

Cases and rulings

Country Code	Year	Reference details title	Reference details URL	Hate Bias motivation	Court / Body	Key facts of the case	Results (sanctions, outcome) and key consequences or implications of the case	Main reasoning / argumentation	Key issues (concepts, interpretations) clarified by the case	Key quotation in original language and translated into English with reference details
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Cyprus	2016	Cyprus / Anti-discrimination Authority / Public Position of the Anti-discrimination Authority regarding the incident of racist conduct by a member of the police / Ref. 69/2016		Religion, Nationality, Racial or ethnic origin	Anti-discrimination Authority	The Equality Body published a report condemning an incident at the Menoyia Detention Centre, posted on social media, showing a police woman using extreme and intensely racist, aggressive and Islamophobic expressions insulting the ethnic origin, religion and family of detainees. The detention centre houses migrants awaiting deportation. The video shows other police officers present in the room listening to the racial abuse without any reaction. Pending investigation into the incident by the police, the Equality Body published its own position by way of a public intervention, in an endeavour to inform the police investigation and any steps to be taken thereafter.	The report was submitted to the Minister of Justice and to the Chief of Police for their further actions. The police woman was suspended from duty shortly after the incident, pending a disciplinary and criminal probe against her. Once the probe was concluded, the suspension was lifted and she was moved to another post, until the disciplinary and criminal cases against her are heard. The accountability mechanism in detention centres which was proposed by the Equality Body was not set up.	The seriousness of this racial incident is heightened by the fact that it took place within a police detention centre. The violation of individual freedoms and the humiliating and racist treatment of detainees undermines the relation between the police and the individual, since it negates the role of the police as the guardian of the legal order. It is therefore necessary that the police acts speedily and effectively to develop effective mechanisms of accountability and checks in order to prevent a climate of reluctance and, eventually, impunity. The investigation by the police authorities should not be exhausted in treating this as an isolated incident; the situation is far more complex and serious and should be a cause for concern beyond the individual attribution of blame.	The Equality Body report states that the conditions in a detention centre where persons are held for the purpose of their deportation are undoubtedly difficult and staff members are likely to be faced with insulting or aggressive behaviour by detainees under the pressure of awaiting deportation and of prolonged detention, however the handling of these reactions are a major part of the exercise of police duties and in no way does it justify the adoption of insulting behaviour. Police detention premises are, by definition, spaces of limited visibility and monitoring and, as such, extra measures must be taken to ensure that they are free from views and practices which insult the dignity and violate the rights of migrant detainees.	"Σε κάθε περίπτωση, τέτοια περιστατικά δεν εκτυλίσσονται στο κενό. Λαμβάνουν χώρα σε ένα χώρο όπου κρατούνται μετανάστες υπό απέλαση και όπου οι κίνδυνοι αυθαιρεσιών είναι αυξημένοι, συστημικοί και πιο εδραιωμένοι. Οι μετανάστες βρίσκονται σε καθεστώς απέλασης και ως δυνητικά θύματα παραβίασης των δικαιωμάτων τους έχουν μειωμένες δυνατότητες διεκδίκησης και διασφάλισης τους. Υπό αυτές τις συνθήκες υπάρχει πάντα ο κίνδυνος δημιουργίας απαράδεκτων, ευτελών και ανεξέλεγκτων πρακτικών απαξίωσης της ανθρώπινης αξιοπρέπειας χωρίς την αίσθηση της ευθύνης ή της λογοδοσίας [para. 10]." "In any case, such incidents do not unfold in a vacuum. They take place in an area where deported migrants are detained and where the risks of arbitrariness are increased, systemic and more entrenched. Immigrants are in deportation status and, as potential victims of violation of their rights, have fewer opportunities to claim and safeguard them. Under these circumstances there is always the risk of creating unacceptable, vague and uncontrolled practices of depreciating human dignity without a sense of responsibility or accountability"

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