



GREECE

Report on Religious Education

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v. 25 April 2018



Funded by European Research Council
7th Framework Programme

Exemption from Religious Education

The compulsory class of religious education in Greek public schools, which is disproportionately focused on Christian Orthodoxy throughout the 9 years of its instruction, offers the option of exemption to non-Orthodox students. In primary schools religion is taught by the main class teacher, while in high schools it is taught by theologians who have graduated from either of the two Orthodox Faculties of Theology in Athens and Thessaloniki.

Article 25, part 3 of the law on “Registrations, Transfers, Attendance and Issues of Organization of School Life in Secondary Education” of November 2017 stipulates that students who wish to be exempt from the class of religion should – either themselves (in case they are over 18) or their parents – submit a formal declaration to the school authorities. The latter are responsible to then decide whether exemption should be granted, according to the relevant provisions in force. A similar procedure applies to students in primary education.

Other than setting the ground for this process, the above law makes no reference to the specific rules underpinning exemption. Such “relevant provisions” are determined and adapted by government circulars, issued by the respective Minister of Education, which serve to clarify legislative regulations, aiding the civil servants (including public school authorities) in the realization of their work. Over the last 15 years, these circulars have changed frequently, altering each time the conditions of the right to and the process of exemption. In fact, due to their regular modifications, such circulars are often referred to by the name of the respective Minister in office at the time. The main issue that is adjusted with each circular modification concerns the requirement that the students (or their parents) declare that they are *not* Christian Orthodox and that they reveal their religious (or other) belief as a precondition to exemption.

In 2002, under the government of the Pan-Hellenic Social Movement (PASOK), the Ministry of Education issued a circular¹ which, following a number of questions that the Education Minister, Petros Efthymiou, had received, specified that students who wish to be exempt from religious education in Greek public (secondary) schools, should submit a formal declaration, stating that they are not Christian Orthodox, without, however, declaring the religion to which they belong.

After a number of complaints by parents, the Hellenic Data Protection Authority (HDPa) – an independent body, whose decisions are binding – intervened over the issue of exemption. In the same year, the HDPa issued a decision², urging the Minister of Education to adjust the exemption process so that the parents who ask for exemption on behalf of their children are not obliged to also reveal their religious or other convictions. For, according to the HDPa, such an obligation of having to reveal what religion one does *not* belong to (a *negative* declaration, in other words) constitutes a breach of the protection of one’s sensitive personal data. No changes were, however, made to the “Efthymiou circular” after the HDPa’s intervention.

In July 2008, this time during the New Democracy administration, Education Minister Evripidis Stylianidis issued a circular³ and a subsequent statement of clarification according to which

¹ Εγκύκλιος Γ2/61723/13-06-2002

² Decision no. 77A/2002.

³ Εγκύκλιος 91190/Γ2/10-7-2008.

“justification for refusal (to attend the class of religion) is not necessary in the exemption declaration form”. Though praised by the Greek Ombudsman, who even noticed the compatibility of the new circular with European Court of Human Rights (ECtHR) jurisprudence⁴, the “Stylianidis circular” led to fierce reactions by certain Orthodox Metropolitan Bishops of the Holy Synod and by members of the Pan-Hellenic Union of Theologians, which was at the time the only trade union representing theologians who taught religion in Greek schools.

Thus, only a few weeks after the clarification statement, on August 24, 2008, Stylianidis issued a new circular that focused, this time, on the issue of the activities of students who are exempt from religious education, specifying that: “non-Orthodox students (meaning heterodox and those of other faiths), who are exempt from the class of Religion for reasons of conscience should, during the school hour of the specific subject, attend a different class of the same grade”⁵. As the letter of the Greek Ombudsman to the Special Secretary on Matters of Education and Innovation noticed⁶, this ambiguous statement seemed to refute the provisions of the previous circular, since it created confusion over *who* is entitled to ask for exemption in the first place.

Five years later, in 2013, a new circular⁷ by New Democracy Minister of Education, Konstantinos Arvanitopoulos, stipulated that “exemption from the class of Religion is granted following submission of the Declaration Form [...] in which the student should either mention that he/she is not Christian Orthodox or invoke reasons of religious conscience, without the obligatory mention of the religion to which he/she belongs”. Students (or their parents) were moreover required to submit the form within 5 days from the beginning of the school year.

The ‘Arvanitopoulos circular’ remained in force until January 23, 2015 when, only two days before the January 2015 national elections, PASOK Education Minister, Andreas Loverdos, issued a new set of clarifications. After pressure by the Pan-Hellenic Union of Theologians⁸, Loverdos altered, once again, the conditions for exemption. The ‘Loverdos circular’⁹ established that: “[...] non-Orthodox students, meaning heterodox or those of other faiths, are given the possibility of exemption, invoking reasons of religious conscience [...]”. It specified moreover that

As on some occasions [...] an exploitation of the right to exemption related to freedom of religious conscience has been observed, school directors are asked to inspect the validity of the reasons presented, stressing the gravity of the Formal Declaration to all those interested [...]. Exemption from the class of RE is granted only following submission of the Formal Declaration by the student (if he or she is an adult) or by both his parents (if he or she is a minor), which should state that the student is not Christian Orthodox and has, thus, the right to claim reasons of religious conscience, without the obligatory reference to his religion, unless he or she so wishes.

The ‘Loverdos circular’ is still in force, in spite of occasional statements by members of the current SYRIZA administration that seemed to challenge the current rules of the exemption

⁴ See <https://www.synigoros.gr/?i=human-rights.el.danews.33735>.

⁵ Εγκύκλιος Φ12/977/109744/Γ1/26-8-2008.

⁶ See https://www.synigoros.gr/resources/7083_4_thrisk14_11_2008.pdf.

⁷ Εγκύκλιος 133099/Γ2/10-09-2013.

⁸ <http://www.petheol.gr/nea/ypomnematespethprostonypourgopaideias>

⁹ Εγκύκλιος 12773/Δ2/23-01-2015.

process. For instance, on September 25, 2015, Sia Anagnostopoulou, former Alternate Minister of Education, announced her intention to simplify the exemption process, adding that parents should be allowed to simply ask that their child does not take the class of religion, with no reference – either positive or negative – to their religion.¹⁰ Following reactions by Archbishop Ieronymos, and though Anagnostopoulou revoked her initial position, such statements were enough to spark an ongoing debate and intense discussions between the Church and the government.

The New School of Religious Education

Parallel to the story of exemption requirements, it is important to also consider the question of the *content* and *objectives* of the religious education course. In 2011, PASOK's Education Minister, Anna Diamantopoulou, initiated the New School project, which entailed a series of reforms of the curriculum of various school subjects, including religion. The New School conceptualizes religious education as a subject that is "open and pluralistic"¹¹. Targeting, moreover, the denominational character of religious education and taking into consideration the changes in the country's population, the New School seeks to integrate the reality of religious diversity into the school through the study of not only the Christian traditions of Europe, but also of Judaism, Islam, Hinduism, Buddhism, Taoism and Confucianism, with a special focus on Judaism and Islam. Christianity, however, does not lose its central position in this new project, whose objective is, after all, to "build on and to broaden the already existing religious experience and understanding of students"¹². The New School was, lastly, supported by members of a new union of theologians called "Kairos". Created in 2010, the objective of "Kairos" is to promote this new approach to religious education, challenging the conservative outlook of the Pan-Hellenic Union of Theologians, which fervently opposes the New School implementation.

Since 2011, with the exception of a few voices within the Parliament, the question of the implementation of the New School program for religion had remained in abeyance. Though evaluated through a pilot scheme until September 2014, the New School only returned to the forefront following SYRIZA's second electoral victory in September 2015¹³. A month after the elections, in October 2015, former Greek Minister of Education, Nikos Filis, announced his decision to reform the class of religious education, liberating it from its mono-religious focus on Christian Orthodoxy and rendering it more pluralistic through the implementation of the New School program.

¹⁰ See "Αναγνωστοπούλου: Χωρίς αιτιολόγηση η απαλλαγή από τα Θρησκευτικά." [Anagnostopoulou: No justification for exemption from Religious Education.], September 25, 2015, *To Vima*: <http://www.tovima.gr/society/article/?aid=740572>

¹¹ Yangazoglou, Stavros. 2011. "Τα Καινοτομικά στοιχεία του Νέου ΠΣ στα Θρησκευτικά" [The *New School* and the Innovative Features of the Program of Study in Religious Education]: http://e-theologia.blogspot.gr/2011/10/blog-post_7251.html

¹² "Νέο Σχολείο: Οδηγός Εκπαιδευτικού στα Θρησκευτικά Δημοτικού-Γυμνασίου" [New School: Teacher's Guide for Religious Education in Primary School and Gymnasio]. Ministry of Education and Religions, Institute of Educational Policy. Revised edition, Athens 2014, p.88: <http://blogs.sch.gr/gkapetanak/files/2015/10/Οδηγός-Εκπαιδευτικού-στα-Θρησκευτικά-Δημοτικού-Γυμνασίου-10.12.2014.pdf>

¹³ The initial creators of the New School (who were in charge of the subjects of Religion and History) had designed religious education as an elective class in the cluster of "Social Sciences", on the basis of the "Religious Studies" course of the International Baccalaureate. According to one of the initial creators, following reactions by the Orthodox Church, this version was eventually dropped. Education Minister Anna Diamantopoulou then assigned a new team to work on the New School program of religious education, which kept both the compulsory nature of the class and its emphasis on Christian Orthodoxy.

In the following months, the debate over the implementation of the New School evolved in an intense controversy between the left-wing government of SYRIZA, its right-wing, nationalist coalition partner, ANEL, and the Orthodox Church. While Archbishop Ieronymos made statements repeatedly opposing the New School program, the Pan-Hellenic Union of Theologians attacked Filis directly and asked for his resignation¹⁴, arguing, amongst other things, that the New School program of religious education violated Article 16 of the Constitution, which establishes amongst the objectives of education “the development of students’ national and religious consciousness”¹⁵. In April 2016, Archbishop Ieronymos held a meeting with PM Alexis Tsipras, where the former reportedly expressed his dissatisfaction with Minister Filis’ determination to alter the class of religious education¹⁶.

On September 28 of the same year, following two Ministerial Decrees¹⁷, the Ministry of Education published the guidelines for the implementation of the new Program of Study for the class of Religion in primary school and in high school¹⁸. The new program was meant to be implemented starting the school year 2016-2017.

In a subsequent meeting in October 2016 between Tsipras, Filis, members of the Holy Synod as well as a representative of SYRIZA’s conservative coalition partner, Panos Kammenos (Minister of Defense), the Archbishop added that such crucial questions extend beyond the scope of religious education and challenge the very foundations of the historic church-state relations in Greece¹⁹. Only a few weeks later, on November 5, 2016, Tsipras replaced Filis with Giorgos Gavroglou in a government reshuffle. Though the new Education Minister has maintained a more moderate tone than his predecessor, he has expressed his determination to also proceed with the reform of the class of religion.

The theological unions, too, remain deeply opposed: on the one hand the members of “Kairos” seek to implement the new program and they have been participating in training seminars to prepare accordingly and, on the other, the more conservative ones, members or supporter of the Pan-Hellenic Union, who either remain skeptical or vehemently oppose the new program. While this debate is ongoing in the media, amongst politicians and theologians, the Greek Council of State issued a ruling on the specific reform of religious education. On March 20, 2018, and following the appeal of the Holy Metropolis of Piraeus (including others) who challenged the implementation of the New School of religious education, the Council of State deemed Filis’ reform of the class of religion in primary and middle school unconstitutional (Decision 660/2018). The decision stated, specifically, that the government’s plan “distorted the purpose of [religious] teaching, which is, according to the Constitution, to develop pupils’ Orthodox Christian conscience”²⁰. A month later, on April 25, the same court deemed unconstitutional and contrary to the European

¹⁴ <http://www.cnn.gr/news/ellada/story/47439/theologoi-zitoy-n-paraitisi-fili-proeidopoiy-n-me-apoxi-apo-ti-didaskalia>

¹⁵ Though the Constitution does not explicitly state that such “religious consciousness” is based on the teachings of the Christian Orthodox Church, the main argument of those who oppose any changes to the class of religion is that this Article should be read in conjunction with Article 3 of the Constitution, which establishes the Orthodox Church as the “prevailing religion of the state” (See Markoviti, M. 2018, ‘In-between the Constitution and the ECtHR: Mobilizations around Religion and Education in Greece’, *Politics and Religion*).

¹⁶ <https://www.news.gr/politikh/esoterikh-politikh/article/260853/mystikh-synanthsh-tsipra-ieronymoy-gia-filh-kai.html>

¹⁷ Decree 143575/Δ2/07-09-2016, ΦΕΚ Β 2920/13.09.2016 for primary and middle school (*dimotiko and gymnasio*) and Decree 143579/Δ2/07-09-2016, ΦΕΚ Β 2906/13.09.2016 for high school (*lykeio*).

¹⁸ <https://www.minedu.gov.gr/dimotiko-2/didaktea-yli-dimot/23968-28-09-16-odigies-efarmogis-ton-neon-programmaton-spoudon-tou-mathimatos-ton-thrisko-sto-dimotiko-sto-gymnasio-kai-sto-lykeio-5>

¹⁹ <https://www.newsit.gr/politikh/kammenos-se-ieronimo-an-thes-na-rikso-tin-kyvernisi-tha-to-kano/124803/>

²⁰ <http://www.ekathimerini.com/226954/article/ekathimerini/news/court-deems-changes-to-school-religion-classes-unconstitutional>

Convention on Human Rights the changed introduced by Filis to the way religion is taught also in high schools:

“In accordance with the constitutional principle of equality and the provisions of articles 9 and 14 of the European Convention on Human Rights, the State cannot, by regulating the content of religious course, deprive students of a particular religion of the right which it recognizes to students belonging to other religions, to teach exclusively the doctrines of their faith.”

In spite of the Council of State decisions, current SYRIZA Education Minister, Giorgos Gavroglou, announced that the new program for religious education will be implemented in primary and secondary levels of education from the beginning of the 2018-2019 school year. On March 21 he stated, specifically, that the reforms will preserve “the core of Filis’ proposals” and that the government “shall not succumb to such voices of obscurantism”²¹.

Papageorgiou and Others v Greece: the issues of exemption and religious education before the Strasbourg Court.

The above issues on the New Programme for religious education as well as on exemption from the class of religion are currently addressed in a case from Greece that has reached the European Court of Human Rights.

The applicants are inhabitants of two small islands in the Aegean Sea, and parents of students in primary school and high school. They complain that the content of the class of religious education is confessional, based on the instructions and demands of the Greek Orthodox Church, in a way that is neither neutral nor objective. As the applicants are not Christian Orthodox, they do not wish to follow the specific class of religion, whose character is catechetical. The procedure that the parents have to follow consists, according to the government circular, of the submission of an exemption declaration form, stating that they are not Christian Orthodox and claiming reasons of religious conscience as part of their request for exemption. The applicants argue that the fact that they have to openly declare their convictions and that the school director should then verify their declarations may lead, particularly within the small society of the islands, to the stigmatization of the student and their parents: first because it would become obvious that the latter do not follow the beliefs of the “dominant religion” and, second, because the students would be deprived of teaching hours on the basis of their religious or philosophical convictions. In their appeal, they therefore claim a violation of Articles 8 and 14 (combined), 9 and 14 (combined) and of Article 2 of Protocol no1 of the ECHR.

The applicants had moreover requested from the Council of State that their case be treated as one of absolute urgency and adjudicated before the beginning of the 2017-2018 school year (and, specifically, before the start of the school year on September 11, 2017). The Council of State, however, scheduled a hearing for October 12, 2017, which was subsequently postponed to November 9, then to December 14 and, finally, to February 8, 2018. The applicants then chose to bring the matter before the Strasbourg Court at this stage, arguing that in this case they did not have an effective national remedy. For this reason, the Rapporteur has proposed to ask a question, amongst others, concerning the exhaustion of remedies:

²¹ <http://www.avgi.gr/article/10839/8786725/k-gabroglou-kratame-ton-pyrena-ton-protaseon-gia-ta-nea-programmata-spoudon-tou-n-phile>

- In view of the successive postponements of the examination of cases by the Council of State and the unlikelihood that it will render its decision during the 2017-2018 school year, may the applicants be considered, in this case, as being exempt from exhausting the domestic remedies?
- Do the obligation of the applicant parents to declare, on their behalf, that their petitioning daughters are not Christian Orthodox so that they are granted exemption from religion courses, the retention of these statements in the school records and the investigation to be conducted by the school director about the veracity of those declarations infringe the rights of students for the respect of their private life, guaranteed by Article 8 combined with Article 14?
- Does the obligation of the applicants to disclose that their daughters are not Christian Orthodox so that they are granted exemption from religious classes violate the rights of the latter guaranteed by Article 9 combined with Article 14 (the right not to manifest their religion)?
- In fulfilling its educational functions, has the respondent State ensured that information or knowledge in the curriculum of religion classes for the school year 2017/2018 will be:
 - diffused in an objective, critical and pluralistic manner, consistent with the first sentence of Article 2 of Protocol No. 1?
 - respectful of religious and philosophical convictions of the applicant parents, in accordance with the second sentence of Article 2 of Protocol No. 1?

In the meantime, while the Council of State had agreed to finally hear the case on May 4, 2018, the hearing was postponed to an unknown date. According to the lawyer of the applicants, they will now appeal directly to the Strasbourg Court.

*Margarita Markoviti, 'Greece: report on Religious Education', Grassrootsmobilise Research Programme Report, 25 April 2018, Available at <http://grassrootsmobilise.eu/wp-content/uploads/2018/04/RE-Report-2.pdf>