

**Summary of the Statement of the Commissioner for Administration and the Protection of Human Rights (Cyprus Ombudsman) regarding the speech that promotes racism and xenophobia and the specific implications of this speech when it is developed on the internet**

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On July 13, 2021, the Commissioner for Administration and the Protection of Human Rights, in the framework of its competences as an Equality Body, issued a Statement regarding the phenomenon of speech that promotes/incites racism and xenophobia and the specific implications that such speech has when it is expressed online through the internet.

The Statement was drafted, firstly, on the occasion of a Decision of the Cyprus Supreme Court, dated 1/7/2021, that sentenced 2 Cypriot women who attacked, in a racist manner, a Russian woman living permanently in Cyprus, (imposing sentences for the offenses of insult, assault, but also "incitement to violence"), and, secondly, on the occasion of a joint action by the Office of the Commissioner with the Office for Democratic Institutions and Human Rights of the Organization for Security and Cooperation in Europe, aiming to strengthen the framework for combating hate crime in Cyprus.

In the Statement/Report, the Commissioner initially noted that hate speech is a global phenomenon, which is internationally recognized as having particularly negative consequences (both at individual and societal level), and, in order to address it, a variety of actions have been promoted in recent years, by international bodies and organizations.

It was also noted that, unfortunately, phenomena of hate speech are quite common in Cyprus, which is something that also emerges from the number and the nature of recent complaints submitted to our Office, regarding incidents of racist and xenophobic rhetoric. These phenomena, as the Commissioner mentioned, are mainly due to the migration and refugee flows that have been observed in our country for the last 25 years, and they have increased in recent years, in the light of the economic crisis and the difficult consequences that this crisis has caused (such as unemployment and a reduced welfare support), These circumstances have led to xenophobic reflex responses towards immigrants, asylum seekers and refugees living in Cyprus, to a significant part of Cypriot society.

The Statement/Report cited, and described, a number of complaints that were submitted to the Commissioner, concerning hate speech being expressed publicly on the Internet. The controversial hate speech was expressed, either in publications, comments made by readers of those publications, or in social media posts. After examining these publications and posts, the Commissioner came to the conclusion

that they expressed positions and views which, regardless of the intentions of those who expressed them, were derogatory and offensive to specific groups of people and contributed to the cultivation of negative stereotypes and hostility against them, on the basis of their origin and / or religion. She also stressed that the publication of xenophobic and racist views via the internet is particularly dangerous as the internet, being a global media outlet, goes far beyond traditional media outlets (such as print, radio, and television), while it gives the opportunity to be a public speaker to every person who has access to it.

In the Statement/Report, the Commissioner presented and analyzed the institutional framework governing the issues of hate speech and freedom of expression, making more specific references to: the relevant provisions of the Cyprus Constitution and the *European Convention on Human Rights*, the legal framework that specifically prohibits hate speech, as well as in relevant case law of both the European Court of Human Rights (ECHR) and national courts.

The Commissioner noted, on the one hand, that the right to freedom of expression and dissemination of ideas is legally protected as a fundamental human right and that, as the ECHR has pointed out, it is considered as one of the main pillars of a pluralistic and democratic society (even protecting views which may disturb, offend or shock part of society). On the other hand, she pointed out that the exercise of this right is not absolute and may, by law, be subject to conditions and restrictions, in cases where opinions expressed promote or incite hostility towards specific groups of the population, but also more generally in cases where issues of respect and protection of the rights of other persons are raised. In particular, the Commissioner referred to the case law of the ECHR, according to which, for statements aimed at inciting violence and inciting hatred, "national authorities enjoy a wider margin of appreciation when considering the need to intervene in the right to freedom of expression". She also stated that the exercise of this right carries a huge burden of responsibility, which increases with the number of people to whom it is addressed and the position of influence/power that the speaker holds. Therefore, the Commissioner concluded, the exercise of the right must also be weighed and balanced with the protection of all other human rights.

Finally, the Commissioner noted the crucial role that the media can play in combating the phenomenon of hate speech, and pointed out the responsibilities of the Police in combating public speech that promotes or incites intolerance against certain groups, on the basis of their race.

Finally, the Commissioner suggested the following:

- Media organizations should set up a system to control the comments of their readers, in order to identify and delete, in a short period of time, those comments that constitute hate speech (as indicated by the ECHR in the case of *Delfi AS v. Estonia*)

- The Police:
  - a) In the framework of its wider action to combat racism and discrimination, should place among its priorities the combatting of illegal hate speech in public discourse.
  - b) Should take measures that facilitate the identification, recording and investigation of public statements, publications or posts that constitute extreme hate speech, and, in cooperation with the Law Office of the Republic, promote the effective prosecution of those who have committed relevant offenses.
  - c) Should develop training, education and awareness programs for its members, especially in matters of hate speech and how to effectively address it.