

GREECE
**SESSION 15 on Fundamental Freedoms II (Freedom of
Thought, Conscience, Religion or Belief):
Right of reply**

Thank you Madame Moderator.

With regard to the Greek citizens of Muslim faith residing in Rhodes and Kos, I would like to stress that they enjoy the same rights and have the same obligations as all other citizens.

No treaty or other international instrument designates them as a "minority". Nevertheless, their religious and cultural rights are fully respected.

Indicatively, in these two Greek islands, in close proximity to Turkey, there are three mosques, two Muslim cemeteries and three Muslim charitable foundations, which adequately cover the Muslims' religious and other relevant needs.

In reply to the three points raised by the Greek Helsinki Monitor, firstly I would like to point out that our Penal Code punishes only malicious blasphemy and insult of religions. Therefore, the expression of an opinion, however critical towards any religion, is not punishable under the penal code. The said provisions have extremely rarely been invoked. In the case referred to by the NGO representative, the defendant has received a suspended sentence and his appeal is pending. Our Penal code, including the articles in question, are under review by a law-drafting committee

Second, under a 2012 legislative amendment, it has been ensured that in the context of criminal proceedings one is not obliged to disclose his or her religious beliefs: a witness appearing before a criminal court can, at his or her discretion and without other formalities, choose between taking a religious oath and making a solemn declaration. This measure has been found to be in conformity with the European Convention of Human Rights and has led the Committee of Ministers to close the examination of the execution by Greece of a number of European Courts's judgments following applications introduced by the said NGO speaker.

Third, pupils in primary and secondary education of differing religious beliefs may be exempted from religious instruction upon request of their parents or guardians. The aim of the circular referred to in the NGO statement is not to restrict freedom of reli-

gion, but to set out the conditions for exemption from a compulsory course included in the school curriculum.

Finally, with regard to the Muftis issue and the Greek Law on Religious Preachers, I would refer my NGO colleagues to our reply in today's earlier working session, as well as during in-numerous previous OSCE meetings.