

Public Discourses of Hate Speech in Cyprus: Awareness, Policies and Prevention

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INTRODUCTION: WHAT IS HATE SPEECH?

The development of information and communication technologies and, more specifically, social media have redefined the boundaries of free speech. On the one hand, the internet has made possible the sharing of ideas with large audiences all around the world; on the other hand, it helps some intolerant individuals propagate negative and stereotypical assumptions about various groups. Thus, in the name of the freedom of expression, some hide behind anonymity and take advantage of the lax rules of the internet, but also, in terms of visibility, it provides a platform to convey racist and discriminatory messages. Such prejudiced views and opinions against certain minority groups or against society in general are what we refer to as "hate speech".

Hate speech is a source of social unrest and damages fundamental European and international norms of peace and unity. The term "hate speech", particularly in its legal context, is a contested one. There is no universally accepted definition for hate speech, because "there is no universal consensus on what is harmful or unsuitable" or on what constitutes (prosecutable) "hate speech". As hate speech is expressed and perceived in different ways, legislation on its own is not adequate to contain it, nor to clearly define and enforce where free speech ends, and where hate speech begins.

This policy briefing draws on the main findings of the report *Public Discourses of Hate Speech in Cyprus: Awareness, Policies and Prevention* published by FESCyprus.org, which includes the full references.

DEFINING HATE SPEECH IN THE EU CONTEXT

According to the Council Framework Decision 2008/913/JHA of 2008, the EU defines hate speech as "all conduct 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".

However, dimensions such as gender and sexual orientation are not included in the Framework's definition.

Due to variations and incoherencies amongst and within EU member states' legal systems on what constitutes prosecutable "hate speech", the European Parliament has put forth a motion in 2017 for a resolution on establishing a common legal definition of hate speech in the EU.

Finally, the European Union Agency for Fundamental Rights has defined within the Framework Decision on Racism and Xenophobia the following threats and priorities:

- the identification of hate crime,
- the increasing use of the internet as a tool of hate and propaganda,
- the under-reporting of hate crime,
- the rise of extremist groups and political parties in the EU.

Even if there is no definitive and consensual definition, two major definitions should be highlighted here. The first one is offered by the Council of Europe, which defines hate speech as covering "all forms of expressions that spread, incite, promote or justify racial hatred, xenophobia, anti-Semitism or other forms of hatred based on intolerance" (Council of Europe, n.d.). According to this definition, hate speech is then a broad, extremely negative discourse, based on intolerance and expressed in the form of aggressive nationalism and ethnocentrism, discrimination and hostility against minorities and immigrants. A much broader definition, by the United Nations, argues that hate speech is "any kind of communication in speech, writing or behaviour, that attacks or uses pejorative or discriminatory language with reference to a person or a group on the basis of who they are, in other words, based on their religion, ethnicity, nationality, race, colour, descent, gender or other identity factor" (United Nations, 2019). Accordingly, LG-BTI community members, migrants, disabled people, women, and individuals belonging to a certain social class or a specific religion can be subject to such attacks.

The existence of such discourses creates problems as they constitute:

- a threat to social harmony and human rights. Hate speech divides and categorizes individuals, exacerbating differences and most of the time based on wrong assumptions and stereotypes.
- a threat to democratic values, social stability and peace. The problem is exacerbated when such discourses are shared and amplified on social media, giving to the hateful rhetoric an added resonance.

Moreover, they cause a feeling of insecurity in people targeted, as hate speech constitutes a direct incitement to violence and intimidation. In some cases, hate speech could even lead to hate crimes, as shown in the annually published report of the OSCE (2012). Not only individuals or groups are the ones which are targeted but symbolic places, such as religious institutions or other places of worship, meeting places of LGBTI community members or human rights activists, can also be subject to vandalism as an expression of hate.

MAIN FINDINGS

It is not uncommon to hear from Cypriots that “There is no such thing in Cyprus” when speaking of hate speech. In fact, that is a clear sign of the level of widespread unawareness about the concept. It is within this context that, in this report, we seek to establish the extent of hate speech in modern Cypriot society.

The empirical focus is on public discourses circulating on the internet, such as social media users’ offensive comments under news articles. But we also look at traditional stereotypes used in daily language as well as discourses exhibited by media outlets in their representations of political events. In addition to written text, we also analyse some unflattering visual materials, such as cartoons which are ridden with discriminatory discourses about specific groups of people. Empirically, we identify three main nexuses of hate speech on both sides of the island: intercommunal, inter-alterity and inter-gender.

Intercommunal hate speech

The very first nexus, **intercommunal hate speech**, is both a main cause and a serious consequence of the ongoing “Cyprus conflict”.¹ The de facto division of the island, since 1974, into

¹ In 1963, the constitutional order of the Republic of Cyprus broke down and Turkish Cypriots ceased to have political rights within the state institutions, while most of them lived in small enclaves scattered throughout the island. In 1974, following a Greek led coup d’état against the President of the Republic, Archbishop Makarios III, the Turkish army intervened and ethnically cleansed the north of the island of most of its Greek Cypriot inhabitants. Most Turkish Cypriots then moved to the north of the island, which unilaterally declared its independence as “Turkish Republic of Northern Cyprus” (“TRNC”). The “TRNC” is only recognized by the Republic of Turkey. As the government of the Republic of Cyprus remains internationally recognized as the government of the whole island, the entire island is now considered to be a member of the European Union. However, the *acquis communautaire* is suspended in northern Cyprus pending a political settlement to the Cyprus problem (see Protocol no. 10 of the Accession Treaty).

two entities – one inhabited by the Greek Cypriots, the other by the Turkish Cypriots – has definitely hardened the views towards one another. In both the Greek and Turkish Cypriot communities, hate speech incidents are observed against the ethnic other, usually perpetrated by far right sympathizers. In the Greek Cypriot context, even the leadership of the Greek Orthodox Church has been involved in some incidents. In the Turkish Cypriot community, an inter-kin nexus of hate speech against the mainland Turks has also been identified.

In sum, we note that the conflicting Greek and Turkish nationalisms on the island are one of the main factors leading to hate speech.

Inter-alterity hate speech

Another common pattern across the two communities is that they welcome large and diverse migrant populations coming from all around the world, which enables inter-alterity discourses emphasizing the “otherness” of migrants. The island’s geographical location turns it into a bridge between Europe and the Middle East but also offers a prime destination for African youth who desire to study abroad. We observe that the constant increase in the number of migrants arriving on the island has led some of the native population to have a growing sense of insecurity. Therefore, **inter-alterity hate speech**, drawing on xenophobia, is on the rise in both communities.

Inter-gender hate speech

Finally, the two communities both belong to a Mediterranean culture in which patriarchal norms still prevail. As such, traditional views about gender roles are predominant and sanction individuals who do not conform to orthodox gender norms. We hence argue that there is also **that there is also inter-gender hate speech** on the island, especially perpetrated against those who refuse to perform traditional gender roles. It seems that hate speech against women (designated as sexism), as well as LGBTI community, exists in Cyprus, and such discourse is even employed by elite institutions, for example, the Church of Cyprus in the Greek Cypriot community, and by high-ranking politicians in the Turkish Cypriot community.

Analysis of individual hate speech incidents in both the Greek and Turkish Cypriot communities across the three nexuses is provided in the full report.

POLICIES, REGULATION AND PREVENTION OF HATE SPEECH IN THE GREEK CYPRIOT COMMUNITY

The Republic of Cyprus has ratified most European and United Nations conventions relating to discrimination. These include, the International Convention on the Elimination of All Forms of Racial Discrimination, the Council of Europe Convention on Cybercrime and its Additional Protocol on criminalization of acts of a racist and xenophobic nature committed through computer systems.

Currently, hate speech is prohibited when it targets a person or a group of persons on the basis (or the assumption) of their ethnic origin, race, colour, religion, gender identity and sexual orientation.

The Cyprus legislation fully penalizes the public condoning, denying or grossly trivializing crimes against peace, crimes of genocide, crimes against humanity and war crimes, as defined by relevant international instruments, 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.

In addition, the Criminal Code criminalizes any speech or any type of publication which offends any religion. In 2011, the Council Framework Decision 2008/913 has been implemented into national law: The Combatting Certain Forms and Expressions of Racism and Xenophobia by means of Criminal Law (2011), Law 134 (I)/2011, which is the major legislation relevant to hate speech.

The law criminalizes any person who deliberately transmits in public and publicly incites, in any way, violence or hatred against a group of people or a member of a group, which is determined on the basis of race, colour, religion, genealogical origin, national or ethnic origin (note that the Law does not refer to sexual orientation and gender identity), in such a way to cause public disorder, or that has a threatening, abusive or offensive character, is liable for up to five years of imprisonment and/or a fine of up to €10,000, or both in case of a conviction. Cyprus chose to incorporate only the provision from the Council Framework Decision, of punishing only conduct which is either carried out in a manner likely to disturb public order or which is threatening, abusive or insulting. The notion of public dissemination has been interpreted to include not only oral communication but also the distribution of tracts, written material or pictures, or the representation of ideas or theories or with any other means including computer systems which include electronic data.

In addition, Law 134(I)/2011 establishes that racist and/or xenophobic motives must be taken into account as an aggravating factor on the imposition of the penalty, but the law itself does not cover any other protected characteristics (such as homophobia, misogyny, transphobia, ableism or ageism) as an aggravating factor.

The **2015 amendment of the Penal Code (Law 87(I)/2015)**, amending the Criminal Code, incorporates **Article 99A** into the Criminal Code, which punishes hate speech targeted at a person or person's sexual orientation or gender identity. Before this amendment, hate speech was only criminalized in regard to racism and xenophobia.

Law 87(I)/2015 criminalizes the intentional public incitement of violence or hatred – but not discrimination – directed against a group of persons or a member of such a group defined by sexual orientation or gender identity. The conduct

carries imprisonment of up to three years or a fine of up to €5,000 or both, which are significantly lower penalties than for racially motivated hate speech.

According to par. 2 of Article 99A, these acts can be prosecuted only upon the approval of the Attorney General who has exclusive power to give such an approval.

The Criminal Code contains two provisions in relation to hate discrimination; Section 47 (1)(b)6 penalizes the commission of acts in public with intent to promote enmity between the communities or religious groups on account of race, religion, colour or gender.

The national law on offences involving the dissemination of racist and xenophobic material through computer systems (L. 26(III)/2004) provides for imprisonment of up to five years, a fine of up to €20,000 or both.

While the legal framework covering hate speech does exist, it is inadequate and selectively applied to hate speech incidents. The response of the criminal justice system to hate crime is not effective. The criminal law provisions against racist hate speech are not being applied, and perpetrators (including public figures, government ministers and church officials) are not facing any consequences whatsoever, which sends a message of impunity.

Hate speech incidents are either not identified and recorded properly or, even if properly recorded, they are not prosecuted most of the times, because they are not substantiated, according to the authorities.

There is inconsistency and mismatch in the official data and the actual extent of the problem. Hate crime incidents are more common than official data suggest, and underreporting is a major issue. Migrants, especially undocumented migrants, and refugees seldom report these incidents to the police, due to mistrust of the police, lack of confidence in the impact of reporting, fear of victimization and lack of awareness of rights.

The police and authorities lack expertise to identify and investigate hate speech. This results in the under-qualification of the incidents that are indeed reported, therefore not identifying them as hate speech or taking into account the hate motive.

There is no single authority collecting data on hate speech. Also, the Attorney General's Office and the courts do not collect data on hate crime cases. This lack of data on hate speech hinders updating policies and the capacity to identify crimes of hate speech when those are committed.

Whilst the police collect some data on hate speech, these are not accurate. **The Office for Combatting Discrimination** (OCD – which is under the Criminal Investigation Office (CIO) of the Cyprus Police) has the responsibility to monitor the investigation of complaints and reports submitted to the police on incidents of discrimination. However, complaint forms are general and do not have hate speech as a separate

category. The OCD is understaffed and burdened with multiple mandates, which results in inadequate resources and capacity to monitor and prosecute racist crime.

As for media regulation, **the Cyprus Media Complaints Commission (CMCC)** is responsible for both printed and online news media. Its mandate is independent from government interference or judicial supervision and examines complaints or ab initio violations of the Code of Conduct of Journalists, including hate speech and offensive narrative.² **The Cyprus Radio Television Authority (CRTA)** operates as an independent body responsible for ensuring that private radio stations and television channels act in compliance with the laws and regulations of the Radio and Television Broadcasters Law of 1998 to 2016.³ The law contains provisions prohibiting media service providers from broadcasting programmes containing any incitement to hatred based on race, sex, religion or nationality. They also forbid the promotion of discrimination based on the same grounds as well as on racial or ethnic origin, disability, age or sexual orientation.

POLICIES, REGULATION AND PREVENTION OF HATE SPEECH IN THE TURKISH CYPRIOT COMMUNITY

The legislation in northern part of the island is not in line with European and international norms, as the Turkish Cypriot authorities lack any direct official ties with the European and international institutions, which would require them to adopt the aforementioned conventions. There is no legal authority in north Cyprus that is specifically tasked with monitoring and reporting on hate speech or discrimination charges in general. The criminal code only specifies that hate speech is a crime, punishable with up to two years prison sentence if committed on the basis of sexual orientation or gender, but there is no mention of hate speech towards minorities or other groups.⁴ The only legal recourse available to the victims or the bodies representing victims of non-gender-based hate speech is to sue the persons involved on the grounds of defamation. The criminal code specifies two different kinds of defamation; Article 68 specifies defamation towards the foreign dignitaries as a crime when it is deemed to harm international ties, and Article 194 defines publication of audio, visual or print materials belittling of individuals intentionally as a crime, but makes no mention of hate speech. In terms of the efficiency of any legal remedy, the cybercrimes law, adopted by the Turkish Cypriot parliament in June 2020, requires prompt action by the internet service providers and news websites in following a court order.

Both governmental and non-governmental bodies are involved in monitoring and preventing hate speech in print and broadcast media. Some civil society organizations have been trying to fill the gap left by the authorities in the north. We briefly discuss below the roles played by **the Supreme Council of Broadcasting (Yayın Yüksek Kurulu)**, an official body, and **the Media Ethics Board (Medya Etik Kurulu)**, a non-governmental body, in prevention of hate speech in Turkish Cypriot media. As for hate speech occurring via social media, there is no authority or non-governmental organization tackling hate speech incidents or raising awareness about the issue.

The Supreme Council of Broadcasting is an official body tasked with regulating radio and TV broadcast and regularly issues warnings and fines in case of the violation of the Broadcasting Principles introduced by the Public and Private Radio and Television Establishment and Broadcasting Law, enacted in 1997.⁵ The law specifically lists 24 Broadcasting Principles, including Principles 6 and 7, which prohibit any form of hate speech.

Principle 6 states that a broadcaster should “not condemn people in any way for their race, gender, social class or religious beliefs”.

Principle 7 supplements that, should “not allow any broadcast that incites the society to violence, terrorism and ethnic discrimination and create feelings of hatred in the society”.

In practice, the Supreme Council of Broadcasting has only rarely made references to Principles 6 and 7 in its warnings and fines issued to radio and TV channels for their programmes violating the Broadcasting Principles. Most recently, on 29 June 2020, the council issued warnings to *Kanal Sim* and *Radyo Mays* for the incitement of hatred towards Turkey, respectively, in a TV programme and a radio show.⁶ However, the council, which is widely considered as ineffective, has this time become the subject of serious criticism by the Turkish Cypriot Teachers’ Union. The union threatened the official body with international legal action on the grounds that the council is part of a campaign to silence opposition figures who criticize Turkey and Turkish officials for interfering in Turkish Cypriot politics.⁷ The supervisory council appears to only pay attention to hate speech against Turks or Turkey, but even in that case, some members of the Turkish Cypriot community consider hate speech controversial. At the same time, many other forms of hate speech (particularly, against Greek Cypriots) can be found on Turkish Cypriot TV and radio programmes, which often go both unnoticed and unwarned.

2 Cyprus Media Complaints Commission, http://www.cmcc.org.cy/about_us.html.

3 Cyprus Radio Television Authority, History – Development, <http://www.crt.a.org.cy/default.asp?id=266>.

4 “Hate Speech”, Article 171 of the Criminal Code. The full text of the law can be accessed at https://www.mahkemeler.net/birlestirilmis/f_155.doc.

5 The full text of the law can be accessed at <https://www.mahkemeler.net/birlestirilmis/39-1997.doc>.

6 Yayın Yüksek Kurulu’ndan Yayın İhlallerine Ceza (Penalties for Broadcasting Violations from the Supreme Council of Broadcasting), *Yenidüzen*, 1 July 2020. Source: <https://www.yeniduzen.com/yayin-yuksekkurulundan-yayin-ihlallerine-ceza-128683h.htm>.

7 The union’s declaration on the subject can be found at <http://ktos.org/yayin-yuksekkurulundan-acik-tehdit/>.

Another important body in the realm of hate speech monitoring is **the Media Ethics Board**. The Media Ethics Board is a non-governmental organization, and its membership is composed of journalists and academics. The board issues warnings to news outlets upon request of parties concerned. The non-governmental organization prepared the Journalism Code of Conduct⁸ and the Internet News Journalism Declaration⁹ in order to guide Turkish Cypriot journalists. In the Journalism Code of Conduct, **Articles 8, 15 and 16** call for careful use of language in news that leaves no room for hate speech. **Article 7** of the Internet News Journalism Declaration also reiterates the same principle concerning avoidance of hate speech. There are some cases of hate speech incidents that have been reported to the board, mostly by LGBTI rights groups, for which the board issued warnings to the online news websites that committed the hate speech.¹⁰ However, the body's effectiveness is limited, as it is a voluntary organization and news organizations do not have to heed its advice or warnings.

Both the Cyprus Turkish Journalists Union and the Press Workers Trade Union are also eager to tackle hate speech. The former devoted an issue of its official magazine, *Medya*, to "Racism and Hate Speech in Media" in May 2019. The two organizations also regularly issue statements condemning high profile hate speech incidents.¹¹

In brief, hate speech is a persistent problem for the Turkish Cypriot media despite all the efforts by bodies involved in media regulation. Although some progress has been made, the level of awareness concerning hate speech recognition remains low, and measures aimed at preventing breaches of the code of conduct in journalism fall short.

POLICY RECOMMENDATIONS

The hate speech incidents and the responses by authorities and civil society are similar on both sides of the island, and, hence, we offer a set of recommendations below, which are equally applicable for both communities.

⁸ Medya Etik Kurulu, "Gazetecilik Meslek İlkeleri" (Media Ethics Board, "the Journalism Code of Conduct"), <http://medyaetikkurulu.org/wordpress/index.php/gazetecilik-meslek-ilkeleri/>.

⁹ Medya Etik Kurulu, "İnternet Gazeteciliği Deklarasyonu" (Media Ethics Board, "the Internet News Journalism Declaration"), <http://medyaetikkurulu.org/wordpress/index.php/hakimizda/internet-gazeteciligi-deklarasyonu/>.

¹⁰ For example, in 2016 the Queer Cyprus Association filed a complaint to the board concerning a news story titled "Lesbian Relationship Ended Up in Police Station". The board issued a warning to the news website which published the news story. Source: <http://medyaetikkurulu.org/wordpress/index.php/kuir-kibris-derneginin-sikayeti-degerlendirildi/>.

¹¹ For instance, a joint press release was issued by the two organization in response to some incidents of hate speech targeting the Turkish Cypriot leader Mustafa Akıncı in May 2018. See: *Kıbrıs Gazetesi*, "Insults and Hate Speech Against Akıncı is Unacceptable", 8.05.20. <https://www.kibrisgazetesi.com/kibris/akinciya-yonelik-hakaret-ve-nefret-soylemi-kabul-edilemez-h41662.html>.

However, we should note that the Turkish Cypriot community has a relatively less developed legal framework in terms of combatting hate speech and therefore we particularly recommend to the Turkish Cypriot authorities to bring their legislation in line with European and international conventions.

On the basis of the findings presented in the report, we recommend both communities to form joint initiatives involving civil society, authorities and law enforcement agencies, particularly on the issues listed below:

- An effective data collection mechanism for recording hate speech is necessary in order to locate and evaluate the problem. Data collection should be in partnership with civil society organizations, not only from police records. There must be improvement in communication between CSOs and law enforcement agencies for the purpose of recording and investigating hate crime incidents.
- Campaigning and education on the actual notion of hate speech and the extent of its use. Awareness raising campaigns to delegitimize hate narratives, populism and media sensationalism.
- Inclusive, multicultural education must become meaningful and must be integrated across the national curriculum.
- Authorities must update the media regulatory framework and keep pace with the emerging challenges of the online environment.
- Delivery of specialized training to law enforcement agencies in identifying, recording, preventing and combatting hate speech and discriminatory practices.
- Delivery of training to prosecuting authorities focusing on the implementation of the law, so as to ensure that hate speech will be prosecuted.

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