

REPUBLIC



OF CYPRUS

209(I) of 2020

**THE COMBATING OF SEXISM AND ONLINE SEXISM AND
FOR RELATED MATTERS LAW, 2020**

(English translation)

**Office of the Law Commissioner
Nicosia,
November, 2021**

ΓΕΝ (Α) – L.162

ISBN 978-9925-570-34-8

NICOSIA

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NOTE FOR THE READER

The publication of the Office of the Law Commissioner is an English translation of Law No.209(I) of 2020 enacted in Greek.

However useful the English translation of the Law is in practice, it does not replace the original text of the Law since only the Greek text of the Law published in the Official Gazette of the Republic of Cyprus is authentic.

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Number 209(I) of 2020

**A LAW TO PROVIDE FOR THE COMBATING OF SEXISM AND SEXIST
BEHAVIOUR AND FOR RELATED MATTERS**

Preamble. WHEREAS, according to Recommendation CM/REC (2019)¹ of the Committee of Ministers of the Council of Europe on preventing and combating sexism adopted on 27 March 2019, gender discrimination is a violation of human rights, but also an obstacle to the enjoyment of human rights and fundamental freedoms, with sexism being a manifestation of historically unequal power relations between women and men, which ultimately leads to discrimination and prevents women's full social advancement,

AND WHEREAS, according to the same abovementioned Recommendation, sexism is linked to violence against women and girls, whereby acts of "everyday" sexism are part of a "continuum of violence", inevitably creating a climate of intimidation, fear, discrimination, exclusion and insecurity, which limits opportunities for personal growth and freedom of person,

AND WHEREAS, as further emphasised in the above Recommendation, the phenomenon of online sexism through online attacks has clearly intensified, in ways that such a behaviour affects, individually or collectively, persons or groups of persons, even when such persons are not a target in themselves, for example in the workplace, preventing the victims even from expressing opinions, ultimately resulting in their distancing from the internet and in the undermining of the right to freedom of speech and opinion in a democratic society, as well as in limiting their professional opportunities, all the while sexist abuse of social media through posting visual content of private moments without the consent of those depicted is also a form of such violence, which needs to be addressed,

AND WHEREAS, the above Recommendation emphasises in particular the fact that online sexism is rampant in Europe, with women being disproportionately affected, particularly young women and girls, women journalists, women politicians, public persons, defenders of women's human rights,

AND WHEREAS, the same Recommendation emphasises the need to take action to combat online sexism as a specific manifestation of sexist hate speech through criminal law, and aims at combating sexist patterns and at effectively protecting girls and women from the continuously increasing sexism online and through social media,

AND WHEREAS, the same Recommendation further recalls the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW), which was ratified by Law no. 78 (III) of 1985 and requires member states to take all necessary measures to eliminate sexist stereotypes and patriarchal social norms affecting every aspect of public life and based on the idea of the inferiority and / or the superiority of either of the sexes, but also to promote gender equality through legislative measures,

AND WHEREAS, the said Recommendation further recalls the Council of Europe Convention on Preventing and Combating Violence Against Women and Domestic Violence, which was ratified by Law no. 14 (III) of 2017, and requires member states to promote changes in their legal framework to tackle violence and eliminate gender discrimination with a view to combating prejudices, customs, traditions and other practices based on the idea of female gender inferiority and eradicating gender stereotypes, recommending member states to take measures to prevent and combat sexism and its manifestations both in the public and private spheres,

AND WHEREAS, in the same above Recommendation it is stated that the Committee of Ministers took into consideration the objectives expressed

in the Beijing Declaration and Platform for Action adopted by the United Nations Fourth World Conference on Women (1995) and especially the Report Beijing +20 Regional Review Meeting for Europe, organised by the United Nations Economic Commission for Europe in 2014 which indicated that discriminatory stereotypes remain widespread and affect women's education and participation in the economy and in public life,

AND WHEREAS, even though historically, structurally, and systemically, victims of sexism as well as online sexism are, for the most part, women and groups of women, as well as LGBTQI persons, it is considered that the fight against sexism needs to be expanded so as to include all people, regardless of sex,

For all these reasons, the House of Representatives enacts as follows:

Short title.

1. This Law may be cited as the Combating of Sexism and Online Sexism and for Related Matters Law, 2020.

2. For the purposes of this Law, unless the context otherwise requires-

"computer system" means the electronic device or group of interconnected or related electronic devices, one or more of which, according to a program, perform automatic electronic data processing and includes electronic data that is stored and is subject to processing, retrieved or transmitted from computers for the purpose of the data's operation, use, protection and maintenance;

"Court" means a competent court in the Republic;

"electronic data" means the presentation of facts, information or concepts in any form suitable for processing by a computer system, including programs which enable that system to perform a function;

"gender stereotype" means the established social and cultural norms or ideas according to which women and men have traits and roles predetermined by gender, thus drastically hindering the achievement of real equality between men and women and fostering gender discrimination in a way that hinders the development of the natural talents and abilities of the person who is subject to discrimination, as well as the educational and professional preferences and experiences, and more broadly the opportunities in life;

"legal person" means any entity having legal personality recognised as such under the laws in force in the Republic, but does not include a State or other public law organisations during the exercise of state authority nor international organisations governed by public law;

"Minister" means the Minister of Justice and Public Order who, for the purposes of this Law, is the competent authority;

"online sexism", means the registration in a computer system of electronic data which contain sexism, as this term is defined in this Law, and which is directed against a specific person or against a specific group of persons;

"sexism" means publicly or privately expressed sexist behaviour directed at a particular person or group of persons, consisting of an action, gesture, visual presentation, practice, written or oral expression based upon the idea or perception that a person or a group of persons is inferior because of their sex with the purpose of-

- (a) violating the rights of the victim or victims by insulting, diminishing and damaging their dignity, resulting in depriving their access to public services and in unequal access to resources; or
- (b) resulting in physical, psychological or socio-economic harm to the victim or victims; or

- (c) creating an intimidating, hostile, humiliating, abasing and offensive environment against the victim or victims; or
- (d) promoting and reinforcing gender stereotypes and gender discrimination.

Offence of sexism.

3. Any person who intentionally manifests or engages in sexism, as this term is defined in this Law, is guilty of an offence and, in case of conviction, is liable to imprisonment not exceeding one (1) year or to a fine not exceeding five thousand euros (€5,000), or to both such penalties.

Offence of online sexism.

4. Any person who intentionally acts in a manner that constitutes online sexism, as this term is defined in this Law, is guilty of an offence and, in case of conviction, is liable to imprisonment not exceeding one (1) year or to a fine not exceeding five thousand euros (€5,000), or to both such penalties.

Criminal liability of a legal person governed by private law.

5.(1) A legal person governed by private law is liable for the offences provided for in sections 3 and 4, provided that any natural person who is part of an administrative body or who holds a leading position therein based on-

- a) a power of representation of the legal person; or
- b) an authority to take decision on behalf of the legal person; or
- c) an authority to exercise control within the legal person;

intentionally manifests and / or engages in sexism or online sexism as such terms are respectively defined in this Law.

(2) Without prejudice to the provisions of this section, the liability of a legal person for the offences provided for in sections 3 and 4 shall not exclude criminal proceedings against natural persons suspected of having committed such offences:

Provided that, in such a case, the natural person against whom an

offence has been substantiated, in contravention of the provisions of sections 3 and 4, is liable to imprisonment not exceeding one (1) year or to a fine not exceeding five thousand euros (€ 5,000) or to both such penalties.

Sanctions against a legal person governed by private law.

6. A legal person convicted for the commission of any offence provided for in sections 3 and 4 is liable to a fine not exceeding five thousand euros (€ 5,000), and the Court shall, in addition, have the power to order-

- (a) temporary exclusion from any public benefits or aid for a period of time specified in the decision; and/or
- (b) temporary disqualification, for a specified period, from the practice of any commercial activity.

Jurisdiction of Court to try the offence of online sexism.

7. A competent court in the Republic has jurisdiction to try the offence of online sexism provided for in section 4, as long as the accused, at the time of the offence -

- a) was physically present in the Republic, but the manifested sexism relates to electronic data which have been or are found registered in a computer system not established in the Republic;
- b) was not physically present in the Republic, but the manifested sexism relates to electronic data which have been or are found registered in a computer system established in the Republic.

Criminal prosecution.

8. Criminal prosecution in respect of an offence under this Law shall not be instituted except by, or with the consent, of the Attorney- General of the Republic.

Power of the Council of Ministers.

9. The Council of Ministers may, by its Decision, delegate the responsibility of monitoring the implementation of the provisions of this Law, the development of relevant actions and strategies, as well as educating and raising awareness of the public opinion on issues related

to combating sexism, to a body or council or commissioner or independent institution that has been established by law, and has responsibilities in matters related to the promotion of equality between men and women or the fight against gender-based violence or discrimination.

Regulations. **10.**The Council of Ministers may issue Regulations in respect of any matter stated or required to be prescribed, for the better carrying into effect of the provisions of this Law, which shall be laid before the House of Representatives for approval.

Obligation to respect fundamental rights and freedoms. **11.**The application of the provisions of this Law does not affect or in any way limit the obligation to respect fundamental rights and fundamental freedoms, including freedom of expression and freedom of association, as defined in Articles 10 and 11 respectively of the European Convention on Human Rights.