

Status of Human Rights in Greece for the 39th Session of the Universal Periodic Review

Introduction:

1. The European Centre for Law and Justice (ECLJ) is an international, non-governmental organisation dedicated to promoting and protecting human rights around the world. The ECLJ holds Special Consultative Status before the United Nations Economic and Social Council. The purpose of this report is to raise concerns regarding the status of religious liberty in Greece for the 39th Session of the Universal Periodic Review (UPR).

Background:

2. Greece is a country in southeast Europe with an estimated population of 10.3 million¹. The overwhelming majority, 81–90%, of the population identify as Greek Orthodox². The remaining population identify as Muslim (2%), other (3%), none (4-15%), and unspecified (1%)³.

3. Greece's previous review was held on 3 May 2016. As a result of that review, Greece received 207 recommendations, 186 of which were supported by Greece⁴. One recommendation in particular, which was supported by Greece, was that Greece "[e]nsure religious freedom and tolerance, by measures such as decriminalising blasphemy and protecting the rights of religious minorities, atheists, and agnostics"⁵. This recommendation was supported by Greece, and in 2019 the government struck down the blasphemy laws⁶.

Legal Framework:

4. While the Constitution provides for freedom of religion, it also explicitly bans proselytisation, which is inherently infringing on one's ability to freely practice their religion. According to Article 13:

1. Freedom of religious conscience is inviolable. The enjoyment of civil rights and liberties does not depend on the individual's religious beliefs.

2. All known religions shall be free and their rites of worship shall be performed unhindered and under the protection of law. The practice of rites of worship is not allowed to offend public order or the good usages. Proselytism is prohibited⁷.

5. Additionally, until its repeal in 2019, the penal code also explicitly prohibited blasphemy. Under Article 198 of the previous Penal Code:

1. One who publicly and maliciously and by any means blasphemes God shall be punished by imprisonment for not more than two years;

2. Anyone, except as described in par. 1, who displays publicly with blasphemy a lack of respect for things divine, is punished with up to 3 months in prison⁸.

Despite the repeal of this problematic language in the Penal Code, the government recently attempted to reintroduce language that would once again criminalise blasphemy.

6. According to Article 28 of Greece's constitution, it is bound to the international laws and conventions to which it is a party to.

The generally recognised rules of international law, as well as international conventions as of the time they are ratified by statute and become operative according to their respective conditions, shall be an integral part of domestic Greek law and shall prevail over any contrary provision of the law. The rules of international law and of international conventions shall be applicable to aliens only under the condition of reciprocity⁹.

7. The ban on proselytisation -- and any potential blasphemy law -- clearly violates the international covenants to which Greece is a party, particularly the International Covenant on Civil and Political Rights (ICCPR), Article 18 of which provides that:

Everyone shall have the right to freedom of thought, conscience and religion. This right shall include freedom to have or to adopt a religion or belief of his choice, and freedom, either individually or in community with others and in public or private, to manifest his religion or belief in worship, observance, practice and teaching¹⁰.

8. Greece is also a party to the Universal Declaration of Human Rights (UDHR), which protects religious freedom with language identical to that found in Article 18 of the ICCPR.

Government Ban on Blasphemy and Proselytising

9. In July of 2019 the government reformed the penal code to end the blasphemy laws. The revisions to the penal code removed, among other things, the articles that criminalised blasphemy. However, that same month elections were held that ultimately flipped the legislature and resulted in the election of a new Prime Minister¹¹. The new government then proceeded to draft legislation that would reverse the changes made to the penal code just mere months earlier¹². That legislation, if enacted, would have once again criminalised blasphemy by making it punishable by up to two years in prison¹³. Thankfully, due to immense public outcry, the government decided to drop the draft legislation¹⁴. However, Greece has made no guarantees that it will not pursue similar legislation in the future.

10. Blasphemy laws are problematic because they can be used to target those who profess belief in a different religion. We have seen in other countries how blasphemy laws can be used to target and silence other religions. For example in primarily Muslim countries, those who profess belief in Jesus Christ as the Son of God have been accused of blaspheming. By way of illustration, in August 2020, a man in Pakistan was arrested and charged under blasphemy laws after a local Imam alleged that he criticised the Muslim holiday of Miraj and the celebration and ritual of animal sacrifice in his social media post¹⁵. We have seen this in primarily Hindu nations as well, as those who profess in one true God have been accused of blasphemy. By way of illustration, on 9 February 2021 two Christians were accused of blaspheming against Hinduism¹⁶.

One of the individuals was arrested and later released from prison after posting bail¹⁷. The other individual was not present when police showed up and is working on receiving anticipatory bail¹⁸.

11. As previously stated, the Constitution also explicitly prohibits the practice of proselytization. Similar to criminalising blasphemy, banning proselytisation infringes on the ability of one to practice their faith because many faiths call upon their adherents to go out to unbelievers and spread their message so that others may believe.

12. Banning proselytising is very vague and leaves a lot of room for interpretation. Apparently in Greece, even a person who engages in friendly conversation with his neighbor can be prosecuted for proselytising. This is exactly what happened to Mr. Damavolitis, a Cretan farmer, married, with six children, who is also a Christian, although he is not a member of the majority Greek-Orthodox demonination. He and his friend and neighbor, Mr. Vamvoukas, had conversations about Mr. Damavolitis' faith. Eventually, Mr. Vamvoukas also discussed religion with a Pentecostal pastor, and ultimately asked to be baptized at a Pentecostal church – notably, not even the church to which Mr. Damavolitis belonged. Later, during court proceedings on a separate issue, Mr. Damavolitis brought up his religious conversations with Mr. Vamvoukas. On this basis, the public prosecutor initiated prosecution against Mr. Damavolitis for “proselytising”, despite the fact that Mr. Vamvoukas never filed a complaint, and even testified that the conversations were not coercive.

13. In 2009, after several years of court proceedings, Mr. Damavolitis was sentenced to four months imprisonment convertible into a 1,200 euro fine, and was fined an additional 400 euros. This judgment was upheld on appeal in 2011 and then upheld by the Supreme Court of Appeals in 2013. In 2014 Mr. Damavolitis filed an application at the European Court of Human Rights (ECtHR). He alleged a violation of his right to freedom of religion, recognised in Article 9 of the European Convention on Human Rights. The case is currently pending before the ECtHR, and Greece will have to defend and justify its domestic law against proselytising. This case is extreme, especially because there was no complaint of wrongdoing and the government has seen fit to criminalise private friendly conversations between neighbors. This case highlights the grave and serious effects that bans against proselytising have on both freedom of speech, freedom of expression, freedom of association, and freedom of religion.

14. Again, looking to other countries, we can further see the disastrous effect that banning proselytisation can have. For example, in April 2019, four Christians were arrested on suspicion of proselytising in Nepal. Police seized their Bibles as well as their money to use as evidence that they were enticing others to convert to Christianity¹⁹. One of the Christians arrested, a United States Citizen, was deported. Similarly, in August 2019 a South Korean Christian visiting Nepal was arrested and charged with “attempting to convert” by distributing leaflets and Bibles²⁰. He has since been released on bail²¹.

15. While we are acknowledging that Greece has rescinded the criminalisation of blasphemy under its penal code, and dropped the legislation that would reenact it, we are cognizant of the fact that these infringements could be re-instated simply based on who wins an election. Additionally, Greece's Constitution still provides for a ban on proselytization.

Conclusion

16. It is critical that Greece ensure that its laws and Constitution are in line with the international treaties, such as the ICCP and the UDHR. Greece must also remove the ban on proselytisation within its own Constitution. It is imperative that the government of Greece protect the rights of its citizens to openly and freely practice their religion according to the dictates of their faith. Furthermore, Greece needs to understand the problems associated with blasphemy laws and endeavor to maintain true religious liberty for all of its citizens.

¹ *Greece Population 2021 (Live)*, WORLD POPULATION REVIEW, available at <https://worldpopulationreview.com/countries/greece-population>.

² *Greece Religions*, INDEX MUNDI, available at <https://www.indexmundi.com/greece/religions.html>.

³ *Id.*

⁴ UPR of Greece (2nd Cycle -25th Session) – Thematic List of Recommendations A/HRC/33/7 – Para. 134, available at <https://www.ohchr.org/EN/HRBodies/UPR/Pages/GRIndex.aspx>.

⁵ *Id.*

⁶ *Id.*

⁷ The Constitution of Greece art. 13, available at <https://www.wipo.int/edocs/lexdocs/laws/en/gr/gr220en.pdf>.

⁸ *Greece, END BLASPHEMY LAWS* (18 June. 2020), available at <https://end-blasphemy-laws.org/countries/europe/greece/>.

⁹ The Constitution of Greece art. 28, available at <https://www.wipo.int/edocs/lexdocs/laws/en/gr/gr220en.pdf>.

¹⁰ International Covenant on Civil and Political Rights, Dec. 16, 1966, S. Treaty Doc. No. 95-20, 6 I.L.M. 368 (1967), 999 U.N.T.S. 171, art. 18.

¹¹ *Greece Elections: Centre-Right Regains Power Under Kyriakos Mitsotakis*, BBC (8 Jul. 2019), available at <https://www.bbc.com/news/world-48902766>,

¹² *Id.*

¹³ *Id.*

¹⁴ *Id.*

¹⁵ *Pakistani Man Charged with Blasphemy*, PAK. CHRISTIAN POST (7 Aug. 2020), <https://www.pakistanchristianpost.com/head-line-news-details/7408>; *Sohail Masih*.

¹⁶ *Two Christians in Southern India Falsely Accused of Blasphemy*, INTERNATIONAL CHRISTIAN CONCERN (20 Feb. 2021), available at <https://www.persecution.org/2021/02/20/two-christians-southern-india-falsely-accused-blasphemy/>.

¹⁷ *Id.*

¹⁸ *Id.*

¹⁹ *Foreign Christians Arrested on Charges of “Converting” in Nepal*, CHRISTIAN HEADLINES, (8 Aug. 2019), <https://www.christianheadlines.com/blog/foreign-christians-arrested-on-charges-of-converting-in-nepal.html>.

²⁰ *Id.*

²¹ *Id.*