

Humanist Union of Greece

H.U.G. / ΕΝΩ.ΟΥΜ.Ε

Ένωση Ουμανιστών Ελλάδας



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**Submission on Greece for the Universal Periodic Review:
Freedom of thought, conscience and religion**

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This NGO report is submitted to the **United Nations' Human Rights Council** for the review of the fulfillment by **Greece** of its human rights obligations and commitments through the **Universal Periodic Review (UPR)** scheduled for the **39th UPR Session** in November 2021. Its focus is on the recommendations with the code D42 in **UPR of Greece (2nd Cycle – 25th session) - Thematic list of recommendations.**¹

The **Humanist Union of Greece (HUG)** is an association of persons founded in January 2010. It is a member of the **European Humanist Federation** and of **Humanists International** promoting secularism, defending equal treatment of everyone regardless of religion or belief, fighting religious conservatism and privilege in Greece, the rest of Europe and the world. They have (co-)championed successfully the abolition of religious oath in criminal proceedings; of the criminalization of blasphemy; of the mandatory application of sharia law for the Muslim minority; and of the reference to religion when asking for exemption from religious education. They are championing the removal of registration of religion in birth - marriage - death certificates; the abolition of religious oath from all public procedures; the removal of religious symbols from all schools and public buildings; the separation of church from state; the criminal prosecution of hate speech and the fight against all forms of discrimination.

A. Decriminalizing blasphemy²

1. Articles 198 and 199 of the Criminal Code (CC) criminalizing blasphemy were abolished on 1 July 2019 when the revised Criminal Code came into force.

B. Mosques and cemeteries in Athens, Thessaloniki and rest of Greece outside Thrace³

2. Greece supported the recommendation in 2016 but has not implemented it in full. A state-owned mosque in Athens finally opened in 2021. However, none of the state-owned historical mosques in Thessaloniki was opened to worship. Muslim communities around the country operate private mosques, the large majority not licensed and therefore vulnerable to shutdowns by authorities, which occurred several times. There are no cemeteries for Muslims in either city, let alone in the rest of Greece, outside Thrace. Hence, Muslims have to be transferred for burial either to the

¹ <https://www.ohchr.org/EN/HRBodies/UPR/Pages/GRIndex.aspx> [below all “recommendations” listed come from that document]

² Recommendation 134.93 (Brazil)

³ Recommendation 136.14 (Turkey)

Muslim cemeteries in Thrace or to the countries of origins.

Suggested recommendation:

3. “Facilitate and encourage the licensing of operating private mosques around the country, open to regular worship one of the historical mosques in Thessaloniki, and allocate cemeteries for Muslims in Athens, Thessaloniki and throughout the country, according to need.”

C. Freedom of religion for the Muslims of Thrace including recognition of elected Muftis⁴

4. Greece merely noted and then did not implement the recommendation for the recognition of the Muftis in Thrace elected by their communities. The state continued to appoint muftis that however have very little following among the Muslims. According to the Court of Cassation judgment 1709/2016, the elected muftis are “*accepted by the majority of the Muslim minority.*”⁵

5. On the other hand, the state resumed prosecuting the elected muftis for usurping the functions of muftis. It should be recalled that the elected muftis had been convicted by Greek courts on such charges several times in the 1990s. The muftis then applied to the ECtHR which found Greece in violation of Article 9 of the ECHR. Inter alia, it was stated in the judgments that “*the Court does not consider that, in democratic societies, the State needs to take measures to ensure that religious communities remain or are brought under a unified leadership.*”⁶

6. Subsequently, Greek courts complied with the judgments and Greece informed the Committee of Ministers of the Council of Europe of the measures taken to grant applicants full redress for the violations found (restitutio in integrum) and to prevent new violations of the same kind as those found in those judgments. Hence, on 26 October 2005, the Committee of Ministers closed the examination of the implementation of those judgments.⁷

7. Ten years later, the current elected muftis of Xanthi and Komotini have been the object of about a dozen criminal prosecutions and some convictions to prison sentences for usurping the functions of muftis, which means that Greece is now defying the ECtHR judgment and its own commitment to prevent new violations of the same kind as those found in those judgments.

Suggested recommendation:

8. “Take the necessary steps to comply with the ECtHR judgments by recognizing the elected muftis of the Muslim minority alongside the appointed muftis and by quashing all charges and convictions of elected muftis for usurping the functions of muftis.”

D. Protecting the rights of religious minorities, atheists and agnostics⁸

D.1. Religious oath in court proceedings and presidential oath of office

⁴ Recommendations 134.94 (Peru) and 137.14 (Turkey)

⁵ English translation of judgment from the Court of Cassation website: http://www.areiospagos.gr/nomologia/apofaseis_DISPLAY.asp?cd=Z69TZF19LWUI97DPCWM9YM30IT7Z19&apof=1709_2016&info=%D0%CF%C9%CD%C9%CA%C5%D3%20-%20%D3%D4

⁶ *Case Serif v. Greece* 14 December 1999 <http://hudoc.echr.coe.int/eng?i=001-58518>

⁷ Resolution ResDH(2005)88 concerning judgments of the European Court of Human Rights concerning the conviction of Muslim leaders in violation of their freedom of religion: - *Serif against Greece*, judgment of 14 December 1999 (final on 14 March 2000) - *Agga No. 2 against Greece*, judgment of 17 October 2002 (final on 17 January 2003) <http://hudoc.exec.coe.int/ENG?i=001-71139>

⁸ Recommendation 134.93 (Brazil)

9. Following several cases for which the **ECtHR** ruled that Greece was violating Article 9 of ECHR on freedom of religion because of registration of religion of witnesses and defendants and, where required, an ensuing religious oath in Greek criminal procedures,⁹ Greece amended the relevant provisions of its Code of Criminal Procedure in 2012 eliminating the registration of religion and providing a choice between religious oath and solemn declaration. As the implementation of this amended procedure was still implicitly leading to a declaration of one's religious identity, during the overhaul of the Code of Criminal Procedure that came into effect on 1 July 2019, the option of a religious oath was abolished and all those required taking an oath make a solemn declaration. However, the optional choice between religious oath and solemn declaration remains in the Code of Civil Procedure. At the same time, the oath of office for the President of the Republic is a mandatory religious oath: hence, the current President of the Republic, when she took office had to take that religious oath even though she had in the past stated that she is an atheist.

Suggested recommendation:

10. "Introduce the necessary legal amendments so that the solemn declaration currently in use in criminal procedures is also used in civil procedures and wherever an oath office is required."

D.2. Registration of religion in birth, marriage and death certificate

11. On 25 June 2020, the **ECtHR** ruled that Greece was violating Article 9 of ECHR on freedom of religion because birth certificates revealing parents' choice not to christen their child were a disclosure of religious beliefs in frequently used public documents exposing their bearers to the risk of discriminatory situations in dealings with administrative authorities.¹⁰ On 28 January 2020, the **ECtHR** communicated to Greece an application concerning the registration, provided by law, of the applicant's religion in her daughter's birth registration act.¹¹ On 27 January 2021, the **ECtHR** communicated to Greece an application concerning the requirement provided by law to declare the parent's religious beliefs when registering the birth of the children and the existence of the pre-printed section concerning christening in the birth certificates.¹² In both cases, the applicants argued that there were violations of their right to freedom of religion. The **ECtHR**, following its case law on religious oath and exemption from religious education classes, is expected to rule again that Greece was violating Article 9 of ECHR on freedom of religion. The same law also requires the registration of religion in marriage and death certificates.

12. It should be noted that until 2000, one's religion was also mentioned in identity cards, but it was abolished and all legal remedies against that decision were rejected by Greek courts and finally by the **ECtHR**.¹³ Likewise, pupils' religion was mentioned in the school leaving certificates until 2019 when the Council of State found it violated the Constitution, the ECHR and the EU's General Data Protection Regulation.¹⁴

Recommendation

⁹ See related ECtHR judgments at this search here [https://hudoc.echr.coe.int/eng#{"fulltext":\["\(Dimitras%20OR%20Alexandridis\)"\],"respondent":\["GRC"\],"article":\["9"\],"documentcollectionid2":\["JUDGMENTS","DECISIONS"\]}](https://hudoc.echr.coe.int/eng#{)

¹⁰ *Stavropoulos and others v. Greece* (Application no. 52484/18 - <http://hudoc.echr.coe.int/eng?i=001-203165>)

¹¹ *Papanikolaou v. Greece* (Application no. 45794/19 - <http://hudoc.echr.coe.int/eng?i=001-201478>)

¹² *Pomoni and others v. Greece* (Application no. 4066/20 - <http://hudoc.echr.coe.int/eng?i=001-208213>)

¹³ *Sofianopoulos and others v. Greece* (Application no. 1988/02 - <http://hudoc.echr.coe.int/eng?i=001-23654>)

¹⁴ Council of State Judgments 1749-1752/2019

http://www.adjustice.gr/webcenter/portal/ste/pageste/epikairotita/apofaseis?contentID=DECISION-TEMPLATE1569240425675&_afzLoop=2780634350002415#!%40%40%3F_afzLoop%3D278063435002415%26centerWidth%3D65%2525%26contentID%3DDECISION-TEMPLATE1569240425675%26leftWidth%3D0%2525%26rightWidth%3D35%2525%26showFooter%3Dfalse%26showHeader%3Dtrue%26_adf.ctrl-state%3Dto4pe6m41_95

13. “Amend the law on birth, marriage and death certificates so that religion is no longer registered.”

D.3. Exemption from and content of religious education

14. On 31 October 2019, the ECtHR ruled that Greece was violating Article 9 of ECHR on freedom of religion because, in order for their children to be exempted from religious education classes, parents had to sign solemn declarations that they and/or their children were not Orthodox Christians, in violation of their right not to manifest their religion or religious beliefs and not to be obliged to act in such a way as to enable conclusions to be drawn as to whether they held – or did not hold – such beliefs.¹⁵ Following that judgment, Greece’s Data Protection Authority ruled on 7 September 2020 that, for the exemption from religious education classes, a solemn declaration that for reasons of conscience the pupil cannot attend such classes is sufficient; hence the Ministry of Education’s 10 August 2020 circular requiring that the pupil or the parents invoke “religious conscience” and not just “conscience” was incompatible with the ECtHR’s judgment as well as the GDPR.¹⁶ Moreover, several school administrations refused solemn declarations without an explicit reference to the fact that the pupil is not Orthodox Christian, hence forcing parents to turn to the courts and even to the ECtHR.

Recommendation

15. “Comply with the ECtHR judgment and the ensuing Greek Data Protection Authority decision ensuring that exemption from religious education classes can be requested invoking only the pupil’s or the parents’ reasons of conscience.”

D.4. Confessional religious education

16. On 27 January 2021, the ECtHR communicated to Greece an application by the Union of Atheists concerning the confessional character of religious education that included dismissive and sectarian views on atheism and the inability of the applicant association to prevent their inclusion in the textbook, as the latter was prepared with input only from the state Orthodox Christian Church of Greece, that may constitute a violation of freedom of religion (Article 9 of ECHR) combined with the violation of the article on protection from discrimination (Article 14).¹⁷

Recommendation

17. “Engage in regular structured dialogue with representatives of churches, and religious, non-confessional and philosophical organisations, on the basis of Article 17 of the Treaty on the Functioning of the European Union (TFEU), to review all religious education textbooks and in general to seek their advice on all related policy issues.”

E. Conscientious objectors (Association of Greek Conscientious Objectors contribution)¹⁸

¹⁵ *Papageorgiou and others v. Greece* (Application no. 4762/18 - <http://hudoc.echr.coe.int/eng?i=001-197254>)

¹⁶ Data Protection Authority Decision 32/2020 <https://www.constitutionalism.gr/2020-32-apdpx-thriskeutika-diagogi/>

¹⁷ *Union of Atheists v. Greece* (Application no. 11130/18 - <http://hudoc.echr.coe.int/eng?i=001-208210>)

¹⁸ <https://antirrisies.gr>

¹⁹ Recommendations 136.15 (Uruguay), 136.16 (Slovenia).

18. Relevant recommendations at the 2nd cycle of UPR were noted and not implemented.¹⁹ Despite recommendations by the Human Rights Committee²⁰ and successive Special Rapporteurs on freedom of religion or belief,²¹ the alternative civilian service remains punitive and discriminatory, prosecutions of certain conscientious objectors continue, and the assessment of applications for conscientious objector status is not placed under the full control of civilian authorities.

Suggested recommendation:²²

19. “Consider changes in legislation and practice in order to ensure that all individuals who express conscientious objection to compulsory military service on the grounds of conscience, and/or religion do not face harassment or prosecution, and that they have the opportunity to perform civilian service of equal length to the one of military service;”

F. Increase tolerance, investigate hate crimes and prosecute perpetrators²³

20. Greece has declared support for the related recommendations but has done nothing to implement it, thus allowing widespread hate speech and often ensuing hate crimes which, with a handful of exceptions, have remained unpunished. Greece is a country where there is mainstreaming of intolerance rather than of tolerance. This is why Humanist Union of Greece devotes a considerable part of the present report to include an extensive description of the situation by the European Commission against Racism and Intolerance (ECRI) in its 2015 report on Greece²⁴ that is telling and relevant 100% today (after all the two politicians singled out therein are government ministers today).

21. “During its visit to Greece, ECRI’s delegation was informed by various interlocutors that the widespread problem of hate speech had increased substantially since 2009 (...). These views were confirmed by a review of media, internet blogs and political discourse. Hate speech is mainly directed against migrants, Muslims and Roma, but also against Jews and LGBT persons. (...) ECRI, before analysing the different manifestations of hate speech in Greece today, wishes to stress the absence of any systematic prevention efforts. It also wishes to stress the lack of any effective responses: relevant criminal laws are not always applied and the situation is made worse by the non-condemnation of hate speech and the absence of self-regulatory measures amongst political parties or the media. (...)

22. Antisemitic stereotypes are not limited to far-right political parties, but have permeated large parts of society as well as some parts of the Greek Orthodox Church. (...) In a recent global survey, the Anti-Defamation League found that Greece had the highest index score (69%) of antisemitic attitudes outside the Middle East and North Africa. Such views also manifested themselves in acts of vandalism against” Holocaust Memorials, Jewish Synagogues and Cemeteries [HUG enrichment of the ECRI reference]. (...)

23. Representatives of migrant groups and other groups of concern to ECRI indicated that hate speech in day-to-day public life has increased in recent years. (...) These developments are closely linked to the political discourse, which in recent years has been strongly shaped by anti-immigration rhetoric. (...)

¹⁹ Recommendations 136.15 (Uruguay), 136.16 (Slovenia).

²⁰ UN Human Rights Committee, Concluding observations on the second periodic report of Greece, (CCPR/C/GRC/CO/2), 3 December 2015, paras. 37-38.

²¹ UN Special Rapporteur on freedom of religion or belief, [Communication GRC 3/2016](#), 31 October 2016. UN Special Rapporteur on freedom of religion or belief, [Communication GRC 3/2019](#), 11 July 2019.

²² Similar to recommendation 136.16 (Slovenia).

²³ Recommendations 134.38 (Canada) and 134.62 (Tajikistan)

²⁴ ECRI Report on Greece published on 24 February 2015 <http://rm.coe.int/fifth-report-on-greece/16808b5796>

24. ECRI recalls in this connection that, in August 2012, the Minister of Public Order and Citizen Protection [HUG addition: Nikos Dendias – currently Minister of Foreign Affairs] stated that because of irregular migration “...the country perishes. Ever since the Dorians’ invasion 4,000 years ago, never before has the country been subjected to an invasion of these dimensions...this is a bomb on the foundations of the society and the state”. These statements were made in the context of the Xenios Zeus operation, which had started in August 2012 and included racial profiling-based checks of the legal status of migrants by police on the streets. The term “bomb” was also used publicly in July 2012 by the same minister when referring to the centre of Athens, where many irregular migrants and asylum seekers often rent and live in overcrowded apartments characterised by substandard living conditions, often deprived of access to public social welfare services. It is noteworthy that two days later Golden Dawn referred to the minister’s statement as a “vindication of (its own) positions. ECRI refers to these unfortunate events in order to stress the need for the country’s leadership to abstain from dehumanising remarks.”

25. ECRI refers to these unfortunate events in order to stress the need for the country’s leadership to abstain from dehumanising remarks. There are other examples of dangerous comments, including that made in January 2014 by Sofia Voultepsi, member of Parliament for conservative/centre-right Nea Dimokratia [HUG addition: currently Deputy Minister for Migration and Integration]. During a live television broadcast she called refugees “unarmed invaders, weapons in the hands of the Turks”. As a matter of fact, she was referring to the Farmakonisi shipwreck, which had resulted in the drowning of nine children and three women during a controversial Greek Coastguard operation to intercept irregular migrants.

26. Similarly, Roma are not only victims of day-to-day insults by members of the general public, but also subject to negative stereotyping in political discourse. In October 2013, during a police raid on the Roma settlement in Farsala, a blond girl was taken from the couple who had raised her, because of the perceived lack of physical resemblance with them. Police suspected that the girl had been abducted – which turned out to be untrue – and the Minister of Public Order and Citizen Protection, [Nikos Dendias] addressing police officers on this case, congratulated them for “dissolving ghettos of lawlessness where abduction of children occurred”.

27. Many representatives of vulnerable groups explained that while the day-to-day racist comments they have to face in the public sphere can, to some extent, be countered and discouraged by personal dialogue, the level and quality of hate speech takes on a frighteningly different dimension when people feel encouraged by political leaders who are echoing and promoting prejudices and resentments. The resulting acceptance of hate speech creates a general climate in Greek society that facilitates the increasing willingness to commit or tolerate acts of violence against these groups. Such statements encourage further popular hate speech exactly at a time when due to heightened social tensions the building of bridges between communities becomes even more necessary. (...)

28. Hate speech is widespread in the media and on the Internet; it goes largely unchecked and unpunished. (...) “The proponents of radical views have a privileged access to the mainstream media, the serious press. With great ease columnists submit opinions that are non-institutional, non-political. There’s a flirtation with extremism.” (...)

29. ECRI has been informed by LGBT groups that homo- and transphobic hate speech, verbal harassment and inappropriate comments are common amongst the general public, resulting in LGBT persons feeling constantly discriminated against and excluded in day-to-day life. (...)

30. In May 2011, the National Commission for Human Rights (NCHR) adopted a special report on tackling racist violence in Greece by the police and the justice system. It found that racist violence could not be dealt with effectively without a complete change in the way that the police handled such cases. Reform was especially important in cases involving police officers. Such cases

generally resulted in an acquittal, if investigated at all. This failure to investigate complaints properly contributed to victim's reluctance to report crime. The police were accused of being a neutral observer of the attacks by right-wing groups at best. At worst, they actually perpetrated racist violence. Furthermore the police often refused to investigate, even when there was ample evidence.

31. Article 1.1 of Law 927/1979 criminalises the intentional public incitement to acts or activities that may result in discrimination, hatred or violence against individuals or groups based on their racial, national or ethnic origin, colour, religion, sexual orientation or gender identity [but] (...) does not [criminalise] insults and defamation.”

Recommendations

32. Please adopt recommendations similar to the UNHRCtee's:²⁵ “The State party should review its legislation with a view to ensuring that all advocacy of national, racial or religious hatred is prohibited by law, and that all cases of racially motivated violence are systematically investigated, that the perpetrators are prosecuted and punished, and that appropriate compensation is awarded to the victims. The State party should take effective measures to improve the reporting of hate crimes. Furthermore, the State party should strengthen its efforts to eradicate stereotypes and discrimination against migrants, refugees and Roma, inter alia, by conducting public awareness campaigns to promote tolerance and respect for diversity.”

²⁵http://tbinternet.ohchr.org/Treaties/CCPR/Shared%20Documents/GRC/CCPR_C_GRC_CO_2_22220_E.docx