neighbours attacked them and physically assaulted them.

KISA found out about the incident through the press and contacted the couple to immediately give advice on how to deal with it. The couple reported it to the police and KISA remains in touch with them for advice on criminal investigation and court procedures. KISA's experience of other incidents of racial discrimination and other violations of the human rights was proven to be an important reference for the couple that was feeling lost and hopeless.

KISA took the initiative also to contact the police and give them advice on how to deal with the hate crime incident, but the police station in charge of the investigation refused to report it as either a homophobic or a racist incident, insisting that "this is a mere assault caused by a misunderstanding between neighbours" and without ever investigating homophobic and/or racist motives.

The case is currently and since 2013 pending before Limassol Court after the police pressed charges against three of the perpetrators for assault and bodily damage.

Racist and sexist attack against a family of European citizens

In June 2013, a group of 20-30 Cypriot men and underage youths, led by family members of a local village dignitary, attacked a family of EU citizens. During the attack, which took place outside the assaulted family's house, the attackers beat three family members, while shouting xenophobic insults and racist threats. Prior to the incident, one of the attackers, who belongs to the close family of a local dignitary, had sexually harassed a woman of the family which was attacked. Police officers from the local police station arrived at the place of the attack, took testimonies and then took the injured people to Limassol General Hospital. Subsequently, the police called two suspects to the local police station

[attacks-and-abuses-in-villages-in-the-district-of-limassol/](#)

for questioning and charged them for causing "unrest and disorder."

The same charges, however, were also brought against the victims of the assault, because the attackers claimed that they had been attacked by the family dog, which was left unattended. Again, the police did not even consider the possible racist and sexist motives behind the crime. Furthermore, the police did not investigate the complaint regarding the sexual harassment of the woman of the family.⁷

Racist profiling and violence against a recognised refugee by a member of the police

On 27 November 2013, during a stop-and-search by the police Emergency Response Unit (ERU), a police officer of the ERU attacked and seriously injured a recognised refugee, who was then hospitalised for almost a month, as the police officer had broken his leg. It is noted that stop-and-search is a common practice of ERU, targeting immigrants, especially those (perceived to be) of Asian and African origins.

The incident received wide publicity in the social media as it was video-recorded by a passer-by.^{8 9} Unfortunately, many media reported the incident in a xenophobic and racist way, taking the side of the police revealing personal information of the victim (such as his health and family status) that are irrelevant to his abuse, but incited his defamation and the marginalisation of both him and his family, including his young child.

The victim filed a complaint against the ERU officers to the IAIACP. Before the report of the IAIACP was finalised, the refugee was prosecuted by the police for "physically injuring" the police officer, who exercised violence

⁷ Ibid
⁸ KISA – Video. Racial Profiling and Racist Violence by the Cyprus police (scenes may disturb). November 27, 2013. <https://youtu.be/S8hZBgDij3w?list=UU9QtWcTzJkCuLscRuw6whVw>

⁹ To Thema Online. Ευλοδαρμός Αφρικανού από Αστυνομικούς της ΜΜΑΔ [police beating an African]. November 27, 2013. <https://youtu.be/mcQPoXsAeB8>

against him. After complaints submitted on the above treatment of the refugee, the Attorney General decided to suspend prosecution until the finalisation of the report of the criminal investigators appointed by the IAIACP. Adding insult to injury, the IAIACP seems to have decided that “the complainant’s injury is due to his own behaviour,” adding that “it was found that there was no cruel or brutal treatment against the complainant by the accused officer, who acted lawfully and in accordance with his duties.” Parts of the report were publicised in the media before it was even submitted to the Attorney General and before the complainant was informed of the results of the criminal investigation, leading to further complaints.^{10 11}

Unfortunately, such a handling of the case by the police and the IAIACP is typical in the vast majority of complaints regarding police abuse. It is common in such cases that the complainant is prosecuted by the police for bodily harm against (a) police officer(s), instead of properly examining the complaints and before the investigation takes place. Such a practice raises of course serious concerns over various issues, the most important of which relate to the protection of victims of hate crimes, especially when the crime was committed by member of the police.¹² In addition, the independence of the IAIACP is actually questioned.¹³

10 KISA. Beating and Racist Violence against a Recognised Refugee by a Member of ERU in Broad Daylight, in the Centre of Nicosia! November 27, 2013. <http://kisa.org.cy/beating-and-racist-violence-against-a-recognised-refugee-by-a-member-of-eru-in-broad-daylight-in-the-centre-of-nicosia-2/>

11 KISA. Resolution: Protest March against Racial Profiling, police Violence, Discrimination and Racism. December 8, 2013. <http://kisa.org.cy/resolution-protest-march-against-racial-profiling-police-violence-discrimination-and-racism/>

12 UNHCR. Statement regarding police Action against African Refugee. March 18, 2014. <http://kisa.org.cy/18-03-2014-unhcr-statement-regarding-police-action-against-african-refugee-%CE%B4%CE%AE%CE%BB%CF%89%CF%83%CE%B7-%CF%8D%CF%80%CE%B1%CF%84%CE%B7-%CF%82-%CE%B1%CF%81%CE%BC%CE%B-F%CF%83%CF%84%CE%B5/>

13 KISA. Another Extremely Serious Incident of Violation of Human Rights Is Led to Suppression? April 14,

Attack by ELAM¹⁴ during the inter-communal event on the “Potentials of the Resolution of the Cyprus Problem and the re-unification of Cyprus”

The attack took place on 26/3/2014, during the inter-communal event on the “Potentials of the Resolution of the Cyprus Problem and the re-unification of Cyprus,” which took place in the Cultural Centre Panos Solomonides in Limassol. Among others, the Turkish Cypriot politician Mehmet Ali Talat and many other members of the Turkish Cypriot community were participating at the event. Approximately, one hundred members of ELAM, lined up in the form of a paramilitary organisation, wearing helmets and holding cudgels, in the form of flagpoles with Greek flags on them, went through unperturbed the centre of Limassol and walked in the building, where the inter-communal event was taking place and they also threw firecrackers and a torch, which was landed besides the US Ambassador in Cyprus and other politicians. The members of ELAM attacked a Greek Cypriot photographer and injured another Turkish Cypriot journalist, who was covering the event. The Cyprus police was not even present there while the perpetrators were shouting, abusing, and terrorising participants in the event.

KISA, in a relevant press release, “warned the authorities of the Republic of Cyprus that the adoption and implementation of a zero tolerance policy against nationalism, discrimination, racism and fascism is more urgent than ever before and that this policy in no case can be restraint only in criminal prosecutions for illegal acts. In contrast, it must be based on a comprehensive and effective strategy for combating nationalism, discrimination, racism and fascism at all levels, from the society, economy and education to legislation,

2014. <http://kisa.org.cy/another-extremely-serious-incident-of-violation-of-human-rights-is-led-to-suppression/>

14 ELAM stands for “National Popular Front” and is a far-right and Neo Nazi group, which has been recognised as a political party and was elected in the last parliamentary elections (2016) gaining two seats in the House of the Representatives.

institutions and politics.”¹⁵

The police are prosecuting the suspects of the case for “turmoil” and “illegal entrance,” but without any reference to hate crime, or incitement to racism, xenophobia or any other discrimination. One of the persons who are being prosecuted is Yeadis Yeady, the spokesperson of ELAM.

Sexist attack in the House of the Representatives

On 26/06/2015, MP Andreas Kyprianou tried to place his mobile phone and while this was probably on ‘capture a picture’ mode, under the skirt of MP Irini Charalambidou. When she reacted, he swore at her calling her among others “a slut.” He continued with the well-known tactic of victim blaming, saying that he previously thought that his colleague had tried to take a photo of him while he was smoking illegally in a meeting room in the Parliament.

As the joint press release of a group of NGOs (KISA, Accept LGBTI Cyprus, Association for Historical Dialogue and Research, Caritas Cyprus Migrants Centre, Cyprus Community Media Centre, Cyprus Stop Trafficking) on the matter highlights, “the specific attack is by no means an isolated incident, as recently there have been repeated and publically expressed sexist views, speech and behaviour by male members of the parliament. Routinely and not at all by chance, these are the same MPs that show no hesitation when it comes to avoiding their legal obligations (such as payment of fines, etc.) or to contravene the law by using their parliamentary immunity as a shield to promote unacceptable positions and acts, considering themselves to be above the law. They are also the same MPs that usually express racist views in Parliament or/and publically.”¹⁶

15 KISA. Zero Tolerance Policy against Nationalism, Racism and Fascism Is Not Limited to “Criminal Prosecutions.” March 27, 2014. <http://kisa.org.cy/zero-tolerance-policy-against-nationalism-racism-and-fascism-is-not-limited-to-criminal-prosecutions/>

16 KISA, Accept LGBTI Cyprus, Association for Historical Dialogue and Research, Caritas Cyprus Migrants Centre, Cyprus Community Media Centre, Cyprus Stop Traf-

The incident received a lot of publicity, but the political parties either silent or made wishy-washy mild statements denouncing “the facts” without naming them and basically erasing its gender-based and sexist dimension. The way in which the majority of the media reported this sexist attack is also significant. Most reports referred to a “fight between deputies” and an “incident,” in which the perpetrator and the victim were equalised as “the incident’s protagonists.” The media also silenced the gender-based and sexist dimension of the attack erasing this dimension.¹⁷

A part of society reacted more actively. Apart from the joint press release by a group of NGOs, Immediately after the sexist assault, there was also a petition launched asking the Attorney General to lift the parliamentary immunity of the perpetrator in order to be accountable for his actions in court.¹⁸ The group of NGOs supported the petition calling on the public to sign it.¹⁹

MP Irini Charalambidou filed a complaint at the police reporting the assault. The police examined the case and based on their findings suggested to the Attorney General the waiver of Andreas Kyprianou’s immunity and his prosecution for: 1) Smoking in a non-smoking space in the House of Representatives, 2) public vilification, and 3) indecent assault against a woman, as illegally and indecently placed his mobile phone under the skirt of MP Irini Charalambidou to take a photo. Unfortunately, the Attorney General decided not to prosecute the case, claiming that “it would not be in the public interest to apply to the Supreme ficking. Joint Press Release of NGO Group – Sexist Attack in the Parliament and Sexism in the Society. July 3, 2015. <http://kisa.org.cy/joint-press-release-of-ngo-group-sexist-attack-in-the-parliament-and-sexism-in-the-society/>

17 Ibid

18 Lift the Parliamentary Immunity of Mr A. Kyprianou. <http://tinyurl.com/grbeb3p>

19 KISA, , Accept LGBTI Cyprus, Association for Historical Dialogue and Research, Caritas Cyprus Migrants Centre, Cyprus Community Media Centre, Cyprus Stop Trafficking. More than 700 Persons Demand with their Signatures the Lifting of the Parliamentary Immunity of Andreas Kyprianou. July 16, 2015. <http://kisa.org.cy/more-than-700-persons-demand-with-their-signatures-the-lifting-of-the-parliamentary-immunity-of-andreas-kyprianou/>

Court keeping the full Plenary session busy with a request for a waiver of parliamentary immunity of members of the Parliament and for a permission for prosecution in relation to the above, which constitute offenses of minor severity and are the result of a frivolous conduct that has already received public denunciation and criticism.”²⁰

Despite the above, Andreas Kyprianou was re-elected as an MP in 2016 elections.

Racist incidents against a black woman by her neighbours

Ms A.G. is of African origin and lives in the RoC. She is married to a Cypriot man and they live together with their young children. The neighbours of Ms A.G. repeatedly insulted and threatened her using racist speech and gestures, including racist comments in the social media.²¹ Mr K.N., the husband of Ms A.G., reported such incidents to the police, which took no immediate measures to protect her and her family, punish the perpetrators, and prevent escalation. After the report, the police visited them and talked with them and the neighbours, but considered the issue as a “misunderstanding between neighbours” and therefore, did not proceed with any further investigation/ actions, despite the clearly racist motives of the neighbours. The racist treatment continued and in total lasted for around one year and a half.

On October 31, 2012, after the neighbours posted some comments on Facebook with derogatory and offensive references against Ms A.G., Mr K.N. filed again a complaint to the police. The police officers on duty responded that “the case was not of police nature.” At the same night, one of the neighbours went out in the veranda and yelled to Ms A.G. “jungle

woman.” The next day, there was a quarrel between Ms A.G. and the neighbour. The quarrel escalated and the police was called to intervene. The police filed at the court criminal cases for “assault” and for “causing grievous bodily harm” against all. The police again did not examine racist motives.

Mr K.N. husband filed a complaint at the office of the Ombudsperson and on 7/1/2016 the Anti-Discrimination Body issued a report concluding that “The police, therefore, although they were given all necessary information, have been incapable of responding to their double mission in relation to racist attitudes: Through early detection and effective response, on the one hand to protect the person who suffered racist insults and on the other hand, to prevent escalation and spreading of violence.”²²

The Court convicted Mr K.N. to imprisonment for five months for causing grievous bodily harm to the mother of the neighbour. The Court also convicted the neighbours but suspended their sentences. Mr K.N. was imprisoned and filed an appeal at the Supreme Court against the decision of the Court. On 14/4/2016 the Supreme Court found in his favour and suspended his sentence concluding that his sentence should be suspended, taking into account, among other things, the previous racist treatment his wife had received by the neighbours.²³

20 Dialogos. Πλήρως Δικαιωμένη η Χαραλαμπίδου, Διαπονή Πορίσματος της Αστυνομίας [Charalambidou Is Fully Vindicated, the Finding of the police Are Leaked]. January 5, 2016. <http://dialogos.com.cy/blog/antreas-kyprianou-re-tsouli-pou-enna-pis-gia-anthropakia/#.V9KP0B-94dU>

21 KISA. “Racism Should Stop” - Hate Crime Victim Discloses her Experiences. January 25, 2016. https://www.youtube.com/watch?v=_5VDh2fyNg

22 Anti-Discrimination Body. Έκθεση της Αρχής Κατά των Διακρίσεων αναφορικά με Περιστατικό Ρατσιστικού Name-Calling και τον Χειρισμό του από την Αστυνομία [Report of the Anti-Discrimination Body regarding an Incident of Racist NAME-CALLING and the Way It Was Handled by the police]. January 7, 2016. http://www.ombudsman.gov.cy/ombudsman/ombudsman.nsf/index_new/index_new?OpenForm

23 Supreme Court of Cyprus. Decision on Appeal No. 41/16. April 14, 2016. http://www.cylaw.org/cgi-bin/open.pl?file=apofaseis/aad/meros_2/2016/2-201604-41-16.htm&qstring=%EA%F9%F3%F4*%20and%20%E9%E9%EA%EF%EB%1%E%F

Racist treatment of a migrant detainee by a police officer

The incident received much attention after KISA released the video.²⁴ On 24/4/16, following a protest by detainees in relation to their arbitrary and illegal detention, a police officer, who is a guard in the detention centre for undocumented migrants in Mennoyia, harassed a detainee using racist, islamophobic, and sexist speech. More specifically, the police officer shouted at the detainee: "I fuck your Allah! Fuck you! Fuck youuuu! Son of a bitch! Your mother is a whore! Fuck your mum! With a big dick, dude, with a big dick! Your mum! Fuck you, bastard! Your mother is a whore! Your mum is a whore!" Her colleagues joined in encouraging her.

Another detainee, W.K., recorded the incident and sent the video to KISA. Detainees said to KISA they consider this incident as a retaliatory and punishing action for daring to exercise their right to protest.

According to KISA's information, the police officer in question belonged to a wider group of police officers who mistreat and intimidate detainees in Mennoyia. Moreover, she had been previously suspended for a short period of time and then she was transferred to a different department of the police. The detainee she harassed has been threatened by other police officers that if he was to send the video to KISA or file a complaint with the police, they would file a criminal case against him so that he would be transferred to the Central Prison.²⁵

The police made public statements giving the impression that they will initiate disciplinary and criminal proceedings against the police officer. They also announced they transferred the police officer away from the detention centre. Yet, her transfer has been actually a favourable one, as she is now working in

24 KISA. Video. <http://kisa.org.cy/urgent-need-to-combat-exploitation-rings-and-police-corruption/video-0-02-01-7798799935f023aa718ed00a24e82ace-ca8ae738ea3437842fa36d7a44c2f96d-v-1/>

25 KISA. Urgent Need to Combat Exploitation Rings and police Corruption. July 15, 2016. <http://kisa.org.cy/urgent-need-to-combat-exploitation-rings-and-police-corruption/>

an office of the police, in Nicosia. Moreover, KISA is not aware of any official disciplinary and criminal proceedings against her. In fact, the detainee who sent the video to KISA was convinced by the police to sign a statement for voluntary return in one month, although he is the main witness of the case and the police have not yet taken any statement from him.

Police shooting and injuring a Turkish Cypriot

On 27/06/2014 police officers in Larnaca shot and injured a Turkish Cypriot. AIACAP received a complaint and investigated the incident concluding that since there was an injury, it was possible to establish an offense in violation of the Law, but it recommended no prosecution of any member of the Police to take place, considering that it would not be possible to identify the gun from which the bullet came. The Attorney General agreed with the conclusion of AIACAP. A possible hate motive was never examined.²⁶

Racist assault against migrants in Ipsonas village

On the 8th of June 2008, in Ipsonas village, around 30 young Greek Cypriots verbally and physically assaulted migrants living in the village. Twelve young Greek Cypriots were arrested, who, upon their arrest, stated to the Police that their aim was to "hit any foreigner they came across with and teach them not to make trouble." Yet, the Police did not charge them on racist violence, but on other lesser charges, such as malicious damage to property, causing actual bodily harm, public aggression, etc.

Racist attack and violence against a migrant by members of the Police

In February 2015, a Cypriot citizen reported to KISA that she witnessed an incident with two police officers calling a migrant walking

26 Independent Authority for the Investigation of Allegations and Complaints Against the Police. Annual Report 2014. October 2014. [http://www.iaiacap.gov.cy/iaiacap/iaiacap.nsf/All/5506E28A675DECBA-C2257E030037473E/\\$file/%CE%95%CE%9A%CE%98%CE%95%CE%A3%CE%97%20%CE%91%CE%A1%CE%A7%CE%97%CE%A3%202014%20-%20%CE%A4%CE%95%CE%9B%CE%99%CE%9A%CE%9F.pdf?OpenElement](http://www.iaiacap.gov.cy/iaiacap/iaiacap.nsf/All/5506E28A675DECBA-C2257E030037473E/$file/%CE%95%CE%9A%CE%98%CE%95%CE%A3%CE%97%20%CE%91%CE%A1%CE%A7%CE%97%CE%A3%202014%20-%20%CE%A4%CE%95%CE%9B%CE%99%CE%9A%CE%9F.pdf?OpenElement)

in front of them to stop and when the migrant turned towards them, one of the two police officers hit him so hard on the face that the migrant fell on the ground. Then, the police officers handcuffed and arrested the migrant, who neither resisted nor reacted at all. When the witness expressed her disapproval to the police officers, their response was "Do you know what he did?" When she replied that whatever the migrant had done could not justify the unprovoked violence against him, the police officers claimed that "they had not exercised any kind of violence against him." The migrant was very soon deported.

KISA reported the incident to the Commissioner for Administration and Human Rights (Ombudsperson) as well as to the IAIACP. The IAIACP informed KISA they would stop the investigation as there was not enough evidence, since the witness who reported the incident stopped answering her phone.

As KISA highlighted in a relevant press release, the continuous violence by the police is not surprising, "as the competent authorities have demonstrated that they are either politically unwilling or unable to bring to justice such illegal actions by members of the police."²⁷

Attacks against Turkish Cypriots by students 15 students, aged between 16 and 18, were arrested for three incidents of attacks against Turkish Cypriots during school demonstrations the declaration of the Turkish Republic of Northern Cyprus, in November 2015. The students were charged with assault causing actual bodily harm, malicious damage, disturbing the peace, incitement to hate and violence, racism, and conspiracy to commit a misdemeanour. Two Turkish Cypriots lightly injured during the attacks. In one incident, students attacked a car with Turkish Cypriot plates. The driver managed to escape without any injuries. During the second incident, a group of students threw stones at a car, attacking a man and his son inside. The man was injured and the car was damaged. Students during the third attack caused a Turk-

27 KISA. Racist Attack and Violence against a Migrant by the Police. February 20, 2015. <http://kisa.org.cy/racist-attack-and-violence-against-migrant-by-the-police/>

ish Cypriot injury to the eye. The Minister of Education and Culture talking on the state radio, reduced the racist incidents claiming that "some of the suspects had disciplinary issues, let's put it that way." The head of OELMEK, which is the union of secondary education teachers, acknowledged the existence of "extremist organisations" within schools, but attempted to remove any responsibilities from the education system, saying that "the books may not be the best, but they do not promote hatred."²⁸

KISA stressed in its press release on the incident that "such incidents constitute the tip of the iceberg in a society in which nationalism, chauvinism, racism and intolerance are being cultivated and propelled" and that "it is somewhat peculiar to express shock by attacks fuelled by racist and nationalistic motives, considering that racism and nationalism have been cultivated and preserved within the framework of an 'ethnocentric' education and of the national 'patriotic' political speech."²⁹

Homophobic assault in Nicosia – 2016

A 32-year-old man was the victim of a homophobic attack on February 6, 2016, in Nicosia, Cyprus. The attack happened at 3am. The victim met two men in a bakery and arranged a meeting with them shortly afterwards in a parking place nearby. When he went to the meeting, six men (the two he had met earlier in the bakery and another four) attacked him and beat him causing him severe injuries. The young man was taken to hospital where he was hospitalised for a day. The incident was reported to the Police, but there have been no prosecutions since then. According to the Police, the case is still under investigation.

28 Cyprus Mail. Police charge and release nine pupils for attacks against Turkish Cypriots (update 4). November 19, 2015. <http://cyprus-mail.com/2015/11/19/pupils-released-turkish-cypriots/>

29 KISA. The recent attacks against Turkish-Cypriots constitute only the tip of the iceberg. November 20, 2015. <http://kisa.org.cy/the-recent-attacks-against-turkish-cypriots-constitute-only-the-tip-of-the-iceberg/>

5) Conclusions & recommendations

Conclusions

It is evident from the above that Cyprus has adopted no policies or measures to combat and prevent hate crimes. The country lacks specific legislation on hate crime as such and there are no mechanisms, or plans, or even clear guidelines in place for the prevention, identification, investigation and punishment of hate crimes. At the same time, victims remain without proper support. Unfortunately, both hate crimes and hate crime victims remain invisible.

From the legal perspective, the recent amendment of the Penal Code in 2015, which criminalises any conduct that intentionally and in public incites violence and/ or hatred against a group of persons or a member of such a group, on grounds of sexual orientation or gender identity is an encouraging but not complacent development. Law 134(I)/2011 remains to only recognise racist and/ or xenophobic motive as an aggravating factor on the imposition of the penalty, without defining any other form of hate (for example, homophobia, misogyny, transphobia, ableism) as an aggravating factor. However, even in relation to the racist and/ or xenophobic motive that the Law clearly defines as an aggravating factor, very few cases are being prosecuted enacting Law 134(I)/2011.

As regards the law enforcement perspective, including the reporting of hate crimes for which LEAs are officially responsible, it is a very positive development that the police have updated and improved their registry. It must be acknowledged that the police have made efforts to improve their registry on hate crimes by making data available with details for the period 2005 to 2015. Nevertheless, it has to be pointed out that the statistics are far from reflecting the realities of hate crime in Cyprus. It is evident that the police lack knowledge on the identification and investigation of hate crime incidents. Most hate crimes are treated merely as offences under the general penal code without taking into account the hate motive(s). As a result, most hate crime incidents

remain unidentified and therefore unprosecuted and essentially invisible.

Victims of hate crimes remain invisible and unsupported as there are no adequate measures or structures to meet their needs and support them. They are often persons belonging to already vulnerable groups (for example, migrants, refugees, LGBTIQ* persons, disabled persons), who are afraid further marginalisation/ stigma/ violence against them and who, therefore, prefer to remain invisible rather than report either violence against them or the grounds of such violence, when there is a hate motive. In many cases, victims themselves cannot/ do not realise that they have been victims of a hate crime. This is also why it is very important for the authorities to be in a position to identify hate crimes and efficiently support and protect victims.

It is evident that Cyprus urgently needs to design and adopt a comprehensive plan to prevent and combat all forms of hate crime, having victims' support at its centre. In order to achieve this, the active involvement of and cooperation with civil society, especially representatives of vulnerable communities and groups (migrant and refugees communities and organisations/ groups, LGBTIQ* organisations/ groups, organisations/ groups of disabled persons, women's organisations/ groups) is of paramount significance.

Recommendations

- Adopt strategies and policies against hate crime.
- Address the specific needs of victims of hate crimes, adopting an intersectional analysis and taking into account migrants, refugees, women, LGBTIQ persons, disabled persons.
- Collect data in partnership with civil society organisations, and not only from police records.
- Deliver training to LEAs on a regular basis regarding hate crime, including not ingenious/ unconscious bias, focusing on

the implementation of the law. Specialised training in identifying, recording preventing and combating hate crime must be compulsory for all frontline police officers, so as to ensure that victims of hate crimes will be able to report hate crime.

- Deliver training to prosecuting authorities focusing on the implementation of the law, so as to ensure that hate crime will be prosecuted and punished for what it is.
- Establish clear and independent mechanisms to monitor the use of racially discriminatory practices, such as ethnic profiling, by the police.
- Deliver training to health professionals to enable them to identify possible victims of hate crimes and support them.
- Legal aid and independent support should be provided to victims of hate crimes, so as to enable them to effectively pursue their rights.
- Improve communication between CSOs and LEAs for the purpose of investigating hate crime incidents.
- Law 134(I)/2011 must be amended to define, apart from racist and/or xenophobic motive, other hate motives, and specifically, homophobic, sexist, transphobic, ableist and ageist motives, as aggravating factors too on the imposition of penalties.
- The Penal Code should provide for higher and stricter penalties for hate crime.
- The IAIACAP must efficiently employ its role as an investigator of complaints against members of the police, especially when complaints relate to hate crimes.

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