

Speech

The Public Discourse of LGBT issues in Cyprus

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Good morning everyone.

In social sciences, the term *discourse* describes a social boundary that defines what can be said about a specific topic, the limits of “possible truth” over a subject. In other words, the language that is chosen to describe something affects the way people think about it and drives their opinion towards a specific direction.

Hence, when discussing the way people talk and write in public about topics related to LGBT, one cannot underestimate the influence of the words spoken. At the same time, it is greatly important to bear in mind of “Who” speaks the words, since the influence of the words is closely linked to the person’s position and power.

Why is it important to detect, analyze and confront the negative public discourse on LGBT issues? Simply because it reinforces stereotypes and prejudices concerning LGBT people, it limits their ability to exercise their social and human rights and even allows acts of hatred and violence against them.

The existence of these barriers is evident all across Europe. According to the Fundamental Rights Agency of the EU (FRA), the fear derived by public hate statements and hate crimes prevent LGBT people from fully participating in society. Three weeks ago, the Agency published the results of its largest online survey (93,000 participants) on the experiences of LGBT people, which basically confirmed that fear, isolation and discrimination is common in Europe’s LGBT community. More specifically, the survey revealed that 2 out of 3 LGBT respondents were

hiding being LGBT at school. At least 60% personally experienced negative comments at school because they were LGBT while over 80% in every EU Member State recall negative comments or bullying of LGBT youth at school. At their work place or when looking for a job, 19% of respondents felt discriminated against, despite legal protection under EU law. As for general fear due to their identity, 26% of the respondents had been attacked or threatened with violence in the last five years, while 66% were scared of holding hands in public with a partner. For gay and bisexual men, this was about 75%. High levels of under-reporting of instances of discrimination and hate crime were also detected. This is despite 56% of respondents being aware of laws against discrimination on the grounds of sexual orientation or gender identity. Half of all victims of violence and harassment felt that the police would do nothing.

Cyprus, still being highly socially conservative, could not possibly be an exception to the above findings. 20 years after the famous “Modinos” case at the European Court of Human Rights and 15 years after the decriminalization of homosexuality (1998/ 2002), Cypriot society is still highly homophobic. According to the results of the abovementioned FRA survey, Cyprus ranks at the 4th place among the 27 EU Member States and Croatia, in relation to discrimination and harassment based on sexual orientation. Eurobarometer reports and national surveys, also document that public opinion in Cyprus ranks among the least tolerant in Europe. A nationwide quantitative survey conducted on behalf of our Office in 2006, as regards the perceptions of Cypriots concerning homosexuality, revealed that the vast majority of Cypriots do not accept LGBT people in their family and close environment. A qualitative survey, conducted in 2011 by Cyprus Family Planning and the NGO Accept, also revealed that LGB persons in Cyprus perceive social acceptance as moderate to low, whereas Trans persons perceived social acceptance at almost the minimum. The study also documented high rates of psychological violence and abuse. Harassment and threats over the internet were also present. Physical violence was less reported than psychological violence and harassment, however in both cases the impact was evaluated as moderate to very severe. The incidents reported ranged from negative gossip to very serious cases of beatings, and even rapes. The frequency and extent of homophobic bullying, violence and harassment experienced in schools -as it was presented and analyzed earlier today- is also alarming.

The occurrence of this kind of incidents is not irrelevant to the current legal framework on the subject. Since there is no single European legislation on the subject, each Member State has its own approach and, according to FRA, 13¹ Member States have already criminalized acts of hatred, violence or discrimination based on sexual orientation. Cyprus is among 5² other countries that do not include acts linked to sexual orientation in their legislation against hate speech³. This, of course, obstructs the implementation of the hate speech law on cases of homophobia. FRA finally concludes that the EU should proceed with presenting and voting a framework decision on hate speech and hate crimes based on homophobia and transphobia, the same way a similar framework decision was approved on the basis of racism and xenophobia⁴.

However, legislation and penal provisions against hate speech and hate crimes are not the sole answer to the problem. Institutional changes made in order to ensure equal access of people to social benefits regardless of their sexual orientation, educational programs to raise awareness and promote acceptance and an open public dialogue concerning LGBT related issues, are all necessary measures towards the achievement of equality.

Focusing on Cyprus, what has been done towards that direction?

And -coming back to my title- what was the public discourse that accompanied those developments?

In 1993 the European Court of Human Rights ruled in favor of an activist for gay rights, Mr. Alecos Modinos, against Cyprus, as regards the penalization in the Law of “sexual acts among men”. The actual choice of wording in the Penal Code -“sexual acts among men”- was not, of

¹ Βέλγιο, Δανία, Γερμανία, Εσθονία, Ισπανία, Γαλλία, Ιρλανδία, Λεττονία, Ολλανδία, Πορτογαλία, Ρουμανία, Σουηδία, Ηνωμένο Βασίλειο

² Αυστρία, Βουλγαρία, Ιταλία, Μάλτα, Κύπρος

³ At the same time, 10 (Βέλγιο, Δανία, Ισπανία, Γαλλία, Ολλανδία, Πορτογαλία, Ρουμανία, Φινλανδία, Σουηδία και Ηνωμένο Βασίλειο) Member States consider homophobia and transphobia aggravating factors in penal cases. In 15 (Βουλγαρία, Τσεχική Δημοκρατία, Γερμανία, Εσθονία, Ισπανία, Ιρλανδία, Ιταλία, Κύπρος, Λιθουανία, Λουξεμβούργο, Λεττονία, Μάλτα, Αυστρία, Σλοβενία, Σλοβακία) other Member States homophobia and transphobia are not clearly referred to as aggravating factors, however in 6 (Τσεχική Δημοκρατία, Γερμανία, Λεττονία, Μάλτα, Αυστρία και Σλοβακία) of them legislation recognizes the general concept of “hate crime” as aggravating, which could include homophobia and transphobia.

⁴ EE L 328/2008

course, accidental, since any reference to “homosexuality” could be misinterpreted as recognition. However, this is not the case only in outdated and abolished legislation. Our hesitance to talk openly about matters that relate to human sexuality is still evident today in our choices of wording when preparing pieces of legislation. For instance, the word “sexual”, when referring to “sexual orientation” in legislation (even the Anti-discrimination Law!), is not translated in Greek language as “σεξουαλικός” -which would be the equivalent word- but as “γενετήσιος”, which is linked to reproductive functions.

Following the decision of the Court in Modinos Case, it took almost 10 years for the Parliament in Cyprus to fully abolish the aforementioned law. What is also remarkable is that the decision was finally taken by the least possible Members of the Parliament, since many of them disagreed or wanted to avoid “political cost” by taking stance. At that time, members of the Church gathered outside the Parliament and demonstrated against the decision.

After the decriminalization, it took Cyprus society another decade to bring on the surface other issues related to LGBT rights. The admission of Cyprus in the EU in 2004 and the increased knowledge of legislation against discrimination based on sexual orientation gave the LGBT community the necessary strength to speak up and be heard. The adoption of the EU Directive against all forms of discrimination and the function of the Anti-Discrimination Body under the roof of the Ombudsman’s Office, had a crucial role in stepping up the forming dialogue.

In 2010 the Anti-Discrimination Body filed two Reports concerning the necessity of legal recognition of same-sex relationships and the regulation of civil partnership for all. The Reports were the result of the submission of two complaints relating to the lack of legislation on both matters. The Antidiscrimination Body stated that the right to private life, protected by the European Convention of Human Rights, in conjunction with the principle of equality and non discrimination, derived from the European Union Law, impose the obligation of the state to recognize and safeguard the right of same sex persons to a legally recognized cohabitation or partnership.

Following the Reports, an NGO supporting the rights and interests of LGBT people in Cyprus, “Accept”, was formed. Finally, for the first time after several years of silence, a public debate was building up around the subject.

However, the content of the Reports was not well-received by all. A Member of the Parliament, when publicly commenting the Reports, equated homosexuality to certain criminalized actions (bestiality, pedophilia, necrophilia). Based on the specific incident, the Anti-Discrimination Body submitted another Report, in June 2012, on the prevention and handling of homophobic rhetoric. The issue was examined within the framework of hate speech and it was underlined that public officials have a decisive role in forming public opinion and promoting tolerance and, therefore, have an added responsibility concerning the content of their speech. The Anti-Discrimination Body suggested that homophobic speech should be legally regulated following the example of other EU countries, on the basis of the recommendations of the Council of Europe and the EU. This is especially necessary in cases where extreme homophobic speech encourages actions of discrimination, hatred or violence against people based on their sexual orientation or gender identity. Clearly, the introduction of any legislation against hate speech should seriously consider and safeguard the constitutional right for freedom of expression.

The abovementioned incident, although being an extreme manifestation of anti-gay attitude, was not the only occasion where public officials took a stance against the recognition of equal rights to LGBT persons.

The Archbishop of Cyprus, backed up by the entire Synod, declared recently that the Church is absolutely against officially recognizing the cohabitation of same-sex partners and called homosexuals *“to fight in order to overcome their problems and deficiencies”*. Adding to that, he concluded that *“even though other societies may accept these kind of “things”, Cyprus society cannot, and besides it is not honourable for two persons of the same sex to live together as spouses”*. The great influence of the Church, not only to public opinion, but also -or even mainly- to politics in Cyprus, has been evident over the years on a variety of subjects, including the political problem of the Island and financial matters. It is, therefore, expected, for the public

discourse used by the Church to describe societal changes as regards the LGBT rights, to influence the decision-making and implementing in the Political Sphere.

The declaration of the Archbishop was made during an interview on Public TV. That brings us to Media, and their way of portraying LGBT people, by covering news that concern them and by taking part, in general, in the dialogue that has initiated.

It was in 2010 that the Anti-Discrimination Office organized a series of actions to raise awareness and promote equality, including a nationwide media campaign with 4 TV, 3 radio and 3 print ads, which covered various grounds of discrimination, including sexual orientation. Overall the campaign was welcomed and played vital role in giving fuel to discussion over the LGBT issues, however we *did* face some difficulties in relation to the media ads. More specifically, during the press conference held for the launching of the campaign, some journalists expressed concern as to whether the sexual orientation ads were too “progressive” for the conservative Cyprus society and would cause negative reactions. One Journalist even reacted herself negatively to the ads arguing that they were “encouraging” homosexuality. What was even more disappointing, though, was the reaction of the Cybc, which is the public broadcaster of the Republic of Cyprus: When the radio spots were sent to the Cybc, the general director of the corporation decided not to broadcast the radio spot on sexual orientation, claiming that “Cybc is a public organization” and could not allow the radio spot to be played. Immediately our Office decided to withdraw all ads from Cybc. Later on, and within the framework of an interview, the general director, referring to homosexuality, stated that the Cybc may accept that such “phenomena” exist and may tolerate them, but it has no obligation to put them on air. The decision of the general director of Cybc and his comment sparked a public dialogue in the media and many columnists wrote articles in newspapers and magazines in relation to this matter. The vast majority of these articles were critical of the decision and in favor of the campaign. Furthermore, a group on Facebook was created, in which people discussed the campaign as well as the decision of Cybc. In view of these reactions, the Governing Council of Cybc revoked the decision of the general director and decided to allow the broadcasting of the radio spot.

Media's crucial role in forming culture is well recognized in social sciences. It is not, therefore, an exaggeration to claim that the discourse of Media on LGBT issues in countries where the actual voice of LGBT people is still striving to be heard, is overwhelming and powerful. The Media in Cyprus has not changed much over the years as regards the way they present homosexuals in local productions: mainly gay men, having exaggerated female attributes, being "out of normal" or "funny". Lesbians are rarely presented whereas, not surprisingly, Trans and bisexuals are -at best- out of sight.

When referring especially to Transsexuals, their minimum visibility in the Media is almost entirely negative and stereotypical, with an emphasis on abnormality. This attitude is not much different to the way public offices deal with their matters: The Ministry of Health rejected the claim of a Trans person to go through sex reassignment surgery abroad. The Ministry of Interior rejected the claim of a Trans person that went through the surgery to alter her official documents according to her new gender identity. The Police inadequately investigated the complaint of a Trans person for harassment. All cases examined and reported by the Anti-Discrimination Body.

However, not all is negative.

Two years after the CyBC incident, and the pressure of a rising "new" public discourse on the issues of LGBT community, the Cyprus Radiotelevision Authority decided to proceed with amendments in legislation to ensure greater respect and protection for LGBTs during the broadcasting of all TV programs and Radioshows. According to the Executive President of the Authority *"this will add to the formation of a positive public opinion and contribute to the tolerance and acceptance of this people, as well as to the eradication of homophobia"*. Adding to that, the Executive President concluded that *"any act of discrimination based on sexual orientation by a journalist, program host or Radio-TV organizations in general will be condemned by the Authority"*.

A change of attitude is also evident in Politics, especially during the last six months. Having in mind the absolute absence of such matters in all previous political agendas, it was good to hear that all three candidates in the Presidential Elections of last February met Accept -the NGO mentioned earlier- and committed themselves to promoting equal rights for LGBTs. More specifically, they all agreed to work towards the official recognition of same-sex couples, to promote regulations concerning extreme homophobic or transphobic speech, to initiate programs for the prevention, recording and handling of homophobic or transphobic violence and to consult NGOs whenever measures, legislative or others, are about to be adopted or implemented. Moreover, the elected and current President, whenever was specifically asked, he has been consistently supporting the adoption of civil partnership for same-sex couples.

During the same period, a Law Proposal regulating civil partnership among different-sex and same-sex couples was adopted by the Ministerial Council. The Law Proposal is at the moment being processed by the Legal Services, and the next step is the voting of the Proposal by the Parliament. When that time comes, it is certain that a public debate on the matter will again arise.

In general, public discourse in Cyprus over LGBT issues is still fragmented and poor. Especially since the focus of most public and political discussions in the island is nowadays turned to financial issues, there has been an even further withdrawal of attention from issues related to any other topic, including the promotion of equal rights for LGBTs.

Nevertheless, the dialogue has begun. As a result of the Reports of the Anti-Discrimination Body and the increased lobbying by NGOs, public discourse of LGBT issues has slowly and steadily been shifting towards a less conservative model. It's still a long way before we achieve complete acceptance and full access of LGBTs to social rights; however promising steps have been made. It is, therefore, highly necessary to continue reporting on the issue, emphasizing on the principle of non-discrimination and equal treatment and consistently support any action aiming to raise awareness on LGBT rights. To this extent, the role of the Media and education system is very important.

Forming a culture of acceptance and respect is not an easy task. But it's the only possible way to achieve real equality. Legislative and institutional measures are only half effective in a society that persistently avoids speaking about LGBTs in an open way. Certainly, the Anti-Discrimination Body will continue contributing substantially to the public discourse on the issue, in every possible way.