

Θέμα: Ψήφισμα Συμβουλίου Ανθρωπίνων Δικαιωμάτων A/HRC/21/30 - "Elaboration of international complementary standards to the International Convention on the Elimination of All Forms of Racial Discrimination"

Question i:

Data on offences and incidents of racial nature or with a racial motive are collected by the Police (Office for Combating Discrimination) since 2005. Data includes charges raised and Court decisions.

The criteria for defining offences/incidents with racial motive as well as the bases of racism and xenophobia are covered in a specific police training course titled "Racial and other discrimination" (No 146). The recording of such offences in the electronic on line Crime Report System is taught in additional courses on the use of Police Information Computerized Systems.

Police Standing Order 3/38, which is relevant to combating discrimination, relates the terms discrimination, racism and xenophobia with the following characteristics:

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|--------------------------------|------------------------|
| 1. Race, | 7. Ethnic origin, |
| 2. Community, | 8. Special needs |
| 3. Language, | 9. Age |
| 4. Colour, | 10. Sexual orientation |
| 5. Religion, | 11. Gender |
| 6. Political or other beliefs, | |

The above motive of racial crimes or incidents 1-10 are used to categorize plus 'other'. The criteria for defining offences/incidents with racial motive as well as the bases of racism are covered in police training.

Although the recording system is updated on a continued basis, reviews are conducted periodically. An official review is conducted annually, upon the end of each year, before official police statistics on the issue are released.

Statistics on the matter are being made available upon request by researchers or national or international bodies, and in any case they are readily available on the Cyprus Police website in English and Greek (<http://www.police.gov.cy>, Statistical Data, Serious Offences, Racial Incidents)

Question ii:

Within the framework of the transposition of the Council Framework Decision 2008/913/JHA of 28 November 2008 on combating certain forms and expressions of racism and xenophobia by means of criminal law into national law, a new law has been enacted on 21 October 2011 (**The Combating Certain Forms and Expressions of Racism and Xenophobia by means of Criminal Law of 2011, Law No. 134(I)/2011**). It is noted that the law expressly states (Article 8) that the racist motivation for any offence constitutes an aggravating circumstance.

According to the Framework Decision and to the Law transposed it, the following intentional conduct is punishable:

(a) publicly inciting 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;

(b) the commission of an act referred to in point (a) by public dissemination or distribution of tracts, pictures or other material;

(c) publicly condoning, denying or grossly trivialising crimes of genocide, crimes against humanity and war crimes as defined in Articles 6, 7 and 8 of the Statute of the International Criminal Court, 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 when the conduct is carried out in a manner likely to incite to violence or hatred against such a group or a member of such a group;

(d) publicly condoning, denying or grossly trivialising the crimes defined in Article 6 of the Charter of the International Military Tribunal appended to the London Agreement of 8 August 1945, 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 when the conduct is carried out in a manner likely to incite to violence or hatred against such a group or a member of such a group.

The legal persons are also liable for the above mentioned offences.

Series of police trainings and seminars in the field of combating discrimination and xenophobia have been added to police training curricula in recent years (eg. "Communication in multicultural societies" and "Policing and multiculturalism"). Additionally courses on legal and procedural aspects of policing in relation to human rights and combating racism are mandatory requirements in police training.

Further to above mentioned trainings and courses, in 2009-2010 Cyprus Police was engaged in a series of actions as part of the Project titled "Cyprus Police Against Discrimination for Diversity", which was funded by the European Commission – DG Employment, Social Affairs and Equal Opportunities (Progress program) and the Cyprus Government. The Project included a series of actions designed to lead to the enrichment of Police training in the field of human rights and promotion of diversity and anti-discrimination issues. Most outcomes (actions) of the project focused on national, legal and policing (practiced) issues pertaining to various bases of discrimination, equality and diversity. It included good practices related to effective and proactive anti-discrimination measures in relation to the performance of policing duties.

Question iii:

The Police Office for Combating Discrimination handling and coordinating issues related to racism, racial discrimination and xenophobia.

A Police Handbook of Good Practices for Multicultural Sensitivity was prepared and it was published by the Police and it is used as a training tool in police training in partnership with Human Action (NGO). Informational leaflets titled «Policing in the Republic of Cyprus – Cyprus Police Against Discrimination for Diversity», targeting primarily third country nationals residing in Cyprus which were published in four languages (English, Bangladeshi, Vietnamese and Sri Lankan).

Question vii:

As concerning the recommendations for improving national mechanisms and practices against xenophobia and racism, 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 intervention and investigation measures. Police training curricula and Standing Orders that are relevant, were revised in accordance with the new policy. In line with the new Policy, Cyprus Police Academy incorporated relevant lectures / workshops in several training progress, and designed a new seminar on Combating Xenophobia and Racism and on Respecting Human Rights, which began to be implemented during the academy year 2013-2014.

MINISTRY OF JUSTICE
AND PUBLIC ORDER

11 September 2014