



## European network of legal experts in gender equality and non-discrimination

### NEWS REPORT

<b>Country:</b>	Cyprus
<b>Title</b>	Cyprus legalises civil unions outside marriage
<b>Date:</b>	9 December 2015
<b>Expert:</b>	Corina Demetriou
<b><u>Context</u></b>	
<b>Issue at stake:</b>	The Cypriot parliament adopts a law regulating civil unions offering state recognition to couples outside marriage and regulating rights of property, alimony, inheritance and succession
<b>Ground of discrimination:</b>	Sexual orientation, religion or belief
<b>Source:</b>	Law on Civil Marriages of 2015
<b>Field:</b>	Access to state services, access to justice
<b>Applicable law:</b>	Law on Civil Marriages of 2015

### Content

**Case:** On 26 November 2015 the Cypriot parliament adopted a law regulating the civil union of both heterosexual and homosexual couples. The law came after more than two years of debating and after several interventions over the past years from the Equality Body/Ombudsman's office which highlighted the injustice and discrimination suffered by the LGBT community as a result of the non-regulation of matters pertaining to marriage. Although less prominently featured in the public debate, the law will also have a positive impact on couples who for reasons of religion or belief choose not to get married, such as atheists. The law provides that unless otherwise stated in the text of the law and with the exception of the law on adoptions, a civil union entered into under this law will have all the corresponding results and consequences of a marriage under the Marriage Law.

Under this law, a person is deemed incapable of entering into a civil union if he or she has not reached 18 years of age. This differs from the law which regulates the marriage of heterosexual couples and is a potential source of discrimination: in the case of heterosexual couples, where marriage age is also set at 18, persons under 18 may still marry if they both have completed their sixteenth year of age and the persons who have parental responsibility over them consent in writing towards this; where the parents or guardians unjustifiably withhold their consent, the Court of the district where the person about to be married resides, may authorise its conclusion.<sup>1</sup> This option is not available under this law, presumably because under the Criminal Code intercourse between men under 17 is still a crime punishable with imprisonment,<sup>2</sup> a potential source of

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<sup>1</sup> Cyprus, Law on marriage of 2003 (*Ο περί γάμου νόμος του 2003*) N.104(I)/2003, article 15. Available at [www.cylaw.org/nomoi/enop/non-ind/2003\\_1\\_104/full.html](http://www.cylaw.org/nomoi/enop/non-ind/2003_1_104/full.html).

<sup>2</sup> Cyprus, Criminal Code (*Ποινικός Κώδικας*) Cap. 154, article 171. Available at [http://www.cylaw.org/nomoi/enop/ind/0\\_154/section-scc47fc16b-adff-47f7-a516-80893c67659b.html](http://www.cylaw.org/nomoi/enop/ind/0_154/section-scc47fc16b-adff-47f7-a516-80893c67659b.html).

discrimination against male homosexuals, as there is no corresponding prohibition for sex between lesbians.

The law includes detailed provisions regarding the payment of alimony and the distribution of property in the event of dissolution of the civil union, which are almost identical to those provided under the corresponding law for heterosexual married couples.<sup>3</sup> Matters of inheritance are to be regulated by applying the law on wills and succession which applies to married heterosexual couples.<sup>4</sup> In addition to the fields of application expressly mentioned in the law, the state recognition of these relationships will inevitably have an impact in other areas of access to state and private services and benefits, including occupational pensions, succession in rental and other contracts, access to health as a dependent of a beneficiary and others. It remains to be seen how this law will be applied in the various areas where spouses derive rights by virtue of their marriage and the manner in which the partners to a civil union will be treated by the state and by the private sector.

A gap remains on the issue of adoption of children which is expressly excluded from the law and which amounts to indirect discrimination against homosexual couples as well as other persons who choose the civil union over marriage.

In spite of its shortcomings, the law must be hailed as a victory in light of the negative predisposition of Cypriot society against LGBT persons. It ought to be recalled that the latest Eurobarometer has once again point Cyprus as one of the most homophobic countries in Europe, with 79% of respondents saying discrimination is widespread on the grounds of sexual orientation and gender identity and only 13% saying that they would be comfortable if their sons or daughters were in a same sex relationship.<sup>5</sup> This survey in fact marks a worsening of societal attitudes towards homosexuality: in 2012 Cyprus scored 77% as regards perceptions on how widespread sexual orientation discrimination is<sup>6</sup> and in 2007 it scored 72%.<sup>7</sup>

**Internet link source:** The law is available at  
[www.hadjjiannis.net/admin/uploads/anpdf/pdfgr86.pdf](http://www.hadjjiannis.net/admin/uploads/anpdf/pdfgr86.pdf)  
Last accessed 8/12/2015.

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<sup>3</sup> Cyprus, Law on the regulation of property relations between spouses of 1991-1999 (*Οι περί Ρυθμίσεως των Περιουσιακών Σχέσεων των Συζύγων Νόμοι του 1991 έως 1999*) N. 232/1991. Available at [www.cylaw.org/nomoi/enop/non-ind/1991\\_1\\_232/full.html](http://www.cylaw.org/nomoi/enop/non-ind/1991_1_232/full.html).

<sup>4</sup> Cyprus, Law on wills and succession (*ο περί Διαθηκών και Διαδοχής Νόμος*) Cap. 195. Available at [www.cylaw.org/nomoi/enop/non-ind/0\\_195/full.html](http://www.cylaw.org/nomoi/enop/non-ind/0_195/full.html).

<sup>5</sup> European Commission (2015), Special Eurobarometer 437, Discrimination in the EU in 2015. Available at <http://ec.europa.eu/COMMFrontOffice/PublicOpinion/index.cfm/Survey/getSurveyDetail/instruments/SPECIAL/surveyKy/2077>.

<sup>6</sup> European Commission (2012), Special Eurobarometer 393, Discrimination in the EU 2012, published in November 2012. Available at [http://ec.europa.eu/public\\_opinion/archives/ebs/ebs\\_393\\_en.pdf](http://ec.europa.eu/public_opinion/archives/ebs/ebs_393_en.pdf).

<sup>7</sup> European Commission (2007), Special Eurobarometer, Discrimination in the EU, Summary, Field work June-July 2006, published in January 2007. Available at [http://ec.europa.eu/public\\_opinion/archives/ebs/ebs\\_263\\_sum\\_en.pdf](http://ec.europa.eu/public_opinion/archives/ebs/ebs_263_sum_en.pdf).