

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
Cyprus	2016	Cyprus / Anti-discrimination authority / Report regarding the incident of racist name-calling and its handling by the police/ File no. AKR 121/2012		Racial or ethnic origin	Anti-discrimination authority	The Equality body investigated a complaint about persistent racial abuse against a woman of African origin by neighbours, including racist posts of Facebook, and found that its handling by the police was inappropriate. The victim's husband had repeatedly complained to the police, who concluded that it was a 'misunderstanding' and outside its jurisdiction. Eventually, the victim and her husband got into a fight with the neighbours, as a result of which they were all charged with assault. At first instance, the court found the victim's husband guilty and imposed a prison sentence which was reversed on appeal. The victim was charged and convicted, but her prison sentence was suspended. Nobody was prosecuted for the racial abuse.	The Equality Body did not impose sanctions but offered recommendations, mainly towards police training. The same incident was however tried in court at various instances, as both the victim and her husband were prosecuted for various offences (threat, assault, public insults etc). At first instance the court ignored the racial element even though this featured prominently in the witnesses' testimonies. The husband was given a prison sentence; the victim was given a suspended prison sentence; the Court did not find that the racist abuse amounted to provocation (Case No. 5987/2013, 03/03/2016). The husband successfully appealed his sentence and secured its suspension: The Appeal Court found that the trial court had erred in its judgement that the racial motive did not constitute provocation for the assault (Criminal Appeal No. 41/16, 14/04/2016).	The Equality Body decision stated that ECtHR rulings have established that the state has a duty to investigate potentially racist elements of a violent act, using every endeavour to reveal the potential racist motivation or the existence of racial hatred or prejudices which could have played a role in the incident. The investigation of a racial motive became especially crucial by the law transposing Framework Decision on Racism and Xenophobia, which rendered racist motive as an aggravating factor. The duties of the state include the obligation to investigate, prosecute, record and punish racist offences and at the same time to empower and support the victims, who derive rights from the Victims Directive irrespective of their residence status.	Racial violence is defined as violence against persons or goods including verbal insults, which are motivated by racism, including crimes such as homicide, assault or insult as well as conduct of less gravity which, had it not been for the racist motive, would probably not amount to a crime. At the same time, although racial hatred or prejudice is the main reason for selecting the victim, this may not necessarily be the only reason for targeting the victim, as racial motivation may coexist with other motives.	"Η Αστυνομία, συνεπώς, παρότι είχαν τεθεί υπόψη της όλα τα στοιχεία που της το επέτρεπαν, δεν μπόρεσε να ανταποκριθεί στη διπλή αποστολή της, σε σχέση με τις ρατσιστικές συμπεριφορές: Μέσα από την έγκαιρη ανίχνευση και την αποτελεσματική ανταπόκριση, αφενός, να προστατεύσει το πρόσωπο που δέχτηκε τις ρατσιστικές προσβολές και, αφετέρου, να αποτρέψει επέκταση, εξάπλωση και γενίκευση της βίας. " "The police, therefore, despite having taken into account all the elements that enabled it, proved unable to respond to its dual mission in relation to racist behaviours: on the one hand, to protect the person who was the target of the racist insults through timely detection and effective response, and, on the other, to prevent the spreading and generalisation of violence."

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