

## Greece

In Greece, as we know, under Article 3, paragraph 1 of the Constitution, the dominant religion ('prevailing religion') is the Orthodox religion. All religious denominations have the right to establish their own schools, and under Article 16, paragraph 2 of the Constitution, education is a mission of the State, which, among other things, includes the development of students' 'religious awareness'. In primary and secondary schools, religious education courses are compulsory and must be taught by regular teachers and theologians respectively; the content concerns Orthodox Christian doctrine and practice.

The Council of State (<https://www.adjustice.gr>) dismissed, on 11 September 2023, in Judgment No. 1534/6/2023, the appeal lodged by the Union of Atheists (<https://union.atheia.gr>) against the Decree of the Ministry of Education and Religious Affairs (<http://www.minedu.gov.gr/>) No. 106646/GDA/2022, which amended Ministerial Decree No. 79942/GD4/2019 ("Enrolment, transfers, attendance and organisational matters in secondary schools") by inserting in Art. 25 the possibility of exemption for non-Christian Orthodox students from the Orthodox Religious Education course: "3) Religion a) Non-Christian Orthodox students may, if they so wish, be exempted from the obligation to attend the Religious Education course, by submitting a special application to the Director of the school unit in which it is stated: "Reasons of religious conscience do not allow (me or my child) to attend the Religious Education course". The application is signed by the student himself/herself, if over 18, or by both parents/guardians, if under 18. Only in cases where only one parent exercises parental responsibility is the signature of the parent exercising parental responsibility sufficient.

b) [...] Students exempted from the Religious Studies course are not permitted to move within or outside the school unit or to be absent without justification. The Headmaster, in collaboration with the Teachers' Association [...] shall decide on a case-by-case basis the manner of compulsory employment of exempted students, drawing up an appropriate deed [...].

c) The exemption shall run from the beginning of classes, shall cover the entire school year and shall be renewable for each subsequent school year in the same manner. [...]

d) Students exempted from the Religious Sciences course are also exempted from prayer and church attendance, provided they have declared this in their application for exemption from the Religious Sciences course. During prayer and religious service they remain in school [...]."

This ruling is important because it confirms the orientation of the Council of State in this matter: despite the fact that the Garante per la Privacy ([www.dpa.gr](http://www.dpa.gr)), in fact, had expressed the opinion (no. 2/2022) that it was unconstitutional to limit the possibility of exemption from religious courses to non-Christian Orthodox students only, whereas this option should instead have been offered to all

students, the Council of State, with constant orientation, again confirmed in the ruling under review, has repeatedly emphasised (rulings no. 559/2014, 660/2018, 926/2018, 1749/2019 and 1750/2019) that exemption from Orthodox religion courses can be granted only to atheists and students belonging to other religions, while it cannot be given to Christian Orthodox students, for whom the Constitution and Law 1566/1985 provide for compulsory Orthodox religion courses.

The Council of State, in the judgment under consideration, considers the procedure laid down for the application for exemption by non-Orthodox students (or their parents) to be perfectly legitimate, since it is not subject to any authorisation, approval, religious verification or reliability check, and likewise the formula with the reference to reasons of religious conscience does not constitute justification, nor does it reveal specific religious convictions, but constitutes an explication of the legal basis on which the application for exemption is based, namely the provisions of the Greek Constitution and the ECHR on religious freedom.

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