



ADF INTERNATIONAL

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United Nations Human Rights Committee**

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**CYPRUS**

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## EXECUTIVE SUMMARY

ADF International is a global alliance-building legal organization that advocates for the right of people to freely live out their faith. As well as having ECOSOC consultative status with the United Nations (registered name “Alliance Defending Freedom”), ADF International has accreditation with the European Commission and Parliament, the Fundamental Rights Agency of the European Union, and the Organization for Security and Co-operation in Europe.

This report presents violations of the right to freedom of religion (ICCPR article 18) in Cyprus. Cyprus generally guarantees a high level of freedom of religion for individuals and organizations. However, its special treatment of certain religious groups means that people outside of those groups are not guaranteed the same level of enjoyment of freedom of religion. This manifests itself in a number of ways, including allocation of government subsidies, prisoners’ access to clergy, and obtaining residence permits for foreign clergy.

ADF International’s primary recommendation to the Committee is to urge the Government of Cyprus to ensure that it guarantees the full enjoyment of freedom of religion to all people, including members of small or new religious communities.

## REPORT

### **(a) Special Status of Certain Religious Groups (arts. 2, 18, 22, 26, 27; LOI paras. 22, 27)**

#### *Committee actions and reply of Cyprus*

1. The Committee requests in paragraph 27 of the List of Issues information on measures taken to revise article 2 of the Constitution, which only recognizes “religious groups” that had over 1,000 members on the date the Constitution came into effect.
2. Cyprus responds in paragraph 181 that there are no plans to amend the Constitution. Further, in paragraphs 205 and 206 of its fourth periodic report, Cyprus details special assistance that goes to the three minority religious groups that are recognized under this provision of the Constitution.
3. The Committee also asks in paragraph 22 what measures have been taken to guarantee religious freedom for those belonging to newer religious communities in Cyprus. Cyprus did not respond to this paragraph.

#### *Background*

4. Due to the bi-communalism of Cyprus, two main religious institutions are recognized, the Autocephalous Greek Orthodox Church of Cyprus and the Vakf, a Sunni Muslim institution for Turkish Cypriots. The only religious groups that met the 1,000-member threshold required to be recognized as a religious group are the Maronite Catholics, Armenian Orthodox, and Latins (Roman Catholics). These groups were required to choose to join either the Greek Community or the Turkish Community, and all chose the Greek Community.
5. There are numerous other religious communities in Cyprus, including the Anglican Church, smaller Protestant denominations, Jews, Buddhists, and Jehovah’s Witnesses. These religious communities do not have to register with the

government, but registration as nonprofit organizations allows them to engage in financial transactions and to be tax-exempt.

6. The recognition in the Constitution of the Orthodox Church and the Vakf, in addition to the three religious groups, reflects the special relationship they have with the government. They receive more attention and benefits than do the newer and smaller religious communities. For example, only the five religious groups receive subsidies for their religious institutions. The central government provides financial assistance for construction and repair of their churches, monasteries, and cemeteries, and for operation of their schools.
7. The government undertakes special measures to protect the Maronite, Armenian, and Latin communities. For example, it subsidizes print media, websites, and tuition and books for students.
8. Other religious organizations do not receive subsidies or other government assistance.
9. The favouring of these five religious groups can manifest in other ways. For example, other religious communities reportedly sometimes have trouble getting licences to build houses of worship and cemeteries, as highlighted by the Committee in paragraph 22 of the List of Issues. The Orthodox Church has a dominant presence in education, as evidenced in the section above, and in the military, where, for example, there is a prayer by Church of Cyprus clergy during the swearing-in ceremony.
10. Although registration systems, particularly multi-tiered systems, may not be in violation of international human rights law *per se*, they must be carefully enacted and fairly operated. In this context it is worth noting the report of the UN Special Rapporteur on Freedom of Religion or Belief, Mr. Heiner Bielefeldt:

All registration decisions must be based on clearly defined formal elements of law and in conformity with international law. Registration should neither depend on extensive formal requirements in terms of the number of members and the time a particular community has existed, nor should it depend on the review of the substantive content of the belief, the structure of the community and methods of appointment of the clergy.<sup>1</sup>

#### *ICCPR violations*

11. Cyprus generally protects the religious freedom of all individuals and organizations. Its religious environment is unique due to its longstanding history of having a Turkish community and a Greek community, with three historically significant minority faiths. Neither of these facts excuses the exclusive provision of benefits to only five religious groups.

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<sup>1</sup> Special Rapporteur on Freedom of Religion or Belief report on “Freedom of religion or belief and recognition issues,” A/HRC/19/60, 22 December 2011, § 73(e).

12. ICCPR article 2 requires that Cyprus ensure all individuals the same rights without distinction, including on the basis of religion. Provision of benefits to only five religious groups discriminates against members of other religious communities and hampers their ability to enjoy the same level of freedom of religion guaranteed by article 18. Given that subsidies are used for construction and repair of houses of worship, the lack of subsidies for minority communities hampers their ability to enjoy the same level of freedom of association under article 22.
13. Finally, the religious minorities owed protection under article 27 include those that are not members of the main three minority religious groups.

*Recommendations to the Committee for the Government of Cyprus*

- **Guarantee the enjoyment of freedom of religion to all people.**
- **Ensure that benefits, including subsidies for houses of worship and schools, are made available to all religious communities.**

**(b) Denial of Prisoners' Requests to Meet with Religious Group Representatives (arts. 2, 18, 26, 27; LOI para. 22)**

*Background*

14. In November 2010, detainees belonging to the Church of Cyprus from Pontus asked for permission to visit the prison church to celebrate a religious holiday.<sup>2</sup> Their request was rejected.
15. In September 2011, Nigerian detainees were not allowed to meet with representatives of an Evangelical Christian church because they had not identified themselves as followers of that church when they entered the prison.<sup>3</sup> Prison authorities claimed that foreign prisoners were particularly vulnerable to proselytism, which is banned by the Constitution, and that they were making every effort to stay in the country.
16. In September 2012, Ombudsman Corina Demetriou issued an opinion stating that the prison authorities should have allowed the Greek Pontic prisoners to visit the church.<sup>4</sup> She recognized that although it was difficult for the prison to accommodate all faiths, the prisoners merely wanted to visit the church, making the denial unjustified.
17. With respect to the rule that prisoners can only be visited by representatives of the faith they declared upon admission to prison, the Ombudsman found that such restriction did not meet the requirements for restrictions on freedom of religion found in international law. Further, she found that the prison authorities' allegation that the detainees were attempting to stay in the country attributed motives to their actions

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<sup>2</sup> Corina Demetriou, 'Ombudsman's report regarding the exercise of religious rights by the detainees in the Central Prison', 30 Sept. 2012, <http://www.non-discrimination.net/content/media/CY-93-FR%20religious%20rights%20of%20detainees.pdf>.

<sup>3</sup> *Id.*

<sup>4</sup> *Id.*

that were not proven, and they did not consider the possibility of a religious motive for the detainees' request. She stated that visits by representatives of other faiths did not amount to proselytism and that the prison regulations must be amended accordingly.

18. Despite the recommendations of the Ombudsman, Evangelical Christian ministers still have been unable to minister to prisoners who have specifically requested it. For over three years ministers of the Christian Center of Nicosia have been denied the ability to minister to prisoners. At the same time, the Orthodox Church maintains a temple on the prison premises and its priests are allowed to conduct services every Sunday and for official religious celebrations. The regulations appear to be used to prevent non-Orthodox clergy from ministering to prisoners.

#### *ICCPR violations*

19. The right to freedom of religion in ICCPR article 18 includes the right to manifest religious beliefs. Manifestation of those religious beliefs includes meeting with clergy, to whom many look for guidance, direction, and teaching in their faith. Prisoners do not lose the right to manifest their religion when they enter prison. The prison already accommodates prisoners by allowing them to meet with clergy, and it must guarantee that accommodation to all prisoners, including those who change their religious beliefs, in order to avoid impermissible discrimination. There is no justification for not accommodating prisoners who have changed their beliefs; the right to change religious beliefs is a component of freedom of religion.
20. To the extent the prison regulations are used to deny non-Orthodox prisoners the right to meet with non-Orthodox clergy, they discriminate against those non-Orthodox prisoners in violation of ICCPR article 2. As UN Special Rapporteur on Freedom of Religion or Belief, Mr. Heiner Bielefeldt, has stated: "When offering a privileged legal status position for certain religious or belief communities or other groups, such a specific status should be accorded in strict conformity with the principle of non-discrimination and should fully respect the right to freedom of religion or belief of all human beings."<sup>5</sup>

#### *Recommendations to the Committee for the Government of Cyprus*

- **Repeal the prison regulations allowing visits only from clergy belonging to the faith prisoners declared when they entered prison, and allow prisoners to visit with clergy of the faith of their choosing.**
- **Provide prisoners with the same religious accommodations, regardless of their faith.**

#### **(c) Difficulty in Obtaining Residence Permits for Clergy of Minority Religious Traditions (arts. 2, 18, 22, 26, 27; LOI para. 22)**

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<sup>5</sup> Special Rapporteur on Freedom of Religion or Belief report on "Freedom of religion or belief and recognition issues," A/HRC/19/60, 22 December 2011, § 73(i).

## *Background*

21. Christian clergy from foreign countries who are not Orthodox have encountered difficulty in obtaining residence permits, while at the same time clergy who serve in the Orthodox Church quickly receive approval for permits.
22. For example, a Filipino pastor of the Church of God in Nicosia, who has served for several years in Cyprus, had difficulty in obtaining a residence permit. The Catholic Church also had difficulty.<sup>6</sup> Meanwhile, Orthodox priests from other countries received residence permits without difficulty.

## *ICCPR violations*

23. Although there is no right for foreign clergy to obtain residence permits, providing Orthodox clergy with residence permits while delaying or denying residence permits of other faiths' clergy—when the only difference is religion—discriminates against minority religious traditions on the basis of religion, in violation of ICCPR articles 2 and 18. As the European Court of Human Rights has noted, although access to some privileges is not a “right” *per se*, once the State has “voluntarily decided to provide rights to subsidies and other advantages to religious organizations ... it cannot take discriminatory measures in granting those benefits.”<sup>7</sup>
24. To the extent that delay or denial of residence permits affects the ability of religious groups to worship in community, it hampers freedom of association under ICCPR article 22. Likewise, to the extent it denies the ability of religious minorities to profess and practise their religion in community with the other members of their group, it violates ICCPR article 27.

## *Recommendation to the Committee for the Government of Cyprus*

- **Ensure that residence permits for foreign, non-Orthodox clergy are approved without delay and without discriminating on the basis of religion.**

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<sup>6</sup> U.S. State Dep't, Cyprus 2013 International Religious Freedom Report 4, *available at* [www.state.gov/documents/organization/222415.pdf](http://www.state.gov/documents/organization/222415.pdf).

<sup>7</sup> ECHR, *Magyar Keresztény Mennonita Egyház and Others v. Hungary*, Application nos. 70945/11, 23611/12, 26998/12, 41150/12, 41155/12, 41463/12, 41553/12, 54977/12 and 56581/12, judgment of 8 April 2014, § 107.