



REPUBLIC OF CYPRUS
MINISTRY OF JUSTICE
AND PUBLIC ORDER



CYPRUS POLICE

For a safer community

Call for inputs for the preparation of the report of the United Nations High Commissioner for the Human Rights pursuant to Human Rights Council resolution 43/1 on the “Promotion and protection of the human rights and fundamental freedoms of Africans and of people of African descent against excessive use of force and other human rights violations by law enforcement officers”

Cyprus Police Contribution

1. Legislation

Crimes against Africans and people from African decent are penalized through the following Cyprus legal framework:

a) Penal Code

- Section 47 penalizes the commission of acts in public with intent to promote enmity between the communities' religious groups on account of race, religion, colour or gender.

- Section 51 criminalizes public statements likely to instigate ill will between communities and acts of violence, mutual discord or a spirit of intolerance

- Sections 138 to 141 (offences against religion)

- Section 99(A)7 punishes public incitement to violence or hatred against a group of persons or a member of such a group on the basis of their sexual orientation or their gender identity.

- Section 35A provides that the court, when imposing the penalty, may take into account as an aggravating factor the motivation of prejudice against a group of persons or a member of such a group of persons on the basis of race, colour, national or ethnic origin, religion or other belief, descent, sexual orientation or gender identity. Therefore, the racist, religious, xenophobic and homophobic motivation constitutes aggravating circumstances in relation to all offences.

b) Other Legislations

- The ratification law of the International Convention on the Elimination of All Forms of Racial Discrimination and its additional protocols, Law 12/1967 and its amendment, criminalize oral or written or in any other manner, public incitement to acts likely to cause discrimination, hatred or violence against persons or groups on account of their racial or ethnic origin or religion, also covering offensive ideas expressed on the same grounds.

- Ratification of the Convention on Cybercrime (Law N. 26(III)/2004) which criminalizes Acts of Racist or Xenophobic Nature committed through Computer Systems.

- In 2011 a new law was enacted transposing the EU Council Framework Decision 2008/913/JHA of 28/11/2008, on combating certain forms and expressions of racism and xenophobia by means of criminal law, the Combating Certain Forms and Expressions of Racism and Xenophobia by means of Criminal Law (L.134 (I)/2011). The Law criminalises public incitement to violence or hatred directed against a group of persons or a member of such a group defined by reference to race, colour, religion, descent or national or ethnic origin, and public condoning, denying or grossly trivializing crimes of genocide, crimes against humanity and war crimes. Additionally, this law expressly states that the racist and xenophobic motivation for any offence constitutes an aggravating circumstance (i.e. not only for specific discrimination offences).

- The section 8 of the Law on Combating Certain Forms and Expressions of Racism and Xenophobia by Means of Criminal Law (Law 134(I)/2011, was repealed on 07/04/17, by the Law 30(I)/2017. Simultaneously, the Criminal Code was amended by Law 31(I)2017, which came into force on 07/04/2017 extending the application of the Criminal Code, so that the court can consider as an aggravating circumstance (in addition to the racist and xenophobic motivation, the homophobic motivation, Section 35A of the Criminal Code).

2. Police Policy Statement

In 2013, the Police jointly with the Office of the Commissioner for Administration (Ombudsman) and Human Rights, agreed on a Police Policy Statement for the prevention, handling and combating of discrimination and racist crime. The Statement restructures, elaborates and improves the framework that was in place previously. It emphasizes the development of proactive and deterrent action, victim encouragement, support and protection, and more effective investigation measures. The revision of Police training curricula and Standing Orders were revised in accordance with the new policy.

3. Police Training by the Office for Combating Discrimination (particularly for Combating hate crimes)

Apart from the Police Academy Programs, during the last five years, a member of the Office of Combating Discrimination presented particular lecture entitled "Investigation of Hate Crimes", which covered the issues of raise awareness for anti-discrimination policies and particularly on recognition, investigation and prosecution of racial and bias-motivated crimes. The lecture is part of the following academic training programs of the Police Academy:

- Basic Criminal Investigation Training Programme
- Advanced Crime Investigation Training Programme

- Sergeant's Training Programme
- Training Programme on Community Policing

The programmes related to human rights and combating discrimination offered at the Cyprus Police Academy are attached as Annex.

4. Other Actions for raising awareness against discrimination, racism and xenophobia

a) Code of Police Ethics: The Police Code of Ethics was enriched with new provisions concerning the behavior of the police officers during the performance of their duties. It was divided in articles in order to facilitate members of the Police and make the Code more efficient in its use. The Code is an institutional framework of actions, behaviors and attitudes which aims to highlight the professional and moral completeness of the Police members as responsible public officials. It is a framework of principles and rules that promote mutual respect and trust between Police members and citizens. The Code of Ethics was issued in a booklet form and was distributed to all members of the Police to create awareness strengthening public confidence towards the Police and further development of professionalism within the Police. It should be noted that the Code of Ethics was uploaded on the Police Portal and the official website of the Cyprus Police, in Greek and in English. Lastly, the Police Standing Order 1/73 "Police Code of Ethics" has also been amended.

b) Manuals entitled "Treatment on juvenile offenders and victims" and "Human Rights": The Handbook on Human Rights was prepared by the Police in order to inform and sensitize police members on the protection and promotion of human rights. The Handbook includes issues relating to use of force, treatment of detainees, detention conditions, etc.

c) Folder for Human Rights and Racism: A folder was created on the internal Website of the Police (portal) entitled "Human Rights". The folder was created in order to systematically inform and raise awareness among all members of the Police about issues concerning human rights and treatment of detainees. The folder includes circular letters, conventions, legislation, reports and manuals on good practices.

d) second folder titled «Racism & Diversity» was uploaded on the official website of the Cyprus Police. The folder includes information brochures, targeting primarily Third Country vulnerable groups living in Cyprus, which were published and uploaded in four languages (English, Bengali, Vietnamese and Sri-Lankan) with all the necessary information about the existing legislation and legal protection from any discriminatory treatment.

e) Memorandum of cooperation with NGOs: The Cyprus Police signed on 09/02/2017, a Memorandum of Understanding for the Protection and Promotion of Human Rights with 14 Non-Governmental Organizations (NGOs). The purpose of the Memorandum is to further improve and develop closer cooperation between the Contracting Parties for the protection and promotion of human rights. Among the issues addressed to, the Memorandum includes "Visits in police detention centers or at Menoyia Detention Center", "Provision of assistance in police detention centers or at Menoyia Detention Center", "Submission of complaints / exchange of information", "Education", etc.

f) Informational leaflet: The Police publishes informational leaflets on Human Rights, which are distributed to members of the Police. The leaflets are also uploaded on the Police Portal.

g) An informational leaflet on the Rights of victims of gender-based violence has been created and translated in 8 languages. Up to present it is available on the web portal of the Police, in order that the victims of gender-based violence are provided with by the Police.

h) Efforts by Community Police: The Community Police Officers organize various multicultural events with the cooperation of the relevant Embassies, Non-Governmental Organizations and the Local Authorities. Their goal is:

- to strengthen lines between racial and ethnic groups
- to learn about different cultures and to inform them about ours
- to inform racial/ethnic groups about the Cyprus legal system, their rights and obligations, as well as about effective ways of avoiding being victimized
- To provide the necessary information to the vulnerable groups and to the public in general about ways to contact the Police and to reinforce mutual cooperation.

i) Conference entitled “Respect for Human Rights”: A one day conference is being organized for the past 4 years (2016, 2017, 2018 and 2019) on the occasion of the International Human Rights Day (10th of December). The aim of the conference was to raise awareness with regard to the respect and protection of human rights and the strengthening of human rights protection during the exercise of the duties of the Police.

j) Chief of Police Circular Letter (Orders) - By the orders of the Chief of Police circulars letters entitled «Policy for the combating of racist violence, xenophobia and discrimination», and «Handling of Racial Cases» was sent to all members of the Police. The circular letters include the following:

- a) All offences and/or incidents with a racial motive shall be investigated by a Police Sergeant or higher-ranking officer and the investigation shall be monitored and coordinated by the local Divisional Assistant Police Commander in charge of Operations
- b) Police members should demonstrate respect to and treat equally all individuals irrespective of racial, ethnic, religious or other origin.
- c) All complaints with regard to racial offences or offences with a racial motive are recorded promptly and investigated impartially with thoroughness by a Police Sergeant or a high-ranking officer and are monitored by the investigator’s line manager, as well as by the local assistant Police Commander in charge for the Operations.
- d) Members of the Police should never refer to members of racial, ethnic, religious or other communities in an offensive way or in a way that may contribute to a climate of hostility, fear and bias.
- e) Racial profiling should be avoided.