



## NEWS REPORT

**Date:** 20 September 2011  
**Expert :** Corina Demetriou  
**Title:** Equality Body report on confessions at schools  
**Country:** Cyprus

### Context

**Issue at stake:** The Anti-discrimination Authority, one of the two bodies comprising the national Equality Body reviews the legality of confessions carried out at schools

**Ground of discrimination:** Religion or belief

**Source:** Equality Body report dated 29.07.2011, Ref. AKR 42/2010

**Field:** Education

**Legislative provisions:** Constitution (article 18); ECHR (article 9), Charter of Fundamental Rights (article 10); Convention on the Rights of the Child (article 14).

### Content

**Case:** The Equality Body examined a complaint that the conduct of the mystery of confession in the school premises and within the frame of teaching time raised issues as regards respect to freedom of conscience and free expression of religious beliefs of the students and their parents. The complaint was submitted by the mother of a student who alleged that priests regularly visit almost all secondary education schools and conduct confessions of students aged 12-15; students were notified in advance of the priest's visit and were requested to enroll without informing or securing the parents' consent; then the students would go to a church within the school or to another designated place during school time and under the supervision of the school staff and confess to the priest. The complainant, who was informed of these activities by her child without having any notification from the school, complained that confession has no place in the learning process and its conducting within the school is not justified, adding that the

voluntary participation of the students does not cancel the problematic nature of this activity within the school and raises dilemmas amongst under age students.

In response to this complaint, the Director of Secondary Education of the Ministry of Education agreed that the procedure is the one described by the complainant, but that this is in compliance with the directions issued by the Ministry and that it is standard policy of the school to provide students with opportunities for physical, spiritual, psychological, aesthetic, artistic etc development.

She added that the school promotes a number of activities during school time, such as field trips, theater performances, planting of trees etc and that this time is not considered as time lost from the curriculum; that confession is offered to students because many of them may not have the chance to confess outside school time due to their geographical origin or other reason and it is therefore the duty of the school to take care of their spiritual and moral support through confession, which is being done for purely educational and other reasons. With regard to the complainant's allegation that the school failed to notify the parents, the Director stated that the written approval of the parents for activities within the school is not sought as this would burden the school with bureaucratic procedures; she added that there is sufficient time for the students to notify their parents who may request their child's exemption. She further stated that since a student's refusal to participate may be due to a variety of reasons, such as the fact that the student may confess outside the school or because the student is not ready, such refusal is not recorded anywhere and no reasons are asked. She concluded that headmasters and schools in general admitted that the presence of priests significantly contributes to the support of the students and to the resolution of problems of the school and of the students themselves.

**Decision of the Equality Body:** In setting out the legislative framework, the report referred to the provisions of the Cypriot constitution on freedom of conscience, religion and belief (article 18), to the ECHR (article 9), to the Charter of Fundamental Rights (article 10) and to the Convention on the Rights of the Child (article 14). It further stated that in a democratic society where many different religions coexist, the state has the duty to organize and ensure the smooth exercise of everyone's religious beliefs, remaining neutral and impartial, in order to secure public order and safety, religious diversity and tolerance. In the case of children, religious freedom is

exercised by the parents or guardians, in accordance with the Constitution and the Convention on the Rights of the Child which requires the signatories to respect the right of parents or legal guardians to guide the child in the exercise of its religious right in a manner that corresponds to the development of the child's skills. The report expressed its reservations as to whether the procedure followed finally does result in a conscious choice of accepting the mystery of confession in the sense of a voluntary participation in the mystic acts of a dogma, in view of the doubts raised by the concept of 'voluntary' participation within the school space. The report rejected the argument of the director of secondary education regarding the 'voluntary' participation of the students, stating that by inviting priests into the schools, a real situation is likely to develop whereby children may feel obliged to participate or risk stigmatization. Quoting a document of the Greek Ombudsman, the report pointed out that secondary education students are undergoing a critical period of intense psycho-emotional development during which the student's participation in the group is necessary for his/her emotional security.

Also, relations within the school community are very fragile; particularly, the relationship between a student and a teacher is not equal since the teacher possesses what the student is seeking (knowledge). In this context one cannot legitimately claim that a student is free from emotional influence to decide for his/her participation in 'proposed activities' especially when these are ab initio approved and organized by the school and will be held inside the school with the assistance of the teachers. In this context, the 'voluntary' participation of students in mysteries forming part of religious convictions creates fertile ground for discrimination, as the non-participation inevitably leads to conclusions as to one's religious convictions and thus revelation of personal sensitive data, as well as to the labeling and categorization of some students as 'good Christians' or not. Additionally, schools in Cyprus receive a large number of students from third countries or EU member states who may well have different religious convictions than the majority of the students, hence the need to render the school a multicultural space where every student can express him/herself in an environment of freedom of thought, expression and conscience.

The Equality Body rejected the argument that confession plays an educational role or that some students are deprived of the opportunity to confess because of their geographical origin. As regards the latter argument,

the report pointed out that churches in Cyprus are so widespread that the number of students not having access to them would be negligible; so much that the school could organize their transfer to a nearby church to confess in prior consultation with the parents. In its recommendations, the report states that although it does not challenge the presence of priests in schools for the purpose of informing on Christian mysteries, the conducting of confessions is problematic as it raises issues of respect of religious freedom of the students and their parents; additionally, the school environment does not provide the quiet and confidential environment necessary for the mystery to be conducted with due holiness. It recommends that the Ministry of Education investigates the possibility of confessions to be carried out outside the school. The report points out that it would consider acceptable for a group of parents to take the initiative of organizing confession outside the school but it should leave no margin of misinterpretation as to the non-endorsement of this activity by the school.

**Internet link source:** The link to this report which exists on the Equality Body's website does not work