

Replies to the questionnaire on the rights of minorities

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CYPRUS

1. A) The Cyprus Constitution is based on the concept of bi-communality and only two Communities (the Greek and the Turkish) are recognised; all other citizens have to opt to belong to one of these two Communities. The relevant Article of the Constitution (Article 2) is worded as follows:

"For the purposes of this Constitution -

(1) the Greek Community comprises all citizens of the Republic who are of Greek origin and whose mother tongue is Greek or who share the Greek cultural traditions or who are members of the Greek-Orthodox Church;

(2) the Turkish Community comprises all citizens of the Republic who are of Turkish origin and whose mother tongue is Turkish or who share the Turkish cultural traditions or who are Moslems;

(3) citizens of the Republic who do not come within the provisions of paragraph (1) or (2) of this Article shall, within three months of the date of the coming into operation of this Constitution, opt to belong to either the Greek or the Turkish Community as individuals, but if they belong to a religious group, shall so opt as a religious group and upon such option they shall be deemed to be members of such Community:

Provided that any citizen of the Republic who belongs to such a religious group may choose not to abide by the option of such group and by a written and signed declaration submitted within one month of the date of such option to the appropriate officer of the Republic and to the Presidents of the Greek and the Turkish Communal Chambers opt to belong to the Community other than that to which such group shall be deemed to belong:

Provided further that if an option of such religious group is not accepted on the ground that its members are below the requisite number any member of such group may within one month of the date of the refusal of acceptance of such option opt in the aforesaid manner as an individual to which Community he would like to belong.

For the purposes of this paragraph a "religious group" means a group of persons ordinarily resident in Cyprus professing the same religion and either belonging to the same rite or being subject to the same jurisdiction thereof the number of whom, on the date of the coming into operation of this Constitution, exceeds one thousand out of which at least five hundred become on such date citizens of the Republic;

(4) a person who becomes a citizen of the Republic at any time after three months of the date of the coming into operation of this Constitution shall exercise the option provided in paragraph (3) of this Article within three months of the date of his so becoming a citizen;

(5) a Greek or a Turkish citizen of the Republic who comes within the provisions of paragraph (1) or (2) of this Article may cease to belong to the Community of which he is a member and belong to the other Community upon:

(a) a written and signed declaration by such citizen to the effect that he desires such change, submitted to the appropriate officer of the Republic and to the Presidents of the Greek and the Turkish Communal Chambers;

(b) the approval of the Communal Chamber of such other Community;

(6) any individual or any religious group deemed to belong to either the Greek or the Turkish Community under the provisions of paragraph (3) of this Article may cease to belong to such Community and be deemed to belong to the other Community upon:

(a) a written and signed declaration by such individual or religious group to the effect that such change is desired, submitted to the appropriate

officer of the Republic and to the Presidents of the Greek and the Turkish Communal Chambers;

(b) the approval of the Communal Chamber of such other Community;

(7) (a) a married woman shall belong to the Community to which her husband belongs;

(b) a male or female child under the age of twenty-one who is not married shall belong to the Community to which is or her father belongs, or, if the father is unknown and he or she has not been adopted, to the Community to which is or her mother belongs."

B) Not applicable.

C) No.

2. A) The notion of bi-communality excludes in practice the notion of minority.

B) Not applicable.

C) Not applicable.

D) Not applicable.

E) Not applicable.

F) Not applicable.

3. A) All such international instruments, after being ratified by law, are of superior force to municipal legislation.

B) Not regarding minorities.

4. A) of community, race, religion, language, national descent and colour.

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B) No.

C) No such direct legislative provisions exist.

5. A) The relevant Article of the Constitution (Article 18) is worded as follows:

"1. Every person has the right to freedom of thought, conscience and religion.

2. All religions whose doctrines or rites are not secret are free.

3. All religions are equal before the law. Without prejudice to the competence of the Communal Chambers under this Constitution, no legislative, executive or administrative act of the Republic shall discriminate against any religious institution or religion.

4. Every person is free and has the right to profess his faith and to manifest his religion or belief, in worship, teaching, practice or observance, either individually or collectively, in private or in public, and to change his religion or belief.

5. The use of physical or moral compulsion for the purpose of making a person change or preventing him from changing his religion is prohibited.

6. Freedom to manifest one's religion or belief shall be subject only to such limitations as are prescribed by law and are necessary in the interests of the security of the Republic or the constitutional order or the public safety or the public order or the public health or the public morals or for the protection of the rights and liberties guaranteed by this Constitution to any person.

7. Until a person attains the age of sixteen the decision as to the religion to be professed by him shall be taken by the person having the lawful guardianship of such person.

8. No person shall 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 his own."

B) The only instances relate to the military obligations and education of Jehova's Witnesses.

6. A) None as such.

B) Not applicable.

C) Not applicable.

D) Not applicable.

7. A) The relevant Article of the Constitution (Article 3) is worded as follows:

"1. The official languages of the Republic are Greek and Turkish.

2. Legislative, executive and administrative acts and documents shall be drawn up in both official languages and shall, where under the express provisions of this Constitution promulgation is required, be promulgated by publication in the official Gazette of the Republic in both official languages.

3. Administrative or other official documents addressed to a Greek or a Turk shall be drawn up in the Greek or the Turkish language respectively.

4. Judicial proceedings shall be conducted or made and judgments shall be drawn up in the Greek language if the parties are Greek, in the Turkish language if the parties are Turkish, and in both the Greek and the Turkish languages if the parties are Greek and Turkish. The official language or languages to be used for such purposes in all other cases shall be specified by the Rules of Court made by the High Court under Article 163.

5. Any text in the official Gazette of the Republic shall be published in both official languages in the same issue.

6. (1) Any difference between the Greek and the Turkish texts of any legislative, executive or administrative act or document published in the official Gazette of the Republic, shall be resolved by a competent court.

(2) The prevailing text of any law or decision of a Communal Chamber published in the official Gazette of the Republic shall be that of the language of the Communal Chamber concerned.

(3) Where any difference arises between the Greek and the Turkish texts of an executive or administrative act or document which, though not

published in the official Gazette of the Republic, has otherwise been published, a statement by the Minister or any other authority concerned as to which text should prevail or which should be the correct text shall be final and conclusive.

(4) A competent court may grant such remedies as it may deem just in any case of a difference in the texts as aforesaid.

7. The two official languages shall be used on coins, currency notes and stamps.

8. Every person shall have the right to address himself to the authorities of the Republic in either of the official languages."

B) See the above-mentioned Article 3 of the Constitution.

C) In the recent case of Hassanein (Admiralty Case 369/83) the Supreme Court ruled on 20 April 1994 that a Cypriot citizen who happened to be a British expatriate and could not speak fluently either Greek or Turkish could not address the Court in English with simultaneous translation into Greek by a translator provided at his own expense.

8. No.

9. There is provision for Family Courts for members of the Greek Orthodox Church and of other religious groups (Maronites, Armenians and Latins) who have opted to join the Greek Community.

10. A) No relevant provision exists.

B) No.

11. A) One representative from each religious group (Maronites, Armenians and Latins) is elected to the House of Representatives with the right to be heard but without a vote.

B) The religious groups of Maronites, Armenians and Latins are scattered throughout Cyprus.

C) No.

12. A) No, other than what is stated in answer to question 11A).

B) Not applicable.

C) No.

13. A) Not in addition to their duties as citizens.

B) Not applicable.

14. A) No.

B) Not applicable.