Racist and related hate crimes in Cyprus [By Nicos Trimikliniotis & Corina Demetriou]
Racist and related hate crimes
Cyprus

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Nicos Trimikliniotis & Corina Demetriou
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Executive summary

Overview

[1]. Recording racist crime is a rather new area for Cyprus, which started in 2005 with the police creating a rather basic mechanism for recording racial incidents. The relevant police unit is however understaffed and overloaded with other mandates, to the effect that little recording is done of racist crime and even less processing of the data collected. There is no tradition in Cyprus in collecting data on other hate crimes and no information as to its extent; also special hate crimes such as anti-Semitism or islamophobia are engrossed within racially motivated crime and are not afforded separate treatment.

[2]. In addition to the police, a recording mechanisms is maintained by the Independent Authority for the investigation of allegations and complaints against the Police, which however does not record racially motivated or other hate crime, but merely categorises complaints according to the nationality of the complainant, which enables some conclusions to be drawn.

[3]. In 2009, a mechanism recording bullying, including racial bullying within the school was set up by the English School. Also, as from 2011, the Ministry of Education will be recording incidents of school violence, including (but not limited to) racist, religiously motivated and homophobic violence. No other recording mechanism exists in Cyprus.

Legislation and developments

[4]. Cyprus has not as yet transposed Council Framework Decision 2008/913/JHA on combating certain forms and expressions of racism and xenophobia by means of criminal law but promises to do so by the deadline.

[5]. A number of criminal law provisions are in place intended to address racially and religiously motivated crime which, in some limited respects, goes beyond the Framework Decision. Additionally, the ratification of a number of relevant international
and European Conventions reinforce the current legislative framework which nevertheless does not entirely cover the areas of the Framework Decision.

Official data and information on racist and related hate crimes

[6]. An interview with the head of the Police Bureau for Combating Discrimination, which is the police department recording racial crime, has revealed the pressures, challenges and limitations facing this unit and the resulting situation regarding the monitoring of racially motivated crime. Thus, aside from the limited resources, there are restrictive factors when it comes to prosecuting racially motivated crime, related to the dilemma in safeguarding freedom of speech, the wide discretion of the Attorney General to prosecute or not and the negative precedent of the Court acquitting a blatant far right offender in 2005, which has made the prosecution authorities reluctant to prosecute offenders for racial crime; instead a tendency has developed to prosecute for lesser offences (breach of the peace, assault etc) in order to secure convictions.

[7]. On average, about half a dozen cases of racial incidents are recorded by the police every year which does not reflect the actual extent of racial violence in Cyprus; only two of these cases were prosecuted for racism related offences since 2005 when the recording system came into operation. The Statistical Service of the Republic maintains statistics on the nationality of victims of crime; however the only conclusion that may be drawn is that the number of foreigners who are victims of crime is disproportionately high.

Trends in racist and related hate crime

[8]. NGOs in Cyprus lack the resources to record racial crime themselves. However, they are the recipients of complaints by migrants which often allege serious violent crimes against them in considerably larger numbers than what is recorded by the police. A number of surrounding factors, such as government restrictive immigration policies and the newly formed extreme Right in recent years have caused the number of complaints received by NGOs to rise sharply.

Independent police complaints mechanism

[9]. The Independent Authority for the Investigation of Complaints and Allegations against the Police records complaints made by non-Cypriots against members of the police at numbers considerably higher than those recorded by the police itself. The issue remains that these are potentially but not necessarily racial incidents, since police misconduct is also demonstrated against Greek Cypriots in large numbers. Whilst several complaints made by foreigners against the police are deemed to be well founded and criminal offences are established by the Authority, the discretion of the Attorney General to prosecute or not remains an obstacle to the effective implementation of the Authority’s mandate.
Unofficial data and information on racist and related hate crimes

[10]. Research on racial crime per se is scant, however the study cites opinion surveys, qualitative research and research policy papers which are essential in understanding the background to the commission of racial and other forms of hate crime. Research on the discourses of the recipients of racial hatred is quoted and the racist/anti-racist dispositions of youth are analysed, revealing the negative predisposition of Cypriots towards immigration and towards non-Greek-Cypriots which manifests itself into violence towards particularly vulnerable groups such as the female migrant domestic workers, black footballers at the pitch and Turkish Cypriots. The study attributes the escalation of racial violence in recent years to the rise in far right extremist elements coupled with the inadequacy of measures to combat racial hatred.

[11]. A number of notable incidents of racial violence are listed in the report which received considerable media attention in the last two years.

Other sources

[12]. Reference is made to various European and international reports on Cyprus, such as the Third ECRI Report of 2006, the Report of the Council of Europe Human Rights Commissioner of 2006, the CERD report of 2001, the CPT report of 2004, the U.S. Department Annual Reports on Human Rights Practices, all of which highlight the problem of racial violence and the inadequacy of measures to combat it. At the national level, a number of equality body reports on racial violence and the recording of it by the police offer useful insight into the inadequacies in the handling of the problem, particularly on the part of the school authorities and the police.

Good Practice

[13]. Little is available by way of good practice in this area. At the level of civil society, the unique example of the multicultural secondary education English School is described, which has initiated a policy to address bullying, including racial bullying and harassment. In the area of inter-ethnic violence, two initiatives are cited which focus on facing up to the violent past of Cyprus’ two ethnic communities as a means to foster a peaceful future.
I. Desk research

A.1. An overview of the situation concerning hate crime

[14]. There is little record in Cyprus regarding hate crime of any sort. There is no comprehensive study, nor is there any systematic mechanism of recording racist incidents and discriminatory practices in Cyprus. To collect the necessary evidence for the purposes of this report the researchers have relied on various secondary sources (reports by European and international bodies, national NGOs, equality body reports, media reports etc), interviews with officials and information supplied by the authorities upon request. The only recording mechanism of racist crime is the one maintained by the police. By common admission, the police department mandated with the recording of racist crime is under staffed, over loaded with other duties and is afforded little resources in order to carry out this function adequately.

[15]. The Ministry of Education has in recent month set up an observatory for school violence, using the methodology developed by and in close cooperation with the International Observatory of Violence in Schools and the European Observatory on School Violence. The observatory which is scheduled to commence recording violence at schools in 2011 is mandated to cover all types of violence, including (but not limited to) racist, religiously motivated and homophobic violence.

[16]. Other authorities maintain records of complaints or cases handled from which one may infer or assume that a hate crime was being reported, but there is no record as to how many of the cases handled involved a hate crime as such. The equality body and the ombudsman, which operate from the same office and essentially with the same staff, maintain records of complaints received, some of which do involve racist crimes; however this is to be inferred from reading the actual reports: it cannot be deduced by reading their statistical record. Along similar lines, the Independent Authority for Investigating Allegations and Complaints against the Police records complaints against the police received by non-Cypriots. The statistical record of this body also shows the type of police act complained of (e.g. use of force, etc), therefore it may be possible to infer that complaints submitted by non-Cypriots concerning police violence are potentially racist crimes, although given that there are sizable complaints against the police for use of force against Cypriots, the presumption in favour of these acts being racist crimes may be rebuttable. The representative of the Authority shared with the authors his reservations in categorising all complaints by migrants against the police as racist incidents, adding that he would only classify these complaints as definitely racist where the complainant him/herself specifically alleges racism (which happened only once).

1 http://www.ijvs.org/1-6035-International-Observatory-on-Violence-in-School.php (27.08.2010)
[17]. In 2010, the English School established an anti-bullying policy which includes a mechanism recording bullying incidents. Details of this initiative are set out under section A.8.2.1 below as a good practice.

[18]. Major studies on migrants in Cypriot society, particularly from third countries (but not exclusively) point to the same conclusion: that they were in 'a vulnerable position' at the beginning of this decade (as the Second ECRI Report on Cyprus notes) and they continue to be in a vulnerable position in spite the improvements to the institutional and legal framework (as the Third ECRI Report on Cyprus indicates). Four years have passed since the last ECRI Country Report and ECRI is currently preparing its next visit to Cyprus in November 2010 to collect data for its Fourth Report. The current conjuncture also coincides with the imminent adoption of the first ever comprehensive integration policy by the Interior Ministry, currently in its very final stages, targeting only documented migrants. Migrant workers, however, are not the only victims of racial abuse and violence. The Third ECRI Report on Cyprus referred inter alia to 'manifestations of racism and discrimination affecting Turkish-Cypriots.' Racial hatred has a broad spectrum of targeted victims related to racial or ethnic background. Research conducted in the last ten years reached similar conclusions as to the seriousness of problem of racism in Cyprus, illustrating how racialisation was endemic in the media, in employment, in education and amongst children and the youth.

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7 “Greek-Cypriot children’s familiarity with, knowledge about, perceptions of and attitudes towards a variety of foreigners who live in Cyprus”, 2005: The study was carried out with fifth and sixth grade elementary school children (i.e. around the ages of 10-12) from ten different schools in Nicosia during May and June 2004. With permission from the Ministry of Education and Culture, the schools were selected based on certain criteria such as the size of the school and its social class profile to ensure maximum variability. The questionnaires were self-administered in the classrooms in the presence of a research assistant who responded to students’ questions and provided clarifications. The questionnaires were then analysed using SPSS. See also Spyrou, S. (2006), Children Constructing Ethnic Identities in Cyprus’ in Y. Papadakis, N. Peristianis, and G Welz. (eds.), Divided Cyprus: Modernity, History and an Island in Conflict. Bloomington and Indianapolis, Indiana University Press, pp. 121-139; E. Papamichael (2008) “Greek Cypriot Teachers’ Understandings of Intercultural Education in an Increasingly Diverse Society”, in: The Cyprus Review, Special Issue on Rethinking Migration, Discrimination and Multiculturalism in a Post-tourist Society, Volume 20:2 Fall 2008 pp. 51-78.
Racist crime is the only hate crime that enjoys some degree of monitoring. Religiously motivated crime is practically intertwined with racist crime and is not attributed special treatment. The same applies to anti-Semitism, islamophobia and hate crimes against the Roma, for which there are no records whatsoever. There is a very small Jewish presence in Cyprus and little manifestation of anti-Semitism, although occasionally there are reports of anti-Israeli graffiti appearing in public spaces, but usually only when there are Israeli military operations in progress in the Middle East; these instances, which may not altogether be described as ‘anti-Semitic’, are rare and are not routinely or rigorously monitored. In the case of Islamophobia, the concept is not widely known or used in Cyprus and islamophobic acts are, like other religiously motivated crimes, treated as racially motivated incidents. As regards hate crime against the Roma, it must be noted that the Roma community lives in such squalor, poverty and exclusion that underreporting does not allow any incidents to surface and become known – hence there is not a single anti-Roma incident recorded either by NGOs or by official sources.

A.2. Current legislation and developments

The Council Framework Decision 2008/913/JHA on combating certain forms and expressions of racism and xenophobia by means of criminal law has not as yet been transposed into Cypriot legislation. There are no debates yet as regards its transposition. The Ministry of Justice has advised that the relevant bill has already been drafted and has received legal vetting from the Law Office of the Republic. At the time of writing, the bill was before the Council of Ministers for approval prior to going to the House of Representatives for voting, which was estimated to take place at the end of October 2010. Although the Ministry of Justice declined the researchers’ request to supply a copy of the relevant bill, it has indicated the following in respect of its contents:

- Article 1(4) of the Framework Decision statement was transposed so as to make punishable the act of denying or grossly trivialising crimes by a final decision of an international court.
- Article 7 was transposed as in the Framework Decision. Article 9(3) of the Framework Decision is not included in the bill, which means that the national law will provide broader protection.
- The bill includes an express provision that racist motivation is an aggravating circumstance; it was not left to be a matter of judicial precedent in Common law.

There are a number of criminal law provisions covering religiously motivated hate crime, albeit in an indirect manner. They were drafted having in mind the inter-communal violence which erupted in Cyprus between 1964-1967 and are therefore geared towards addressing that problem rather than hate crime in general. Article 138 of the Criminal Code prohibits damage to a place of worship or to an object held sacred by any class of persons with the intention of insulting the religion of any class of persons. Article 139 of the Criminal code prohibits the disturbing of religious assemblies. Article 140 prohibits trespassing on burial places with the intention of insulting the religion of persons.

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8 Information provided by Ekaterini Andreou, Ministry of Justice Senior Legal Officer 13.10.2010.
any person. Article 141 prohibits the uttering of words, the making of any sound or any
gesture with the intent of wounding the religious feelings of any person. Article 142
prohibits publications insulting any religion. Also, article 51A of the Criminal Code
prohibits public incitement to violence amongst residents and the cultivation of a spirit
of intolerance. Article 47(1)(b) of the Criminal Code prohibits incitement to hatred
amongst communities or religious groups due to race, religion, colour or gender.

[22]. Although several of the elements of the Council Framework Decision 2008/913/JHA do
not yet exist in national legislation, such as the prohibition of condoning, denying or
trivialising genocide or the rendering of racist motive as an aggravating factor, there are
elements in the Cypriot Criminal Code which go beyond the Framework Decision. The
provisions regarding damage to a place of worship or an object held sacred (article 138
of the Criminal Code), the trespassing on burial places (article 140 of the Criminal
Code) and the prohibition of gestures intended to wound one’s religious feelings (article
141) referred to in the previous paragraph are particular to the Cypriot context and
relate to the tension and violence between Cyprus’ two communities, the Greek
Cypriots who are Christian Orthodox and the Turkish Cypriots who are Muslims.
Similarly, the need to legislate against holocaust denial or the trivialisation of genocide
never appeared as very pressing in the Cypriot context as such phenomena have not so
far surfaced in Cypriot society. It is also important to note that the aforesaid provisions
in the Criminal Code are absolute prohibitions and not subject to the freedom of
expression, freedom of the press or freedom of association, although constitutional
provisions, which do guarantee these rights, take priority over other legislation when in
conflict. However, the law ratifying the Convention on the Elimination of All Forms of
Discrimination prohibits the incitement of acts which are likely to cause discrimination,
hatred or violence against persons on account of their racial or ethnic origin or religion
and the expression of ideas that insult persons by reason of their racial or ethnic origin
or religion; this provision having its source in international law, is superior to any
national law it conflicts with.

[23]. The introduction of racist motive as an aggravating factor, which has been under
consideration by the Attorney General’s office and the Ministry of Justice for several
years now, will be a positive step forward once the Framework Decision is transposed;
however as this study will indicate, there is a reluctance on the part of the Attorney
General’s office to prosecute for racist related offences

[24]. Cyprus has ratified the Additional Protocol to the Convention on Cybercrime
concerning the Criminalisation of Acts of Racist or Xenophobic Nature committed
through Computer Systems without any reservations.

[25]. Through the ratification of the International Convention on the Elimination of All
Forms of Racial Discrimination, as well as with the subsequent amendments

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9 Cyprus/ Laws amending the Convention on the Elimination of All Forms of Discrimination (Ratification) Law, No.
11(III)/1992 and 28(III)/1999, article 2A.
10 The Additional Protocol to the Convention against Cybercrime concerning the Criminalisation of Acts of Racist or
11 Cyprus has also ratified the Council of Europe Convention on Cybercrime signed in Budapest on 23.11.2001 which
however does not directly cover racist or related hate crime. A declaration has been entered with regard to this
VL=1&CM=5&CL=ENG (19.08.2010).
introduced to the basic law, Cyprus established a number of offences relevant to combating racism and intolerance, in conformity with a recommendation of the Committee for the Elimination of Racial Discrimination. The offences include incitement to racial hatred, participation in organisations promoting racial discrimination, public expression of racially insulting ideas and discriminatory refusal to provide goods and services. As a result of these amendments, it is no longer necessary that the incitement to racial hatred is intentional for the corresponding offence to be committed; in addition, for the refusal to provide goods and services to constitute an offence it is no longer necessary that race be the sole ground of discrimination. Article 2A of the amended law renders criminally liable those persons who incite acts which are likely to cause discrimination, hatred or violence against persons on account of their racial or ethnic origin or religion; establish or participate in organisations that promote propaganda aiming at racial discrimination; express ideas that insult persons by reason of their racial or ethnic origin or religion; refuse to supply goods or services to people by reason of their racial or ethnic origin or religion.

A.3. Official data and information on racist and related hate crimes

A.3.1. Overview of official government/criminal justice data on racist crime

At the time of writing, no governmental department recorded racially motivated or other hate crime, apart from the special anti-discrimination unit of the police. For the purposes of this study, the authors interviewed the officer in charge of the said police unit Mr Costas Veis who explained that his department is understaffed and underfunded and additionally mandated with two other authorities, that of domestic violence and child abuse as well as youth delinquency, adding that often he is confronted with the choice of prioritising between the different pressing needs of the authorities he is heading and saving children from imminent child abuse is prioritised higher than recording racial incidents, which are, at any rate, relatively few in number. The officer acknowledged that the problem of racist crime is certainly much more serious than what is recorded, essentially because there is under-reporting by the victims; he denied any attempt by the police to cover-up or under-record racist crime. The officer was forthcoming and frank in admitting the weaknesses of the current recording mechanism and discussed the difficulties involved in the establishment of a credible, accurate and effective recording system. When asked to comment on the fact that there is an abundance of racial abuse and incitement to racial and other hatred on Cypriot-based websites and blogs, the officer responded that he is aware of this but the resources required to deal with these, in terms of prosecution of these sites are such that go beyond the current priorities. He stated that the police are closely monitoring these sites through its experts but noted the difficulties involved in prosecuting the perpetrators. He referred to a case that received considerable publicity in spring 2010 concerning the

15 Interview with the officer in charge of the Police Bureau Combating Discrimination 19.08.2010.
death threats against well known journalist Makarios Drousiotis after his interview with the Turkish Prime Minister. The treats were published in the anti-government blog ‘Christofias Watch’ following which the journalist applied to the Attorney General requesting him to take measures against this blog. The Attorney General expressed the opinion that the evidence was not adequate to prosecute the blog administrator and thus the charges against him were dropped. The Head of the Police Bureau for Combating Discrimination cited this as an example of the difficulties involved in addressing internet racist crime and of the dilemma in safeguarding freedom of speech. When asked why perpetrators of racially motivated crimes are not charged with offences involving racial motivation, even though the incidents concerned are recorded as ‘racist’ by his office, the officer pointed out that the final decision on the charges is taken by the Prosecution Service under the direction of the Attorney General based on the evidence before him. As a manifestation of the difficulties involved in successfully pursuing a legal action against perpetrators of racist crime, the police officer cited the 2005 case of a racist attack against a Turkish Cypriot by a member of a far right group (Chrysi Avyi – “Golden Dawn”) in a high street café in the presence of several witnesses; the perpetrator was charged, inter alia, with breach of Article 47(1) of the Criminal Code which prohibits the promotion of hostility between the two communities and the religious groups of Cyprus due to race, religion, color or sex, but was acquitted by the court for lack of evidence. He added that both this case and the ‘Christofias Watch’ controversy resulted in criticisms against the police and the government for failing to secure convictions. He added that at least in the other cases of racist attacks, where the perpetrators were prosecuted for offences not involving racist motivation, as was the case of the group attack against Turkish Cypriot pupils by far right youth at the English School in 2006, the prosecution secured convictions, even though the penalty imposed by the Court was only for ‘community service’.

[27]. The input of the government of Cyprus to the ODHIR Annual Report 2008 on Hate crimes in the OSCE region states that the recording system of the police makes no classification in respect of the type of crime. Whilst this is correct in principle, the police has in the past made available to the authors information regarding the type of crimes recorded, for instance whether the offence concerned violence to property or to a person. Also, although the report states that the data is publically available, this is not entirely correct. The data can be made available upon a request being submitted in writing to the Chief of Police and at the discretion of the latter. Also, while the report states that Cyprus records multiple biases in hate crime, in practice it only records only racist crime. This may be attributed to a variety of reasons, including the fact that no other hate crime has been reported so far.

[28]. The Ministry of Education intends to record all violent incidents at schools in the framework of a wider project to monitor school violence; the recording mechanism is due to become operation in early 2011. No other governmental department maintains data on racist crime.

[29]. The Attorney General’s office does not maintain records on racist or other hate crime. Court decisions are archived by the name of the case and by the case file number, but not by subject; as a result it is impossible to search the Court Registrar’s archives unless the name of the case and/or the file number is already known. A private data base operating on the basis of subscriptions enables a key word search, however it includes only Supreme Court judgements. A keyword search at this database regarding racist or other related hate crime has rendered nil results.
A rather restrictive approach followed by the Courts in Cyprus renders the securing of convictions a rather difficult task, as admitted by the Head of the Police Bureau for Combating Discrimination (see paragraph 27 above). In the 2005 case of the ultra nationalist attack against a Turkish Cypriot in public, the Court acquitted the perpetrator for lack of evidence, as the victim himself was found by the Court to be a non-credible witness. In 2006 the Court found convicted a Cypriot of African descent for assaulting a group of youth when he chased them away from his home, ignoring the fact that the youth had been harassing him with racial abuse for months before the man chased them away from his house. In 2008 the Supreme Court examined an application by Turkish Cypriot relatives of persons missing following an incident of ethnic violence at the village of Tochni in 1974. The applicants, who are relatives of five Turkish Cypriots missing as a result of an incident of a massacre which took place in August 1974 at the village of Tochni, when armed Greek Cypriots entered the village and abducted a large number of Turkish Cypriot inhabitants of the village, who were never seen since. The applicants sought a Court declaration stating that the state did not do everything necessary to investigate what happened to their missing relatives, to locate their remains and to bring the guilty persons to trial. The Supreme Court found that the review of governmental acts was not within the mandate given to the Supreme Court under article 146 of the Constitution (which deals with the review of administrative acts) and therefore it lacked jurisdiction to try the case.

A.3.1.1. Incidents/complaints reported by the public

The police does not categorise incidents according to the party that lodged the complaint. Incidents recorded by the Police Bureau for Combating Discrimination, the only recording mechanism in operation in Cyprus, may have been reported by members of the public, including the victim him/herself, or may have been the result of a police investigation.

A.3.1.2. Incidents/complaints recorded by the police

According to the police action plan of 2004 which was the basis for setting up the recording mechanism, an incident will be defined as racially motivated if it is perceived to be racially motivated by the victim, by a member of the Cyprus Police, by a person who was present and who witnessed the incident or by a person acting on behalf of the victim. According to information supplied by the police in 2008, the aforesaid recording mechanism did not record complaints of racist incidents, but only offences with a racist motive. This represents a departure from the original policy of recording racist incidents, as it was originally conceived in 2004. In February 2008 the mandate of the Police Bureau for Combating Discrimination was extended following

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16 For details on this case, please refer to paragraph 93 below.
17 Ozalp Behic alias Ozalp Saricaoglu, Ece Behic alias Ece Kasif alias Firtinaer, Suzan Behic alias Suzan Saricaoglu v. The Republic of Cyprus through the Attorney General, the Council of Ministers, the Ministry of Foreign Affairs, and the Ministry of Interior, Supreme Court of Cyprus, Case no. 589/2006 (29.05.2008)
18 The information was contained in a document titled “Contribution by the Ministry of Justice and Public Order of the Republic of Cyprus to the Raxen National Focal Point “, enclosed with letter from the Cyprus Ministry of Justice and Public Order dated 06.09.2004 and addressed to the NFP, in response to the NFP’s enquiry.
19 Letter from the police headquarters to the NFP dated 23.09.2008.
the equality body’s recommendation, to cover and record not only racial offences but also racial incidents (as defined inter alia by the victim); however, it subsequently emerged\(^{20}\) that the unit does not have the mechanism in place to record racial incidents; only a small number of racial offences were recorded. In practice, as it will be indicated below, only a small number of the incidents recorded end up in criminal prosecutions and in the vast majority of cases prosecuted the offence is not related to racism; therefore as it stands now, the record currently maintained by the police by default records both incidents and offences. The archive is not divided into any categories, but merely records offences, as explained above; however, for some of the offences, the head of the Police Bureau for Combating Discrimination is in a position to say whether they involve damage to person or to property and what is the ethnic origin of the perpetrator and the victim.

\[33]\text{The recording of racially motivated crimes by the Police Bureau for Combating Discrimination commenced in 2005 and has since recorded 37 such incidents: two in 2005, 18 in 2006, three in 2007, six in 2008 and eight in 2009 (Table 1, Annex 1). The officer in charge of the Police Bureau for Combating Discrimination informed the authors that the numbers are too small to be processed in any meaningful manner.\(^{21}\) From the incidents up to 2008, i.e. from the total of 29 incidents recorded up to then, 20 cases led to court prosecutions, with 16 convictions, one acquittal;\(^{22}\) three cases are still pending and nine remain unresolved. The mechanism does not record details of the offences or analysis or profile of the main victim and offender groups; however, given the small number of offences, the head of the Police Bureau for Combating Discrimination could remember some of the details, which he made available to the authors.}\]

\[34]\text{For the year 2005 (two incidents), one of the two incidents involved an alleged attack by a member of the police against a migrant TV actor from Benin. This is the only incident recorded by the mechanism which involves a member of the police force. This incident was recorded upon the recommendation of the Ombudsman. The other incident recorded for this year was the attack against a Turkish Cypriot by a member of the ultra nationalist organisation Chrysi Avgi (Golden Dawn) who at the same incident attacked also a person from Romania and a person from Greece who were in the company of the Turkish Cypriot at the time.}\]

\[35]\text{For 2006 (18 incidents) the victims included persons from Iran, Greece, USA and Turkish Cypriots. The reason for the high number of incidents during 2006 in relation to other years was the repeated incidents by the same offender who on fifteen separate occasions inflicted malicious damage to cars of Greek high ranking army officials parked in public spaces because he considered them responsible for the military}\]

\(^{20}\text{This position was expressed in the equality body’s report ref. AKP/AYT 2/2008, dated 26.01.2009.}\)
\(^{21}\text{Interview with the officer in charge of the Police Bureau Combating Discrimination 19.08.2010.}\)
operations against Cyprus in 1974.\textsuperscript{23} The perpetrator was charged with malicious damage to property and was convicted. The other case recording this year was the attack against Turkish Cypriot students at the English School by a group of hooded far right youth.

[36]. For the year 2007 (three incidents), the victims were a Turkish man of Kurdish origin, a Turkish Cypriot man and a Bangladeshi man. The perpetrators in the first two cases were a Cypriot male and a Georgian male. The perpetrator in the third case has not been found. The first two cases concern violence against the person and the third was destruction of property.\textsuperscript{24}

[37]. For the year 2008 (six incidents), one case concerned violence against a person, one case concerned violence against both person and property and four cases concerned violence against property.

[38]. For the year 2009 (eight incidents), four cases concerned violence against the person, four cases concerned violence against property, one case concerned both violence against person and property. Out of the total, three incidents included also threats and abusive behaviour.

[39]. The following analysis was provided by the police regarding the reporting period 2005-2009. The total does not add up to 37 as some of the incidents extend to more than one classification of the categories of incidents. The breakdown offered is as follows:

- Thirteen instances of violence against the person;
- Twenty four instances of violence against property;
- Four instances of verbal threats and abusive behaviour – including harassment and hate speech;
- No Racist, xenophobic publications – including internet based;
- No Extremist offences or offenders.

[40]. Out of all the instances recorded, there was only one case in which the perpetrator was actually charged with a racially motivated crime: the case of the far right youth who attacked a Turkish Cypriot in a public cafe in 2005. Although the incident was witnessed by several dozens of by-standers, the perpetrator was acquitted by the court on the ground that the prosecution failed to prove its case beyond reasonable doubt and that any actions of the accused were self-defence.\textsuperscript{25} In the other cases the perpetrators were not charged with offences including the racial element. Even in the attack by extreme right Greek-Cypriot youths against Turkish-Cypriots at the English School in November 2006, although the incident is recorded by the Police as racist, the perpetrators were charged and convicted with lesser offences such as breach of peace.

\textsuperscript{23} It is rather odd, in the NFP’s view, that these incidents were recorded as racially motivated, when it is clear that the perpetrator was acting out of political convictions rather than racist motivation. He was targeting property belonging to military officials and not to Greek civilians in general.

\textsuperscript{24} Source: FRA Complementary Data Collection Report 2008.

and illegal entry and their sentences were only community service, mostly due to their ages (all but one were 16 year olds and one was 18). The authors were informed by the police that in 2009 there was one racial incident where the alleged offender was charged with racial motive on the insistence of the police; the case involves a robbery where the accused is said to have declared his intention to rob a migrant with racial abuse against him. The case is currently pending before the Court.

A.3.1.3. Official Statistical Data

[41]. The official Criminal Statistics recorded by the Statistical Service of the Republic do not maintain data regarding crimes of racial or other hatred. What may be of marginal relevance, but without allowing for any conclusions, relates to the particulars of the victims of crimes with regard to their nationality, recorded in Table B2 below (Annex B). We have no information as to the type of offence, whether was any racial or other element of hatred, or the nationality of the offender. It merely provides some information as to the nationality of the victims. We have collated a five-year period covering the data from 2003 to 2008, covering the immediate pre-accession year up to the latest statistics. No conclusions can be drawn and the figures cannot tell us much other than the fact that we have a large share of non-Cypriots who are victims. In any case, Cypriots may also victims of racial or other hatred too, for instance Turkish Cypriots or Roma.

A.3.2. Other hate incidents/crimes/cases

[42]. There is no mechanism recording hate crime besides racist and religiously motivated crime. Gay rights and disability NGOs have informed the NFP that there is no evidence of hate crime against LGBTs or persons with disability in Cyprus, although there is ample hate speech against LGBTs in the media which, however has not as yet manifested itself as violent crime against LGBTs. The newly constituted NGO for LGBT rights ‘Accept’ is currently carrying out a nationwide survey on discrimination faced by LGBT persons in Cyprus including sexual identity violence, funded by ILGA Europe. When the results are made available, a clearer picture will emerge as to the degree and extent of homophobic crime in Cyprus. Generally speaking, Cypriot society is highly homophobic and LGBTs lead a very secluded and ‘closeted’ life therefore

26 It is alleged that one of the English School offenders was recently involved in a violent incident involving numerous people in a brawl between (migrant) Pontiac and Greek-Cypriots youths but this is not confirmed. Media Reports referred to comments by the Nicosia Mayor Eleni Mavrou who said that a group of young Pontians had reacted to an alleged racist comment made by the lifeguard. A 15-year-old boy was injured in the back after being attacked with a knife in the pool’s car park but no arrests were made (“Pool fracas ends in teen stabbing”, Cyprus Mail 20.07.2010, http://www.cyprus-mail.com/crime/pool-fracas-ends-teen-stabbing/20100720).

27 The Greek-Cypriot slang terms alleged to have been used were: «ΕΝ η ληζηέτυ τον ποςζηο-μαύρο». We have no further details on the case, other than the fact that it is still pending. Interview with the officer in charge of the Police Bureau Combating Discrimination 19.08.2010.

28 See the official website, where the statistics are freely downloadable in PDF format: http://www.mof.gov.cy/mof/cystat/statistics.nsf/publications_archive_gr/publications_archive_gr?OpenForm&OpenView&RestrictToCategory=13&SsrcTp=1&CATEGORY=1&Subject=3&SubSubject=0&subtext=0&

29 See N. Trimikliniotis and C. Demetriou, FRALEX Thematic Legal Study on Homophobia and Discrimination on Grounds of Sexual Orientation in Cyprus, February 2010.
one may expect underreporting to be the norm and cannot realistically rely on official police records to show the true extent of sexual identity violence.

[43]. The Independent Authority for the Investigation of Complaints and Allegations against the Police has recorded one incident in 2010 whereby a British national suffering from AIDS was denied treatment whilst in detention (see table B5 in Annex B). The complainant did not allege any specific ground of discrimination, but it is likely that the incident was motivated both by racial as well as homophobic motivation.

[44]. There is no NGO on Roma rights and the Roma themselves lead a very impoverished and excluded life so underreporting is expected to be the norm as far as this group is concerned; however there is no record whatsoever and no mechanism to record anti-Roma hate crime.

A.4. Trends in racist and related hate crime

[45]. The official statistics offered by the Police and by the Statistical Service do not allow for conclusions to be made. For instance, the sharp rise in recorded incidents in 2006 is attributed to a repeated offence (15 times) of malicious damage to cars belonging to Greek military officials which in the authors’ view does not include a racist element but rather a political conviction. The sharp rise in far right elements and extremist crime against migrants in recent years is not reflected in the official statistics. Also, whilst the data provided by the Independent Authority for the Investigation of Allegations and Complaints against the Police indicates a significant number of complaints by migrants for police violence, many of which were deemed to be well-founded, these incidents are not recorded by the Police Bureau for Combating Discrimination.

The fact the recording of hate crime statistics is inadequate does not mean that we have no indications as to the scale and intensity of the hate crime in the country. We cannot be certain in terms of the actual number of incidents given that they are so badly under-reported and under-recorded. The opinion of NGOs working in the field must be considered here. According to the executive director of Action for Equality, Support and Antiracism (KISA) Doros Polycarpou30 there has definitely been an escalation of hate crime, particularly racial hate crime. KISA did in the past make some efforts to set up a computer system that would record allegations based on the hundreds of complaints received, so that that at least the unofficial complaints are properly recorded but this was not possible due to funding inadequacies; it is a matter that KISA will consider again if funding is secured.31 KISA considers that there has certainly been an escalation of violence against migrants since the Ministry of Labour and Human Resource Agency announced that it would subsidise the replacement of third country nationals with Cypriots and EU nationals in 2009. As a result there is a conception amongst the public that all third country migrants can and ought to be replaced by Cypriots and EU nationals, including refugees who must be treated equally. It is no coincidence that refugees who worked for a private company as security guards were recently dismissed by their employers; this led to the a complaint by UNHCR to the

30 Interview to the authors dated 1.9.2010.
31 Interview to the authors dated 1.9.2010.
Equality body for racial discrimination. Also the fact that the Ministry of Labour has responded to the calls for tighter control on the employment of illicit or irregular migrant workers by raids and inspections has, according to the KISA, led officials to a misconception that equates all migration with illegal migration, criminality and unemployment; there has been no attempt to distinguish between the terms ‘illicit’ or ‘irregular’ employment, which is merely undeclared work criminalised and depicted ‘illegal’ and thus connected to criminal networks and activities. So far this refers to a worsening of the anti-immigrant attitude and general climate, which may not automatically translate into forms of hate crime. However, the KISA officer argues that there has certainly been a deterioration not only of the general climate despite the more positive approach of the current Minister of Interior. Notwithstanding the economic crisis with the doubling of unemployment and rising insecurity, there is an escalation in hate speech, mostly directed against migrants but also Turkish-Cypriots, and an increase in racist graffiti. Over the last year or so, KISA has received many more complaints from migrants and of much more serious natures. Polycarpou argued that his NGO has witnessed unprecedented forms of violence against non-Greek-Cypriots over the last year or so. He cited three incidents which did not receive due media attention where Molotov cocktails were thrown at migrant gathering points in 2010. He further referred to two violent attacks against two migrants by the neo-Nazi group ELAM immediately after their march, claiming that this form of politically-motivated hate crime and violence amounts to a serious escalation, given that in the past two decades, there were only sporadic examples of extremist violence.

It must be noted that during an Extraordinary Meeting of the Education Parliamentary Committee which convened in order to examine the racial attack against a black pupil by other pupils in December 2008 after a school sports event, the officer of KISA claimed that migrants have reported violent attacks within walled Nicosia almost every weekend with racist thugs attacking all the migrants they could find in the streets. Whilst the official indicators do not tell much about trends, the unofficial indicators illustrate that racial hate crime is on the increase. Some racial attacks receive media attention, such as the attack on the Nigerian and the Indian students by ELAM supporters referred to above, and some do not, like the throwing of the Molotov cocktails. Several racial incidents are also related to sports, such as the attack on the teenage black Cypriot girl who was playing volleyball for her school team, and the attack on Turkish-Cypriot fans of OMONIA by Greek-Cypriot APOEL fans outside the club on one of the main boulevards of Nicosia. According to KISA: “This is one of the most serious crimes concerning racist violence in Cyprus, since the reason of the attack was the young girl’s skin colour. She is a Cypriot national of African origin… The incident may be an unusually extreme form of racist violence, but it nevertheless takes

32 See H. Christophi (2010) “Third-country nationals fired from private security jobs”, in the Cyprus Mail (27.1.2010). The dismissals were based on instructions issued by the police to security companies, invoking a law that prohibits non Cypriots from being employed at security companies. UNHCR in Cyprus lodged a complaint with the equality body over the dismissals. The equality body found that the practice of the police to instruct private security companies not to employ third country nationals was based on a wrong interpretation of the law and was discriminatory on the ground of race/ethnic origin. The police refused to comply with the equality body’s recommendation to withdraw the said instruction.

33 Interview with NFP researchers 1.9.2010.


35 The meeting took place on 27.12.2008
place in a broader social framework, where racist attitudes and discrimination against migrants and refugees (concerning employment, housing and other aspects of daily life) now dominate. [...] Unfortunately, the racist venom has been allowed to poison the souls of a portion of our youth..." It has been suggested that “the problem is not that there is a small, extreme, racist minority opposing the presence of migrants that makes their lives difficult” but “the larger problem is that the majority simply does not care about the experience, conditions, problems, or joys of migrants in Cyprus and this perpetuates a situation of ‘living apart’ and not ‘together’.” Or it may well be the case that antiracists and a significant portion of the more sensitive population do not react immediately due to a tradition of violence by extreme right wing groups that can be observed in Cypriot history over the last 60 years, particularly during the period of inter-communal and intra-communal violence.

The escalation hypothesis is based on the notion that that the inadequacy of measures to combat racial and other forms of hatred has enabled the surfacing of the ‘hard core’ of what was in 2000 about ten per cent amongst the Greek-Cypriot youth who expressed their racist predisposition (as per Charakis, Sitas et al). Once the general climate allowed it and the organisational framework was offered by the newly-formed extreme Right, neo-Nazi groups were imported mainly from Greece and were organised more effectively. Empirical data over the last decade shows that the problem of racism, including racial hatred has not been dented, despite the policy, institutional and educational improvement. The research findings are instructive as they provide us with the basis to sociologically explain and interpret the racism phenomenon. In the study conducted on racism in sport we noted that there are important shifts on the behaviour amongst the youth in general which may explain the level, intensity and perpetuation of racist tendencies specifically in professional sport, mostly affecting fans of a couple of top football clubs but this has a wider application. We expressed the view that this allows us to assess the impact of some policies to combat the phenomenon and explain why. Despite the enhanced repressive measures that have been

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37 Quoted from the presentation of O. Demetriou, project leader at PRIO Cyprus (the International Peace Research Institution Oslo), who presented her work on Migrant Cities in 2008 entitled Migrant Cities Research, Nicosia South, part of the Living Together Project of the Institute for Public Policy Research and British Council, November 2008 http://www.prio.no/upload/NicosiaSouth.pdf).

38 The NFP is grateful to sociologist Andreas Panayiotou for offering this insight.


imposed in and around sport, racism is far from being eradicated. Rather, what we seem to be experiencing is a transformation of the phenomenon which is manifested in there tendencies:

- The first trend located in another study\(^{42}\) is a trend towards *shifting* or a *transfer* of racist behaviour into arenas where there is no system of surveillance, repression and proper monitoring, in the fashion that football violence has been transferred to lower divisions in the UK and elsewhere following the repressive and surveillance measures taken.\(^{43}\) It may well be that there is also a shifting to younger ages but this needs to be properly investigated as a research hypothesis; what we have is a number of serious indications from existing research drawn from an increasing number of research on education, exclusion and racism, as well as the violent attacks against the African pupil in the volleyball match and the cases investigated by the Cyprus Anti-discrimination Authority, referred to above.

- In terms of the reported and recorded cases, an increase in violent racist incidents can be observed which may not necessarily mean that there is more racial violence now, but rather more awareness and better systems of reporting, complaining and investigating. Nor does it mean that there is no expression of political will by the education authorities; on the contrary we have had the strongest ever public statement expressing the political will to stamp out racism by the Minister of Education, who was one of the first to condemn the attack on the 14 year old black pupil as racist. However, racism is a problem accumulated over the years, which was not properly tackled via anti-racist education, as indicated in the relevant equality body report concerning this incident.\(^{44}\) More seriously, there seems to be resistance by organised teachers to treat racist violence as a more serious aggravating factor in the context of a more generalised “youth deviance” or “delinquency”.\(^{45}\) Moreover, the approach of the Cyprus Football Association and the sports authorities at large is one of general complacency as pointed out by one scholar.\(^{46}\) It may well be the case that the ten percent of youths with an overtly racist disposition that the study of Charakis and Sitas\(^{47}\) points out have become *more* violent or *more* organised. Therefore, even if this cannot be considered to be conclusive evidence based on direct research, we may speak of indications that there has been an escalation or an increase in frequency of violent racist incidents over the last years. The question certainly warrants further investigation.

- In terms of policy, it may well indicate that the prima facie ‘success’ of combating racism on the football pitch, which is essentially the repression of racist symbols and slogans during the match was only superficial. And that in the absence of a more effective general policy to eradicate racism through education rendering racism socially and politically unacceptable, racism spread to a greater number of


\(^{44}\) Decision Reference number ΑΚR 241/2008, dated 10.03.2009.

\(^{45}\) See the report of the Equality Body Report Ref. ΑΚR 241/2008, dated 10.03.2009, which criticises the approach taken by teachers, who to this day refuse to recognise that the attack on the African pupil was racist.


youths in the way of the ‘negative scenario’ predicted by Charakis and Sitases.\textsuperscript{48} Of course such contentions require further research and analysis, but they are certainly plausible explanations for the recent rise in racial violence.

A.5 Independent police complaints mechanisms

\textsuperscript{49} Although there is general legislation dealing with administrative excesses of power, premised upon article 146 of the Constitution, there is no specific mechanism to address abuses of power related to allegations of racist incidents/crimes and related incidents perpetrated by the police or other State officials. There are several allegations of abuses of power, particularly on the part of immigration officers, many of which have been confirmed to be well-founded by the Ombudsman, but no measures have been taken, given that the Ombudsman is only entitled to issue non-binding recommendations. The equality body, which enjoys a wider mandate than the Ombudsman, may and does investigate complaints against state officials for racist behaviour and although it has on several occasions found the complaint to be well founded, it fell short from issuing the binding decisions it is entitled to issue or from imposing sanctions, not less because the fines it can impose are so low that they can hardly amount to a deterrent.

\textsuperscript{50} Since 2006, a complaints mechanism exists to investigate allegations against members of the police, the Independent Authority for the Investigation of Allegations and Complaints against the Police,\textsuperscript{49} set up in 2006 by Law Concerning the Independent Authority for the Investigation of Complaints and Allegations (Concerning the Police) N. 9 (1)/2006. The Authority is completely independent from the police and is run by a five-member board appointed by the Council of Ministers, made up of persons with “recognised prestige and moral standing”, of whom at least two must have legal background, and one is a senior former police officer, a provision that has attracted criticism from ECRI\textsuperscript{50} and from NGOs. Each year the Authority publishes a report on its activities and makes suggestions which are tabled at the Council of Ministers. In the event that the findings of the Authority’s investigation show disciplinary offences, then the cases are referred to the chief of police who is obliged by law to order the disciplinary prosecution of the implicated member of the police. In the event that criminal offences are found, then the cases are referred to the Attorney General who has discretion to decide whether the implicated members of the police will be criminally prosecuted or not.

\textsuperscript{51} According to the Authority, very few of the complaints received specifically allege racist motive on the part of the police officers involved, even though many of the incidents are potentially racist in nature. This, however, raises questions as to whether a racist motive may be imputed into the violent acts of the members of the police force or whether the particular perpetrators would have afforded the same treatment to non-vulnerable persons. This position may be justified if one considers that there are also


\textsuperscript{49} \url{www.iaiacap.gov.cy} (18.08.2010).

cases of police misconduct against Cypriots, with some involving even torture. However, this approach which is inevitably reflected in the Authority’s decisions, will also impact the type of action that the Attorney General may decide to take against the police officers found guilty. It also results in the non-recording of crimes committed against migrants by police in the monitoring mechanism of the police, which has only recorded one incident where the perpetrator was a police officer since 2005 and this upon the insistence of the equality body.

[52]. The Report of the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) to the Government of Cyprus of 15.04.2004 regarding the visit of CPT to Cyprus in December 2004 stated that the powers of the Attorney General to appoint, on his own initiative, investigators to conduct inquiries into allegations of police misconduct resulted in a situation whereby foreign nationals in police custody were not receiving the full benefit of this and other initiatives aimed at increasing police accountability, because the manner in which the Attorney General exercised his powers to address police misconduct was unsatisfactory, as he was reluctant to initiate investigations ex officio, undertaking investigations only after a formal complaint by the victim or his lawyer. Generally speaking, the Attorney General in Cyprus enjoys a wide degree of discretion in deciding whether to prosecute an offender or not and on the basis of what charges. In the cases investigated by the Independent Authority for the Investigation of Allegations and Complaints against the Police, a brief examination of the tables appended to the Authority’s annual reports indicate that the Attorney General may not always take up the Authority’s suggestion to criminally prosecute a police officer accused of misconduct and when such proceedings are instituted, the Attorney General may review his original decision and subsequently terminate the proceedings and withdraw the charges. This is a practice that will in the long run undermine the effectiveness and credibility of the Independent Authority and weaken its function.

A.6 Unofficial data and information on racist and related hate crimes

A.6.1. Research

[53]. A synopsis of the findings of research provides an unofficial, but nonetheless scientifically sound source of knowledge on the subject, which acts as essential background to understanding the commission of racial and other forms of hate crimes in Cyprus. From the research conducted over the last ten years, we can locate three types of relevant data highlighting the problem with racial, as well as other hate crimes: (a) opinion surveys from quantitative research and opinion polls; (b) qualitative research (interviews, focus groups and ethnographic/participant observation) refer to the hate crime and (c) research papers based on policy and institutional analysis. The absence of comparable reliable data covering the period under examination makes it difficult to

comment on trends. Nonetheless, relying on various indicators and proxy data some conclusions are possible, even if they are preliminary and subject to further investigation.

[54]. From the late 1990s research had shown that there had been a negative predisposition towards migrants, with media discourses showing a general antipathy towards migrants. Racial incidents recorded in the media and NGO statements and positions seem to suggest en mass violations of the rights of migrant workers, as well as racial violence and hate crimes.

A.6.1.1. Discourses by the recipients of racial hatred

[55]. Research based on discourses of recipients of racial and other hate crimes drawing on interviews and focus groups is an important source of data regarding the everyday lives, including facing forms of racial abuse and violence in the country. This crucial data aims to capture something from the inherent difficulty in analysing racial and other hate crimes by connecting disparate fragments of everyday life to connect structures, social institutions to discourses, ideologies and praxis. 53

A.6.1.2. Racism and the colour black

[56]. Colour remains an important signifier of racism, although not exclusively or necessarily. Research conducted in 2010 confirms that colour racism and racial abuse against blacks persists. During the focus groups conducted for the RAXEN study on Asylum-seekers 54 African males and females reported having received the worst treatment of all asylum seekers. Despite global political condemnation and discrediting of racism in its different manifestations, expressions and mutations, colour appears to be also a significant denominator and marker as Africans are facing more overt and acute forms of discrimination, particularly from immigration officers who have no hesitation in demonstrating overt racist behaviour towards them. In the same research, an African woman reported that she had repeatedly visited the immigration office in order to obtain an application form: “Whenever I went to the immigration office the officer would shout ‘go, go, go’, just go, go, go and threw me out”. When she tried to enter a bar, someone chased her away with a broken bottle shouting “mavro, mavro [black] get out of here”. Another African woman was chased away by someone who had found her sleeping on the pavement telling her “Hey mavro [black] get out of here”. Asylum seekers from Eritrea have also described an incident upon their arrival to the country, where immigration officers used considerable physical violence to force them to board the plane they arrived with, and were only allowed to remain when the pilot, for reasons

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53 Piecing together the voices of recipients of racial and other hatred crimes means reconstructing complex ideological processes to lived experiences and then associating them with existing knowledge. Research which analyses discourses of migrants themselves, as migrant voices, “to realize that racism, as a social practice and as an ideology, manifests itself discursively” but also to examine how “racist opinions and beliefs are produced and reproduced by means of discourse and through discourse, discriminatory exclusionary practices are prepared, promulgated, and legitimated” within the voices of migrants, but to explore the potential of anti-racist strategies within the very migrant voices (Wodak and Reisigl 1999).

54 Nicos Trimikliniotis and Corina Demetriou (2010) The Asylum-Seekers’ Perspective: Access to Information and to Effective Remedies Cyprus, Thematic Study for FRA, Raxen NFP.
unknown, refused to take them back on board. The story of the repeated visits to the authorities merely to pick up the asylum application is narrated by almost all Africans interviewed with the words “go, go, go” echoing loudly. This is not confined to Africans, as we have been told such a story by an Iranian as well as Kurdish informants, who were also asked to leave the immigration offices without giving the forms; however, these practices appear to have taken place some years back; moreover the level of regularity, humiliation and intensity does not match the stories told by the Africans, where this pattern appears to be routine when directed against them. The stories of everyday racism are a pattern associated with their daily subsistence: in the streets, restaurants and by the authorities. Also they show a lack of trust and are fearful of complaining. Africans generally reported having little access to NGOs or other assistance in the asylum process and never caught glimpse of the ‘know your rights’ leaflet which is in theory made available to them; the only persons helping them with information and with filling out the form were other Africans. This is confirmed by an abundance of other research findings, as reported in the study referred to above.

[57]. The other important signifier that seems to stand out is religion which is often intertwined with ethnicity.\textsuperscript{55}

A.6.1.3. Neo-racism and Far Right Discourses of Hatred and Violence

[58]. Colour and ‘race’ are not the only signifiers of racial hatred in Cyprus. There is an increasingly loud and frequent public discourse, which often avoids explicit references to ‘race’ but utilises other signifiers to direct Greek-Cypriots against migrants and Turkish Cypriots, inciting racial hatred via the substitutes of ‘race’ such as other essential or inherent or hereditary characteristics which derive not from the blood or DNA but culture, language, migration and religion, in what scholars refer to as neo-racism.\textsuperscript{56} These are regularly articulated in the mainstream press and media, even though traditionally in Cyprus there was no typical far right / xenophobic populist or Neo-Nazi party, focusing for instance on anti-immigration populism or anti-Semitic politics.\textsuperscript{57} However, this has gradually changed. In the 2009 European Parliamentary elections is twofold: first, a neo-Nazi type of party called ‘Ethniko Laiko Metopo’ (ELAM)\textsuperscript{58} contested the elections and received 663 votes (0.22 percent); at the time it received no media coverage or air time but this is now beginning to change. During the Parliamentary election the main discussion lines of ELAM produced the usual racist slogans contained in the Greek neo-Nazi and extreme Right papers and magazines,\textsuperscript{59} claiming that it is the only party that speaks of “liberation of our enslaved lands, the ending of the privileges of the ‘greedy’ Turkish-Cypriots and for a Europe of Nations

\textsuperscript{55} Of course there are historic reasons that have rendered religion a symbol of ethnicity and nationalism, given the conflict in Cyprus between the Greek-Cypriots, who are orthodox Christians and the Turkish-Cypriot, who are Muslims. However, this is only a partial explanation as the picture is much more complex and dynamic

\textsuperscript{56} See Balibar and Wallerstein, I. (1991), Race, Nation, Class: Ambiguous Identities, Verso Press.

\textsuperscript{57} Any hidden or indirect references in the discourse of the small anti-Turkish and far Right groups operating within mainstream political parties.

\textsuperscript{58} The initials stand for Εθνικό Λαϊκό Μέτωπο (National Popular Front).

\textsuperscript{59} It is a mixture of the neo-Nazi magazines and newspapers ΣΤΟΧΟΣ, Χρυσή Αυγή, Απολλώνιο Φως and the extreme Right magazines such as Ρεσαλτο and nationalist/ anti-Turkish magazines such as ΕΛΛΟΠΙΑ etc.
and traditions which belongs to the real Europeans and not to the ‘third-worldly’ [backward] illegal immigrants”.  

[59]. During the European Parliament elections, EVROKO, a party on the Greek-Cypriot Right with three MPs sitting in Parliament, tried to capitalise on xenophobic anti-immigration by arguing that the Greek-Cypriots “are becoming a minority in their own country” and tried to connect the issue of settlers from Turkey to the alleged ‘out of control’ employment of ‘illegal aliens’ who are blamed for taking the jobs of Cypriots and for the rise in crime. EVROKO raised the fear that Cypriots ‘are becoming a minority in [their] own country’ as a result of [the Government] ‘accepting the presence of 50,000 settlers’ from Turkey, a matter which they linked to the question of migration. One commentator criticised EVROKO’s immigration discourses for being based on assumptions and for disseminating the ideas via its slogans that there is “unchecked employment of illegal aliens and the uncertain future for work of Cypriots, the increase of the illegal immigrants and the accentuation of violence and criminality.” It was argued that EVROKO must be considered as a “an extreme Right minority” in Cypriot society, which “transmits a racist, xenophobic and far right message” and is the equivalent to other far Right parties in Europe such as the Nationalist Popular Party (SVP) in Switzerland, the Austrian far Right and the Greek LA.O.S. In fact from the outset of the electoral campaign, the party leader, during his speech to party activists to kick off the party campaign, situated what he referred to as “the issue of the migrants” next to other problems such as the economic crisis, unemployment, uncertainty in employment, insecurity etc and referred to these as the most important issues that concern Cypriot citizens, adding that EVROKO would be a militant force guarding against such problems. The party was criticised in the press for adopting a racist and xenophobic agenda against migrants but failed to respond to the criticisms. One article criticised the party leader for “attacking foreigners who are working in Cyprus on the cheap accusing them of stealing jobs from Cypriots and for being responsible for increasing unemployment” and posed the following question: “Had Mr. Syllouris read a little history, perhaps he would have discovered that was with the same line of arguments that Adolf Hitler exterminated the Jews, the Poles, the Gypsies, the mentally deprived and the homosexuals in Nazi Germany; after this racist ejaculation, we wonder how many of our compatriots will vote for EVROKO.” Eventually, the party backed down from using this discourse during the election campaign.

[60]. The emergence of an organised racist lobby around certain organisations with anti-immigration and xenophobic agenda has made its appearance recently. There a number of publications and regular media discourses about the imminent and grave ‘dangers’ from ‘Afro-asiatic’, ‘Muslim-Asiatic’ and ‘Turko-asiatic’ hordes that are ready to invade Cyprus as part of a plan orchestrated by Turkey to change the demographic

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61 The initials stand for Ευρωπαϊκό Κόμμα (European Party).
character of Cyprus through illegal immigration; a leaflet was also widely circulated to this effect. Studies have shown that there are regular media discourses employing the usual racist frames that can be compared to the other EU countries such as ethno-nationalistic, conflict-criminality, welfare-chauvinist, job-stealing, ‘threat to liberal norms’, biological racism and national specific frames. Particular individuals within various political parties, including centre-right mainstream parties, various newly-formed committees for the ‘salvation of Cyprus’, as well as neo-Nazi groups argue that asylum-seekers, migrants and Turkish-Cypriots are abusing the Cypriot welfare benefit system ripping the “golden benefits” of “the Cypriot paradise” and making Cypriots “second class citizens”. They criticise the Minister of Interior for his ‘liberal’ migration policy, sometimes even going as far as labelling him as an agent who conspires to distort the population and de-Hellenize Cyprus. Asylum-seekers, refugees and migrants are described as “invaders” as “a fifth column against the Greek element of free Cyprus”, claiming that “Hellenism is threatened from asylum-seekers as it is threatened by colonists/settlers in the Turkish occupied territories.”

[61]. Such discourses aired regularly by the media are creating a climate which is conducive to racial and other hatred.

A.6.2 Racist Predispositions and Opinion Surveys

[62]. The findings of the research of Charakis, Sitias et al on the anti-social behaviour of the Cypriot youth and racist tendencies provide some interesting data. Methodologically

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67 For instance in July 2008 the two organisations called ‘Movement for the Salvation of Cyprus’ and ‘Movement for a European Future of Cyprus’ announced their intention to hold a public meeting to summon support for their fight against the above ‘dangers’. The announcement, which claimed that the keynote speaker would be the Chief of Police, prompted the public to attend the meeting en mass. Complaints were filed with the Cyprus Equality Body (Ombudsman) against the two organising NGOs for violation of the constitutional equality and anti-discrimination principle and for stirring up racial hatred contrary to the criminal code. No action was taken by the prosecution authorities against the organisers for dissemination of racist material.


69 In these Committees such as the “Movement of the Salvation of Cyprus” [Κίνηση για τη Σωτηρία της Κύπρου] and the Movement for the European Future of Cyprus [Την Κίνηση για το Ευρωπαϊκό Μέλλον της Κύπρου] there are various public figures such as a former ECHR judge, a former military officer and other retired politicians.


72 His reply to the Minister of Interior is hosted on the EVROKO official website http://www.evropaikokomma.org/main/1.0,837,146-

73 Such discourses are normally articulated by Le Pen in France and Carantzaferis in Greece as well as the neo-Nazi group Chrysi Αγγύ (Χρυσή Αυγή), based in Greece but also operating in Cyprus; its’ ‘sister organisation’ in Cyprus is ELAM. These are repeated by a DESY official and former MP Christos Rotsas in the article with the illuminating title “encouraging our population distortion” («Ενθάμπουμε την πληθυσμική μας αλλοιωτισμό» («Αλήθεια» 12.11.2009).

74 These term was used by the official of DESY Christos Rotsas (2010) “Ο Μεγάλος Αυθέντης”, Η Σημερινή, 23.07.2010 http://www.sigmalive.com/simerini/analiseis/other/295061.

75 The authors are K. Charakis, A. Sitias, K. Sotiriades, L. Demetriou, C. Charakis, E. Alexandrou and the book is edited by K. Charakis (ed.) (2005) Αντικυπριακή Συμπεριφορά των Νέων της Κύπρου - Ριζοσπαστικές Τύπες, Athens: Sakoulas. The book publishes the report of the research conducted by a team of social scientists and financed by the Research Promotion Institute in Cyprus; the empirical testing took place in 1999-2000. Part III, Chapter I of the book
The research covers a large and representative sample of teachers, school heads and deputy heads, media persons and youth and the results were published in 2004 and 2005. The aim of the research was to investigate racist predispositions amongst the Greek-Cypriot youth, referred to as habitués by the French sociologist Pierre Bourdieu. The overall conclusion of the study is significant and has a strong bearing on understanding racism which appears persistent amongst a minority of youths. On the basis of the findings, the research team has constructed what they refer to as an “emotional map” of the respondents' dispositions of Greek-Cypriot youth between “two intractable extremes”. The study revealed that, in depicting the parameters of racist and anti-racist dispositions, 20 per cent belong to an intractable group which dismisses all forms of discrimination and who espouse a culture of equality and human rights; ten per cent “articulated deep racist dispositions of a primordial sense based on the reduction of phenotype to genotype and dismissed all forms of ‘otherness’”. The scholars deduce from their empirical research that “whatever correlation is undertaken or frequencies studied, the two cohorts present an intractable boundary…[.] all their responses emanate from an unwavering system of beliefs” (Charakis and Sitas 2004: 152). However, what is crucial in terms of tendencies is what happens to the remaining 70 percent in the middle and how they shift, depending on the issue. Charakis and Sitas argue that “if we correlate respondents with ideas that were discriminatory in the broadest sense possible, the concentration of responses would move from the intractable racist [group] … to spread all the way up to a 79 percent but stop short of the boundary [of the other group]… If we were to correlate respondents with active derogation of the cultural ‘other’ we would find that it also corresponds with ‘xenophobic’ feelings and shrink back to 30 percent …”

[63].

The tripolar depiction of the chart of racist/anti-racist dispositions of youth is important. Five years ago Charakis and Sitas could confidently conclude that the intractable boundary of one third of the youth on the ideals of equality, human rights and respect for others are shared by 82 percent, which would allow for “a tide of racism and xenophobia to be checked and diminished,” on the condition however that “intensive work from all the relevant organisations and networks” is carried out. Nevertheless, the alternative possibility in what we can term as the ‘negative scenario’ was also predicted as there were strong dispositions to discriminate: hence the research findings issued “a warning that unless the broader society is challenged and indeed disturbed by them and begin to implement measures to curb the phenomenon wherever it can, such tendencies may and will proliferate”. We can use this study as a basis for viewing trends later on. However, opinion surveys since indicate that more or less similar attitudes towards migrants and other non-Greek-Cypriots, primarily Turkish Cypriots.

deals with education and covers issues such as discrimination in the school system, the role of the church and religious education, the content of school textbooks, etc.

The sample included 39 school heads and deputy heads from all over the part of the island controlled by the Cyprus Republic; 44 teachers (aged 28 – 60); two special questionnaires for 1,242 youths, between the ages 15-23; 62 non-Cypriots who were mostly students of unspecified age; 23 persons aged between 18-52 who are connected to the mass media.


For more on this study see N. Trimikliniotis & C. Demetriou (2009) Preventing racism, xenophobia and related intolerance in sport across the European Union, RAXEN Thematic Study on Cyprus, March 2009.

Research based on the European Social Survey which examined behaviour towards migrants, social exclusion and national and religious identity seems to confirm the negative predisposition of Cypriots towards immigration and towards non-Greek-Cypriots. On the question whether Cyprus should allow migrants to stay, 56.8 per cent answered negatively. On the question whether immigration is bad for the economy, Cyprus ranked third after Hungary and Russia: on a scale from zero to 10 (zero being the position that immigration is bad for the economy) Cyprus ranked fourth. On the question whether immigration is undermining or enriching the country, Cyprus ranked second after Russia in stating that immigration is undermining national culture. On the question of religiosity the study highlights the link between Christian orthodox religious identity and xenophobia and social intolerance, noting that Cyprus is the most religious country in Europe together with Poland, and one of the most xenophobic. This is line with various other studies recently published: data from survey on Students’ Perceptions with Regards to Immigrants, based on a quantitative survey (representative sample of 1281 students) and a qualitative research (30 in depth interviews), investigated perceptions/attitudes of Cypriot students in primary and secondary schools with respect to immigrants found that 54 per cent of students have negative predispositions towards migrants, 25 per cent positive and 20 per cent ambivalent.

In June 2010 research on behalf of the Population Archive of the Ministry of Interior on the attributes of Cypriots towards migrants focusing on third country nationals found the following trends emerging. The results are based on a quantitative survey (representative sample 1177 persons) and a qualitative research (5 focus groups).

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80 See C. Gouliamos and M. Vryonis Οψεις Κιπριακής Κοινωνίας- Διαπιστώσεις Ευρωπαϊκής Κοινωνικής Έρευνας [Perspectives of Cypriot Society- Findings of European Social Research], Evroskopoio, Entypos Publications: Nicosia, 2010, which is the Greek version of the EU funded comparative European Social Survey covering 30 countries.

81 See for instance the study on Cypriot Students’ Perceptions with Regards to Immigrants, which was conducted in July 2010 by CARDET and INNOVADE LTD on behalf of the Civil Registry and Migration Department - Ministry of Interior, co-funded by the EU Solidarity Funds and the Cypriot government. In additional to the quantitative findings (reported in the following section), the report explores repertoires of respect, empathy, commonalities, multiculturalism, pity, indifference, suspicion, dislike/discrimination, stereotypes, fear, avoidance and peaceful coexistence, it proposes a educational policy changes, such as the adoption of an antiracist policy as part of the education reform (http://www.cardet.org/index.php?option=com_content&view=article&id=6:pub-student-perception-immigrants&catid=6:featured-news&Itemid=10, accessed 27.8.2010).

82 The research was conducted by the University of Nicosia (EDEX), EPS Ltd, G & D Social Lab Ltd, RAI Consultants Ltd and Symfiliosi in June 2010 on behalf of the Civil Registry and Migration Department - Ministry of Interior and was co-funded by the EU Solidarity Funds and the Cypriot government. In additional to the quantitative findings the study contains extensive literature review and policy recommendations which include the regularisation of irregular migrants, improving socio-economic conditions and enhancing their rights, campaigns to project a more positive image of migrants in Cypriot society, a media policy to deal with inciting racial stereotypes and hatred, new educational policy and anti-racism in school curricula.
### Agreement or disagreement with statements regarding migrants

<table>
<thead>
<tr>
<th>Statement</th>
<th>Totally Agree</th>
<th>Somewhat Agree</th>
<th>Somewhat Disagree</th>
<th>Totally disagree</th>
<th>N/A</th>
<th>Average</th>
</tr>
</thead>
<tbody>
<tr>
<td>Migration causes more problems than the opportunities it provides for a country</td>
<td>42%</td>
<td>28%</td>
<td>18%</td>
<td>9%</td>
<td>3%</td>
<td>3.1</td>
</tr>
<tr>
<td>Migration causes increase in criminality</td>
<td>49%</td>
<td>32%</td>
<td>11%</td>
<td>6%</td>
<td>1%</td>
<td>3.3</td>
</tr>
<tr>
<td>Migration causes increase in unemployment amongst Cypriots</td>
<td>64%</td>
<td>21%</td>
<td>9%</td>
<td>5%</td>
<td>1%</td>
<td>3.4</td>
</tr>
<tr>
<td>Migrants spread various deceases in Cyprus</td>
<td>33%</td>
<td>28%</td>
<td>18%</td>
<td>15%</td>
<td>6%</td>
<td>2.8</td>
</tr>
<tr>
<td>Migrants cause insecurity amongst Cypriots</td>
<td>42%</td>
<td>31%</td>
<td>13%</td>
<td>13%</td>
<td>1%</td>
<td>3</td>
</tr>
<tr>
<td>Migrants must have an opportunity to permanent residents in accordance to EU Directive</td>
<td>20%</td>
<td>21%</td>
<td>17%</td>
<td>40%</td>
<td>2%</td>
<td>2.2</td>
</tr>
<tr>
<td>Migrants must have the same rights of participation in the politics of the country as with citizens</td>
<td>10%</td>
<td>13%</td>
<td>18%</td>
<td>57%</td>
<td>3%</td>
<td>1.7</td>
</tr>
<tr>
<td>Migrants must have the same opportunity to work as the citizens</td>
<td>25%</td>
<td>21%</td>
<td>20%</td>
<td>33%</td>
<td>1%</td>
<td>2.4</td>
</tr>
<tr>
<td>Migrants must first obtain to come to Cyprus</td>
<td>74%</td>
<td>17%</td>
<td>4%</td>
<td>4%</td>
<td>1%</td>
<td>3.6</td>
</tr>
<tr>
<td>Migrants must adapt to the culture of Cypriot society</td>
<td>53%</td>
<td>25%</td>
<td>11%</td>
<td>10%</td>
<td>1%</td>
<td>3.2</td>
</tr>
<tr>
<td>Cypriots must adapt to the multicultural society and accept the presence of migrants in the country</td>
<td>34%</td>
<td>34%</td>
<td>12%</td>
<td>19%</td>
<td>1%</td>
<td>2.8</td>
</tr>
<tr>
<td>In Cyprus there is a problem of racism at the expense of migrants</td>
<td>40%</td>
<td>36%</td>
<td>11%</td>
<td>11%</td>
<td>2%</td>
<td>3.1</td>
</tr>
<tr>
<td>Migrants are often victims of exploitation</td>
<td>45%</td>
<td>37%</td>
<td>10%</td>
<td>7%</td>
<td>1%</td>
<td>3.2</td>
</tr>
</tbody>
</table>

[66]. From the above data we can deduce that overall Cypriots have a negative predisposition towards migrants with the vast majority (between 68-85 per cent) blaming them for the rise in unemployment, criminality and insecurity, spread of diseases, causing more problems than what they solve etc. However, it has to be pointed out that 68 per cent of interviewees thought Cypriots must adapt to multicultural setting, 76 per cent thought that in Cyprus there is a problem of racism and 82 per cent thought that migrants are victims of exploitation. This recognition of the problem of racism and the need for Cypriots to adapt to a multicultural setting by accepting migrants and the non-Greek-
Cypriots is an important positive element as regard the predispositions of Cypriots. It may however point to a contradiction, tension or even a polarisation within Cypriot society given that there are trends indicating at the same time a hardening of opinion, including hatred towards then non-Greek-Cypriot ‘Other’ at least within certain sections of the population.

A.6.3 Equality Body survey on migrant women

[67]. A survey commissioned by the equality was carried in 2009 with a sample of 1,702 migrant women has recently published the profile of migrant women in Cyprus as follows: the majority (37 per cent) are aged between 26-35; have secondary education (32 per cent); are married (50 per cent); have children (58 per cent); are of Christian faith (90 per cent); came from Asian countries (49 per cent); work as domestic workers (54 per cent); their salaries range between 201-500 Euros per month (51 per cent). Their main problems were reported to be their low salary (37 per cent); discrimination (27 per cent); large volume of work (25 per cent); language (16 per cent). The vast majority does not know where to apply to seek assistance in case of sexual harassment, physical abuse or labour exploitation and only 16 per cent knows of the equality body. Also, 35 per cent have experienced ‘a lot of’ racism, 20 per cent feel socially excluded, 14 per cent were sexually harassed, 12 per cent were physically abused by their employer, 6 per cent were sexually exploited and 4 per cent were raped by their employer.

A.6.4. Study on Racism in Sports

[68]. The study conducted by the authors on racism in sport\textsuperscript{83} revealed some important incidents of race hatred. The sports officials interviewed from the Cyprus Sports Association (KOA),\textsuperscript{84} the Cyprus Football Association and the Cyprus Basket Association claim that at least since 2008-2009 there is no serious problem of racism as this has been eradicated. The allegation is that even in football, where there had been some incidents in previous years, today there is no serious problem of racism; the few incidents that may occur are sporadic. In basketball the incidents that occur are sporadic and in athletics there are not reported incidents. The officials interviewed do not see any evidence or have any knowledge of structural racism or discrimination in the specific sports under examination, or sports in general. Also from the perspective of the footballers’ Association, the President of Pancyprian Footballers Association reported that there is no problem of racism of Cyprus; especially amongst the football players themselves there is no problem whatsoever, as the foreigners are embraced by the locals. He added that if there are problems, these are only amongst the fans. However, he referred to incidents where the fans were booing the “coloured” players. It is a near consensus amongst sports officials interviewed that for 2008-2009 there was a serious reduction in the shouting/chanting of racist slogans or in the use of racist banners by football (and other) fans. A similar picture is said to have been repeated for sport year 2009-2010.


\textsuperscript{84} Interview with director of the Cyprus Sports Association (KOA), Nicosia 19.02.2009
However, a different picture emerges from the perspective of black footballers and others who work on the field. From the interviews with black footballers, sports journalists, coaches and teachers conducted for the study on racism in sport\textsuperscript{85}, it is apparent that the problem of racism has not been eradicated. These perspectives suggest that there is still a serious problem of racism, at least in professional (male) football concerning the three clubs, which had problems in the past (APOEL, Apollon and Anorthosis). A former officer/judge of the Cyprus Football Association tribunal said that there is a serious problem of racism amongst fans of the above three football clubs.\textsuperscript{86} Moreover the black of footballers interviewed stated that they face regular abuse and cited incidents in the last time their club was playing against the above three clubs. Female football does not have the same kinds of problem as it is less popular but again there have been some incidents reported to the researchers but no complaints to the authorities so far. The two black footballers suggest that the racist behaviour by the minority of fans of APOEL, Apollon and Anorthosis continues: (a) during the match between Enosis Neon Paralimniou and APOEL (31.03.2009) the fans of APOEL were imitating monkey sounds when the black player Mustafa Camal touched the ball;\textsuperscript{87} the same happened when the team played with Apollon (4.03.2009) for the cup\textsuperscript{88} and for 2008 in Limassol, when the Nigerian footballer touched the ball;\textsuperscript{89} the same behaviour occurred with Anorthosis.\textsuperscript{90} The interviewees reported that the referee and sports officials did nothing at the time and the matter was not referred to the tribunal of the Cyprus Football Federation, nor was it reported in the media.\textsuperscript{91}

Teachers interviewed consider that there is a great deal of education required to address the rising problem given the extensive use of racist and neo-Nazi graffiti, including the swastika and Celtic cross, which are routinely used by fans of the teams of APOEL and Apollon on school desks, walls of corridors inside schools as well as public places. Even at this moment in the garden of APOEL there is a Celtic cross, which is also the symbol of a target used by the neo-Nazi Greek newspaper/ group called STOHOS (“The Target”). Moreover, concern has been raised by a number of teachers interviewed that a number of students display racist attitudes: even though a minority has overtly racist views the trends located by research findings indicate that a complacent approach to the problem of racism without active campaigning against may become even more serious a problem.

Turkish-Cypriots interviewed said that they fear attending matches of APOEL, Apollon and to a lesser extent Anorthosis following the recent attacks against Turkish-Cypriots by APOEL fans in the streets of Nicosia. They reported many instances in the past where Turkish-Cypriots who used to attend matches are now reluctant to do so fearing that they will be attacked or that their cars will be damaged due to their ethnic origin, particularly by APOEL fans.

One club official stated that racism is essentially a police matter and the club officials could do very little unless the police took serious action, otherwise they themselves or

\textsuperscript{86} Interview dated 10.3.2009.
\textsuperscript{87} Interview with Mustafa Camal, footballer playing for Enosis Neon Paralimniou, 15.03.2009.
\textsuperscript{88} Interview with Eric Ejoron, footballer playing for Enosis Neon Paralimniou, 15.03.2009.
\textsuperscript{89} Interview with Mustafa Camal, footballer playing for Enosis Neon Paralimniou, 15.03.2009.
\textsuperscript{90} Interview with Mustafa Camal, footballer playing for Enosis Neon Paralimniou, 15.03.2009.
\textsuperscript{91} Interviews with Mustafa Camal and Eric Ejoron footballers playing for Enosis Neon Paralimniou, 15.03.2009.
their families could be in danger from these ‘criminal’ elements, who are violent and whose identity is known to everybody. This view was also supported by some sports journalists and coaches who point out that the main problem is not racism as a primary manifestation, but rather that the problem of racism and xenophobia as a surrogate problem that operates on the back of the primary problem which is the wider issue of football violence and hooliganism. Moreover, it was pointed out that it is difficult for clubs, particularly smaller clubs, to confront their own ‘hard core’ fans as they are the most committed fans and may affect the numbers of tickets sold and the performance of the teams. Unlike massive football clubs abroad, the ‘football market’ in Cyprus is small, people know each other and this may act as a deterrent for clubs to take decisive action such as banning individuals who are considered to be ‘troublemakers’. The small size of the scale may be an advantage in one sense allowing manageability of the problem, but it may be a deterrent in taking decisive or drastic action in other contexts, as there is no anonymity in a small country at the level of city and club fans. And of course there is also the well-known problem of administrative laxity. One former football club official, who has taken decisive action against racism within his own club’s fans, reported that he had his car windscreen smashed and received many threats and regular harassment by raving fans.

A.6.5. Notable incidents

[73]. One of the most publicised cases ever concerns the controversy over the handling of death threats found in a blog, a subject that dominated media discussions for almost five weeks in a series of events that started on 02.03.2010, when Makarios Droushotis (MD) published his interview with the Turkish Prime Minister presenting a rather positive image of the latter. On 04.03.2010 the blog ‘Christofias Watch’ published the following anonymous post referring to MD: “Only in Cyprus is it possible for collaborators, whores and brownnosers of the conqueror (and the nobody in question is ALL of the above) to peddle their garbage. The traitors deserve fire and axe. Throw the collaborators into a pit and cover them with lime.” Perceiving this as a death threat, MD applied to the police who located the blog administrator Xenis Xenofontos (XX) and confiscated from his house his server. XX who used to represent Cyprus at the Board of FRA until recently sued the government for police heavy-handedness in respect of the entry into his house and the confiscation of his server. All but one political parties condemned the action of the police, invoking freedom of speech, data protection and the right of XX to private life. Others condemned the blog as promoting racist and nationalist hatred and defended MD against the on-line death threats. The Cyprus Bar Association described the police operation at the house of XX as an abuse of fundamental rights; others tried to undervalue the threat contained in the blog attributing it to a ‘fanatic idiot’. On 25.05.2010 XX and his lawyer, Christos Clerides who also used to represent Cyprus at the Board of FRA filed a libel action against KISA for circulating an e-mail entitled ‘Cyprus deserves better representation at FRA’ claiming that the views of these two persons render them unsuitable to serve in that post. XX and his lawyer also sued the authors of this report for libel over an article in the press asking for their resignation. The Attorney General was of the opinion that there was insufficient evidence to convict XX and no further action was taken against him.

[74]. On the night of 20.07.2010, a group of a few hundred youths of the far right group ‘ELAM’ (National Popular Front) marched through central Nicosia to mark the anniversary of the 1974 Turkish invasion to Cyprus, in disciplined, army formation,
chanting aggressive slogans against alleged traitors and the Turks. When the group’s leaders spotted two young Asians walking on the pavement they started screaming abuse at them and threateningly headed in their direction, at which point the two Asians ran away as fast as they could. A second incident took place on the same night, after the end of the demonstration. A group of baton-wielding, youths in ELAM T-shirts chased a black 25-year-old Nigerian on Nicosia’s most central avenue. In his effort to escape, the migrant was hit by a passing car and fell to the pavement upon which the mob started beating him and also caused damage to the car. The incident received considerable publicity, with all political parties, youth organisations and state figures condemning the racial incident. KISA told the press that ELAM carries out military exercises on the mountains and that their military uniforms, form of their marches and other fascist elements should alarm policy makers about the rise of fascist elements in Cyprus.92

A year earlier, on 25.09.2009 the police carried out a massive operation at dawn to hunt down irregular migrants. The operation, which was code-named by the police as operation “sweep” involved the setting up roadblocks in the city centre, invading the houses of migrants, mass transfer to police stations, use of handcuffs, and coverage by the media which had been invited to the spot by the police. The operation which involved the carrying out of raids in migrant houses in the early hours of the morning, led to 150 migrants being forcibly apprehended and taken to police stations for identification, resulting in 36 arrests for illegal residence and 12 in connection with altercations at a Nicosia Mosque a few weeks earlier. By a press release dated 28.09.2009 the Ombudsman expressed her “revulsion and deep concern” over the operation and committed itself to revert with comprehensive policy recommendations. The Interior Minister and the Mayor of Nicosia also expressed their opposition to the operation, adding that the police carried it out without informing them. The Interior Minister was adamant that immigration was within his exclusive jurisdiction and vowed that such operations will not be repeated. In response, the Chief of Police told the press that he needed no-one’s permission in order to ‘enforce the law’ and warned that similar operations will continue.93 The minutes of the 03.09.2009 deliberations at the House of Representatives (i.e. before the raids) quote the Justice Minister saying that the police is instructed to instantly remove “undesirables” (referring to irregular migrants) even when they have no papers and ‘deport them to Iran’. At the same deliberations, the Chief of Police asked the House to empower the police to summarily deport all irregular migrants as soon as apprehended, so that they do not stay in Cyprus long enough to


acquire rights. TV coverage of the police operation by the state channel in the days following the operation have led to two complaints to the equality body for biased journalism using language likely to give rise to xenophobic and racist feelings amongst viewers. A public opinion survey following the events commissioned by the daily newspaper ‘Simerini’ and published on 12.10.2009 showed 75 per cent acceptance of the police operation; 61 per cent responded that such operations do not violate the rights of immigrants; 73 per cent blamed immigrants for the rise in crime; 78 per cent blamed immigrants for the rise in unemployment; 87 per cent opposed the idea of legalising irregular migrants; 68 per cent denied that migrants have a positive contribution to the economy; and 75 per cent denied that migrants culturally enrich Cypriot society. The survey was carried out through telephone interviews with 500 persons on 5–8 October 2009. On 07.06.2010 the equality body issued a decision following a number of complaints about this and another police operation resulting in mass arrests, detentions and deportations of migrants. The decision stated that checks intended to ascertain a person’s identity, motivated by one’s race or ethnicity, are contrary to the principle of non-discrimination adding that racially motivated checks contribute to the spreading of xenophobia and run contrary to the combating of racial discrimination.

[76]. During the same year (2009) media reports highlighted another case of police abuse against a Kurdish asylum seeker, who was attacked in his home at 5am by policemen who then dragged him to the police station in order to ascertain his identity. The police claimed it was routine check based on information that the asylum seeker was operating a prostitution network involving his fiancée and her two friends from Moldova who were temporarily hosted in the couple’s house. The information about the prostitution network was never verified, whilst neighbours criticised the police action, stating that the asylum seeker and his fiancée never caused any problems to the neighbourhood.

[77]. Racist, anti-immigrant and xenophobic discourses articulated in European Parliament Elections: This is the first time that such discourses were openly articulated in Cypriot elections, where traditionally there is no typical far right / xenophobic populist or Neo-Nazi party, focusing on anti-immigration populism or anti-Semitic politics. In the 2009 European Parliamentary elections a neo-Nazi type of party called ‘Ethniko Laiko Metopo’ (ELAM) contested the elections and received 663 votes (0.22 percent); it received no media coverage or air time [http://ethnikolaikometwpo.blogspot.com/2009/06/2009.html (22.07.2009)]. Also a small party on the Greek-Cypriot Right, Evropaiko Komma (EVROKO), tried to capitalise on xenophobic anti-immigration, arguing that Greek-Cypriots “are becoming a minority in their own country”; it connected the issue of Turkish settlers to the alleged ‘out of control’ employment of ‘illegal aliens’ who are blamed for taking the Cypriots’ jobs and for criminality. This statement was criticised in the press [D. Dionisiou, (2009) ‘4 παρατηρήσεις για το αποτέλεσμα’, in: Πολίτης (27.06.2009)].


Slogans inciting racial hatred in Army training camps: A complaint has been lodged to the Cyprus Equality body against the Ministry of Defence and the Commander of the army training camp in Paphos for inciting racial hatred. This was based on reports by ASTRA radio (23.07.2009) that young conscripts soldiers are routinely ordered by their officers to shout slogans such as “A good Turk is a dead Turk”, “We will annihilate Turkish villages”, “We will make Turkish mothers cry”, “Greece cover us” etc. The reports received wide publicity in the Greek-Cypriot and Turkish-Cypriots media. The complaint is available at http://thetrim1.blogspot.com (29.07.2009). The equality body investigated the complaint and concluded that the measures taken by the Ministry of Defence, consisting of the suspension of the trainers involved and the listing of the slogans and songs which army trainees are allowed to chant.

A number of racial incidents relating to football took place during 2009. These include:

- A violent attack on Turkish-Cypriot fans on 15.1.2009. Turkish-Cypriot informers allege that the attacks on that day were not confined to Turkish-Cypriot fans of OMONIA, as alleged by sports officials, who appear to depict the attacks as part of a generalised endemic of “football hooliganism” (i.e. the fans of APOEL attack any fans of OMONIA, some of whom just happened to be Turkish-Cypriots). Moreover, from investigation into the racial attacks on Turkish-Cypriot students at the English School in Nicosia in 22.11.2006, it emerged that the organisers used APOEL as the recruitment ground to organise the attacks. APOEL has also used intimidation and pressure on the chair of the Cyprus Football Association tribunal, when he insisted that the club be punished with a one-match exclusion from its home ground for the chanting of racist slogans by its fans.

- Racist abuse by fans of the ‘Apollon’ football club in women’s football match, which was not reported to the Cyprus Football Association but is currently under investigation by the Anti-discrimination Authority. It may well be the case that we are dealing with an organised racist group within ‘Apollon,’ given that some ‘Apollon’ fans websites contain neo-Nazi symbols, racist and extreme nationalist language that is offensive and abusive, contrary to the Additional Protocol to the Convention against Cybercrime, which was ratified by Cyprus in 2004. No legal measures have been taken by the authorities in respect of these websites.

97 The issue is currently under investigation by the Anti-discrimination Authority.
98 Interview with Turkish-Cypriot committee member of Yeni Cami and political scientist, Nicosia, 7.3.2009; interview with Turkish-Cypriot researcher, Nicosia, 8.3.2009.
99 This involved the student organisation called EFEN and had close links with the Athens-based Neo-Nazi group Chrysi Avgi (Χρυσή Αυγή).
100 In an interview in Φιλελεύθερος («Η Εκπαιδευτική ορκετές φορές μας όψησε εκπαιδευόμενους», 1.3.2009), the President of tribunal said that he decided to resign after it was revealed to the officials of ‘APOEL’ football club that he took a tough stance on the matter, following which he “became a personal target” of the club’s fans.
101 A complaint was lodged with the Cyprus Anti-discrimination Authority.
102 The officer of the Cyprus Anti-discrimination Authority who investigated the case commented that there may well be a minority of organised racists in football teams with problems of racism; however this needs to be properly investigated by the authority to be established, 6.3.2009. This was repeated by a number of informers.
A.7 Other sources

A.7.1. The Third ECRI Report on Cyprus 2006

[80]. In its third Report on Cyprus in 2006, ECRI expresses concern over the following:

- Reports that undocumented migrants and asylum seekers who try to enter or stay in Cyprus illegally have been subjected to excessive use of force by the police pointing out that three non-citizens have died in police custody (p.27);

- Reports that minority groups including tourists and Cypriot citizens have been affected by racial profiling practices or racist attitudes by border control officials (p.27);

- The “hostility and rejection by the local non-Roma population [towards the Roma] which is reported to be high and to have in some cases resulted in physical violence. In these cases, the racist dimension of the incidents has reportedly been played down or neglected” (p.25);

- Incidents of ill-treatment of asylum seekers by police, in many cases aimed at forcing them to withdraw their asylum applications so that they can be deported. The Ombudsman’s findings in this field also confirm this view;

- Harassment of Turkish Cypriots by the police (p.24).

The Report states that the Cypriot authorities have reported that in 2004 less than one fourth of the total amount of complaints filed with the police for misconduct of its officers emanated from non-citizens and none of these alleged racist behaviour. The authorities also reported to ECRI that out of ninety one criminal cases pending before the court against police officers, ninety were filed by Greek Cypriots and only one by a Turkish Cypriot. The figures, when combined with all other indications, seem to suggest a serious problem of under-reporting.


[81]. In his 2006 report on Cyprus, the Council of Europe Human Rights Commissioner expresses concern over allegations of police brutality against migrants. In particular:

- The Commissioner’s 2003 report had expressed concern over reports of physical ill-treatment of persons in police custody, noting that allegations of police brutality often concerned foreigners and drew attention to the rather timid official reaction to allegations of police misconduct (p. 14). The 2006 report states that in his last visit

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the Commissioner was informed by the Ombudswoman and by NGOs that reports of police brutality still persist, notably against immigrants and asylum seekers.

- The report records the figures which the Cypriot police supplied to the Commissioner which show that the number of investigated cases of alleged police misconduct, including the number of officers found guilty, has decreased over the period 2003-2005.\(^{105}\)

A.7.3. Report of the Committee on the Elimination of Racial Discrimination (CERD)

[82]. The latest CERD report of on Cyprus which dates back to 2001\(^{106}\) expresses concern over allegations of violence by the police against undocumented migrants; the fact that the criminal law provisions in the field of racial discrimination are not being sufficiently used; the absence of a comprehensive immigration policy aimed at regulating the entry and stay of immigrants, as well as their employment rights; the lack of confidence-building measures in order to promote a climate of respect for human rights for all citizens and particularly measures for the restoration of mutual confidence between Greek Cypriots and Turkish Cypriots.

[83]. Some of the concerns expressed by the CERD have meanwhile been met, such as the prohibition of racial discrimination by private persons in education and employment, through the transposition of the Race Equality Directive in 2004, while others continue to remain unaddressed, such as the non-use of the criminal law provisions in the field of racial discrimination and the lack of a comprehensive immigration policy. Also, despite the fact that since 2003 several obstacles in communication between the Greek and the Turkish communities have been lifted, there are few if any confidence building measures adopted by the government to foster a climate of respect between the two communities.

A.7.4. Equality Body Reports

[84]. A number of equality body decisions over the past few years criticised the monitoring and handling of racist violence complaints by the Police Bureau for Combating Discrimination. On 10.03.2009 the equality body investigated the racist attack against a black pupil by other pupils and criticised the refusal of the school authorities as well as the police to address and take measures against racist violence. The equality body investigated a complaint received from an NGO regarding the attack against a Cypriot black female pupil by a group of about 40 other Cypriot white pupils following a volleyball match between her school and another school. The attack took place in December 2008 when the victim tried to defend one of her co-players in the match and was then attacked by pupils of the other school shouting racist insults. The victim was

\(^{105}\) In 2003 there were 32 cases of alleged police misconduct investigated with 2 officers found guilty. In 2004 there were 13 cases investigated with 1 officer found guilty, and in 2005 there were only 4 cases investigated with no officer having been found guilty.

severely injured and had to be taken into hospital. When the police arrived on the scene, the school headmaster informed them that the matter would be handled internally between the two schools. No arrests were made and no charges were brought against anyone. The police who initially refused to accept a statement from the victim’s father, subsequently agreed to do so following the equality body’s intervention. A statement issued later by the school’s teachers rejected the allegations of racist motives behind the attack and described the incident as the manifestation of youth delinquency. The only measure taken by the school was to permanently expel one pupil who initiated the attack against the victim but cited as reasons for the expulsion ‘her involvement in the incident and her shouting insults against the teachers’; the school’s decision made no mention of racist behaviour. By contrast, the Minister of Education unequivocally described the incident as racist and committed himself to the setting up of a monitoring mechanism for the recording and analysis of violent incidents maintaining a special record for racist incidents. In its decision, the equality body criticised the school authorities for refusing to attribute racist motive to the attack and for stressing the allegedly provocative behaviour of the victim, in an apparent effort to shift responsibility from the assailants to the victim. The report also criticised the decision of the school to permanently expel one of the assailants stating that this measure is not only inadequate in that it failed to address the racist motive of the pupil but it was also lacking educational sensitivity, as the repercussions from the permanent expulsion are likely to intensify the problem. The equality body also criticized the attitude of the police who failed to take an active stand against racism in spite of the victim’s unequivocal position that she wanted the case to got to Court, and stated that the lack of commitment of the police against racism will lead not only to the intensification of the phenomenon but also to the vulnerable groups losing faith in the police. The report welcomes the stand of the Minister of Education who consistently described the incident as racist and visited the schools as well as the victim in order to show his solidarity and concern. After emphasising once more the inadequacy of the system of recording racist incidents maintained by the police who clearly make an underestimation of the problem, the report refers to decisions of the ECtHR and to ECRI recommendations on recording racist incidents on the one hand and on anti-racist education on the other hand. The report concluded that as long as educationalists do not take an active stand against racism and prefer the oversimplified interpretation of youth delinquency and as long as incidents are not addressed and handled and assailants go unpunished, the phenomenon of racist violence will be reproduced and multiplied. The problem becomes more serious when the victims are migrant children who form a particularly vulnerable group and even more so when they were born or raised in Cyprus or acquired Cypriot nationality as there are serious issues of integration of second generation Cypriots posed and racist incidents must be faced decidedly in order to reinstate their feelings of security and social acceptance. The report falls short from recommending concrete measures to be taken in order to address this and other incidents of racist violence, despite its emphasis on the growing tendencies of the phenomenon. In that vain, the report accepts the setting up of the monitoring mechanism promised by the Minister of Education as exhaustive of the

109 Bekou & Koutropoulou v. Greece where Greece was found guilty of not adequately addressing the racial motive involved in an attack against a group of Roma
110 ECRI General Policy Recommendation No 11 on combating racism and racial discrimination in policing.
measures that may be taken. In addition, although the report hints on the fact that teachers essentially disregard state policies over the handling of racist incidents and apply their own decisions, it does not recommend any measures to be taken against the teachers.

[85]. In January 2009 the equality body examined the handling by the police of a racial attack against migrants and found that the police demonstrated reluctance in prosecuting racist crime and in recording racial incidents. In particular, the equality body carried out a self-initiated investigation into the handling by the police of a group attack against migrants which was reported in the press and which was manifestly racial. The attack had taken place in June 2008 in a rural area and most of the perpetrators were aged between 14-18. According to the attackers’ own statement to the police, the attack came as a revenge for an alleged attack the previous night against a Greek Cypriot by two Polish men, which led the attackers to hit any person of migrant origin they found in the street who fled without reporting the incident to the police. The incident was reported to the police by a number of British persons who rushed to the rescue of the migrants and who were attacked themselves by the youth, whose number had meanwhile grown and who equipped themselves with stones and iron bars, causing considerable damage to homes of migrants and to the property of the British people who run to their rescue, shouting racial remarks and injuring several of them. The perpetrators were charged with offences related to common assault, malicious damage to property and riot, which do not involve racial motive. The equality body’s investigation\textsuperscript{112} showed that the Police Bureau for Combating Discrimination whose mandate was extended on 11.02.2008 following the equality body’s recommendation, to cover and record not only racial offences but also racial incidents (as defined inter alia by the victim), does not have any mechanism in place to record racial incidents; only a small number of racial offences were recorded none of which led to any conviction. This is, according to the Equality Body, evident of the role of the police in handing the investigation and the criminal procedure. It also emerged from the investigation that the system of recording racial offences is such that, unless the investigating officer chooses to classify an offence as racial, the Police Bureau for Combating Discrimination is not informed of the incident at all. The head of the Police Bureau for Combating Discrimination admitted that no special training is offered to police officers on the identification and recording of racial motive and expressed the view that the change of mentality within the police body will come gradually through experience. The limited activity of the Police Bureau for Combating Discrimination was attributed to its serious under-staffing and its wide mandate which covers at the same time two more departments (violence in the family and youth delinquency). The Head of the Police Bureau for Combating Discrimination informed the equality body that in the particular case under investigation there did not seem to be a prima facie case of offences in violation of the anti-discrimination legislation, a view which was criticised in the equality body report. The equality body referred to the Second and Third ECRI reports on Cyprus of 03.07.2001 and 16.05.2006 respectively which noted that the legislative provisions relating to racism are not adequately implemented, that awareness of these laws is low amongst legal circles and the public at large, that the police is not adequately trained to identify and address racial motive, that racial crime is not adequately recorded and that the bodies involved in the criminal justice process are not adequately aware of the need to address racism. Reference was also made to the ECtHR decision in \textit{Bekou & Koutropoulou v. Greece} where Greece was found guilty of not adequately addressing

\textsuperscript{112} Equality body report Ref. AKP/AYT 2/2008, dated 26.01.2009.
the racial motive involved in an attack against a group of Roma, as well as to the reports of the European Union Agency for Fundamental Rights where the data collection carried out by Cyprus appears to be inadequate. The equality body concludes that the incident under investigation is not an isolated one and that there is an increase in the number and intensity of racial incidents. It notes that previous investigations have also shown the failure of the police to prosecute racial incidents, adding that although the legislative framework appears to be adequate, the authorities stubbornly refuse to prosecute racial incidents reported by victims or by NGOs or appearing in the media. The report notes with concern the fact that in the incident under investigation the migrants attacked did not file a complaint with the police, which indicates that vulnerable groups feel discouraged from reporting racial incidents for fear of deportation or for lack of trust in the police. At the same time, the underreporting phenomenon shows a general failure of the existing system to record the real picture of racism in Cyprus. The equality body recommends the following measures: the precise and credible recording of racial incidents; the provision of assistance and protection to victims and their encouragement to report incidents; the upgrading of the Police Bureau for Combating Discrimination and its adequate staffing; the training of police officers on the identification and handling of racial incidents. Although this is not the first time that the Equality Body finds that the police has failed to address and prosecute racist crime, the report does not identify this practice as discriminatory in itself and restricts its criticism in the area of lack of efficiency. Also, the failure of the Attorney General and the Legal Service to take a more active role in the prosecution of racial incidents is not addressed by the equality body.

In late 2008 the equality body issued a decision criticising the handling by the Ministry of Education of racist incidents at schools. The report came pursuant to two complaints submitted to the equality body against the Ministry of Education for its handling of racism at schools. One complaint alleged that the practice of covering up and/or ignoring repeated incidents of racist vandalisms and racist graffiti on the walls of school buildings has created a negative and threatening climate for the vulnerable groups at school who see racist incidents not being dealt with decisively. The second complaint concerned an incident involving a 13-year-old female migrant pupil who was intimidated and humiliated by the racist bullying from her classmates, as a result of which she stopped attending classes, preferring instead, for much of the school year, to stay in the school yard. In response to the first complaint, the school denied the allegations, arguing that the graffiti on the school building concerned football. Regarding the second complaint, the school authorities confirmed that the student in question was racially verbally abused but refused to acknowledge that she was intimidated, because she failed to name her assailants. The school decided to treat the matter as closed without taking any action whatsoever. A document issued by the Head of Educational Psychology Service of the Education Ministry claimed that whilst racial discrimination and racist behaviour are deplorable, such issues must avoid over exposure in the media as this creates a negative image for youth and for the school and embodies the risk that the phenomenon will spread as “psychosocially vulnerable persons are at risk of copying action which is self-destructive or destructive of others when they know that they will be glorified as heroes through exaggeration.” In its report\(^\text{113}\) the Equality Body found that although the particular racist incidents complained of do not constitute the rule amongst student population, they definitely contain the element of racism which must be immediately addressed by the teaching

community and the Education Ministry; any efforts to cover up or downgrade the significance of such events or failure to record them as such amounts to a short-sighted handling of the phenomenon which disempowers victims. The Equality Body also found that the school gave disproportionately high emphasis to the danger of leakage to the media rather than taking decisive measures to combat racism. Regarding the manner in which the victim of the incident was treated by the school authorities, the equality body stated that it is well-known that victims who are in a vulnerable position would rather not name their assailants, for fear of their safety or in an effort to integrate. The report refers to further incidents of manifestly racist behaviour at schools such as the throwing of stones at a migrant worker, which the school also decided to treat as a regular incident of youth delinquency rather than admit its racist nature, criticising the school’s approach and stating that the admission of the existence of racist incidents is the first step towards developing mechanisms for their prevention. The equality body referred to the 2007 Report of European Union Agency Fundamental Rights, which notes the failure of Cyprus to adequately record racial incidents in education, recommending the adoption of the ECRI 10th Recommendation which provides that a racial incident is any incident that is so defined by the victim. The equality body recommendations towards the Education Ministry included the following:

(a) Decisive measures to combat racism in all cases under investigation, including dissuasive sanctions against perpetrators. It proposed the setting up of a specialised mechanism to evaluate allegations and a system of recording and monitoring of racial incidents. (b) The adoption of comprehensive measures to combat racism, xenophobia, discrimination and nationalism, in the framework of the new intercultural educational policy, with a program of interactive anti-racist education and training. The report came in the midst of heated political debates regarding nationalism and racism within the education system and the implementation of a comprehensive educational reform, following an additional number of racist attacks against migrant pupils at schools. At a press conference on 30.10.2008, the Ministry of Education announced that it endorsed the recommendations of the equality body in this case.

[87]. In June 2008 the equality body found that the handling by the police of a racist incident was in itself discriminatory. The case concerned a Cypriot of African descent (JM) who on 20.1.2006 had been found guilty by the Court for assaulting a group of youth. Prior to the incident that led to the conviction, JM had repeatedly complained to the police that the youth had systematically been demonstrating aggressively racist and threatening behaviour towards JM. The police failed to prosecute the youth or offer any protection to JM and his family. At one of these incidents in 2003 JM chased the youth away in a manner which caused one of them to lose his balance and fall from his motorbike, sustaining minor injuries. Following this incident, the youth complained to the police who pressed charges against JM. No charges were pressed against the youth for the racist and persistent harassment he suffered from the youth. In Court, JM pleaded guilty to the charges and was fined. The national NGO Symfiliosi filed a complaint to the Equality body against the police for failing to prosecute the youth for their systematic


racist behaviour, claiming discrimination in access to police protection on the ground of race/ethnic origin. In its decision\textsuperscript{116} the equality body noted the police’s allegations, that JM never officially filed a complaint to the police and that when the police invited him to do so, he declined stating that he does not trust the police. The report nevertheless found that the police was obliged to examine the case on its own initiative, bearing in mind that victims often fear reprisals and may thus be frightened to file complaints. Moreover, the report noted that the police failed to protect JM or take measures to prevent the crime and to combat the racial harassment. Special mention was made in the report of the discrepancies in the recording of racial incidents by the police and of the fact that the data kept by the police do not reveal the true extent of racism in Cyprus. The report also deplored the practice of the police to publicise figures about crimes committed by migrants, but never about crimes committed against migrants, which leads to feelings of insecurity, xenophobia and racism amongst the host population. The report calls on the police to consider anew the incident and take all measures necessary to protect the victim and prosecute the racist youth even at this late stage. Finally the Report contains a number of recommendations on how to deal with racial incidents in the future based on the ECRI and EU recommendations. The report’s recommendations were not taken up by the police who did not proceed to prosecute the youth. The phenomenon of under-reporting which is prevalent amongst vulnerable groups is surfacing for the first time in Cyprus but no measures are taken to address it. The police used JM’s (understandable) mistrust towards it as an excuse for the discriminatory handling of the case, whilst the equality body’s inability to attribute any blame to the Attorney General’s office or to the Court’s decision, which fined JM and failed to use the testimony submitted in order to prosecute the racist youth, demonstrate the inadequacies of an inflexible system that follows the letter rather than the spirit of the law.

\textsuperscript{[88]} In 2005 the equality body issued a report\textsuperscript{117} regarding statements made by the police to the press on the level of crime committed by migrants. The equality body’s report criticised this practice and went a step further to point out that the police presentation to the media was one-sided because it did not include the incidents of racist violence suffered by migrants in Cyprus. The report highlighted the significance of collecting data on racist incidents in the combating of racism, adding that it is hard to develop and implement anti-racist policies without statistical data on racist incidents. It referred to the ECRI general policy recommendations on the subject and pointed out that the data collection system must record all incidents irrespective of whether criminal charges are initiated or not. It further recommended that the recording mechanism must indicate the number of cases for which criminal prosecution was initiated and the reasons for not prosecuting the perpetrators in the rest of the cases. Also, the outcome of the criminal court cases must be noted. It criticised the fact that the monitoring system established by the police earlier in 2005 had not recorded a single incident in seven months of operation and recommended the immediate setting into operation of the data collection mechanism and the implementation of the rest of the obligations undertaken by the Cypriot police in the framework of the state’s responsibility towards combating racist phenomena.

\textsuperscript{[89]} Once we take a closer look into how complaints made by migrants are handled by the authorities, it may be possible to infer that the number of complaints reported represent

\textsuperscript{116} Dated 01.08.2007.
only a small piece of a wider picture ridden with racism and discrimination. An ombudsman decision of 12.02.2010 criticized the process of handling labour disputes between migrant employees and their Cypriot employers. The decision followed a great number of complaints received over the past few three years by migrants against the labour office mediation process which examines complaints of migrant workers against their employers. The complaints raised issues of delays in issuing decisions, the unequal and discriminatory treatment of migrants during the process of investigating labour disputes, the inefficient investigation of the allegations of the migrant complainants, the non-provision of interpreters during the hearing and other general malfunctioning of the process of resolving labour disputes. The vast majority of the complaints originated from female migrant domestic workers who form by far the largest category amongst the migrant labour force. The ombudsman’s investigation revealed that when migrant workers complained to the police for violation of their employment contract, the police chose to take the case to the Criminal Court with the complainant being the accused. In other cases, when the migrant workers’ testimony was no longer needed, then they would be deported without their complaints having ever been investigated. At the level of the labour office procedure, the officials did not make the necessary effort to investigate the allegations of the migrant worker and viewed all allegations made by migrants with suspicion. By contrast, they took the employer’s allegations for granted without investigation, demonstrating a clear pro-employer bias even where the employer’s contractual violation were more than obvious. Also, whilst compliance by migrants with the instructions of the immigration authorities is closely monitored, compliance by the employer is not monitored.

A.7.5. U.S. Department of State Reports on Human Rights Practices

[90]. The U.S. Department of State, Human Rights Report for Cyprus for the year 2009, released on 11.03.2010, refers to complaints from Turkish Cypriot prison inmates for discriminatory treatment from the prison authorities and from foreign detainees held at police detention centres for physical violence from the guards and discriminatory treatment. The report also refers to the completion of the investigation of the 2005 police killing of a Syrian immigrant (that the chief of police had reported as ‘self-defence’), following which the Attorney General decided that the evidence was not strong enough to stand in Court. The district court awarded compensation to the victim’s family in civil proceedings brought by the victim’s family. On 10.03.2009 the police beat and used racist comments against a Zimbabwean, after accusing him of stealing a moped. The man was later released without charge. The Attorney General ordered the trial of the officers involved. In March 2009, a Moldovan arrested for traffic violations was found dead in his cell but the state coroner found no evidence of a crime. Three police officers were arrested on extorting and blackmailing illegal immigrants, after a Sri Lankan man identified them [http://www.state.gov/g/drl/rls/hrrpt/2009/eur/136026.htm].

[91]. In April 2009 the U.S. Department of States Bureau of Democracy, Human Rights and Labor issued its report on human rights practices in Cyprus for the year 2008. This report records a number of racism related incidents including: anti-Semitic graffiti at several bus stops along one of the main roads in Nicosia, reported by diplomatic sources at the Israeli Embassy; systemic discrimination against asylum seekers; discrimination against Turkish Cypriots living or working in the government-controlled area; discrimination against Roma and members of minority ethnic and national groups; sex
trafficking and labour trafficking, especially in the field of elder care; several cases of foreign domestic workers whose travel documents are withheld by their employers and who are forced to work long hours but are reluctant to report abuses for fear of deportation. Particular reference was made to a housemaid who accused her employer of rape and was not allowed to change employers until the completion of her employer's trial. In addition, police filed two criminal cases against her for working illegally. The report also refers to an incident of racial violence against Turkish Cypriots working at a construction which was investigated by the independent Authority for Investigation of Allegations and Complaints against Police, who found that no offense had been committed by the police. [92] On 11.03.2008, the U.S. Department of States Bureau of Democracy, Human Rights and Labor released its annual report on human rights practices in Cyprus for the year 2007. The report records human rights related practices, incidents and complaints, using a variety of official and non-official sources. It refers to the outcome of investigations into allegations of police misconduct, including the beating up of immigrants, the killing of an asylum seeker, the death of a Polish national in detention and describes the situation of Turkish-Cypriots and immigrants in prison and problems of discrimination they face. Extensive reference is made to instances of discrimination against Turkish Cypriots on issues including physical abuse by ultra nationalists.


[93] On 15.04.2008 the Report of the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) to the Government of Cyprus was published in Strasbourg, regarding the visit of CPT to Cyprus carried out by the from 8 to 17 December 2004. The report sets out its findings and recommendations with regard to, inter alia, the conditions of detention of immigrants held in police stations on immigration related offences. After setting out a list of prima facie well founded allegations of ill-treatment of detainees by police officers, some of which amount to torture, the report noted that the risk of ill-treatment appeared to be particularly high in respect of foreign nationals, whether they were criminal suspects or immigration detainees. Reference was made to initiatives taken by the Cypriot authorities since the CPT's visit in 2000, one of which concerned the powers of the Attorney General to appoint, on his own initiative, investigators to conduct inquiries into allegations of police misconduct, noting on the one hand that that foreign nationals in police custody were not receiving the full benefit of this and other initiatives aimed at increasing police accountability and on the other hand that the manner in which the Attorney General exercised his powers to address police misconduct was unsatisfactory, as he was reluctant to initiate investigations ex officio, undertaking investigations only after a formal complaint by the victim or his lawyer.

A.7.7. ETHNOPAD

[94]. The National Organisation for the Protection of Human Rights ETHNOPAD, an independent public body set up following a decision of the Council of Ministers, reported having received 26 complaints from or on behalf of migrants during 2007 and 13 complaints from or on behalf of migrants during 2008 (until 23.09.2008). The organisation also received five complaints against members of the police for racist behaviour against detainees at detention centres. Since then, ETHNOPAD has remained without a president, pending appointment of the new president by the President of the Republic. Therefore all complaints received are archived (but not dealt with or processed) until it becomes operational again.

A.8. Good practices and initiatives

A.8.1. Governmental initiatives

[95]. Police Academy Training “Policing a Multicultural society”: Since 2009 the Police Academy has introduced as part of the basic training of the Police cadets the training topic “Policing a Multicultural society”, a subject which is one of the subjects of compulsory examination cadets need to pass. However, it is only in extreme cases that Police cadets fail to pass such tests, which are seen by most as a formality. The Police Academy also introduced the same training topic “Policing a Multicultural society” for all its police officers around the country as part of the professional conduct re-training program; this a two and a half hour training which includes basic understanding of how Cyprus has become a multicultural society over the years, the socio-legal framework for dealing with racially motivated crimes and how to record it; the changing scope of policing in a society in transformation; migration, inclusion, integration and understanding on how to police various ethnic and minority groups in society; statistics on crime and victims and good practices that would enhance better policing in a multicultural society. The training syllabus covers mainly racist or religiously motivated crime. For the year 2009-2010, these training sessions were delivered by the NFP’s scientific director.

[96]. The main problems as far the effectiveness of the training are the following: (a) it is a one off training and has no follow up: one training session cannot undo the deep-rooted prejudices and attitudes which can only change via sustained training, practice, encounter with peers with equal status from other ethnic groups and accountability for any racially-related or other hate crime related practices; (b) anti-discrimination needs to be integrated in routine and everyday practice in all areas of police life and action. The Anti-discrimination Authority has made similar recommendations, including human rights and anti-discrimination training as well as recruitment of officers from migrant communities (Report for Case No AKP 1/2007). The relevant report of the Anti-discrimination Authority draws on the UK Metropolitan police practices, which has introduced the above plus a diversity test for all cadets.
A.8.2. Civil society initiatives

A.8.2.1. English School Anti- Bullying/ Anti-discrimination Policy and Training

[97]. In the academic Year 2009-10, the English School developed its first Anti- Bullying Policy. The plan included a full day training on anti-bullying on 13.03.2010, covering the aggravated form of racial bullying. In addition to the training, the initiative involved the setting up of a working committee comprised of teachers, students and parents who met weekly for the entire term to discuss the details of the policy after first studying contemporary UK and other literature on the subject. The debate among the different stakeholders was essential in devising a policy that was practical, realistic and one for which there was a clear sense of joint ownership. The policy aims at setting out clearly each person’s responsibility regarding the prevention of bullying in the school and clear procedures and policies for reporting, investigating and dealing with transgressions of bullying behaviour. The policy aims to prevent, reduce and eradicate all forms of bullying, including bullying related to race/ethnicity, religion and culture, sexism, sexual orientation, socio-economic group, special educational needs, disability, appearance and health conditions. In devising the policy much of the debate centred on the definition of bullying and on the actions and sanctions that would be administered. Actions involved supporting the victim of the bullying, the by-standers but also the offenders, to help them understand why bullying is wrong and the scale of the harm it inflicts on others. There were a wide range of ways to report bullying so as to make it as easy as possible for someone to come forward, and a clear statement in the policy promising to respect the confidentiality of the person reporting.

[98]. Since the policy was developed, there has been a sudden surge in the number of cases of reported bullying, which was to be expected since now students, teachers and parents are more aware of what constitutes bullying and that it is unacceptable behaviour that needs to be dealt with at the earliest stages. During the school year 2009-2010 there have been about 20 reported incidents of alleged bullying. They were each investigated and all but one was confirmed to be a case of bullying. In less severe cases sanctions were not imposed but actions were taken to support those involved and the target of the bullying as well as follow up action. In a couple of more severe cases students who were found to be involved in repeated bullying were suspended from school for a day, and actions to support them were instigated as well as follow-up action. The bullying that took place included homophobic bullying, racist bullying, gender-based bullying, bullying based on appearance and other forms of bullying. There were also a number of incidents of cyber-bullying reported. As well as reporting bullying the Anti-bullying policy allows for the reporting of racist incidents and other incidents of discriminatory behaviour. The mechanism is intended to categorise incidents according to type of incident (verbal, physical abuse, graffiti etc) as well as according to the ground of discrimination (disability, sexual identity, personal appearance, personality traits, etc) although at time of writing this feature had not as yet been officially introduced.

[99]. No special funding was sought or acquired for this initiative, which is carried out as part of the school’s activities.  

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120 In Spring 2010, however, the Parliamentary Finance Committee decided to block the approval of the €320,000 state subsidy earmarked for the school over allegations of school board mismanagement, allegedly manifested in the
In addition to the 20 incidents referred to above, during the same year there were about 13 alleged racist incidents/incidents of racial harassment reported. A separate member of staff was appointed to be in charge of racist harassment. All complaints were investigated and all were confirmed to be racist incidents. Where the perpetrators were identified, measures were taken to help them understand why their actions constituted racist behaviour and why such behaviour was wrong and should not be repeated. If the racist incident involved racist graffiti or was deemed to be more severe sanctions were imposed on the perpetrators. In a number of cases the perpetrators were not identified. The policy recognizes that all stakeholders have a crucial role in preventing and eradicating bullying and that anti-bullying must be a whole school approach and not just the domain of those teachers involved with implementing the policy. The policy will be evaluated and improved on the basis of the experience over the next two years.

A.8.2.2. The joint committee of relatives of persons missing or dead as a result of ethnic violence and war in Cyprus

During 2009 and following endeavours under over several years, the ‘Bi-communal Initiative of Relatives of Missing Persons, Victims of Massacres and other Victims of 1963-1974 events’ was formed (short name: ‘Together we can!’) in order to promote peace and reconciliation amongst the Greek and Turkish communities in Cyprus, along the lines of similar organisations in conflict ridden societies, such as the Bereaved Parents’ Circle in Israel/Palestine. The initiative, made of Turkish Cypriot and Greek Cypriot relatives of persons who went missing or died during the years of ethnic violence and war (1963-1974), aims inter alia at:

- Setting up a common platform of dialogue and action, to raise public awareness regarding the events surrounding this violence and work towards minimising the exploitation of the common suffering to promote nationalism

- Contributing to open up the debate within Cypriot society for the need to form a Truth and Reconciliation Commission that will facilitate both the actual task of finding and identifying the remains of victims but also to establish the facts surrounding these killings and bring society face to face with the realities of 50 years of inter-communal violence.

- Promoting the acceleration of the process for the solution of the 40 year old problem of missing persons by moving on with exhumations of remains and identifications in a diligent way and within a reasonable timeframe.

The initiative, which is premised upon friendships that have been fostered through sharing the common pain of losing relatives to the conflict, has since 2009 organised and co-organised a variety of events, including the presentation of honorary awards to persons who behaved with courage and humanity in times of violent conflict, book presentations, conferences, honouring of persons who came up with information that led to the exhumation of the remains of persons missing, etc. The initiative receives no
funding and is made up entirely of volunteer work. Its work is premised entirely on eliminating inter-ethnic hatred.

A.8.2.3. Series of TV documentaries on persons missing as a result of inter-ethnic violence in Cyprus

In June 2010 a series of documentaries were shown on the Cyprus Broadcasting Corporation (CyBC) TV Channel, one of the two state TV channels, entitled “My own truth” [Η δική μου αλήθεια]. The documentaries featured the real life stories of Turkish Cypriots and Greek Cypriots who lost relatives at the inter-communal conflict and war between 1963-1974. The series consisted of four documentaries and one live studio discussion with relatives of missing persons and persons with academic and other expertise on the subject. The idea was conceived two years ago by journalist Soula Hadjikyriakou who also researched, produced and presented the documentaries. Content-wise, the documentaries showed the horrors of ethnic violence as experienced by persons speaking live on the camera. At the same time, they were controversial precisely because they provided irrefutable evidence of the atrocities committed by both the Greek and the Turkish communities, whist the official version of the respective communities is that atrocities were committed only by ‘the other side’. The screening was a landmark in itself, as this was the first time ever that a state channel broadcasted evidence of atrocities committed by Greek Cypriots against Turkish Cypriots. Nevertheless, in terms of feedback, the journalist involved informed the NFP that she received 90 per cent positive comments but also a rather negative reaction from nationalist media outlets. There was also academic interest from students researching issues of war traumas and missing persons who contacted the channel asking for copies. The broadcasting was done at prime time (after the 8 o clock news) but during off-peak season: they were screened for the first time during the Mundial in June 2010 and they were repeated in July and August when most people are on holiday and all channels show mostly repeats. The documentaries can be viewed at the TV channel’s website. 121.

B. Annexes – Tables

B.1. Table 1 – Police Statistics

<table>
<thead>
<tr>
<th>Racially motivated incidents</th>
<th>Official national sources</th>
</tr>
</thead>
<tbody>
<tr>
<td>Police Bureau for Combating Discrimination</td>
<td></td>
</tr>
<tr>
<td>Violence against person</td>
<td>2005</td>
</tr>
<tr>
<td>Violence against property</td>
<td>0</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>. Violence against both person and property</th>
<th>0</th>
<th>0</th>
<th>1</th>
<th>1 (included also in the above categories)</th>
<th>N/A</th>
</tr>
</thead>
<tbody>
<tr>
<td>Verbal threats</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>3 (the same incidents recorded above included also verbal threats)</td>
</tr>
<tr>
<td>Extremist offences*</td>
<td>1 of the 2 recorded above</td>
<td>1 (the same incident recorded above as violence against person)</td>
<td>0</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>Racist, xenophobic publications</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>TOTAL</td>
<td>2</td>
<td>18</td>
<td>3</td>
<td>6</td>
<td>8</td>
</tr>
<tr>
<td>Charges brought against perpetrators</td>
<td>16</td>
<td>1</td>
<td>1</td>
<td>N/A</td>
<td></td>
</tr>
<tr>
<td>Charges brought against perpetrators for offences involving racial element</td>
<td>1</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>1 (above case)</td>
</tr>
<tr>
<td>Convictions secured</td>
<td>16</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>N/A</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Data Source</th>
<th>Police Bureau for Combating Discrimination</th>
</tr>
</thead>
<tbody>
<tr>
<td>Legal Basis</td>
<td>Standing order of Police 3/38 2008 (revision)</td>
</tr>
</tbody>
</table>

- The police records do not have such a category of offences. However some of the offences recorded are in the opinion of the NFP clearly extremist offences and are therefore classified as such by the NFP.
B.2.  Table 2 – Statistical Service of the Republic

<table>
<thead>
<tr>
<th>Official national sources for 2009</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Victims of crimes according to nationality</strong></td>
</tr>
<tr>
<td>Foreigners</td>
</tr>
<tr>
<td>Cypriots</td>
</tr>
<tr>
<td>Total</td>
</tr>
</tbody>
</table>

Source: Statistical Service of the Republic 2009

B.3.  Complaints against members of the police

<table>
<thead>
<tr>
<th>Non-official national sources</th>
</tr>
</thead>
<tbody>
<tr>
<td>Allegations and complaints against the police for violence or misconduct</td>
</tr>
<tr>
<td>Independent Authority for the Investigation of Allegations and Complaints against the Police [Ανεξάρτητη Αρχή Διερεύνησης Ισχυρισμών και Παραπόνων κατά της Αστυνομίας]</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>2006 June-Dec</th>
<th>2007</th>
<th>2008</th>
<th>2009</th>
<th>2010</th>
</tr>
</thead>
<tbody>
<tr>
<td>Physical violence by police against migrants and Turkish-Cypriots</td>
<td>10</td>
<td>15 + 1 self-initiated investigation into the shooting and wounding of a migrant, for which disciplinary offences were established + 1 group complaint from foreign detainees</td>
<td>9+ 1 self initiated investigation into allegations of police misconduct against migrants at public pro-immigration rally</td>
<td>9</td>
</tr>
<tr>
<td>Inappropriate behaviour by police against migrants and</td>
<td>1 (unlawful arrest and</td>
<td>1</td>
<td>3</td>
<td>7</td>
</tr>
<tr>
<td>Turkish-Cypriots</td>
<td>discriminatory treatment)</td>
<td>11</td>
<td>18 (includes self initiated investigation into shooting incident)</td>
<td>16</td>
</tr>
<tr>
<td>------------------</td>
<td>---------------------------</td>
<td>----</td>
<td>---------------------------------------------------------------</td>
<td>----</td>
</tr>
<tr>
<td>Preliminary investigation led to dropping of the case</td>
<td></td>
<td></td>
<td></td>
<td>5</td>
</tr>
<tr>
<td>No evidence to pursue the case further</td>
<td></td>
<td></td>
<td></td>
<td>13</td>
</tr>
<tr>
<td>Under investigation</td>
<td></td>
<td></td>
<td></td>
<td>7</td>
</tr>
<tr>
<td>Before inspectors</td>
<td></td>
<td></td>
<td></td>
<td>9</td>
</tr>
<tr>
<td>Pending awaiting evidence from police or from complainant</td>
<td></td>
<td></td>
<td></td>
<td>1***</td>
</tr>
<tr>
<td>Complaints unfounded</td>
<td>2</td>
<td>9</td>
<td>7</td>
<td>3</td>
</tr>
<tr>
<td>Complaints withdrawn</td>
<td></td>
<td></td>
<td></td>
<td>2</td>
</tr>
<tr>
<td>Disciplinary prosecution</td>
<td>1</td>
<td>1*</td>
<td>1</td>
<td></td>
</tr>
<tr>
<td>Criminal charges against police</td>
<td>9 (in one case the Attorney General reviewed his initial decision and suspended the criminal prosecution)</td>
<td>2</td>
<td>4**</td>
<td>1</td>
</tr>
</tbody>
</table>

Data Source: Independent Authority for the Investigation of Allegations and Complaints against the Police

Legal Basis:

* The Authority established that a disciplinary offence was committed but recommended that no measures be taken because the police officer apologised to the complainant.

** Criminal offences were established in all four cases but the Attorney General decided not to prosecute.

*** This case which is currently pending before the police, involves an allegation by a Turkish-Cypriot complainant for racist motive by police officers.

**** Includes refusing treatment to a detained British homosexual aids sufferer. Therefore this is also a potentially homophobic incident.