



This article was published by F18News on: 17 May 2004

GREECE: Religious freedom, the Achilles' Heel

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In the run-up to the August 2004 Athens Olympic Games, Dr Altana Filos presents a survey of religious freedom in Greece. This is the only European Union country to ban proselytism in its Constitution, despite condemnation by the European Court of Human Rights in 1993 for this. Dr Filos finds that there have been improvements since 2001, however, religious minorities are still banned from corporately owning places of worship and being represented in court, and the police can still prosecute religious communities who operate or build places of worship without the permission of the government and the Orthodox Church. Religious freedom is the Achilles' heel in Greece's human rights record.

Greece is the only European Union (EU) country to ban proselytism in its constitution, and the only EU country to have been condemned by the European Court of Human Rights for a lack of religious freedom, in the Kokkinakis case (see the Greece section of the full 2001 Forum 18 report <http://www.forum18.org/PDF/freedomofreligion.pdf>). Although Greece has made progress in the protection of religious freedom, the run-up to the 2004 Athens Olympic Games finds Greece still displaying this Achilles' heel in its human rights record.

The majority of the almost 11 million people in Greece (up to 95.2 percent) are recorded as members of the Orthodox Church, with small numbers belonging to other religions, mainly Old Calendarist Orthodox, Muslims, Roman Catholics, Jews, Armenian Orthodox, Protestants, and Jehovah's Witnesses. A significant development in the ethnic mix of Greece since 1990 has been the arrival of almost one million legal and illegal immigrants, mostly Muslims, from neighbouring countries. Most of these are composed of the approximately 700,000 legal and illegal Albanian migrants.

The position of the Greek Orthodox Church and its relations with the State are set forth in Article 3, par. 1 of the present Constitution (1975/1986/2001). According to this article: a) The Greek-Orthodox dogma is the prevailing religion, b) The Church of Greece is inseparably united in doctrine with the Ecumenical Patriarchate of Constantinople and with all other Orthodox Churches, c) The Church is self-administered and autocephalous. The Government, under the direction of the Ministry of Education and Religion, provides some financial support by, for example, paying for the salaries and religious training of clergy, and financing the maintenance of Orthodox Church buildings. This special relation between the Greek State and the Orthodox Church has come about for historical reasons and long-established tradition, many Greeks attributing the preservation of Greek national identity during the 400 years of Ottoman occupation to the Orthodox Church. A separation of Church and State would require an amendment of the Constitution.

The Muslim community, which is concentrated in Thrace in north-east Greece, with small communities on the islands of Rhodes and Kos, as well as the capital Athens, is composed mainly of ethnic Turks, but also includes Pomaks and Roma. According to official sources, 287 mosques operate freely in Thrace and on Rhodes and Kos. A growing number of Muslim immigrants from Albania, South Asia and elsewhere live in Athens and in some rural areas. The community in the Athens area is still without its own mosque or state-appointed cleric to officiate at various religious services, including funerals. In 2000 the Parliament approved a bill allowing construction of the first Islamic cultural centre and mosque in the Athens area; however, construction has not yet started because members of the Orthodox Church are opposed to this. In the region around Athens, however, many mosques operate in apartments or houses, without any administrative permit but with the tolerance of the police.

So far as the overall legal situation of religious freedom is concerned, there has been since 2001 no significant change (see 2001 Forum 18 overview at http://www.forum18.org/PDF/altana_filos.pdf). The Orthodox Church, Judaism and Islam are still the only groups considered by the law to be a "legal person of public law". Recently the Roman Catholic Church in Greece, after a court decision, received legal status and was in 2003 invited by the Ministry of Education and Religion to take part in a dialogue on its legal status. The Catholics do not want the status of "legal person of public law" and would prefer Greek law to be changed to bring it into line with the situation in other EU countries.

Other religious communities, such as Evangelical Protestants and Jehovah's Witnesses, who are mainly composed of ethnic Greek citizens, are considered to be "legal persons of private law". This means that religious minority communities, because of their classification as private entities, cannot be corporately represented in court, and cannot as communities possess or inherit property. Under the Constitution, all persons living within the Greek territory are said to enjoy "full" protection to practice the religion of their

choice. However, the Constitution still, despite the European Court of Human Rights judgment, prohibits proselytising (Article 13) and stipulates that no rite of worship may disturb public order or offend moral principles.

Also, under the laws 1363 from 1938 and 1672 from 1939, which some Greek religious believers consider dictatorial, recognised or "known" religious groups are required to obtain "house of prayer" permits from the Ministry of Education and Religion in order to open places of worship. It should be noted that this permit constitutes the only (albeit indirect) way in which the state recognises a religion. But since the "Manoussakis" judgment of the European Court of Human Rights, issued in 1996, applications for a house of prayer permit are accepted by the Ministry of Education and Religion. It seems that the administration has understood the message of the Court better than Greek legislators have. By law the Ministry may base its decision to issue permits on the opinion of the local Orthodox bishop, and the police have the right to prosecute religious communities who operate or build places of worship without a permit.

However, religious freedom in Greece today still depends on factors such as the opinion of the predominant religion. One example of this factor affecting the building of a church, is the case of the Evangelical Free Church of Filiatra, on the Peloponese peninsula. Although the Ministry had given its permission (A3/20109/13-3-2002), the local Orthodox bishop objected to this by declaring the need to prohibit illegal proselytism ("Eleftheria" daily newspaper, 12 April 2002). This opinion of the Orthodox bishop leaves the legal situation of these Protestant believers still unclear.

The independent administrative authority, the "Citizen Attorney" or Ombudsman, has significantly contributed to the protection of religious minorities (report no 5979.2.2/24-04-2002). But local police still have the authority to prosecute minority religions that operate or build places of worship without a permit, although this has not happened in the last two years. However, it is still common practice for the police to bring the adherents of minority religions for identity checks to police stations. In a 2001 ruling, the Cassation court judged (Decision no 20/2001) that the law which requires a prior administration permit to operate a house of prayer, is not in violation of the right of religious freedom (article 13 of the Constitution and article 9 of the European Convention of Human Rights). Only a small minority of the judges had the opinion that this preventive system was in breach of both the Constitution and the Convention.

One conflict between church and state revolved around the recording of a person's religion on their identity card. Because of the Orthodox identification of the nation with the church, it favoured this practice continuing. Opponents pointed to the Constitution and to law 2472/1997, which forbade "sensitive" personal data from being registered or revealed without their specific consent. Despite strong criticism from the Orthodox Church, the Government began in 2001 to issue new identity cards that do not note religious affiliation. This decision caused a crisis in the relations of the State and the prevailing religion. The Council of State, the highest administrative court, decided in its 2001 judgement on this case (Decision no 2281/2001), that the notation of religious beliefs on identity cards violates religious freedom.

Even though Greece has made progress in the protection of religious freedom, the run-up to the August 2004 Athens Olympic Games finds Greece still displaying this Achilles' heel in its human rights record.

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A printer-friendly map of Greece is available at

<http://www.nationalgeographic.com/xpeditions/atlas/index.html?Parent=europe&Rootmap=greece>

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