

GREECE: Report on religious education

By Margarita Markoviti

Exemption from Religious Education

Grassrootsmobilise Research Program (25.04.2018) – 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 (HDDPA) – an independent body, whose decisions are binding – intervened over the issue of exemption. In the same year, the HDDPA issued a decision (2), 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 HDDPA, 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 HDDPA's intervention.

In July 2008, this time during the New Democracy administration, Education Minister Evripidis Stylianidis issued a circular (3) and a subsequent statement of clarification according to which "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) jurisprudence (4) , 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 noticed (6), 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 circular (7) 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 Theologians (8), 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 SYIRZA administration that seemed to challenge the current rules of the exemption

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 2015(13). 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.

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 resignation (14), 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 education (16). On September 28 of the same year, following two Ministerial Decrees(17), 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 school (18). 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 Greece (19). 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 Convention on Human Rights the changes 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:

– 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/wpcontent/uploads/2018/04/RE-Report-2.pdf>

1 Εγκύκλιος Γ2/61723/13-06-2002

2 Decision no. 77A/2002.

3 Εγκύκλιος 91190/Γ2/10-7-2008.

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.

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/blogpost_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/2015/10/0δηγός-Εκπαιδευτι](http://blogs.sch.gr/gkapetanak/files/2015/10/0δηγός-Εκπαιδευτικού-στα-)

[κού-στα-Θρησκευτικά-Δημοτικού-Γυμνασίου-10.12.2014.pdf](http://blogs.sch.gr/gkapetanak/files/2015/10/0δηγός-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.

14

<http://www.cnn.gr/news/ellada/story/47439/theologoi-zitoyn-paraitisi-fili-proeidopoioun-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).

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

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<https://www.newsit.gr/politikh/kammenos-se-ieronimo-an-thes-na-rikso-tin-kyvernisi-tha-to-kano/1248031/>

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

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

ERITREA: Two Jehovah's Witnesses die in detention

Christian Solidarity Worldwide (30.04.2018) – <https://bit.ly/2rb4atj> – Two elderly Jehovah's Witnesses, who had been in detention since 2008, are reported to have died in early 2018 in Mai Serwa Prison near the Eritrean capital, Asmara.

According to a [press release](#) from the Jehovah's Witnesses, dated 25 April, 76 year-old Habtemichael Tesfamariam died suddenly on 3 January, and is believed to have suffered a stroke. He leaves behind his wife, Leterberhan Bezabih, four sons and three daughters.

Habtemichael Mekonen, aged 77, died on 6 March, reportedly due to kidney failure. He is survived by his wife, Mihret Ellias, a son and a daughter.

Both men had been detained without charge or trial since 2008. Mr Mekonen was arrested at his home in July 2008, while Mr Tesfamariam was arrested at his home in August 2008. Both were eventually transferred to the notorious Meitir Prison Camp, situated in the desert north of Asmara, where they were subjected to cruel, inhuman and degrading treatment. For example, from October 2011 to August 2012, the two men were held in a partially buried building along with other Jehovah's Witnesses, where they suffered severely from heat during summer, and from a lack of sufficient food and water.

In 2017, the Jehovah's Witnesses were transferred to Mai Serwa Prison, where they are permitted to receive food packages and access medical treatment when critically ill. However, neither Mr Tesfamariam nor Mr Mekonen recovered fully from their earlier mistreatment.

Jehovah's Witnesses have been subjected to severe mistreatment on account of doctrinal exigencies which meant that they did not vote in Eritrea's independence referendum in 1993, and announced they would participate only in non-military aspects of national service, in accordance with conscientious objection.

In October 1994, a directive from President Isaias Afewerki effectively deprived Jehovah's Witnesses of their civil, political, social economic and cultural rights. They could no

longer access government employment, accommodation, schools, hospitals or any other services generally available to Eritrean citizens. Perhaps most significantly, they were denied the official identity cards necessary for, among other things, registration of births, deaths and marriages, purchasing property, and gaining passports, internal and external travel permits, and commercial licences. In 1995, the Minister of Internal Affairs confirmed that by “refusing to accept the government of Eritrea and the laws” Jehovah’s Witnesses had “lost their right to citizenship.”

The deaths of Mr Tesfamariam and Mr Mekonen reduce the number of Jehovah’s Witnesses currently detained without trial in Eritrea to 53. Three of them, Paulos Eyassu, Isaac Mogos, and Negede Teklemariam, have been incarcerated since 1994 for refusing to take part in active military service.

To date, four Jehovah’s Witnesses have reportedly died in detention. Three others died soon after being*released, and at least seven continue to experience severe health challenges as a result of mistreatment in prison, years after having been released.

Mervyn Thomas, Chief Executive of Christian Solidarity Worldwide (CSW), said: “We extend our heartfelt condolences to the families of Mr Tesfamariam and Mr Mekonen. The fact that these elderly men died while detained arbitrarily for almost a decade is both tragic and unacceptable. In its June 2016 report, the United Nations Commission of Inquiry found

reasonable grounds to conclude that the government of Eritrea has been committing crimes against humanity since 1991, including the crime of persecution. The ongoing plight of the Jehovah's Witness community, which was the first faith group to experience gross violations of every conceivable right, is perhaps one of the clearest indications that nothing has changed. We urge the Eritrean government to release the remaining Jehovah's Witness prisoners, along with all other prisoners of conscience. No one should be punished for exercising their freedom to thought, conscience or religion."

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ALGERIA: Church-run nursery ordered to close

World Watch Monitor (24.04.2018) – <https://bit.ly/2KpLTR5> – Authorities in Algeria's north-eastern city of Tizi-Ouzou, in the Kabylie region, have closed down a day-care centre for Christian children.

The Early Childhood Home was established more than 10 years ago by Église Protestante du Plein Évangile (The Full Gospel Protestant Church), also known by its French acronym EPPETO.

EPPETO is the biggest church in Algeria. It welcomes 1,200 members for its weekly services and oversees 15 other smaller churches in the region.

On 17 April, the pastor of the church was summoned to the Central Police Station, where he was given a notification (issued by the Governor of Tizi-Ouzou region) to seal the door leading to the care centre, which is located on the premises of his church.

The authorities accused Pastor Salah Chalah of “unlawfully” running the centre, which has been ordered to remain closed “until the situation is administratively settled”.

This came after the centre was initially asked to close three weeks beforehand, on 25 March, following a visit by the Directorate of Social Action (DAS), accompanied by security forces.

Around 20 children, aged between one and five, used to attend the centre, under the supervision of four teachers, who are also members of EPPETO.

Pastor Chalah has expressed his dismay at the decision, telling World Watch Monitor the centre had no commercial purposes.

“Since it was established 14 years ago, the care centre has never been threatened by authorities, though the church premises have been inspected on a regular basis by the intelligence agency,” he said.

“The centre only exists to teach Christian values to our children in their early childhood, because in neighbouring nurseries, the teaching of the Quran and Islamic values form an integral part of the official curriculum.”

[Islamic values are taught in all schools](#) from early childhood in Algeria, including the recourse to Arabic as the main language of teaching in all subjects, which used to be taught in French.

In a 2016 article published by the French Magazine [Le Monde](#), a group of Algerian scholars pointed out the influence of Salafist and extremist groups in imposing Arabic as the sole language of instruction in public schools.

“Those who think that the Arabic language is a sacred language, or even the sacred language by excellence, they are nothing less than followers of foolishness,” wrote the scholars.

They said this has led to ignorance among children, with far-reaching consequences.

Administrative hassles

This is not the first time that a day-care centre for Christian children has been targeted by local authorities in Tizi-Ouzou.

Exactly one year ago, in April 2017, [the authorities refused to grant a permit](#) to set up a childcare facility to a Christian woman, despite her five years' experience in childcare management.

The applicant had met all the conditions required by law, and set up a facility which could accommodate up to 80 children.

But her application was declined, without explanation. Many believe that the authorities rejected the application on religious ground, as she was known to be a Christian.

The woman took legal action in an attempt to revert the decision and demand compensation for her losses (estimated at equivalent to \$20,000).

The case is still pending.

Background

Algeria's churches have faced growing pressure in recent months.

Since November four churches have been closed down: three in Oran and one in Akbou, as [World Watch Monitor reported](#).

A number of other churches, including EPPETO, have received notifications to close down immediately.

The authorities have accused them of operating without permission, despite their affiliation with the legally recognised EPA (Église Protestant d'Algeria), the main umbrella of Protestant churches in Algeria.

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GERMANY/ EUROPEAN COURT OF JUSTICE: Judgment in Case C-414/16 Vera Egenberger v. Evangelisches Werk für Diakonie und Entwicklung eV

The requirement of religious affiliation for a post within the Church must be amenable to effective judicial review

That requirement must be necessary and objectively dictated, having regard to the ethos of the church, by the nature of the occupational activity concerned or the circumstances in which it is carried out, and must comply with the principle of proportionality

EU Court of Justice (17.04.2018) – <https://bit.ly/2H6eRYh> – Ms Vera Egenberger, of no denomination, applied in 2012 for a post offered by Evangelisches Werk für Diakonie und Entwicklung (Protestant Work for Diaconate and Development, Germany). This was a fixed-term post for a project for producing a parallel report on the United Nations International Convention on the Elimination of All Forms of Racial Discrimination. The work included the representation of the diaconate of Germany vis-à-vis the political world and the general public and the coordination of the opinion-forming process internally. According to the offer of employment, applicants had to belong to a Protestant church or a church belonging to the Working Group of Christian Churches in Germany. Ms Egenberger was not called to an interview. Since she considered that she had been discriminated against on

grounds of religion, she sued Evangelisches Werk in the German courts, seeking for it to be ordered to pay her €9 788.65 compensation.

The Bundesarbeitsgericht (Federal Labour Court, Germany), which is hearing the case, asked the Court of Justice to interpret in this context the Anti-Discrimination Directive, (*) which aims to protect the fundamental right of workers not to be discriminated against on grounds, inter alia, of religion or belief. However, that directive also takes into account the right of autonomy of churches (and other public or private organisations whose ethos is based on religion or belief), as recognised by EU law, in particular the Charter of Fundamental Rights of the European Union.

Thus the directive provides that a church (or other organisation whose ethos is based on religion or belief) may impose a requirement related to religion or belief if, having regard to the nature of the activity concerned or the context in which it is carried out, 'religion or belief constitute[s] a genuine, legitimate and justified occupational requirement, having regard to the organisation's ethos'. The Bundesarbeitsgericht observes in this respect that, in accordance with the case-law of the Bundesverfassungsgericht (Federal Constitutional Court, Germany) on the churches' privilege of self-determination, judicial review of compliance with those criteria should be limited, in Germany, to a review of plausibility on the basis of the church's self-perception. It therefore puts questions to the Court in particular on whether such limited judicial review is compatible with the directive.

In today's judgment, the Court starts by finding that, under

the directive, the right of autonomy of churches (and other organisations whose ethos is based on religion or belief), on the one hand, and, on the other hand, the right of workers, inter alia when they are being recruited, not to be discriminated against on grounds of religion or belief must be the subject of a balancing exercise, in order to ensure a fair balance between them.

According to the Court, in the event of a dispute, it must be possible for such a balancing exercise to be the subject of review by an independent authority, and ultimately by a national court.

Thus, where a church (or other organisation whose ethos is based on religion or belief) asserts, in support of an act or decision such as the rejection of an application for employment with it, that by reason of the nature of the activities concerned or the context in which they are to be carried out, religion constitutes a genuine, legitimate and justified occupational requirement, having regard to the ethos of the church (or organisation), it must be possible for such an assertion to be the subject of effective judicial review. The court hearing the case must ensure that, in the particular case, the criteria laid down by the directive for striking a balance between the possibly competing rights are satisfied.

The Court observes in this respect that, in principle, it is not for the national courts to rule on the ethos as such on which the purported occupational requirement is founded. They must nevertheless decide, on a case-by-case basis, whether the three criteria concerning a 'genuine, legitimate and justified' requirement are satisfied from the point of view of that ethos.

Consequently, the national courts must ascertain whether the requirement put forward is necessary and objectively dictated, having regard to the ethos of the church (or organisation) concerned, by the nature of the occupational activity in question or the circumstances in which it is carried out. In addition, the requirement must comply with the principle of proportionality, that is to say, it must be appropriate and not go beyond what is necessary for attaining the objective pursued.

Finally, as regards the point that an EU directive does not, in principle, have direct effect between individuals but has to be transposed into national law, the Court recalls that it is for the national courts to interpret the national law transposing the directive, as far as possible, in conformity with that directive.

Should it prove impossible to interpret the applicable national law (in the present case, the German General Law on equal treatment) in conformity with the Anti-Discrimination Directive, as interpreted by the Court in today's judgment, the Court states that a national court hearing a dispute between two individuals will have to disapply the national law.

Since the Charter is applicable, the national court must ensure the judicial protection deriving for individuals from the prohibition of all discrimination on grounds of religion or belief (laid down in Article 21 of the Charter, that prohibition is mandatory as a general principle of EU law) and the right to effective judicial protection (laid down in

Article 47 of the Charter). Both that prohibition of discrimination and the right to effective judicial protection are sufficient in themselves to confer on individuals a right which they may rely on as such in disputes between them and other individuals in a field covered by EU law.

(*) Council Directive 2000/78/EC of 27 November 2000 establishing a general framework for equal treatment in employment and occupation (OJ 2000 L 303, p. 16)

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RUSSIA: A second Jehovah's Witness behind bars

HRWF (29.04.2018) – On 10 April 2018, police came to the home of 32-year-old Anatoliy Vilitkevich and took him into custody, accusing him of organizing the activity of an extremist organization. Vilitkevich was merely considering Bible-based

publications with a small group of others who also were subjected to searches.

Two days later, the Leninskiy District Court of Ufa (Republic of Bashkortostan, Russia), ruled to keep Anatoliy in pre-trial detention for 1 month and 22 days, that is, until June 2, 2018. Anatoliy faces up to 10 years imprisonment.

Anatoliy is the first Russian Jehovah's Witness to be held in detention since the Supreme Court's banning decision of 20 April 2017.

It is unclear why Jehovah's Witnesses in Ufa are suddenly being targeted, but authorities claim to have "volumes" of information against the local Witnesses.

The legal team for Anatoliy filed an appeal regarding his detention on 16 April but it was denied three days later.

Dennis Christensen in prison since May 2017

On May 25, 2017, heavily armed police officers and agents of the Federal Security Service (FSB) disrupted a peaceful weekly religious service of Jehovah's Witnesses in Oryol, Russia. Since authorities there had liquidated the Oryol Local Religious Organization (LRO) in June 2016 on extremism charges, they alleged that the congregation's religious services were continuing the activity of an extremist organization.

The prosecutor initiated criminal charges against Dennis Christensen, one of the elders in the Oryol Congregation, for his role in the congregation's religious services. The Sovietskiy District Court ordered that Mr. Christensen be held in pretrial detention. His trial is currently ongoing.

250 violations of the rights of JW in 1 year

Since the Russian Supreme Court ruled to ban the activities of Jehovah's Witnesses a year ago (20 April 2017), there have

been at least 250 violations of the rights of Jehovah's Witnesses in Russia, including attacks, vandalism, and other kinds of discrimination. Seventeen of their properties have been confiscated, and lawsuits have been launched to seize another 52 properties.

These most recent raids represent a serious escalation of state-sponsored human rights abuse, reminiscent of Soviet era repression and Nazi persecution experienced by minority groups in the early days of these former regimes. Without international awareness, it can be expected that this situation will increase in both severity and frequency in the days ahead.

ROMANIA: UK to grant controversial extradition to Romania

By Lea Perekrests

HRWF (24.04.2018) 38-year old, London resident, Alexander Adamescu, [may face extradition](#) to Romania in the coming weeks despite a series of corrupt trials and the death of his father in Romanian prison.

Alexander Adamescu's name first became of interest to Romania's National Anti-corruption Directorate (DNA) in June 2016 following the imprisonment of his father, Dan Adamescu on charges of bribery and corruption.

The charges against Alexander Adamescu arose shortly after the state was slapped with a GBP 200 million arbitration claim for the purposeful destruction of a group of companies controlled by Dan Adamescu.

From the initial charges against Alexander Adamescu, the [hearings and investigations have been riddled with corruption.](#)

For example, in one hearing, Alexander Adamescu was summoned only at the door of the court, thirty minutes prior to the hearing. Within thirty minutes after the trial, the judge had apparently read 37 arch level files of prosecution materials, had deliberated on the arguments of both sides, taken a decision, admitted an arrest warrant, and had submitted his decision on the court electronic system.

Unfortunately, such circumstances are not rare in Romania; concerns regarding fair trials and prison conditions are constants across the country. According to EAW laws, extraditions should not be conducted when human rights abuses are disputable in the receiving country.

Human Rights in Romania – Abysmal prisons and court-room corruption

The increasingly interconnectedness of the National Anti-corruption Directorate (DNA), the national intelligence service (SRI), and judges, magistrates, and other judicial

authorities across the country are of high concern.

The wide use of phone-tapping, corruption, influence of judges, and faking evidence have all come to light as common practice within these institutions, which in turn are clear violations of human rights.

These issues are well-known, as the debate in Romania is highly public. The Chief Prosecutor of the DNA is currently being investigated for corruption, and the Secretary General of the SRI is facing calls to resign after the media exposed that he had been contacting judges via Facebook about ongoing trials.

In such a context, is it implausible to assume that those who face charges in Romania will receive a fair trial.

Furthermore, Romania's record of extended and unjustified pre-trial detention, paired with [overcrowded prisons and facilities which do not meet international standards](#), contributes to concern.

In 2017, Romania remained a prolific human rights abuser with the most cases brought before the ECtHR of any EU country, and of the 47 nations of the Council of Europe – Romania fell just behind Russia, Turkey, and Ukraine.

The majority of these cases involved the prohibition of torture or inhuman treatment, a lack of effective

investigation, and the right to a fair trial.

As of 1 January 2018, Romania even surpassed Russia and Turkey in the number of pending applications allocated to the judicial formation.

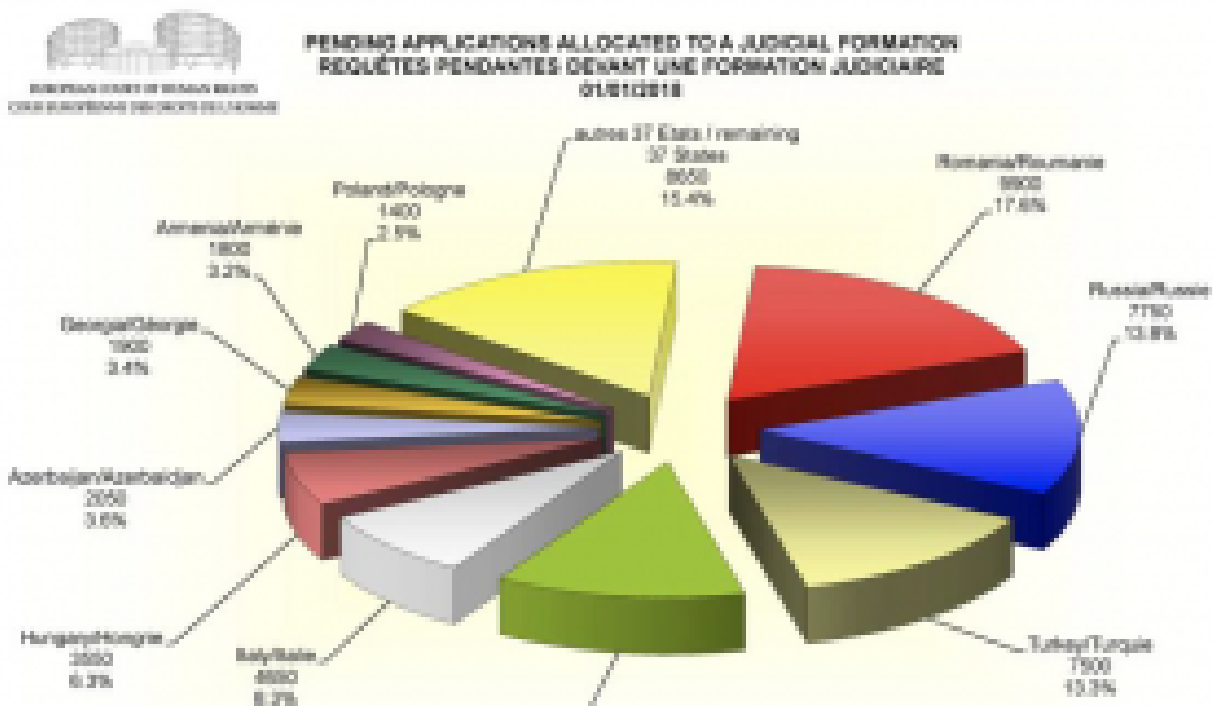


Image source: 'Violations by Article and by State 2017'. European Court of Human Rights. 2018.

http://www.echr.coe.int/Documents/Stats_violation_2017_ENG.pdf

Given this record, the UK courts would be at contention with EAW laws.

Even more worrying is that if Alexander Adamescu is extradited, he will face grave human rights violations during subsequent trials, and while in prison.

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NORTH KOREA: Over 1,000 North Korean workers slated for dispatch to China

By Ha Yoon Ah

Daily NK (12.04.2018) – <https://bit.ly/2FaR3MK> – Over 1,000

North Korean laborers are preparing to be dispatched to work assignments in Dandong, China, a source in the area informed Daily NK on Wednesday. This follows sightings earlier this month of over 400 North Korean workers in the Chinese city of Helong to the east, together suggesting the two countries may be cooperating to restart joint business ventures in China.

“There are already about 100 North Koreans working at one clothing factory in Dandong, and they are expecting 1,000 more after a recent conversation with a manager from the North Korean side,” the source said on April 11.

The Chinese manager in the deal told the source that it is a popular opportunity among North Korean factory workers as they see it as a good chance to improve their skills, despite their expectations of low pay and long hours. “People around here are anticipating an influx of more North Korean workers in the near future,” the source remarked.

A separate source in China confirmed the development, saying, “It is true that over a thousand North Korean workers are preparing for the assignment. The Chinese brokers who have engineered the deal for the jobs are working overtime right now.”

He added that the workers are still receiving permits from North Korean authorities to cross into China, as per standard guidelines, though these permits only technically allow up to 30 days’ stay abroad.

“[The Chinese companies] are trying to recruit more North Korean workers now as they feel sanctions may possibly be lifted and that the dangers have subsided. But they will just send them back in case they are not [lifted],” he said.

Following these developments, some are speculating that Kim Jong Un may have come to an agreement with Chinese President Xi Jinping on the matter during their meeting in Beijing last month.

Recent friction between China and the US over a brewing trade war may also be contributing to a sense of optimism among those affected in the region.

“We (Chinese people) are also hurting from sanctions, and now it seems like we are in a trade war with the US,” an additional source in China said.

“Knowing this, it is possible that authorities, despite sanctions, are turning a blind eye to the arrival of the North Korean workers.”

*Translated by Colin Zwirko

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French politicians, celebrities condemn 'new anti-Semitism'

France24 (23.04.2018) – <https://bit.ly/2qQPdeZ> – More than 250 French dignitaries and stars have signed a manifesto denouncing a “new anti-Semitism” marked by “Islamist radicalisation” after a string of killings of Jews, published in the Sunday edition of *Le Parisien* newspaper.

The country's half-a-million-plus Jewish community is the largest in Europe but has been hit by a wave of emigration to Israel in the past two decades, partly due to anti-Semitism.

“We demand that the fight against this democratic failure that is anti-Semitism becomes a national cause before it's too late. Before France is no longer France,” reads [the manifesto](#) co-signed by politicians from the left and right including ex-president Nicolas Sarkozy and celebrities like actor Gérard Depardieu.

The signatories condemned what they called a “quiet ethnic purging” driven by rising Islamist radicalism particularly in working-class neighbourhoods. They also accused the media of remaining silent on the matter.

“In our recent history, 11 Jews have been assassinated – and some tortured – by radical Islamists because they were Jewish,” the declaration said.

The murders referenced reach as far back as 2006 and include [the 2012 deadly shooting](#) of three schoolchildren and a teacher at a Jewish school by Islamist gunman Mohammed Merah in the southwestern city of Toulouse.

Three years later, an associate of the two brothers who massacred a group of cartoonists at satirical newspaper Charlie Hebdo killed four people in [a hostage-taking at a Jewish supermarket](#) in Paris.

In April 2017, an Orthodox Jewish woman in her sixties was thrown out of the window of her Paris flat by a neighbour shouting “Allahu Akhbar” (God is greatest).

The latest attack to rock France took place last month when two perpetrators stabbed an 85-year-old Jewish woman 11 times before setting her body on fire, in [a crime treated as anti-Semitic](#).

Her brutal death sent shockwaves through France and prompted 30,000 people to join [a march in her memory](#).

Condemning the “dreadful” killing, President [Emmanuel Macron](#)

reiterated his determination to fighting anti-Semitism.

“French Jews are 25 times more at risk of being attacked than their fellow Muslim citizens,” according to the manifesto.

It added that some 50,000 Jews had been “forced to move because they were no longer in safety in certain cities and because their children could no longer go to school”.

(FRANCE 24 with AFP)

More information :

Le Parisien: <https://bit.ly/2qSuNCt> – <https://bit.ly/2q0X0aH>

L'Express: <https://bit.ly/2H00Meq>

Le Vif: <https://bit.ly/2HnkSvH>

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GERMANY: Justice Minister Katarina Barley warns of rising anti-Semitism

Deutsche Welle (21.04.2018) – <https://bit.ly/2HQCRM7> – “Anti-Semitism is becoming socially acceptable again,” said Katarina Barley. Her statements came in the wake of an anti-Semitic attack that shocked Berlin.

Germany’s Justice Minister Katarina Barley warned about rising anti-Semitism on Saturday following [an assault on a young man](#) wearing a kippah in Berlin.

“We have to admit that anti-Semitism is becoming socially acceptable again,” Barley told the Funke Media Group. “It’s our job to work against this development.”

Barley said that it was important to stress to newcomers that religious discrimination “has no place in Germany,” and that “anyone who promotes anti-Semitism will have to reckon with the firm hand of the law.”

On Tuesday, a young man called Adam, an Arab Israeli, decided to wear a Jewish skullcap in his Berlin neighborhood as a social experiment – to see if he would face prejudicial treatment, as a friend told him he might.

In a video shared widely on social media, Adam and his

companion were rushed at with belts by a man yelling “Jew” at them in Arabic.

“At that moment I realized I have to take a video of it. I wanted to have evidence for police and the German people and the world to see how terrible it is these days as a Jew to go through Berlin streets,” he told DW. His alleged assailant [has been arrested](#).

In response, Berlin’s Jewish community is planning a “Berlin wears a kippah” campaign, mobilizing people of all religions to don the head covering in a show of inter-faith solidarity.

According to Germany’s anti-Semitism commissioner, “1,500 anti-Semitic attacks are registered by police every year.”

Additional information about anti-Semitism in Germany:

Huffington Post: Germany Confronts Rising Anti-Semitism After Rap Duo With Holocaust Lyrics Wins Award (19.04.2018) – <https://bit.ly/2Hi1SP1>

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German police investigate anti-Semitic attack in Berlin

Video

<https://jfda.de/blog/2018/04/17/antisemitischer-angriff-in-berlin-prenzlauer-berg/>

BBC (18.04.2018) –
<http://www.bbc.com/news/world-europe-43812273> – German police are investigating an assault on two young men in Berlin, in which the attacker was filmed shouting anti-Semitic abuse.

The men say they were harassed in the Prenzlauer Berg area on Monday while wearing Jewish skullcaps (kippahs).

A video of the incident, which was later shared on Facebook, shows the attacker hitting the men with his belt.

He is heard shouting “Yahudi”, an Arabic word for Jew, before being dragged away by another man.

One of the victims, a 21-year-old Israeli called Adam, then reportedly followed the attacker but gave up after a glass bottle was thrown at him.

“I’m surprised something like this happened to me. I’m still in shock,” he told Israel’s Kan television channel.

“It happened right here, next to my home, when I was on my way to the train station with my friend.”

He said a group of three men started insulting them and became angry when they were asked to stop.

“One of them ran at me,” he said. “I immediately felt it was important to film because I didn’t think we could catch him before police arrived.”

The video of the attack was shared on Facebook by the [Jewish Forum for Democracy and against Anti-Semitism \(JFDA\)](#), which said the attack was unbearable to see.

“I used to always advise my Jewish friends and acquaintances not to wear a kippah so as not to show their Jewish identity. I changed my opinion,” a spokesman said.

“We must take up this fight and be visible again in public.”

In a twist to the story, the Israeli victim later told German media that he had grown up in an Arab family in Israel and was not himself Jewish. He had been given the kippah a few days before by a friend from Israel who had told him it was dangerous to wear one in Berlin and he wanted to see if that was true.

Germany's Jewish population has grown rapidly since the fall of the Berlin Wall.

Before 1989, the population was below 30,000 but an influx of Jews, mainly from the former Soviet Union, has raised the number to more than 200,000.

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