

RELIGION IN PUBLIC EDUCATION REPORT: GREECE

NIKOS CH. MAGHIOROS

INTRODUCTION

Education in Greece is compulsory for all children between the ages of 6 and 15 and it lasts 10 years. Religious Education is an obligatory subject both in public and private schools. According to art. 16 § 1 and 2, of the Constitution “*Education constitutes a basic mission for the State and shall aim at the moral, intellectual, professional and physical training of Greeks, the development of national and religious consciousness and at their formation as free and responsible citizens.*”

Although the Constitution refers to the development of the *religious consciousness* in general, the law considers that the majority of Greeks are Orthodox. According to Law 1566/85, one of the goals of both Primary and Secondary Education is “*to have faith to the country and the genuine elements of the orthodox Christian tradition*” (art. 1§1), and “*to realize the deeper meaning of the orthodox Christian ethos*” (art. 6§1). Students who do not belong to the Orthodox Church have the right to have teachers of their own dogma (art. 17§4). Some religious communities have even their own private schools, such as the Muslims, the Jews and the Catholics, where courses of religion may be included.

This privileged position of Orthodoxy in education is justified by the presence of the ‘prevailing religion’ (Const. art. 3§1) or ‘State law rule’ over ecclesiastical matters, as a core element of the actual system of the relations between Church and State in Greece.¹

The right of exemption from religious education, prayer and attending mass is recognized for non-Orthodox pupils, if they themselves (when they are adults) or their parents on their behalf request exemption for reasons of conscience.² Due to the fact that religion is a personal datum which is considered to be sensitive (L. 2472/1997 §2 case a), the obligatory declaration of religion in a positive or negative form violates religious freedom.³

¹ CH. PAPANATHIS, *The Hellenic Republic and the Prevailing Religion*, in: *Brigham Young University Law Review*, 4 (1996), p. 815 in seq., IDEM, *Church and State in Greece*, in: *Church and State in European Union*, ed. G. Robbers, Baden-Baden, 2005, p. 116; P. NASKOU-PERRAKI, *The Legal Framework of Religious Freedom in Greece*, Athens-Komotini, 2000, p. 19-26; N. MAGHIOROS, *State and Church in Greece: “To reform or not to reform?”*, in *Droit et Religions 2* (2006-2007), p. 497-502.

² Circulars of the Ministry of National Education and Religious Affairs: Γ2/6904/29.11.95, 61723/13-6-2002, 91109/Γ2/10.7.2008, 104071/Γ2/4.8.2008, 12/977/109744/Γ1/26.8.2008.

³ “The obligatory declaration of religion which is considered to be a prerequisite in order that the student may be exempted from Religious Education class violates the principle of necessity because this on the one hand would contravene the negative religious freedom of both students concerned and their parents or custodial parents, and on the other hand it would be opposite to the more specific right of parents “to cater to [their children’s] education according to their own religious and philosophical beliefs” (article 2 of the First Protocol of the European Convention for Human Rights).” HELLENIC REPUBLIC - DATA PROTECTION AUTHORITY, *Decision 77A/2002* n. 5. See also the ECHR judgment in the case of *Alexandridis v. Greece* (appl. no. 19516/06) according to which it was a violation of art. 9 of the European Convention on Human Rights. The Court held that “the fact that the applicant had had to reveal to the court that he was not an

I. GENERAL BACKGROUND⁴

1. Facts and Figures

At the end of 2007, the population of Greece was estimated at 11.213.785 persons. In 2008 the population aged 0 to 29 years numbered 3.675.596 individuals who comprised 33 % of the total population. At the beginning of the 2007/08 school year there were 1.074.031 students enrolled in compulsory education (primary and lower-secondary school levels). In 2007/08, 94 % of the students enrolled in primary and secondary education attended public schools, which provide free education. Private schools are not grant aided; they are fully self-financed. Greek is the official language and it is used throughout the Greek territory. Greek is the language of instruction at all levels of education.

Greek citizens of Muslim religious persuasion (the Muslim minority which resides in Thrace) number about 100.000 members. For these Muslim communities, special minority schools have been set up in which the teaching is in both the Turkish and the Greek language on the basis of specialised study programmes offered by specially trained teaching staff.

The general responsibility for education lies with the Ministry of Education Lifelong Learning and Religious Affairs. The Greek education system is ruled by national laws and legislative acts (decrees, ministerial decisions).⁵ Financing education is the responsibility of the state through the regular budget and the public investments budget, and to a lesser degree by non-state sources. The regular budget covers teachers' salaries, operational costs of school units, books, pupil transportation, provision of meals and accommodation of pupils-students where applicable, scholarships and the purchase of teaching equipment.

Orthodox Christian had interfered with his freedom not to have to manifest his religious beliefs. ... the freedom to manifest one's beliefs also contained a negative aspect, namely, the individual's right not to be obliged to manifest his or her religion or religious beliefs and not to be obliged to act in such a way as to enable conclusions to be drawn regarding whether he or she held – or did not hold – such beliefs.” See also K. PAPAGEORGIOU, *COMMENTAIRE de l'arrêt de la CEDH du 21.2.2008 (affaire Alexandridis c. Grèce): l'obligation de prêter le serment religieux dans l'ordre juridique grec*, in *Österreichisches Archiv für Recht & Religion*, (to be published).

⁴ This part was mainly based on the Eurydice Network reports on Greece: *Organization of the Education system in Greece 2008-2009* and *Structures of Education and Training Systems in Europe: Greece 2009-2010* edition, prepared by Dimitrios Efstratiou and Nikolaos Sklavenitis with the support of Athina Plessa-Papadaki http://eacea.ec.europa.eu/education/eurydice/contacts_national_units_en.php.

⁵ The legal framework which regulates education issues, except art. 16 of the Constitution (2010) and Law 1566/85: “*Structure and Operation of Primary and Secondary Education and other Provisions*”, includes Law 682/1977: “*Concerning private schools and boarding schools*”, Law 2916/2001: ‘*Structure of Higher Education and regulation of issues in the Technological Sector*’, Law 2986/2002: ‘*Organisation of Regional Services of Primary and Secondary Education, assessment of teaching task and staff, teachers’ in -service training and other provisions*’, Law 3027/2002: ‘*Regulations concerning the Organisation of School Buildings for Higher Education and other provisions*’, Ministerial Decisions 21072a/Γ2/ Government Gazette 303 v.B’/13-3-2003 and 21072β/Γ2/ Government Gazette 304v.B’/13-3-2003, ‘*Cross-Curricular Thematic Framework and Curricula of Primary and Secondary Education*’, Law 3255/2004: ‘*Regulation of Issues of all Educational Levels*’, Law 3369/2005: ‘*Systematisation of Lifelong Learning and other provisions*’, Law 3467/2005: ‘*Selection of primary and secondary education teachers, regulations for Administration and Education issues and other provisions*’, Law 3475/2006: ‘*Organisation of secondary vocational education and other provisions*’, Law 3549/2007: ‘*Reform of the institutional framework as regards the structure and the operation of Higher Educational Institutions*’, Law 3653/2008: ‘*Institutional framework for research and technology and other provisions*’, Law 3699/2008: ‘*Special Education for persons with disabilities or with special education needs*’, PD 189/2009: ‘*Definition and redistribution of the Ministries’ responsibilities*’.

The Greek education system consists of three levels: Primary, Secondary and Tertiary.

1. PRIMARY EDUCATION LEVEL is split in **pre-school education** which is provided by the **pre-primary school** (nipiagogeio) and **compulsory primary education** by the **primary school** (dimotiko scholeio). This level begins at the age of 4 years and is optional, while attendance is compulsory for all 5 year old children.

The majority of **pre-primary** schools as well as Child and Infant Centres are under state control. Nevertheless, there are also private ones. In public Nipiagogeia attendance is free of charge. In public Child and Infant Centres as a rule there are monthly fees. The private Child and Infant Centres function under the auspices of the Ministry of Health and Social Welfare.

The Curriculum in pre-primary schools is developed by the Pedagogical Institute.⁶

Teachers are graduates of the Pedagogical Departments of the Universities. Their admission in these Departments is through general entrance examinations and the studies last for 4 years. Law no. 1771/1998 authorized the appointment of non-Orthodox teachers in public elementary schools and in nurseries if they meet the formal requirements.⁷

As stated in Law 1566/1985, the aim of pre-primary schools is to assist the children to develop physically, emotionally, mentally and socially not only on an individual but also on a group level. Special attention should be given to the development of motor and cognitive abilities. There is no particular mention of religious education.

Primary education constitutes a part of the 10-year-long compulsory education and covers 6 grades from A to F. It is provided in primary schools for children aged from 6 up to 12 years old. The Curriculum in primary schools is developed by the Pedagogical Institute.

Teachers are exclusively graduates of the Pedagogical Departments of Primary Education established by Law 1268/1982. Their studies last 4 years and admission to these Departments is through general entrance examinations.

According to Law 682/77 on private education, private primary education is organized and operates along the same lines as that of state schools - equal titles are granted and the national curriculum is implemented. Tuition and other fees are paid in private schools and no state subsidies apply. Other subjects may be added upon the decision of the Minister after consultation with the Pedagogical Institute.

There are also foreign private schools providing education mainly to foreign nationals residing in Greece - these operate on the basis of bilateral cultural agreements between Greece

⁶ It is a self-administered state organization operating under the supervision of the Ministry of Education Lifelong Learning and Religious Affairs. Its duty is to formulate the guidelines, draft the timetable and the curricula, approve and order textbooks, apply vocational guidance, introduce issues and innovations, apply new teaching methods, promote in-service training of teachers, etc. <http://www.pi-schools.gr/>

⁷ "1. Nursery school and primary school candidate teachers belonging to religions other than Orthodox Christianity can be appointed to public multi-seated primary schools and two-seated nurseries if they have the necessary qualifications. 2. The teachers appointed according to the above paragraph will not teach divinity to pupils other than the ones who belong to the same religion as their own. 3. The appointment of teachers of other dogmas and religions can go ahead in one-seated public schools when pupils belonging to the same dogma or religion are educated there." Also see G. SOTIRELIS, *Religion and Education*, Athens-Komotini, 1998 p. 180-198.

and the specific contracting states and the provisions of the law on foreign schools. These schools have been founded by foreign institutional bodies and cultural organizations.

Statistical data (Source Ministry of Education, Operational Research and Statistics, 2008)

Pre - Primary Schools - School Year 2007-08	Public	Private
School Units	5.832	130
Pupils	143.770	5.342
Average Number of Pupils per School	24.7	41.1
Teachers	12.172	277
Pupil to Teacher Ratio	11.8	19.3
Average Number of Pupils per Classroom	16.0	21.4
Number of Pupils Graduating	84.365	3.217

Primary Schools - School year 2007-08	Public	Private
School Units	5.448	371
Students	592.855	45.278
Average Number of Pupils per School	108,8	122.0
Teachers	60.558	3.841
Ratio of Pupils to Teachers	9.8	11.8
Average Number of Pupils per Class (Section)	16.7	20.5
Number of Graduates	103.913	7.504
Sections	35.495	2.207

2. SECONDARY EDUCATION LEVEL – this includes two sub-levels:

a. Compulsory lower level secondary education lasts for 3 years and is offered at *Gymnasio* and in parallel at Evening Schools (*Esperino Gymnasio*) in which attendance starts at the age of 14.

b. Post (or non-) compulsory upper secondary education includes general secondary education and vocational secondary education. The first comprises General Lyceum (*Geniko Lykeio*) and the second Vocational Lyceum (*Epagelmatiko Lykeio*) and Vocational School (*Epagelmatiki Scholi*). In parallel with the mainstream schools of secondary education operate Evening Gymnasia (*Esperina Gymnasia*) and Evening Genika Lykeia and Evening Vocational Lykeia (*Esperina Genika* and *Epagelmatika Lykeia*). There are also Vocational Schools (*Epagelmatikes Scholes*) operating during the day only which together with Vocational Lykeia make up secondary Vocational Education (Law 3475/2006). The duration of studies is three years for General and Vocational Lykeia and four years for Evening General and Vocational Lykeia. In General and Vocational Lykeio pupils enrol at the age of 15 while in Vocational School at the age of 16.

In addition there are Ecclesiastical, Minority, Cross-Cultural, Experimental (*Peiramatika*), Music and Special Education Gymnasia and Lykeia. Other alternative structures in secondary education are the Arts Schools, Sports Facilities Classes, classes in Gymnasia and Lykeia for students with special educational needs and Second Chance Schools.

The curricula and timetable of Gymnasia and Lykeia are drawn up by the Pedagogical Institute and submitted to the Ministry of Education Lifelong Learning and Religious Affairs for approval.

Teachers at Gymnasia and Lykeia offer instruction exclusively on the subject of their specialization. They are University graduates of departments relative to the subject they teach. Their studies last for 4 years. Admission to the University sector of higher education is after general entrance examinations. The degree offers their holders the possibility of participating in an examination held by the Supreme Council for Civil Personnel Selection (ASEP).

Secondary Education, School year 2007/08	Public	Private
School Units	1 884	110
Students	322 695	18 876
Average Number of Pupils per School	171	172
Teachers	41 907	2 399
Ratio of Pupils to Teachers	7.7	7.87
Average Number of Pupils per Classroom (Section)	21.5	25.3

A formal but unclassified level of education is **post secondary - non tertiary education**, which is provided by Vocational Training Institutes (*Instituta Epaggelmatikis Katartisis* - IEK). These Institutes accept graduates from both *Gymnasio* and *Lykeio* according to the relevant specializations they provide.

TERTIARY EDUCATION LEVEL comprises the *university sector*, that is, Universities (*Panepistimia*), **Technical Universities** (*Politexneia*) and the **Higher School of Fine Arts** (*Anotati Sxoli Kalon Texnon*), and the *technological sector*, that is, **Technological Education Institutions** (*Technologika Ekpaideftika Idrymata* – TEI) and the **Higher School of Pedagogical and Technological Education** (*Anotati Sxholi Paidagogikis kai Technologikis Ekpaidefsis* - ASPETE).

Students are admitted to these Institutes according to their performance at national level examinations taking place at the second and third grade of Lykeio.

Additionally, students are admitted to the Hellenic Open University upon the completion of 22 years of age by drawing lots.

ECCLESIASTICAL EDUCATION SCHOOLS AND ECCLESIASTICAL INSTITUTES OF VOCATIONAL TRAINING (EIEK)⁸

According PD417/87, the general State supervision of all religions is entrusted to the General Secretariat of Religious Affairs (GSRA) of the Ministry of Education Lifelong

⁸ The legal framework which regulates ecclesiastic education issues includes PD1025/1977 (Presidential Decree) : 1977, 1025, Government Gazette A 344/10.11.77, Modification and Organization of Ecclesiastical Schools and supplementary provisions of the PD292/1977, PD73/2001 (Presidential Decree) : 2001, 73, Government Gazette A 64/2.4.2001, Regulation of studies and regulation of operation of boarding schools in Higher Ecclesiastical Schools, Law 3432/2006 (Government Gazette, Issue A, 14), on the structure and function of Ecclesiastical Education.

Learning and Religious Affairs.⁹ Its duty is the supervision of the implementation of government policy in the area of cults. The **Department of Ecclesiastical and Religious Education** was established by PD 147/1976 (GG 56 A') to oversee the Ecclesiastical Secondary Schools and Clerical Second Chance Schools (ISDE). It is responsible for educational matters, curricula and administrative issues, and issues relating to preachers of the Church of Greece. There are two collective bodies in this department: *The Council of Secondary Ecclesiastical Education* (Y.S.D.E.E.), which deals with issues regarding the personnel of Ecclesiastical Education, and *The Supervisory Board of Secondary Ecclesiastical Education* (E.S.D.E.E.), on educational matters of the Schools of Ecclesiastical Education.

The **Department of Ecclesiastical and Religious Education** is also divided in two Sections:

a. The **Personnel Section** is responsible for the appointment, transfers, postings, promotions, layoffs and general issues relating to staff at the Schools of Ecclesiastical Education, as well of the Apostolic Diakonia of the Church of Greece which organize the missionary and cultural activities of the Church, and preachers. *b.* The **Administrative Section** deals with the establishment, suspension, modification, and transfer of Ecclesiastical Schools, as well as with their administration rules and issues regarding the registration, transfer and evaluation of students. The section also monitors the administration of Rizarios Ecclesiastical School and Athonias Ecclesiastical Academy.

According to L. 3432/2006, Ecclesiastical Education is provided in Ecclesiastical Lower Secondary Schools, Ecclesiastical Unified Upper Secondary Schools, Higher Ecclesiastical Academies and Second Chance Clerical Schools. These educational units are schools of the Orthodox Church in Greece and are supervised by the Ministry of National Education and Religious Affairs (art. 1).¹⁰

Ecclesiastical Lower Secondary Schools and Ecclesiastical Unified Upper Secondary Schools belong to post-compulsory secondary education. Higher Ecclesiastical Academies in public higher education and Second Chance Clerical Schools constitute institutions of lifelong learning (art. 2).

The aim of ecclesiastical education is to raise the educational levels and Christian morals of the staff, clergy and laity, of the Orthodox Church in Greece. The students are only male.

Higher Ecclesiastical Academies grant degrees equivalent to those of Public Higher Education. Their functions began in the academic year 2007-2008 (art. 3§1). The mission of Higher Ecclesiastical Academies are: a) to render their students participants in the values of the Orthodox Faith and Christianity, b) to provide their students with suitable education and necessary knowledge, through theoretical and practical training, to a high educational and intellectual level, c) to project and develop the historical sources of the Orthodox Faith and Tradition, the monuments and heirlooms of Orthodoxy and, generally, the treasures of the spiritual creation and cultural heritage of the Church of Greece and Orthodoxy in general, with a view to serving the Orthodox Church, d) to cultivate in their students the spirit of unity,

⁹ Government Gazette A 186/87. It is divided into the Department of Ecclesiastical Administration, the Department of Ecclesiastical Education, and the Department of Heterodox and Hetero-Religious.

¹⁰ The title recently changed to Ministry of Education Lifelong Learning and Religious Affairs.

love, collaboration, which in their turn will disperse to Orthodox believers and to each individual in the social environment of the Orthodox Church in Greece, with the fundamental objective of peaceful and harmonious coexistence at a national and ecumenical level (art. 3). Access to the programmes of study at the Higher Ecclesiastical Academies is open to those from Unified Upper Secondary Schools (or other equivalent) according to the conditions and the terms of the system of entrance to Tertiary Education, as long as they are Orthodox Christians. Only male candidates are admitted to programmes of clerical studies.

Secondary Ecclesiastical Education consists of ten Ecclesiastical Gymnasia, seventeen General Ecclesiastical Lykeia, three Clerical Second Chance Schools (ISDE), one Ecclesiastical Institute of Vocational Training (EIEK) at Rizarios Ecclesiastical School, and eleven departments of ecclesiastical training, offered at the state Institutes of Vocational Training (IEK).

The Ecclesiastic Gymnasia have a three-year course of studies and are equal to the Lower Secondary Schools of General Education. Ecclesiastic Institutes of Vocational Training (EIEK) provide post-secondary ecclesiastic training that lasts for two semesters and falls under non-compulsory, post-secondary vocational training.

Almost all Ecclesiastical Educational Schools, ISDE and EIEK operate as boarding schools providing accommodation and meals free of charge to their pupils and students. Pupils in Ecclesiastical Gymnasia and Ecclesiastical Genika Lykeia follow the same timetable as that of general, lower and upper, secondary education schools (Gymnasia and Genika Lykeia). Also, the curriculum includes specific subjects such as the Old and New Testaments, Byzantine Music, and Liturgy.

Minority Schools

In Thrace there are 194 Minority Schools for children from the Muslim minority. These schools operate on the basis of the Treaty of Lausanne (1923) and pursuant to legislative measures and regulatory decisions issued within the framework of international cultural agreements. In these schools a bilingual (Greek and Turkish) curriculum is implemented, on the basis of specialised study programmes offered by specially trained teaching staff.

In Minority primary schools a special programme, *'Education of Muslim children'*, has been implemented since 1997 that aims at harmoniously integrating pupils in education and in society and improving educational outcomes for the Muslim minority.

This programme included targeted education studies and research, the development of educational material, and the provision of further training for teachers. Within the scope of the programme fifty-five new textbooks were drafted, together with their accompanying supplementary material, an electronic method of learning the Greek Language was produced, and, finally, a trilingual software dictionary (Greek–English–Turkish) was developed that includes terminology of the subjects from all three grades of Gymnasio.

During the 2007-2008 school year, there were eight Support Centres (ΚΕΣΠΙΕΜ/KESPEM) operating for Muslim minority children within the context of the programme that were further enriched by the addition of new libraries, as well by two mobile ΚΕΣΠΙΕΜ/KESPEM units that made support services available to remote villages in Thrace.

Proposals for reformation

On 19 October 2005, the Hellenic League for Human Rights (HLHR), the oldest Non-Governmental Organization for the protection and promotion of human rights in Greece,¹¹ published a proposed draft law entitled: “Regulation of relations between the Church and State, religious unions and consolidation of religious freedom”, accompanied by an explanatory report. Among others things, the proposal was considered necessary as it aimed to cover needs such as the enlargement and deepening of the right of equality before the law and the harmonisation of the Greek constitutional and legal order with the common constitutional traditions of other European countries.

Article 6, in particular,¹² sought to reform fundamentally the character of religious education. The idea was a transformation from “confessional” to “religious studies” including subjects such as an introduction to history, sociology and dogma of all religions. At Lyceums, the course on religion should be renamed “religious studies”. The proposed regulation not seek to abolish the religious orientation of the course contemplated under Article 16 par. 2 of the Constitution while its content was determined on the basis of Article 13 of the Constitution (religious freedom) and not according to Article 3 (prevailing religion).¹³

Article 7 sought to “privatise” the existing institutions of Ecclesiastical Education of all levels but not before the final definition of the legal status of educational institutions of all religions and doctrines.¹⁴

¹¹ <http://www.hlhr.gr/id-en.htm>

¹² Instruction of religious education

1. Law 1566/1985 “Structure and function of elementary and secondary education and other provisions” (A’ 167) includes the following modifications:

a. In passage a’ of paragraph 1, article 1 the following words have been deleted “and the genuine elements of the orthodox Christian tradition”.

b. In passage b’ of paragraph 2, article 6 the following words have been omitted “of the orthodox Christian ethos”.

2. A presidential decree which is issued after a proposal from the Minister of Education redefines the detailed programme of religious studies, as it is taught in elementary and secondary education, so that instruction will no longer have a compulsory character and it will include introduction to history, sociology and the dogma of all religions. Specifically, in high school, the course on religion is renamed, “religious studies.”

¹³ Prevailing religion and religious freedom are the two main poles of the formulation of State and Church in Greece according to the Constitution, as in practice they constitute a permanent tug of war for every emerging conflict. The way of interpretation of these two articles is critical in order to describe with precision the actual system of State and Church relations and also to evaluate the need for modifications. If for example the Constitution affirms with the term “prevailing” that the majority of Greeks are Orthodox, the meaning of the article is completely different if prevailing means the official religion of the Greek State.

¹⁴ Ecclesiastical education

1. The superior Ecclesiastical Schools, the Ecclesiastical Academy “Athonias”, the Ecclesiastical Academy, the Ecclesiastical Unified Upper Secondary Schools and the Ecclesiastical lower secondary schools are subject to the liability, supervision, and financial support of the Church of Greece, the Church of Crete, the Ecumenical Patriarchate and the Holy Community of Mount Athos, according to the place where these institutions are located.

2. The institutions mentioned in the first paragraph of this article operate as private institutions, subject to the familiar provisions regarding private education. Until the supervising institutions suitably reform the institutional frame of their organisation and their operation, the regulations which were in force upon commencement of this law apply, except those which acknowledge greater competences than that of general supervision to organs of Greek state authorities, which are exercised in private institutions.

3. The students in institutions mentioned in the first paragraph of said article who do not wish to remain in these institutions under this new legal status, can transfer to public institutions of equivalent rank of their

In November 2005 three proposals of law were submitted to the Parliament, based on the proposal of HLHR. The first by the “Communist Party of Greece” (KKE),¹⁵ the second by the “Coalition of the Left and Progress” (Synaspismos),¹⁶ and the third by the independent deputies Mr. Stefanos Manos¹⁷ and Mr. Andreas Andrianopoulos.¹⁸

All three proposals were only discussed (without voting) by the Plenary Session of the Parliament on 30 March 2006.¹⁹

II. RELIGIOUSLY MOTIVATED BEHAVIOUR IN PUBLIC SCHOOLS

In primary Schools Religion Education is taught from grade C to grade F for two hours per week. It is of equal value with the other subjects and it is compulsory. According Ministerial Decision 21072α/Γ2 GG 303B/13-03-2003) the aims of Religious Education in **primary education** are for the pupils:

- to know the basic concepts, symbols, depictions of orthodox faith and life
- to realize God’s love to the people and the world
- to recognize the importance and contemporaneity of the Gospel message in personal and social life, and culture.
- to cultivate a spirit of solidarity, peace and justice, respect of religious difference and coexistence with the ‘other’
- to appreciate the need for respect and protection of the environment, as well as the cultural heritage of our country and humanity
- to understand what it means for someone to be an active member of the church community.

In the **secondary education** religious is taught from grade A to grade C for two hours per week for a total of 44 units. The aims are for the students:

- to be informed on the nature of the religious phenomenon
- to know Christianity, especially Orthodoxy, through the Bible, Holy Fathers and the tradition of the Church and to form an attitude
- to be conscious that Christianity provides suggestions to the modern world on its coherence and quality of life

choice.

4. Personnel of the institutions mentioned in the first paragraph of said article who do not wish to remain in these institutions under this new legal status, are placed in special recommended corresponding positions with the Ministry of Education.

5. A presidential decree issued upon request from the Minister of Education regulates the details in applying the provisions of said article.

¹⁵ <http://inter.kke.gr/>

¹⁶ <http://www.syn.gr/en/profile.htm>

¹⁷ http://www.bulls.gr/read_op.php?oid=1371

¹⁸ <http://www.andrianopoulos.gr/indexGB.htm>

¹⁹ See *Acts of the Parliament*, 11th Period of presidential parliamentary republic, 2nd Synod, Session 114, p. 5560-5595. (in greek). <http://www.parliament.gr/ergasies/showfile.asp?file=end060330.txt>

- to evaluate the subject, in order to become conscious of the dynamic of the Gospel message and cultivate its ethos and their personality, to be sensitive in the face of modern social problems/issues and to be helped to take position on them
- to understand that the authentic Christian message is anti-racist, transnational and ecumenical
- to realize the multi-cultural, multi-racial and multi-religious structure of modern societies
- to realize the need for inter-christian and inter-religious communication.

In General Lyceum religion is taught in grades A and B for two hours (44 units) and in grade C one hour (24 units).

Aims in grade A are:

- to understand aspects of the Orthodox faith through liturgical texts
- to reflect on faith issues through knowledge and dialogue
- to learn about the origin, development and deeper meaning of Christian worship
- to become aware of their self identity as members of the Church through their active participation in worship
- to be informed about various sects and movements and to be critical.

The aims in grade B are:

- to know religion as a universal phenomenon
- to study the fundamental elements of Christianity and especially of Orthodoxy
- to be informed about criticism, contestation and rejection of Christian faith
- to be informed on the value and contribution of Christianity in order to develop their personal opinion
- to be informed on non-Christian religions, to compare and evaluate them, and to learn to respect others beliefs.

The aims in grade C are:

- to be informed on the ethical dimension of human life
- to understand Orthodox Christian Ethics, as a liberating experience of the Church “in Christ”, and not as a systematic analysis of Ethics as legal rules (Theoretical Ethic – Deontology) but as life in order to retrieve our freedom, and the integrity of our person as "communication" between God and us, among us and between us, and nature as the fight for freedom, dignity, education, peace, justice and solidarity”

The religious education curricula for Gymnasia and Lykeia are drawn up by the Pedagogical Institute and submitted to the Ministry of Education Lifelong Learning and Religious Affairs

for approval. There is a continuous effort to improve school textbooks in order to deal with other religious minorities in Greece more objectively.²⁰

Teachers are graduates of the two Faculties of Theology (Athens and Thessaloniki), which are state faculties without a confessional character at least in terms of Greek law. The studies last for 4 years. Admission to the Faculties of Theology is the same for the University sector and it is after general entrance examinations. The degree offers the possibility of participating in an examination held by the Supreme Council for Civil Personnel Selection (ASEP). Many teachers of religion have postgraduate or doctoral degrees.

The character of religious education in compulsory education is strongly influenced by Orthodox theology. Benedictions of school buildings are not institutionalized but are a common practice at the beginning of the school year.

The planning of Church attendance for students once a week or a fortnight at least is mainly a task of school directors and teachers. Usually participation at religious services is once a month. Daily common prayer must necessarily be made, with due reverence, every day before the start of the course, at a joint gathering of students and teachers in the schoolyard.²¹

There is no regulation on religious symbols in public schools. Usually classrooms have icons of Jesus Christ, Virgin Mary or a crucifix.

In September 2006 a directory of the Ministry of Education prohibited the presence of priests in schools for the confession of students after parents of students appealed to the Greek Ombudsman. According to the Ministry, confession is not part of the cognitive process or the course of religious education and “for more educational, and theological reasons, and because in schools there is no appropriate place to ensure peace and privacy during the sacrament, the confession cannot be performed within the schools.”²² If this is to be the case, the Director announces at school that the parish priest performs the sacrament of confession especially for students. Directors should also facilitate visits from metropolitans or bishops to schools but without disrupting the school programme.

III. OPTING OUT OF SCHOOL OBLIGATIONS FOR RELIGIOUS REASONS

PD 104/1979 and PD 294/1979 establish religious holidays for schools. For the Orthodox students Christmas holidays (December 24 until January 7), Easter holidays from Good Monday to Friday after Easter, Sundays, the feast of the Three Hierarchs (January 30), the feast of the Holy Spirit, the feast of the patron saint of the city where the school is, and Clean (Shrove) Monday. Students of the “Latin dogma” may be absent from the courses on the feast of St. Joseph (March 19) and Corpus Christi as well as from the eve of the Latin Easter until the day after. Jewish students may be absent on the eve and the first day of the Jewish year (Rosh Hashanah), the Day of Atonement (Yom Kippur) and Passover (Pesach). Muslim students have no classes during the eve and the day of Şeker Bayramı and Kurban Bayramı.

²⁰ Textbooks are approved by the Pedagogical Institute, published by the School Book Publishing Organization and distributed to every pupil in public schools free of charge.

²¹ Circulars Φ200/21/16/139240/26-11-1977, Γ/6251/22-10-1979, Γ/2875/30-04-1981, PD 201 /1998.

²² Circular Γ2/76992/27.07.2006

The civil law provision leaves no doubt as to the parents' preference regarding the religious education of their children at school (Art. 1510, 1 1518, 1).²³ The right of exemption from lessons in religious education, prayer and attending mass is recognized for non-Orthodox pupils, if they themselves (when adults) or their parents on their behalf seek exemption for reasons of conscience. As the Council of State has decided in decision no 3356/1995 refraining from such obligations does not constitute grounds for penalty.

Since 2002 the Greek Ombudsman considered that the general framework of the protection of religious freedom by way of exemption should not be accompanied by any indirect penalty or onerous requirement. Requiring disclosure of the religious beliefs of the student would be onerous. The circular operative then (Γ2/8904/29.11.95) required an express choice between three categories - "non-religious", "non-Orthodox" or "non-Christian" - which constituted a partial disclosure of religious beliefs.

Although Article 16 §2 of the Greek Constitution requires the state to provide religious education, it does not oblige citizens to receive it if religion courses have a confessional character. The right of exemption should be recognized to all students, if they themselves (when adults) or their parents on their behalf seek exemption for reasons of conscience.

Moreover, the Authority on the Protection of Personal Data (77A/2002) judged that such a declaration is illegal on the basis of the provisions of Law no. 2472/1997, because it is contrary to the right of the parents to guarantee the education of their children without any conditions according to their religious and philosophical convictions (ECHR). Furthermore, such a declaration is contrary to negative religious liberty of the student as well as his/her parents or guardians, since it forces them to announce publicly their religious convictions.

In July 2008 a circular letter of the Ministry of Education (91109/Γ2/10.7.2008) clarified that an obligatory declaration of the will of the parents, custodial parents or the student if he is an adult is considered to be a prerequisite in order that the student may be exempted from Religious Education classes. The declaration must not include the reasons for this choice.

The Greek Ombudsman welcomed the circular of the Ministry (31-7-2008) in the light of reports of parents since 2002. Commenting on the earlier circular (Γ2/8904/29.11.95), which provided that declarations of the exact belief of the pupil and the later one under which it was sufficient to state "that he is not an Orthodox Christian", the Ombudsman pointed out that religious freedom includes exemption for Orthodox pupils from Religious Education classes.

The exercise of the right of exemption should not be accompanied by a demand to reveal religious beliefs (even negatively). Initially the Ministry did not accept the proposal that a statement is enough, and this remained after the decision of the Authority on the Protection of Personal Data (2002).

Less than a month later the Ministry sent a second circular letter (104071/Γ2/4.8.2008) in order to clarify any possible misinterpretation of the procedure on exemption from religious education. The Ministry affirmed that it has followed the decisions of the ECHR and Greek independent authorities and underlined that the teaching of religion in primary and secondary

²³ NASKOU, p. 30.

school is obligatory and follows the curricula approved by the Ministry. The parents of pupils who are minors or adult pupils who do not wish to attend religion classes for reasons of conscience do not need to justify their statement.

Some days later the Ministry returned with a third circular letter (Φ12/977/109744/Γ1/26.8.2008) which provided that **non-Orthodox** pupils who according to the previous circular letter were exempted from religious education classes for reasons of conscience reasons are obliged to attend a different course.

The third circular caused real confusion and the Greek Ombudsman informed by letter (14/11/2008) the Special Chancellor of Primary and Secondary Education of the Ministry of Education that, after investigation of reports submitted by parents, in several schools parents are obliged to express their positive or negative statement about their religion in order to obtain the exemption of their children from the course of religion. In particular, some school directors require parents and students to confirm that they are not Orthodox Christians. The continued receipt of reports from parents who face pressure to declare their religious beliefs confirms that the problem cannot be solved by individual contributions.

The Ombudsman therefore proposed that the Ministry of Education should clarify the content of the third circular and replace “non-orthodox students”, which practically means hetero-religious or heterodox, with the term “exempted students” and also to inform all school Directors on the content of the two previous circular letters in order to correctly apply the law.

The Ombudsman pointed out that under the current legislative framework, students and parents had the right of exemption from religious education for reasons of conscience. For the validity of the declaration, it is not constitutionally permissible to depend on any positive or negative form of declaring religious beliefs.

In the same direction the 2009 report of the National Commission for Human Rights²⁴ considers that all students, Orthodox or not, have the right of exemption, based on the circulars 91109/Γ2/10.07.2008 and 104071/Γ2/04.08.2008 mentioned above.

Although on the 25 June 2010 the vice minister of Education, replying officially to a question of deputy of the opposition, affirmed that religion is a compulsory subject taught in all schools of Secondary Education, according to the official mandatory curricula and timetables, set out by the Pedagogical Institute. The possibility of exemption is given to hetero-religious and heterodox students who for reasons of conscience do not want to attend this course. However there has been abuse of the possibility of exemption from non-heterodox or different religion students, especially in grade C of the General Lyceum, because of the school workload, violating the principle of equal treatment of students, and the principle of equality of effort to get a certificate.

Therefore, students who do not fall into the category of hetero-religious or heterodox can not be exempted from any compulsory course unless there are health reasons (art. 22 PD 104/1979).

²⁴ According to Law 2667/1998 NCHR is a statutory National Human Rights Institution having a consultative status with the Greek State on issues pertaining to human rights protection and promotion. <http://www.nchr.gr/>

BIBLIOGRAPHY

EURYDICE, National system overviews on education systems in Europe and ongoing reforms: Greece2010 edition.

http://eacea.ec.europa.eu/education/eurydice/documents/eurybase/national_summary_sheets/047_EL_EN.pdf

EURYDICE, *Organization of the Education System in Greece 2009-2010*.

http://eacea.ec.europa.eu/education/eurydice/documents/eurybase/eurybase_full_reports/EL_EN.pdf

EURYDICE, *Structures of Education and Training Systems in Europe: Greece 2009-2010* edition, prepared by Dimitrios Efstratiou and Nikolaos Sklavenitis with the support of Athina Plessa– Papadaki.

http://eacea.ec.europa.eu/education/eurydice/documents/eurybase/structures/041_EL_EN.pdf

Greek <http://www.greekhelsinki.gr/english/reports/GHM-Reports-Greece.html> Helsinki Monitor, *Religious Freedom in Greece: Report 2002*, (GHM/MRG-G, 15/10/2002)

KONIDARIS I., *Manual of Ecclesiastical Law*, Athens-Komotini, 2000, p. 95. (in greek)

MAGHIOROS N., *State and Church in Greece: "To reform or not to reform?"*, in *Droit et Religions 2* (2006-2007), p. 497-502.

NASKOU-PERRAKI P., *The Legal Framework of Religious Freedom in Greece*, Athens-Komotini, 2000.

PAPASTATHIS CH., *The Hellenic Republic and the Prevailing Religion*, in: *Brigham Young University Law Review*, 4 (1996), p. 815-852.

PAPASTATHIS, CH., *Ecclesiastical Law*, Athens-Thessaloniki, 2003 (in Greek)

PAPASTATHIS, CH. *Church and State in Greece*, in: *Church and State in European Union*, ed. G. Robbers, Baden-Baden, 2005.

SOTIRELIS G., *Religion and Education*, Athens-Komotini, 1998.