

NEWS REPORT

Date: 17 January 2010
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Title: Removal of religious symbols from Greek school classrooms and abolition of practices of holding morning prayers in schools and attending a religious mass in church during school hours
Country: Greece

Context

Issue at stake: Freedom of religion is violated due to display of religious symbols in classrooms, morning prayers and attendance of religious mass

Ground of discrimination: Religion/belief

Source: political development

Field: education

Legislative provisions: Law 1566/1985 (“Structure and function of 1st degree & 2nd degree education”), Presidential Decree 201/98 (on school prayer), Circulars 1031 a/16-1987 (on religious symbols) and F. 200.21/16/139240/26.11.77 (on religious mass and school prayer) of the Ministry of Education

Content :

Political development: In Greece religious icons have been hanging in schools for decades, and the majority of the population is Orthodox Christian. In the end of 2009 four sets of parents (3 Greek and 1 foreigner) who considered the existence of religious symbols in the classroom along with the practices of holding morning prayers in schools and attending a religious mass in church during school hours to be an infringement upon their religious freedom, authorised the Greek Helsinki Monitor (G.H.M), a human rights NGO that in the past had intervened as a third party (with reference number 30814/06) in the judicial process of the famous case “*Lautsi vs Italy*” ruled by the ECHR, to represent them in every relevant legal action. The complainants decided not to submit their requests to the schools’ Heads since the latter were obliged to comply with all Circulars of the Ministry of Education and therefore they would not be entitled to change the above practices by their own initiative. Subsequently, they filed complaints through G.H.M. at the Greek Ombudsman (with complaint numbers: 23001/26-11-09, 23263/30-11-09, 23356/30-11-09, 122869/7-1-10), asking its intermediation for the removal of religious symbols from their children’s classrooms. The G.H.M believes that the ECHR ruling on the removal of religious symbols from Italian schools must also be

applied by Greece. However, the Greek Orthodox Church declared its opposition to this, stating that religious symbols are part of the country's cultural heritage. According to the complainants, the display of religious symbols in public schools and the practices of holding morning prayers in schools and attending a religious mass in church during school hours are in violation of the European Convention on Human Rights, particularly in relation to the Article 9 of the Convention guaranteeing the freedom of thought, conscience and religion in combination with the Article 2 of the 1st Protocol of the Convention establishing the neutral character of a public service.

They claimed that in special places where the individual finds itself in a status of dependence from the State, the government should abstain from the imposition of the dominant religion, because the presence of the icon of Christ could be interpreted as an official educational policy favouring the Christian religion over the non Christian ones. The cases are still pending. Moreover, on 9/11/09, a member of the GHM, during the process of an irrelevant trial before the Three-Member Appeals Court of Athens in which she participated as an appellant, submitted an incidental request of removal of religious symbols from the specific court room claiming that the existence of an icon violates both Article 9 (religious freedom) and Article 6 (fair trial) of the Convention. Nevertheless, the Court, in the framework of its decision 9167/2009, rejected her incidental request, replying that "*Lautsi vs Italy*" concerned only school classrooms and that the objectivity of the Court is not affected by the existence of religious symbols whereas in any case a satisfaction of the demand would require legislative action. Finally, on 24/11/09, the competent Justice Minister Mr. Kastanidis declared before the Parliament that Greece will adapt to the ECHR' s ruling if it stands in plenary session.

Internet link source and additional information: (no newspaper links)

<http://cm.greekhelsinki.gr/index.php?sec=192&cid=3569>
<http://cm.greekhelsinki.gr/index.php?sec=192&cid=3539>
<http://cm.greekhelsinki.gr/index.php?sec=192&cid=3546>
<http://cm.greekhelsinki.gr/index.php?sec=194&cid=3547>
<http://cm.greekhelsinki.gr/index.php?sec=194&cid=3550>
<http://cm.greekhelsinki.gr/index.php?sec=192&cid=3572>
http://www.antibaro.gr/articles/education/2008_09_12_16_38_52.html