State and Church in Cyprus

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I. Social Facts

The Republic of Cyprus was established as an independent sovereign republic on 16 August 1960, when its Constitution came into force and British sovereignty over Cyprus, as a crown colony, ceased. On 20 July 1974 the armed forces of the Republic of Turkey, one of the guarantor powers of the independence, sovereignty and territorial integrity of Cyprus, invaded the country and occupied the northern part of the island. As a result of the occupation, the Greeks and other Christians from that region became internally displaced persons and fled to the southern part of the island. In addition, Turks living in the southern part of the island were encouraged to relocate to the north. The Turkish occupation of northern Cyprus continues to the present day, and the Republic of Cyprus is thus prevented from exercising its powers over the whole island.

Since the 1974 Turkish invasion, providing precise figures with respect to the population of Cyprus has presented certain difficulties, due to the abnormal situation prevailing on the island. According to the 2011 official census the population of Cyprus (Turkish Cypriots residing in the occupied areas excluded) was 840,407, out of whom 667,398 (79.41%) were Cypriots, 106,270 (12.64%) were European citizens and 64,113 (7.62%) were third country nationals (the majority being Asian or Russian). Of the members of the Greek Community, 2,700 (0.4%) were Armenians, 4,800 (0.6%) were Maronites, while 900 (0.1%) were Roman Catholics. With the exception of a few agnostics, atheists, or naturalised foreign citizens, those of Greek origin normally adhere to the Greek Orthodox religion. In view of the fact that many non-Cypriots, such as mainland Greeks, Russians, Romanians and Bulgarians also adhere to the Orthodox Christian religion, it is estimated that approximately 82% of the total current population of Cyprus are Orthodox Christians. It is further estimated that the number of Roman Catholics residing in Cyprus, if non-Cypriots are also included, is approximately 2%. The Statistical Service of the Republic of Cyprus esti-

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mates that the number of Turkish Cypriots currently residing in the occupied areas reaches approximately 88,900, although it is suggested by Turkish Cypriot sources that the actual number might be closer to 120,000. So, around 12% of the current total population of the Republic, excluding the Turkish settlers, are Turkish Cypriots. It is further estimated that approximately 2,000 Cypriots are Orthodox Christians who follow the Old Calendar.

II. Historical Background

With the exception of sporadic Arab invasions, Cyprus remained for more than eight and a half centuries – between 325 and 1191 – part of the Byzantine Empire. Thus, Christianity was the state religion of the island. During the period of Frankish rule (1191-1489), the Roman Catholic or Latin Church was established as the official church of the new kingdom at the expense of the autocephalous Greek Orthodox Church of Cyprus. Following the Venetian period, which lasted for 82 years (1489-1571), there were more than three centuries of Ottoman rule (1571-1878). During that time and the period of British occupation that followed it (1878-1960), the Orthodox Church had a dual role. It was both the ministering religious organisation of Orthodox Christians of the island, and the nation-leading political coalition of the Greeks under foreign sovereignty.

The United Kingdom acquired the rights of possession and administration of Cyprus by signing the 1878 Treaty of Alliance with the Ottoman Empire. The UK agreed to preserve the status quo, including competencies granted by the Imperial prescript, Hatt-i-Humayun (1856), towards the Churches and religious authorities. These competencies included spiritual advantages and exemptions. This state of affairs remained in effect, even after the annexation of Cyprus by the UK in 1914, the recognition of this annexation by Turkey in 1923, and the proclamation of the island as a Crown Colony in 1925. The 1914 Charter of the Orthodox Church was drafted and put into effect by the Church itself, with no intervention from the British authorities, though it was never invested with state authority. It remained in operation for 66 years, until the enactment of the 1980 Charter. The Church of Cyprus was established as a legal entity under private law. Acts of the Church that were of a legislative and administrative nature, the decisions issued by ecclesiastical courts on any subject, and marriages contracted only through a church ceremony, were recognised by the state administration and justice. The election of Bishops and administration of ecclesiastical property were considered to be internal affairs of the Orthodox
Church. Laws enacted in 1937 attempted to restrict Church’s privileges by providing that the elected Archbishop should be approved by the colonial government; however, they were eventually superseded by Law 20/1946 after strenuous protests by the Church.

III. Legal Sources

The main legal source for religions in general is the Constitution of Cyprus. In view of the fact that the Constitution of Cyprus provides for the autonomy of the various religious creeds of the Republic in organising and administering their internal affairs, state laws relating to religion are few; state laws with respect to religion may, however, be found scattered in various legal instruments. The main Articles of the Constitution that refer to religion are the following: Article 18 which safeguards the right of religious freedom; Article 110 which safeguards the administration of internal affairs and property of the five main religions of the island and Article 111(1) which concerns family law disputes.

Article 18 of the Constitution safeguards the right of religious freedom, including the freedom of religious conscience and freedom of worship. This Article corresponds in many ways to Article 9 of the European Convention on Human Rights, but it is more detailed and its provisions cover aspects not recorded in Article 9. It provides that every person has the right to freedom of thought, conscience and religion. Freedom of thought is thus safeguarded for any person, either a believer or an atheist, a citizen or a non-citizen of the Republic of Cyprus. Every person has the right to profess his or her faith and to manifest it in worship, teaching, practice or observance, either individually or collectively, in private or in public, and to change his or her religion or belief. Until a person attains the age of sixteen, the decision as to the religion to be professed is to be taken by his or her lawful guardian.

The freedom to manifest one’s religion may be restricted only if such limitations are prescribed by law and are necessary in the interests of: a) the security of the Republic, b) constitutional order, c) public safety, d) public order, e) public health, f) public morals, or g) the protection of the rights and liberties guaranteed to every person by the Constitution. In addition to the conditions mentioned above, any limitation of the freedom, to manifest one’s religion must be considered absolutely necessary in a democratic society and thus be consistent with the principle of proportionality. It should be noted that the use of physical or moral compulsion for the purpose of making a person change or preventing him or her from
changing to another religion is constitutionally prohibited. Such constitutional prohibition has never been supplemented by law, and accordingly there have been no criminal prosecutions of illicit proselytism. It is further provided that no person is to be compelled to pay any tax or duty the proceeds of which are specially allocated in whole or in part for the purposes of a religion other than their own.

Collective and organisational religious freedom is also safeguarded. Whereas the Cypriot courts have not so far attempted to give a comprehensive definition of ‘religion’, the Constitution stipulates that all religions are free whose doctrines or rites are not secret. Furthermore, all religions are equal before the law and no legislative, executive or administrative act of the Republic may discriminate against any religious institution or religion.

Article 110 safeguards the right of the Orthodox Church to regulate and administer its own internal affairs and property and further stipulates that this right shall be exercised in accordance with the Holy Canons and its Charter in force for the time being. The Holy Canons whose force is safeguarded by the Constitution are not only those that relate to Church doctrine, but also those that refer to the administration of the Church’s internal affairs and property. This includes both the strict observance of the doctrines (doctrinal unity) and the effect of those fundamental administrative institutions of canon law that give a Church its Orthodox character (canonical unity). The Church is entitled to legislate freely and to draft and enact its own Charter, to the extent that it does not contravene the Holy Canons. The State must not act contrary to the right of the Church to regulate and administer its internal affairs. The current Charter of the Orthodox Church of Cyprus was enacted by the Holy Synod on 13 September 2010. The same right is accorded to the three religious groups of the Republic, i.e. Roman Catholics (Latins), Armenians and Maronites, and the Islamic faith.

IV. Basic Categories of the System

The aim of the Constitution is to treat the five major religions in an equal manner and to not differentiate among them. The Orthodox Church, the three other Christian religious groups and Islam, all enjoy exclusive competence with respect to their internal affairs, as well as the administration of their property. Such autonomy derives from the pre-existing legal regime, prior to independence; the Constitution has not created a new internal legal regime for the various religions in Cyprus, but has essentially
maintained, in effect, the provisions of Ottoman Law, especially Hatt-i-Humayun, albeit without affording a dominant position to the Islamic faith.

Such similarity in treatment is also evident by the provisions of Article 23 of the Constitution which safeguards the right to property. It is thereby provided that no deprivation, restriction or limitation on the right to acquire, own, possess, enjoy or dispose of any movable or immovable property, belonging to any See, monastery, church or any other ecclesiastical corporation or any right over it or interest therein, shall be made, except with the written consent of the appropriate ecclesiastical authority being in control of such property. The same right is accorded to all Muslim religious institutions, with regards to any immovable or movable property of any vakf.

Accordingly, no single religion or creed is established as the official religion. As a result there is no prevailing, established, or state religion in Cyprus. All religions and creeds deal exclusively with their own affairs, without in any way interfering in the affairs of the State. However, the five main religions of the Republic enjoy a special constitutional status. The state has recognised broad discretionary powers in their favour and does not have the right to intervene in their internal affairs, or in the administration of their property. Whenever matters of common interest arise, such as religious education, the State and the religious corporations debate in order to reach a common solution; if, however, this is not possible, the State may reach any decision, so long as it does not interfere with the internal affairs or the administration of the property of the constitutionally protected religions. Furthermore, the State is not confessional. Thus, when assuming their duties, state officials are not sworn in, but affirm their faith in and respect for the Constitution and the laws made thereunder, and the preservation of the independence and territorial integrity of the Republic of Cyprus. Accordingly, state officials do not have to follow any particular religion, or believe that a God exists, in order to be elected or appointed. Their only allegiance is towards the Constitution and the laws made thereunder, and not towards any religious beliefs.

In view of the above, the Constitution has introduced a system of co-ordination between the Republic of Cyprus and the major religions and Christian creeds. Such a system differs substantially from the State-law rule system prevailing in Greece, since it is based upon the autonomy of religious organisations, which are distinct from the State and deal exclusively with their own affairs. It further differs from the separation system, since the State has recognised broad discretionary powers with regard to the main religions’ internal affairs, administration of their property, family matters, and in general matters of communal character. The model prevail-
ing in Cyprus is essentially a pluralistic model, which recognises and embraces the public dimension to religion, while at the same time attempting to co-operate with all religions. The significance of faith in people’s lives is considered as worthy of protection by the state and where the function of the state overlaps with religious concerns, the state seeks to accommodate religious views, insofar as they are not inconsistent with the state’s interests. In consequence, pluralism is achieved through the recognition that the state and the various religions occupy, in principle, different societal structures; religious neutrality is not, however, achieved simply because there is religious autonomy, but also through positive measures on behalf of the state, which aim at the protection of religions. Other religious groups such as Jews, Jehovah’s Witnesses, Buddhists, or Protestant Christians, enjoy religious freedom according to Article 18 of the Constitution, and are equal before the law, so that no legislative, executive or administrative act could discriminate against them. However, such religions are not considered as religious groups in the constitutional sense and therefore, do not enjoy the special constitutional status of the five main religions of the island; differences in treatment between the five constitutionally recognised religions and other religions of the island principally occur with respect to religious education, direct financing and family law matters.

V. Legal Status of Religious Communities

According to Cypriot Law, a legal person is considered to be a legal person under public law, if it has been established by law, it is endowed with decisive public law competencies and is under the control of the State. The Orthodox Church of Cyprus does not fulfil the requirements of the aforementioned definition, since it is not under the control of the State. A majority of the Supreme Court of Cyprus held that the Orthodox Church was not an authority of the Republic of Cyprus in the sense of Article 139 of the Constitution. The Orthodox Church is therefore considered as a legal entity under private law, albeit of a peculiar nature. Although the Supreme Court’s aforementioned judgment concerned only the legal status of the Orthodox Church of Cyprus, it is undisputed that its principles also apply to the three constitutionally recognised religious groups. Therefore, those three religious groups should also be properly considered as peculiar legal persons of private law. It is further suggested that the same legal status should also be accorded to the Islamic faith.

Religions other than the five constitutionally recognised religions are not required to register with the authorities. Their members enjoy reli-
gious freedom according to the constitutional provisions, even if such religious organisations have not registered with the authorities. However, if these religious organisations desire to engage in financial transactions, such as maintaining a bank account, they must register as a non-profit company. In order to register, a religious organisation must submit an application stating the purpose of the non-profit organisation and providing the names of the organisation’s directors. So far, applications by religious organisations have been promptly accepted by the authorities of the Republic of Cyprus, without any particular problems.

VI. Religious Communities within the Political System

The first President of Cyprus was Archbishop Makarios who presided between 1960 and 1977; during that era the political influence of the Orthodox Church was undeniably far-reaching. Since the death of Archbishop Makarios in 1977 the political system of Cyprus has been completely secularised, since religious functionaries in principle refrain from participating actively in elections and are not appointed to public offices. The Archbishop and other religious ministers restrict themselves, in general, to the exercise of their spiritual role, without interfering in the exercise of the executive powers of the Republic. Consequently, religious influence in political life has diminished substantially: no political party claims that it is guided by spiritual truths, or that it has the support of the Orthodox Church. In addition, the fact that the Archbishop or Metropolitans of the Church support a particular political party is of little significance to voters.

The Orthodox Church retains, however, a significant financial influence, since many major companies are owned directly by the Church and the Church is also the largest land-owner on the island. Almost all political parties and many politicians receive funding from the Church during elections, or with respect to their political activities. In addition, many politicians regularly ask the Church to assist their voters and arrange meetings with the Archbishop or other Metropolitans, in order to enable their voters to receive grants, or other donations, from the Church. Religious influence in politics may principally be traced in particular areas such as the Cyprus problem and education. With respect to the issue of the Turkish invasion, the Church is most influential while funding non-governmental organisations, or associations of citizens, or even political activities, which seek to inform the international community about the events that occurred in Cyprus in 1974. With regards to education, it has been the practice of most Ministers of Education and Culture to consult the Church pri-
or to decisions that influence religious education, although this does not imply that the Church’s position will necessarily be adopted.

VII. Culture

Religion has a central role in the culture and civil society of the island. Many clubs, associations, or institutions of the island are either funded by the Church, or related to religious activities. The Orthodox Church publishes a bi-monthly official journal, named ‘Apostolos Varnavas’, while several other magazines promote the doctrines of the Orthodox tradition. It should also be noted that, the Armenians and Maronite have their own newspapers and cultural centres. The first private television channel in Cyprus belonged to the Orthodox Church and it was named Logos. Logos first aired on 26 April 1992 with live coverage of the Christian Easter celebrations from the St John Cathedral in Nicosia. Although the channel is now licensed to a third party, the Orthodox Church retains the right to transmit certain religious or spiritual programmes through the channel. News concerning the Orthodox Church and major religious activities, such as Easter celebrations, are further transmitted by the other private free to air television channels, as well as the two state owned television channels. The Archbishop of the Orthodox Church is considered to be a significant public figure and therefore, his views on various political, social, or spiritual issues are often reproduced or commented upon in news and talk shows. In addition, the Orthodox Church owns a private radio station, also called Logos. This radio station has been transmitting since 24 April 1992 and focuses on religious, spiritual and cultural programmes, Greek music, as well as talk shows. Logos was, however, recently renamed as Diesi and is now a music station. There are additional church-owned radio stations, which, however, only transmit locally. Transmissions concerning religious or spiritual issues are also broadcast by the other major private radio stations of the island, as well as the state owned Cyprus Broadcasting Corporation (CyBC). It should be further noted that the CyBC Law makes an attempt to accommodate the various religious minority interests, by providing access to the media and ensuring that all religious creeds may enjoy a certain amount of broadcast time.

Since the Turkish invasion of 1974, the Orthodox Church has undertaken an initiative to repatriate religious relics and antiquities stolen or looted from churches and monasteries in the occupied areas. In addition, the Church of Cyprus has been functioning as a Centre for the Maintenance of Icons and Manuscripts with the purpose of preserving the archaeological
and cultural treasures of the Church. Moreover, an Office for the documentation of Byzantine icons functions in collaboration with the Antiquities Department of the Republic. The Orthodox Church further supports a research centre, as well as a museum, aiming at the documentation of the cultural religious history of Cyprus and the financing of relevant publications.

VIII. Labour Law within the Religious Communities

The status of the clergy of the Orthodox Church and other religions of the Republic remains one of private law, even in cases where the salary of such clergy may be paid by the State. Clergy have employment contracts with, and receive instructions from, their respective Church and not the State; consequently, the State does not itself function as the employer, but simply funds the Churches, who function as the employers of the clergy. The above view is consistent with the fact that the various religious organisations, including the Orthodox Church and the three other Christian religious groups, are not considered legal persons under public law, but only legal persons of a peculiar nature under private law; therefore, the status of the employees of those Churches ought, in principle, to remain one of private law and not of public law. In light of the above, the employment relationship between a religious organisation and an employee is governed by the general provisions of employment law. The Supreme Court has thus held that despite their spiritual role, religious ministers are properly considered as employees, and thus, the general provisions of employment law are applicable with respect to their status of employment.

Law 58(I)/2004 implemented Council Directive 2000/78/EC establishing a general framework for equal treatment in employment and occupation, Council Directive. The Law sets out a framework in order to prevent discrimination on grounds of, inter alia, religion or belief, in the area of employment and occupation, so that the principle of equal treatment might be effected; its scope extends to religious organisations. Direct and indirect discrimination on grounds of religion are prohibited both by virtue of the provisions of Law 58(I)/04 and by Article 28 of the Constitution which safeguards the principles of equality and non-discrimination. However, Law 58(I)/04 allows for a requirement that a person should be of a particular religion or belief in order to be employed in a church or any other religious organisation if this is a genuine, legitimate and justified occupational requirement, with regard to the ethos of the organisation; the application of the principle of non-discrimination with respect to employ-
ment loosens in favour of the application of the principle of organisational religious freedom. In view of the peculiar and unique characteristics that the status of a religious minister entails, certain exceptions from the general provisions of employment law might be recognised in the appropriate cases; the extent to which the principle of organisational religious freedom may circumvent the application of the general provisions of employment law has not yet been settled, and has to be examined on a case by case basis and in the light of all relevant considerations.

IX. Legal Status of Clergy and Monks

The Law of the Republic of Cyprus contains no provisions as to the legal status of the clergy. It should be noted, however, that clergymen do not enjoy exemption from criminal or civil procedure as a result of any kind of confessional secret. Under Canon Law, clergy are prohibited from practicing certain professions, such as profitable activities which are inconsistent with their priestly functions, or the assumption of state offices. In the Orthodox Church of Cyprus clergy are composed of Deacons, Presbyters and Bishops. They hold ceremonial, administrative, and teaching authority. The ordination of a Deacon or a Presbyter is performed by at least one Bishop. The ordination of a Bishop is performed by the Archbishop or, by order of the latter, by the most senior metropolitan. If the See of a metropolitan is vacant, the Archbishop acts as Vicar of the See. A candidate for the position of the Archbishop or a Metropolitan is expected to be unmarried, to be over 35 years old, to be a graduate of a Theology school and to have completed ecclesiastical service of at least ten years as a clergyman. The status of clergyman is forfeited when a clergyman is defrocked. The penalty of defrocking is imposed by the Holy Synod, convened as a Tribunal.

The Law of the Republic of Cyprus further contains no provision as to the legal status of monks. The provisions of Canon Law apply, together with the internal regulations of monasteries. Under the Charter of the Orthodox Church of Cyprus, the status of a monk is acquired by tonsure. The minimum age for tonsure is eighteen, after the candidate has completed a three-year term as a novice. Tonsure is performed by the Abbot, a Bishop or a Presbyter with the permission of the local Bishop; otherwise it is null and void. It should be noted that lay persons also participate in all aspects of the work done by the Orthodox Church. The participation of laity in the Church of Cyprus is probably the strongest in the entire Orthodox world, both in the extent of its competencies and its elevation to the status
of an organ of Church administration. Lay people participate in most of the central and peripheral organs of administration of the Church, as well as in the management of property and in the election of the Archbishop and the metropolitans on the island.

X. Finances of Religious Communities

The current financial system is a direct result of the constitutional provisions regarding the relations between state and church in the Republic of Cyprus. The right of the five major religions to exclusively regulate their own property is constitutionally recognised. Other religions have essentially the same legal status with regard to the administration of their property. Consequently, each religious body administers its own property without state intervention. The Republic of Cyprus does not impose any special religious tax. Furthermore, the income of religious organisations and charitable associations is exempt from income tax. Other tax laws, however, do not provide for the exemption of religious organisations.

While the Republic of Cyprus does not provide funding to religions _per se_, significant religious assistance is given to religious communities with regard to the construction, or repair, of their churches, monasteries and cemeteries, and for other religious purposes, in the form of state aid. It should be observed that such state aid is provided by the Central Government and is in practice given only to the five major religious communities and not to other religious organisations. Important assistance is provided by the State as far as the practice of religion is concerned. As a result of an agreement between the Republic of Cyprus and the Orthodox Church, the Church has transferred some of its immovable property to the Republic, which in return contributes to the payment of the salaries of parish clergy in rural areas. The government decided that this agreement should also extend to the clergy of the three other Christian religious groups of the Republic, and as of 1 January 1999 the state has also begun to pay the salaries of a number of priests of those three religious groups, despite the fact that only the Orthodox Church had granted any immovable property to the Republic. This was due to the fact that the three religious groups and the Orthodox Church should be treated on an equal basis in view of the system of co-ordination, which is in force in the Republic of Cyprus. The same treatment was granted to the parochial priests of the Orthodox Christians who follow the Old Calendar.

The Republic of Cyprus does not contribute, however, to the payment of salaries of religious ministers of other religions, or for lay people work-
ing either for the Orthodox Church or for the three religious groups. It should be further observed, that the ministers of the three religious groups of the Republic enjoy free medical treatment and medicines in Governmental hospitals, irrespective of their citizenship, despite the fact that such free medical treatment used to be provided for free only to Cypriot citizens. In addition to the above, the State provides an annual grant towards the churches of the three religious groups of the Republic, in order to assist them in fulfilling their religious duties. The Republic of Cyprus provides additional financial assistance to the three religious groups of the Republic with regard to their education, worship places, and their cultural heritage. Land, as well as public grants, has been given to the three religious groups of the Republic for construction of their churches, monasteries and cemeteries. Grants are also given for repairs to existing churches and monasteries. In addition, the Ministry of Education finances cultural activities of the Greek Orthodox Church and the three religious groups of the Republic, including publications, performances, construction of libraries, seminaries, museums, keeping collections of archives, or historic buildings. Financial assistance is also given to social and athletic clubs which relate to the Orthodox Church or to the three religious groups. Financial assistance is also given with regards to maintenance and reparation of mosques in the non-occupied areas.

XI. Religious Assistance in Public Institutions

The State recognises that chaplaincy serves an important cause, namely to serve the needs of the members of communities such as the army, prisons or hospitals who are otherwise unable to access the services offered by religious bodies to the general public. Moreover, chaplaincy is essential in order to safeguard that those members properly exercise their fundamental right to individual religious freedom, despite the constraints otherwise imposed. Accordingly, chaplaincy is considered as worthy of protection, since it promotes the exercise of the religious freedom and it is consistent with the recognition of faith in the lives people who are otherwise unable to exercise their collective religious freedom. The State should therefore be considered as having positive obligations to ensure that all people have access to religious services so as to exercise their beliefs in a meaningful manner.

The legal regulation of chaplaincy has not been an issue of particular significance in Cyprus. In view of the fact that the great majority of the population adhered to the Christian Orthodox religion, the Orthodox Church had traditionally enjoyed a leading role in safeguarding that chap-
laincy services are offered near hospitals or prisons, without the State regulating chaplaincy. Other religions, such as the Armenian, the Maronite, the Roman Catholic and the Islamic, also offer chaplaincy services whenever needed. The increase of the number of Cypriot residents who adhere to other religions has had the effect that the State should make provision for chaplaincy for members of different religions as far as possible. This seems to be dealt with, however, on an ad hoc basis, rather than being regulated by specific legal provisions, with the Orthodox Church sometimes acting as a facilitator between the State and other religions.

XII. Matrimonial and Family Law

By virtue of Article 111 of the Constitution, any matter relating to marriage and divorce of members of the Orthodox Church or of the three religious groups was governed by the canon law of their respective church and was adjudicated by the respective church’s ecclesiastical courts. However, the need to adjust all personal matters to contemporary legal principles, social perceptions, and the commitments of the Republic of Cyprus towards international conventions led to the First Amendment of the Constitution (Law 95/1989), which amended Article 111. Since 1989 the state Family Courts exercise jurisdiction with regard to all matters relating to marriage, divorce and family relations. The right of Orthodox Christians and members of the religious groups to opt for a civil marriage, and the ground of divorce of irretrievable breakdown rendering the marital relationship intolerable for the plaintiff have been introduced. Cyprus currently has a dual regime of civil and religious marriage. Matters relating to nullity of religious marriages continue to be governed by the canon law of the Greek Orthodox Church, or the Church of a religious group, as the case may be.

On 1 June 1983 the Church of Cyprus took an extremely important initiative for the premarital regulation of the health of future spouses, something that is disapproved of by most Churches in other countries. In Cyprus several incidents of sickle-cell anaemia are reported each year. The Holy Synod decided that among the documents that the spouses-to-be are required to submit to the Church for the issuing of a licence for the solemnisation of a religious wedding ceremony, there should be a certificate from a state-appointed doctor proving that they had been examined for sickle-cell anaemia. Even when the test shows that the disease is present, the marriage may still go ahead. The test aims exclusively at assisting the prospective spouses in making important decisions concerning the future of their family.
Criminal Law and Religious Communities

The interaction between criminal law and religion in Cyprus has not so far been an issue of major debate. This is probably due to the system of coordination prevailing in Cyprus, which has, in general, promoted religious tolerance between the various religious communities. There is a lack of case law with respect to the penal protection of religions; indeed the issue has almost never attracted social attention. Thus, the practical application or importance of the offences relating to religion which are enumerated in the criminal code has been limited. Part IV of the Criminal Code Cap. 154, entitled ‘Offences Injurious to the Public in General: Offences Relating to Religion’, protects certain religious manifestations. The criminal offences in the Cypriot penal code that are characterised as related to religion are the following: (a) defamation of religions; (b) disturbing religious assemblies; (c) unlawful trespassing on burial places; (d) affront to religious sentiment by word or act; (e) circulation of defamatory publications; (f) impersonating clergy; and (g) offences linked with acts of worship. Law 134(I)/11 further incorporated Council Framework Decision 2008/913/JHA on combating certain forms and expressions of racism and xenophobia by means of criminal law and provides that religious motivation in inciting violence or hatred is a criminal offence. There are no specific provisions in the Criminal Code providing that religious motivation is in general an aggravating or an attenuating circumstance of a specific offence. However, a judge may have the discretion, on the basis of all relevant factors, to consider whether to give weight to religious motivation when considering a specific offence.

Major Developments and Trends

Religious education remains a highly contested issue. Article 20 of the Constitution safeguards the right to education, including the right of the parents to secure for their children such education as is in conformity with their religious convictions. Religious lessons given in primary and secondary state schools follow closely the doctrine of the Eastern Orthodox Church. In secondary education, courses are given by graduates of university schools of divinity, while in primary education they are given by the class teacher. Attendance is compulsory for Orthodox pupils; atheists or members of other religions, however, may be excused. Whereas the new curriculum aims to tone down the extent of doctrinal education in favour of an approach where other religious tenets will also be taught, the course
remains mostly doctrinal. Religious education textbooks, similarly to other textbooks, are written by committees appointed by the Ministry of Education and Culture, and are distributed to every pupil in public schools for free. Teachers of theology in public schools are required to teach the content of such textbooks in order to promote the aims of the Curriculum; certain teachers of theology are even members of the clergy. Textbooks include topics from the Bible, both Old and New Testaments, the history of the Orthodox Church, the lives of the Saints, hymnography and hagiography, as well as moral teachings.

There is no religious education for members of other religions in public schools, with the exception of Maronites and Turkish Cypriots. The fact that the State cannot offer religious education consistent with every single individual religion or creed is not surprising; the greater majority of the pupils in each non-Turkish public school adhere to the Orthodox Christian religion and thus, it would be practically unfeasible for the State to provide religious education which would meet the demands of all parents. This is why the State has opted to assist children belonging to religious groups to attend private schools of their choice, if they so desire, and further, why non-Orthodox Christians pupils may request to be exempted from religious education, including collective worship. Parents maintain the right to request in writing that their children be exempted from religious education if they are not Orthodox Christians. The Supreme Court has stressed that a school cannot refuse to exempt students of other faiths from religious education. Exempting, however, only pupils who do not belong to the Orthodox Church presents certain problems, since there are parents who belong to the Orthodox Christian religion who do not wish their children to receive doctrinal religious education. Furthermore, atheists, or the non-Orthodox, might not wish to declare their religious beliefs to the school authorities in order to be exempted from religious education. Objections are also raised with regards to the doctrinal character of religious education in Cyprus.
XV. Bibliography


