



Greek system for exempting schoolchildren from religious education classes breaches the European Convention

The case [Papageorgiou and Others v. Greece](#) (application nos. 4762/18 and 6140/18) concerned compulsory religious education in Greek schools.

In today's **Chamber** judgment¹ the European Court of Human Rights held, unanimously, that there had been:

a violation of Article 2 of Protocol No. 1 (right to education) to the European Convention on Human Rights, interpreted in the light of Article 9 (freedom of thought, conscience, and religion).

The Court stressed that the authorities did not have the right to oblige individuals to reveal their beliefs. However, the current system in Greece for exempting children from religious education classes required parents to submit a solemn declaration saying that their children were not Orthodox Christians. That requirement placed an undue burden on parents to disclose information from which it could be inferred that they and their children held, or did not hold, a specific religious belief.

Moreover, such a system could even deter parents from making an exemption request, especially in a case such as that of the applicants, who lived on small islands where the great majority of the population owed allegiance to a particular religion and the risk of stigmatisation was much higher.

Principal facts

The applicants are five Greek nationals, parents and children, who live on the small Greek islands of Milos and Sifnos. The first three applicants are Petros Papageorgiou and Ekaterini Berdologlou and their daughter, Maria Rafaella Papageorgiou; the fourth and fifth applicants are Rodopi Anastasiadou and her daughter Smaragda Raviolou.

Under the Greek Constitution and other legislative texts, such as the Law on Education and various ministerial decisions, religious education is mandatory for all schoolchildren at primary and secondary level.

In July 2017 the applicants asked the Supreme Administrative Court to annul two recent ministerial decisions establishing the religious education programme for the 2017/18 school year. At the time Maria Rafaella Papageorgiou was in the third and final grade of Milos General High School, while Smaragda Raviolou was in the fourth grade of Sifnos primary school.

The applicants asked to have their case examined under an urgent procedure before the start of the new school year but the Supreme Administrative Court dismissed their requests for lack of importance.

Nor did that court ever adjudicate on their case because the initial hearing scheduled kept on being adjourned until September 2018, by which time the school year had already finished.

1. Under Articles 43 and 44 of the Convention, this Chamber judgment is not final. During the three-month period following its delivery, any party may request that the case be referred to the Grand Chamber of the Court. If such a request is made, a panel of five judges considers whether the case deserves further examination. In that event, the Grand Chamber will hear the case and deliver a final judgment. If the referral request is refused, the Chamber judgment will become final on that day. Once a judgment becomes final, it is transmitted to the Committee of Ministers of the Council of Europe for supervision of its execution. Further information about the execution process can be found here: www.coe.int/t/dghl/monitoring/execution.

In their applications the applicants extensively argued that the procedure for exemption from religious classes was contrary to the European Convention.

Complaints, procedure and composition of the Court

The applicant parents complained that if they had wanted to have their daughters exempted from religious education, they would have had to declare that they were not Orthodox Christians. Furthermore, they complained that the school principal would have had to verify whether their declarations were true and that such declarations were then kept in the school archives. They relied in particular on Article 9 (freedom of thought, conscience, and religion) and Article 2 of Protocol No. 1 (right to education).

The applications were lodged with the European Court of Human Rights on 5 and 8 January 2018, respectively.

Judgment was given by a Chamber of seven judges, composed as follows:

Ksenija **Turković** (Croatia), *President*,
Linos-Alexandre **Sicilianos** (Greece),
Aleš **Pejchal** (the Czech Republic),
Armen **Harutyunyan** (Armenia),
Pere **Pastor Vilanova** (Andorra),
Tim **Eicke** (the United Kingdom),
Jovan **Ilievski** (North Macedonia),

and also Renata **Degener**, *Deputy Section Registrar*.

Decision of the Court

The Court decided to examine the applicants' complaint from the standpoint of Article 2 of Protocol No. 1 to the Convention which gives parents the right to demand respect from the State for their religious and philosophical convictions in the teaching of religion. It also read that provision in the light of Article 9 of the Convention which guarantees schoolchildren the right to an education in a form which respects their right to believe or not to believe.

Firstly, the Court considered that the main issue in the case was that if the applicant parents had wanted to have their children exempted from religious education classes, they would have been obliged to submit a solemn declaration saying that their children were not Orthodox Christians.

Such an exemption mechanism – or the option of attending a lesson in a substitute subject – was moreover offered by almost all of the member States. However, in the Court's view, what mattered was whether the conditions for exemption or opting out were likely to place an undue burden on parents, for example by requiring them to disclose their religious or philosophical convictions.

The Court found that such had been the situation of the applicant parents who would have been forced into submitting a declaration from which it could have been inferred that they and their children held, or did not hold, a specific religious belief.

Indeed, the current system in Greece for exempting children from religious education classes risked exposing sensitive aspects of the applicants' private life. The system could moreover deter them from making such a request as it involved the school principal having to verify the information on the declaration and alerting the public prosecutor in the event of a discrepancy. The potential for conflict was accentuated in the case of the applicants who lived on small islands where the great majority of the population owed allegiance to one particular religion and the risk of stigmatisation was much higher than in big cities. Furthermore, as pointed out by the applicants, no other classes

were offered to exempted pupils, meaning they would have lost hours of schooling just for their declared beliefs.

Stressing that the authorities did not have the right to intervene in the sphere of individual conscience, to ascertain individuals' religious belief or to oblige them to reveal their beliefs, the Court held that there had been a violation of Article 2 of Protocol No. 1, as interpreted in the light of Article 9 of the Convention.

Just satisfaction (Article 41)

The Court held that Greece was to pay 8,000 euros (EUR) in respect of non-pecuniary damage, jointly, to the first three applicants and the same amount, jointly, to the fourth and fifth applicants. It awarded EUR 6,566.52 to the first three applicants in respect of costs and expenses.

The judgment is available only in English.

This press release is a document produced by the Registry. It does not bind the Court. Decisions, judgments and further information about the Court can be found on www.echr.coe.int. To receive the Court's press releases, please subscribe here: www.echr.coe.int/RSS/en or follow us on Twitter [@ECHRpress](https://twitter.com/ECHRpress).

Press contacts

echrpress@echr.coe.int | tel.: +33 3 90 21 42 08

Tracey Turner-Tretz (tel: + 33 3 88 41 35 30)

Denis Lambert (tel: + 33 3 90 21 41 09)

Inci Ertekin (tel: + 33 3 90 21 55 30)

Patrick Lannin (tel: + 33 3 90 21 44 18)

The European Court of Human Rights was set up in Strasbourg by the Council of Europe Member States in 1959 to deal with alleged violations of the 1950 European Convention on Human Rights.