

**GREEK HELSINKI MONITOR (GHM)
MINORITY RIGHTS GROUP - GREECE (MRG-G)
HUMANIST UNION OF GREECE (HUG)
COORDINATED ORGANIZATIONS AND COMMUNITIES
FOR ROMA HUMAN RIGHTS IN GREECE (SOKADRE)**

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**2015 OSCE Human Dimension Implementation Meeting (Warsaw)
Statement for Working Session 14 on intolerance against non-Christians
(30 September 2015)**

Greece: Continuing mandatory declaration of (non-)religious belief in judicial procedures

With five judgments, *Alexandridis v. Greece* in February 2008 and *Dimitras and others v. Greece* Nos. 1, 2, 3 and 4, in June 2010, November 2011, January 2013 and October 2014, the **European Court of Human Rights** (ECtHR) found Greece in violation of religious freedom (Article 9 ECHR) by requiring the applicants to reveal their mostly atheist religious convictions in order to be allowed to make a solemn declaration instead of taking a religious oath in court proceedings. All applicants are members of the **Humanist Union of Greece (HUG)**.

As a consequence of the first two judgments and while the third application was under review by the **ECtHR**, on 2 April 2012, Greece amended the oath taking procedure abolishing the registration of one's religion and replacing the presumption of every witness' religion as Orthodox Christian by a question on whether s/he would like to take a religious oath or a secular affirmation.

Yet, more almost three years later, **GHM** and **HUG** have a large file of over two hundred statements made in judicial procedures (including before an **Assistant Prosecutor of the Supreme Court** on 24 September 2013¹) in which religion continues to be declared and registered and witnesses continue to be presumed as Orthodox Christians, now in violation of both domestic and international law.

Additionally, even the **Greek National Commission for Human Rights (GNCHR)**, in a recent report to the **UN HRCttee**,² stated that "*the GNCHR is not fully satisfied by this solution. Firstly, choosing a political oath instead of a religious one might lead the jury to form a biased view of the*

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ΕΚΘΕΣΗ ΕΝΟΡΧΗΣ ΕΞΕΤΑΣΗΣ ΜΑΡΤΥΡΑ Α' (κατ' άρθρ. 9 Ν. 2928/2001)

Στην Αθήνα και στο κατάστημα του Αρχείου Παγού, σήμερα 24 του μήνα Σεπτεμβρίου του έτους 2013 ημέρα Τρίτη και ώρα 14.00 παρουσιάστηκε στον Εισαγγελέα του Αρχείου Παγού Χαράλαμπο Βασιλειώτη και τη Γραμματέα Ευγενία Θεοδωροπούλου ο καταδικας οδός απ. τηλ. γεν. και το επώνυμό του είναι Έλληνας και Χριστιανός Ορθόδοξος. Με στοιχεία αστυνομικής ταυτότητας

Ορκίσθηκε, κατά τα άρθρα 218 και 219 του Κ.Παν.Δικ. ... αφού έβαλε το δεξί χέρι του στο Ιερό Ευαγγέλιο και κατέθεσε τα ακόλουθα: Γεννήθηκα στην Ηλιούπολη Αττικής και μετά από τα Πετράλωνα και το Μαρούσι τελικά κατέληξα με την οικογένειά μου πριν από 7 χρόνια στο σπίτι μου μόνιμα σήμερα στις Εργατικές Κατοικίες στη Δραπετσώνα. Αντιμετωπίζω πρόβλημα απασχόλησης δηλαδή είχα οικογένεια και 2 παιδιά και φυσικά και τη σύζυγό και είχα όπως καταλαβαίνετε μεγάλες οικονομικές ανάγκες. Ένας γνωστός μου στη Νίκαια, πριν ένα χρόνο, στον οποίο είχα εκμυστηρευτεί το πρόβλημά μου, μου υπέδειξε να απευθυνθώ στην τοπική οργάνωση της ΧΡΥΣΗΣ ΑΥΓΗΣ του Περαία, λέγοντάς μου ότι θα με βοηθούσαν από δουλειά και ό,τι άλλο χρειαζούμουν. Όπως ήμουν απελπισμένος και αφού το συζητήσα με τη γυναίκα μου πήγα πράγματι στην πιο πάνω τοπική

²http://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=INT%2fCCPR%2fIFL%2fGRC%2f19179&Lang=en

witness. The reason for this is the predominance of the Greek Orthodox Religion in Greek society. Secondly, witnesses often are not even asked whether they would like to choose between a religious and political oath. Consequently, the witness must request it his/herself, thus revealing that he/she most probably is not Greek orthodox. The GNCHR, therefore, recommends that religious oath should be completely replaced by political oath.”

Recommendation to Greece on intolerance against non-Christians

- **Greece should see to it promptly that prosecuting and judicial authorities stop violating religious freedom, upholding instead the amended provisions of the Code of Criminal Procedure; launch disciplinary and criminal proceedings against all those who are liable for the violation of the Greek legal provisions after 2 April 2012; as well as award compensation to the individuals whose religious freedom has been violated through statements with a reference to their religion and a presumption of an oath to the Gospel.**
- **Greece should also adopt the proposed legislative amendments to implement the Greek National Commission for Human Rights’ recommendation that religious oath should be completely replaced by political oath.**