

HELLENIC REPUBLIC
GREEK NATIONAL COMMISSION FOR HUMAN RIGHTS

Neofytou Vamva 6 (3rd floor), GR 106 74 Athens, Greece, Tel: +30 210 7233221-2;
fax: +30 210 7233217; e-mail: info@nchr.gr, website: www.nchr.gr

<p>The Issue of Inclusion of Religious Affiliation in Greek Citizens' Identity Cards</p>

The National Commission for Human Rights met on 13 July 2000 and discussed the issue of the recording of the religion of the holder on police identity cards, which it regarded as falling within its competence in accordance with Law 2667/1998.

The Commission had before it the written proposals of two of its members, Professors of Constitutional Law, Mr Antonis Manitakis and Mr Philippos Spyropoulos. After a lengthy debate, the Commission arrived unanimously at the following conclusion, with which the two learned opinions converge:

The determination of the particulars by virtue of which the various public authorities will recognise the identity of citizens is the exclusive task of the State.

A limitation on the above task of the public authorities is set by the principle of respect for individual rights. Consequently, the citing of various personal data on the identity card or, conversely, their omission is constitutional insofar as it does not violate individual rights.

More specifically, it is obvious that the removal of a statement of the particulars of the religion of the holder on police identity cards does not violate any individual right and, more particularly, religious freedom in its two manifestations: the right to profess any religion or none (atheism, agnosticism) and to give expression to it (*jus confiteri*), and the right to perform the observances of worship in accordance with the religion to which the individual belongs.

On the other hand, the selection of religion as a particular determining identity conflicts with religious freedom and, more specifically, with the right not to declare or to remain silent as to one's religious faith, and gives rise to dangers of possible discrimination by reason of religion, as past experience has proved (persecutions of the Jews, discrimination in one's career, etc.). Even the optional recording of the holder's religion, given the great majority formed by the adherents of the 'prevailing' religion, would automatically mean for the citizen who chose not to record it that he is not an Orthodox Christian, which could lead to discrimination against him. In other words, the compulsory or optional recording of the religion would give rise to an unjustified restriction on religious freedom and provide the means of introduction of discrimination. For that reason, religious convictions have been included among sensitive personal data by Article 2(b) of Law 2472/1997.

By way of conclusion, both the compulsory and optional recording of the holder's religion on identity cards is unconstitutional (Article 5, paras 1 and 2, Article 13 of the Constitution) and contrary to Greek legislation (Convention of the Council of Europe on the protection of the individual from the automated processing of information of a personal character - ratified by Law 2068/1992, Directive 95/46 of the European Parliament and Council on the protection of natural persons from the processing of data of a personal character, Articles 18, 26 and 27 of the International Covenant on Civil and Political Rights (ratified by Law 2462/1997), Articles 9 and 14 of the European Convention on Human Rights (ratified by Presidential Decree 53/1974), Article 18 of the Universal Declaration of Human Rights (1948), and the Declaration of the United Nations on the elimination of all forms of intolerance and discrimination based on religion or belief (1981).

Athens, 13 July 2000