

HELLENIC REPUBLIC
THE HOLY SYNOD OF THE CHURCH OF GREECE
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Athens, March 20, 2001

The Honorable
Daniel J. O' Grady
Assistant Director
Political Matters Section
American Embassy
Athens

Following a decision taken by the Holy Synod during its Meeting on March 7th, and after an address by the Synod Committee on Human Rights that referred to the freedom of religion in Greece in a report by the State Department (1999/30.6.2000), we inform you that the Holy Synod during that Meeting, decided to notify you of the following:

1. The report proceeds to an analysis of specific provisions of the Greek Constitution and of certain Greek laws. Clearly however, it appears that the author of the Report did not take into account the text of the provisions, but instead completely retained incorrect information by a third party. We feel that if he were to take into account the text of those provisions, then he would have sound information about its contents and therefore would not have reported the inaccuracies, which we emphasize below.

2. The report mentions that the Greek Constitution does not allow the non-Orthodox to have rituals and worship that might disturb the public order. This is inaccurate. The relative provision of the Greek Constitution is as follows:

Every known religion is free, and relative worship is practiced without hindrance under the protection of the law. The practicing of worship must not insult public order. (Article 13, paragraph 2).

Therefore this provision is for all Religions (including of course, the Orthodox Christian Religion). The provision does not in any way state that it has to do with other religions and not the

Orthodox Christian Religion.

3. The report states that the Greek State finances the Orthodox Church and pays the salaries of its Clergy, and not that of other religions. This is inaccurate and misleading and therefore we must refer to the relative legislation. We therefore point out that the Greek State does pay the salaries of the Clergy, and 35% of the income of the Holy Churches is withheld in order to cover those costs. We indicate this is determined by Decree 536/1945 article 2, paragraph 2, subparagraph A. This provision determines that in order for the Greek State to finance the salaries of the Clergy, 25% of all the income of the Orthodox Churches will be withheld. Article 5 of Decree 3559/1956 determines that the amount is estimated by all income of the Churches, and includes: i) proceeds of church collections, ii) the regular contributions given to the Churches by the faithful in whatever amount, and iii) the income from their real estate. In continuation, Decree 469/1968 Article 5 determined that amount to be 35% of all the income of the Holy Churches. That is exactly what Regulation 8/1979 of the Holy Synod of the Church of Greece determines (attached please see relative decrees for your information). If other religions would like to be financed by the State, they must first disclose all of their own income (something they will never accept), and secondly they must give 35% of their total income to the State. Do they accept this? Apparently not. With this opportunity, we feel it necessary to remind the American Embassy that the Supreme Court of the United States of America has accepted for the state to pay the salaries of the Clergy. Specifically the decision of the Supreme Court 423 U.S. 736 (case - Roemer against Board of Public Works) says, quote payments of state funds may be made to pay

salaries of clergy.

4. The report mentions further that only in Greece is the Orthodox Church described by law as the Legal Party of the Private Law. This is inaccurate. In Greece besides the Orthodox Church, Legal Parties of the Public Law is the Israeli Community (Decree 2456/1920). Also the report mentions that the religious leaders of the Muslims practice public authority. Therefore besides the Orthodox Church, two other non-Christian Churches consist of the Legal Parties of the Public Law. Here it is mandatory to clarify that the other religions stress that the Orthodox Church is a Legal Party of the Public Law; they however (the other religions and heresies) have never asked to become Legal Parties of the Public Law. And this is logical, because if they become Legal Parties of the Public Law, they will be subject to strict state audits (as is the Orthodox Church); they will be obligated to disclose all their income and all their expenses (as is the Orthodox Church), and further, all their income and expenses will be audited by the Audit Council (Supreme Financial Court and audit agency), as done with the Orthodox Church; and in addition, they will be obligated to allot a portion of their income to the State. Do they accept all those obligations required for their transition to Legal Parties of the Public Law? Apparently not. That is why they have never requested to become Legal Parties of the Public Law, and are satisfied only (with impressive words) to stress continuously (and inaccurately) that they are not Legal Parties of Public Law, while only the Orthodox Church is. Therefore the American Embassy should take seriously into consideration the real situation, and not accept inaccurate and misleading reports by third parties.

5. The Report states that in 1997, new taxes were imposed on all Churches including the Orthodox Church; adding that those taxes consist of discrimination. Since the new taxes are imposed on all the Churches, why is this discriminatory? Of course, the truth is that no new tax was imposed.

6. The report states also that in Greece there is a law that allows the building of prayer structures

following government permission. We submit for your attention however, that the European Court of Human Rights by its 26.9.1996 decision has accepted that that Law is in accordance with the European Treaty of Human Rights. Also that Court by its 20.3.1994 decision of Decree 20490/92, accepted also that that Law which is in force in England is also in accordance with the European Court of Human Rights and approved, that England did well to deny the application of the heresy Hare-Krishna for the building of a prayer structure, for the reason that it would damage the environment and disturb the residents of the area.

7. The Report states that the non-Orthodox religious communities cannot attain property. We inform the American Embassy that in Greece this Law does not exist. Anyone (and of course any religious community) has the right to attain whatever property he wishes. Besides in Greece (and in Athens) there are many places where there are inscriptions on buildings that indicate the titles of various religions, and those buildings are privately owned.

8. The report states that in Greece, a Law exists that persecutes proselytism, but during the past year no one was persecuted. Here we feel this subject should not be mentioned, since even in the U.S.A. proselytism is persecuted and punished. There are a large number of decisions by the Supreme Court, which condemn proselytism (mainly Jehovah Witnesses), judging that the relative American provision is totally in accordance with the Constitution; for example, decisions of the Supreme Court No 310 U.S. 296 (case Cantwell against Connecticut), No 316 U.S. 594 (cases heard together-Jones against Opelika, No 280, Bowden against Fort Smith No 314 and Jobin against Arizona No 996), No 319 U.S. 105 (case Mugdock against Pennsylvania), No 321 U.S. 158 (case Prince against Massachusetts), and others. Those decisions are published in the Volume *Toward Benevolent Neutrality: Church, State and the Supreme Court* by R. Miller and R. Flowers. We stress that the European Court of Human Rights with two decisions (25.5.1993 and 24.2.1998), has decided

that the Greek provision regarding proselytism is in complete agreement with the European Treaty of Human Rights; the last decision (of 24.2.1998) sanctifies the condemning for proselytism of three persons who were tried in Greece and denied their appeal. The reason the Greek decree was considered to be in accordance with the European Treaty of Human Rights is because this decree does not punish in general all forms of proselytism, that is, only when the responsible party uses illegal methods (for example, deception, misleading and exploiting persons who are naïve, in need, or dependent).

9. Further the Report states that in Greece, citizens of Countries that are not Members of the European Union do not have the same residency rights in Greece as compared to citizens of the Member-States. Also that Greece does not grant a VISA to anyone without verification. About this, we remind you that exactly the same thing is valid in the U.S.A. As known, also there a VISA is not granted to anyone without verification. As for the European Union and its citizens, Greece is obligated to apply the European Union's decrees concerning citizens and cannot act otherwise.

10. The Report also states that certain followers of other religions faced difficulties of an administrative nature during exchanges with public authorities. Here it must be clarified exactly what kind of difficulties they had, and if those difficulties were due to their religious convictions and in particular, how the public authorities knew about their religious convictions, and due to that, had difficulties. Because otherwise, we stress to the American Embassy that due to bureaucracy, a large

number of Greeks (of course Christian Orthodox) daily face difficulties of an administrative nature during their exchanges with public authorities. If you were to read a Greek newspaper, you would see that it is full of letters by readers who complain about the huge difficulties they face during their exchanges with public authorities. Because the Report does not state that the above that faced difficulty of an administrative nature were due to religious convictions, then it has to do with difficulties of bureaucracy that all Greek citizens face every day. Then, evidently the fact arises that the matter does not have to do with religious freedom and is stated in the Report for no reason.

In conclusion, in summing up concerning the Report of your Government about the religious freedom in Greece, we stress and emphasize that prior to whatever composition of a Report on this matter, it might be good for the Embassy in Greece of the U.S.A. to become informed directly and appropriately concerning the valid or currently in process laws so that the information is trustworthy, precise and especially confirmed and reliable in order to avoid inaccuracies and untruths that lead to wrong conclusions and false impressions.

Of course, the Church of Greece has an excellent organized Legal Service, and is willing at any time to grant the text of whatever Law requested, as well as the Law's modifications (if they exist). And of course, those texts are gladly and willingly granted to you.

By Order of the Holy Synod
The Chief Secretary
Archimandrite Theologos Apostolides