The Author	3
List of Abbreviations	13
Preface	15
General Introduction	17
Preface  General Introduction  §1. General Background of the Country  I. Geography II. Constitutional History  A. The Struggle towards Independence  B. The Establishment of the Republic of Cyprus  C. The 1963 Collapse and Its Aftermath  D. The 1974 Turkish Invasion  E. The Cyprus Problem Today  III. Constitutional Structure  A. General Overview  B. Executive Branch  C. Legislative Branch  D. Human Rights  E. The Judicial System  F. Legal System  IV. Economy  V. Politics	17 17 17 17 18 21 24 26 27 27 29 30 30 31 32 34 36
§2. SOCIAL FACTS ABOUT RELIGION  I. Population and Religion  II. Societal Place of Religion  A. General Overview  B. The Orthodox Church of Cyprus and Its Position within the Orthodox Church in General	37 37 38 38
C. The Islamic Tradition of Turkish Cypriots	41

§3. HISTORICAL BACKGROUND  I. Prior to the British Rule A. Antiquity B. Roman and Byzantine Era C. Frankish Rule D. Ottoman Rule II. The British Rule A. The Political Framework B. The Legal Status of Christian Religions C. The Legal Status of the Islamic Religion	41 41 42 43 44 45 45 47 49
Part I. Legal Framework and Sources	51
Chapter 1. Constitutional Position of Religion	51
§1. THE CONSTITUTIONAL POSITION OF THE ORTHODOX CHURCH I. Introduction II. The Constitutional Safeguard of Holy Canons III. The Legislative Power of the Church IV. The Ambit of the Charter	51 51 52 54 54
§2. THE CONSTITUTIONAL POSITION OF THE THREE RELIGIOUS GROUPS  I. Religious Groups in the Constitutional Sense  II. Members of a Religious Group  III. The Constitutional Status of the Three Religious Groups  IV. The Right to Elect Representatives of the Religious Groups	56 56 58 59 61
§3. THE CONSTITUTIONAL POSITION OF THE ISLAMIC RELIGION	63
§4. THE CONSTITUTIONAL POSITION OF THE ORTHODOX CHRISTIANS WHO FOLLOW THE OLD CALENDAR	64
Chapter 2. Other Legislation with Regard for Religion	67
§1. STATE LAWS CONCERNING RELIGION	67
§2. THE TURKISH RELIGIOUS HEAD (MUFTI) LAW	67
§3. THE VAKFS AND EVCAF LAW	69
§4. THE ESTABLISHMENT OF A DEPARTMENT OF VAKFS AND RELIGIOUS MATTERS LAW	71
Chapter 3. The Typology of the System	73

Table of	f Contents
Part II. Religious Freedom in General	77
Chapter 1. Individual Religious Freedom	77
§1. THE CONSTITUTIONAL RIGHT TO RELIGIOUS FREEDOM I. Introduction II. Manifestation of Religious Freedom III. Right to Change One's Religion IV. Restrictions to the Manifestation of Religious Freedom	77 77 78 80 81
§2. SPECIAL CASES  I. Illicit Proselytism  II. Conscientious Objection  III. Religious Beliefs and Obligation to Serve in the Army  IV. Work Permits of Religious Ministers	83 83 84 87 89
Chapter 2. Collective Religious Freedom	90
Chapter 3. Organizational Religious Freeder	92
Part III. Legal Status of Religious Communities	95
Chapter 1. Formal Status of Religious Communities	95
§1. THE LEGAL STATUS OF THE FIVE CONSTITUTIONALLY RECOGNIZED RELIGIONS  I. The Legal Status of the Orthodox Church II. The Legal Status of the Three Religious Groups of the Republ III. The Legal Status of the Islamic Community	95 95 ic 99 100
§2. THE LEGAL STATUS OF OTHER RELIGIONS	101
Chapter 2. Autonomy of Religious Communities	102
§1. Introduction	102
§2. THE CHARTER OF THE ORTHODOX CHURCH OF CYPRUS I. General Characteristics II. Central Administration III. Peripheral Administration IV. The Legal Status of Clergy, Monks and Lay Persons	102 102 103 104 105

§3. THE REGULATIONS OF THE ARMENIAN DIOCESE OF CYPRUS

§4. THE CHARTER OF THE CHURCH OF THE ORTHODOX CHRISTI. WHO FOLLOW THE OLD CALENDAR	ANS 109
Chapter 3. Fundamental Rights and Religious Commu	unities 111
§1. THE INCOMPATIBILITY OF CANON LAW PROVISIONS WITH FUNDAMENTAL RIGHTS	111
§2. HEREDITARY SUCCESSION AND FUNDAMENTAL RIGHTS	112
§3. RELIGION BASED CLAIMS FOR REFUGEE STATUS	114
§4. RELIGIOUS SLAUGHTER OF ANIMALS	116
Chapter 4. Contractual Religious Freedom	118
Part IV. International, Transnational, Regional Effects on Religious Communities	119
Chapter 1. International Law Effects on Religious Communities	119
§1. THE INTERNATIONAL COVENANT ON CIVIL AND POLITICAL F	RIGHTS 119
§2. THE 1981 DECLARATION OF THE GENERAL ASSEMBLY	121
Chapter 2. Transnational Law Effects on Religious Communities	123
Chapter 3. Regional Law Effects on Religious Comm	unities 126
§1. THE EUROPEAN CONVENTION ON HUMAN RIGHTS	126
I. The Status of the European Convention on Human Righ Cypriot Legal Order	126
II. The Application of Article 9 of the European Conventio on Human Rights	n 127
§2. THE FRAMEWORK CONVENTION FOR THE PROTECTION OF NATIONAL MINORITIES  I. The Provisions of the Framework Convention II. Opinions and Resolutions on Cyprus	130 130 133

Table of C	Contents
Part V. Religion and Politics	139
Chapter 1. Religion Influence in Politics	139
§1. RELIGIOUS INFLUENCE IN POLITICS  I. The Makarios Era  II. After Makarios	139 139 141
§2. RELIGIOUS INFLUENCE IN SPECIFIC POLITICAL AFFAIRS  I. The Role of the Church in the Cyprus Problem  II. The Role of the Church in Education	142 142 144
Chapter 2. Political Influence in Religion	147
Chapter 3. Interaction between Religion and State on a Political and Legal Level	149
Part VI. Labour Law within Religious Communities	151
Chapter 1. Scope of Application of Labour Law	151
§1. EMPLOYMENT LAW AND RELIGIOUS COMMUNITIES  I. Introduction  II. The Employment Relationships of Religious Communities  III. Termination of Employment Law	151 151 151 153
§2. Non-discrimination on Grounds of Religion	155
Chapter 2. Religious Ministers and Labour Law	158
Chapter 3. Other Church Employees and Labour Law	159
Part VII. Religious Communities and Protection of the Individual	161
Chapter 1. Protection of Privacy	161
§1. Human Rights Provisions	161
§2. CRIMINALIZATION OF PRIVATE HOMOSEXUAL ACTS I. The <i>Dudgeon</i> Case II. The <i>Costa</i> Case III. The <i>Modinos</i> Case	162 162 164 164

§3. THE PROCESSING OF PERSONAL DATA LAW

Chapter 2. Freedom to Marry	166
Chapter 3. Freedom of Expression	169
§1. Human Rights Provisions	169
§2. Blasphemy	170
Chapter 4. Due Process Norms and Religious Groups	174
§1. Access to Courts	174
§2. Proof of Ecclesiastical Law	175
Chapter 5. Professional Secrecy	177
Chapter 5. Professional Secrecy Chapter 6. Medical Deontology  §1. BLOOD TRANSFUSION	178
§1. BLOOD TRANSFUSION	178
§2. MEDICAL REFUSAL OF TREATMENT ON RELIGIOUS GROUNDS	180
§3. PREMARITAL REGULATION OF THE HEALTH OF FUTURE SPOUSES	180
§4. ABORTION	181
Chapter 7. Non-discrimination	182
§1. Human Rights Provisions	182
§2. THE OMBUDSMAN	183
Chapter 8. Penal Law and Religion	184
Part VIII. Church Financing	187
Chapter 1. Direct Financing of Religious Communities	187
§1. INTRODUCTION  I. Concert Outline of the Current System of Financing	187
<ul><li>I. General Outline of the Current System of Financing</li><li>II. The Internal Organs of Administration of Property of the Orthodox Church</li></ul>	187 189
§2. Types of Financing I. Salaries of Religious Ministers	190 190

Table of Con	ntents
II. Education III. Other Types of Financing	191 192
§3. Assessment	193
Chapter 2. Indirect Financing of Religious Communities	195
§1. INCOME TAX	195
§2. Customs and Excise Duties	196
§3. Value-Added Tax	197
§4. CAPITAL GAINS TAX AND IMMOVABLE PROPERTY TAX  I. The Refusal of the Orthodox Church to Pay Capital Gains Tax  II. The Negotiations between the State and the Orthodox Church	198 198 200
Part IX. Education	203
Chapter 1. Religious Education in Public and Private Schools	203
§1. Introduction	203
§2. THE RIGHT TO RELIGIOUS EDUCATION	204
§3. RELIGIOUS EDUCATION IN PUBLIC SCHOOLS  I. The Doctrinal Character of Religious Education II. Exceptions III. Objections and Considerations on Reform IV. The Debate about Confessionals in Public Schools	205 205 206 207 208
§4. RELIGIOUS EDUCATION IN PRIVATE SCHOOLS	209
§5. Teachers of Religious Education	209
Chapter 2. Religious Schools	211
Part X. Matrimonial and Family Law	213
Chapter 1. Legal Position of Religious Marriage	213
§1. Introduction	213
§2. THE EXTENT OF THE APPLICATION OF ARTICLE 111 OF THE	216

I. Members of the Greek Orthodox Church and Article 111	
of the Constitution	216
II. Is Cypriot Citizenship a Requirement for the Application of Article 111?	217
§3. THE REGIME FOR SOLEMNIZATION OF MARRIAGES IN CYPRUS I. Marriages of Members of the Greek Orthodox Church and	219
of the Three Religious Groups	219
II. The Marriage Law of 2003	221
III. Marriage of Members of the Turkish Cypriot Community	224
Chapter 2. Legal Position of Religious Family Law	226
§1. THE 'RIGHT' OF THE ORTHODOX CHURCH TO APPOINT THE PRESIDEN OF THE FAMILY COURT	т 226
	220
§2. THE FAMILY COURTS OF RELIGIOUS GROUPS	227
I. Introduction	227
II. Composition	228
§2. THE FAMILY COURTS OF RELIGIOUS GROUPS  I. Introduction II. Composition III. Jurisdiction  §3. Religious Influence on Divorce	229
§3. Religious Influence on Divorce	230
I. Attempt of Reconciliation and Spiritual Dissolution of	
Religious Marriages	230
II. Grounds for Divorce	233
Part XI. Religion and Culture	237
Chapter 1. Religion and Art	237
Chapter 2. Religion and Media	241
Chapter 3. Religion and Civil Society	244
Chapter 4. Religion and Public Debate	245
Selected Bibliography	247
Index	251