

Authorized Site of the Office of Public Information of Jehovah's Witnesses

JEHOVAH'S WITNESSES

[HOME](#) | [NEWSROOM](#) | [VNRs](#) | [PEOPLE](#) | [BELIEFS](#) | [HEALTH](#) | [RIGHTS](#) | [VIDEOS](#) | [CONTACT US](#) | [SITE MAP](#) | [SEARCH](#)



Human Rights

- [European Court](#)
- [Russia](#)

See Also

- [Council of Europe](#)
- [European Court of Human Rights](#)
- [European Convention of Human Rights](#)

Cases Cited Below

- [Kokkinakis v. Greece](#)
- [Hoffmann v. Austria](#)
- [Manoussakis and Others v. Greece](#)
- [Valsamis v. Greece](#)
- [Efstratiou v. Greece](#)
- [Georgiadis v. Greece](#)
- [Tsirlis and Kouloumpas v. Greece](#)
- [Pentidis and Others v. Greece](#)
- [Tsavachidis v. Greece](#)

European Court of Human Rights Freedom of Religion, Speech, and Association in Europe

Between 1938 and 1992, Jehovah's Witnesses in Greece were arrested 19,147 times for practicing a religion different from the "dominant" religion of the State—the Greek Orthodox Church. This occurred even though freedom of religion was guaranteed by the Greek Constitution.

Greece was not alone in its discomfort with religious diversity, but Jehovah's Witnesses in Greece successfully appealed to the European Court of Human Rights for the rights guaranteed by the European Convention for the Protection of Human Rights and Fundamental Freedoms.

The result is that basic freedoms—of religion, speech, and association, in addition to the right of conscientious objection—are now more available to the citizens of the 41 Council of Europe countries. This includes Greece, which to its credit, has accepted and worked to apply the judgments of the European Court.

The European Court

The European Convention for the Protection of Human Rights and Fundamental Freedoms was signed in Rome on 4 November 1950 by the Contracting States of the Council of Europe. Since then, the original 10 member states have grown to 41.

The Convention's authors hoped it would be a first step "for the collective enforcement of certain of the rights stated in the United Nations Universal Declaration of Human Rights of 1948." (For a brief description of the rights protected by the Convention, see "[Appendix I, Headings of substantive articles of the European Convention.](#)")

If a nation refused to rectify a violation of these rights, an individual could appeal to the European Court of Human Rights. Before November 1998, an individual's complaint was first heard by the European Commission of Human Rights, which determined its admissibility and encouraged a "friendly settlement" between the individual and the nation.

When applications had been declared admissible but no friendly settlement had been reached, the Commission drew up a report establishing the facts and expressing an opinion on the merits of the case. If admissible, the case was transmitted to the Court for further consideration and a decision.

Since November 1998, new cases are submitted directly to the European Court.

Cases heard by the European Court

[Kokkinakis v. Greece](#) (25 May 1993), Strasbourg 3/1992/348/421 (Eur. Ct. H.R.)

Does freedom of religion and speech include the freedom to speak about your beliefs with others?

A law, which theoretically protected the feeble from exploitation, was used to prohibit anyone who did not follow the Greek Orthodox faith from speaking with others about his beliefs.

Minos Kokkinakis, one of Jehovah's Witnesses, was arrested more than 60 times, summoned to court 18 times, and spent six years in prison as a conscientious objector and simply for speaking with others about his beliefs.

The European Court of Human Rights examined the circumstances of his most recent arrest and determined that Jehovah's Witnesses are indeed a "known religion" under Greek law and that there had been a pattern of violation of freedom of religion. Additionally, the court found that "freedom to manifest one's religion . . . includes in principle the right to try to convince one's neighbour." Freedom of religion and speech does include the right to speak about your beliefs with others.

Mr. Kokkinakis' conviction was overturned, and Greece was ordered to pay damages and court costs.

***Hoffmann v. Austria* (23 June 1993), Strasbourg 15/1992/360/434 (Eur. Ct. H.R.)**

When deciding parental custody of a minor child in a divorce, can the courts use a parent's religion as the determining factor?

Although an Austrian court found Ingrid Hoffmann to be "unfit" as a parent because she was one of Jehovah's Witnesses, the European Court of Human Rights reversed the Austrian court decision, determining that "a distinction based essentially on a difference in religion alone is not acceptable."

When the European Court reversed the Austrian court decision, it returned custody to Mrs. Hoffmann and ordered the government of Austria to pay damages.

***Manoussakis and Others v. Greece* (26 September 1996), Strasbourg 59/1995/565/651 (Eur. Ct. H.R.)**

Does freedom of religion include the freedom to associate with others? Can the State deny people permission to gather for worship?

Titos Manoussakis, along with others and following the prescribed procedures, applied to the government for permission to use a rented room as a place of worship.

In a pattern long familiar to Mr. Manoussakis, he was unable to obtain permission. Even so, he joined with others in worship at the site. The site was repeatedly vandalized.

Local officials of the Greek Orthodox Church notified the police that the room was being used as "an unauthorised place of worship for Jehovah's Witnesses" and asked the police to "take punitive measures against those responsible." Mr. Manoussakis' conviction for operating an "unauthorised place of worship" included a prison sentence.

The European Court of Human Rights found that "Jehovah's Witnesses come within the definition of 'known religion'" and that "the impugned conviction had such a direct effect on the applicants' freedom of religion that it cannot be regarded as . . . necessary in a democratic society."

Mr. Manoussakis' conviction was overturned; freedom of religion must

include the freedom to gather with others in worship.

Additionally, the Court declared that "the right to freedom of religion as guaranteed under the Convention excludes any discretion on the part of the State to determine whether religious beliefs or the means used to express such beliefs are legitimate." In other words, a government does not have the authority to determine whether a religion's beliefs and practices are correct or true.

***Valsamis v. Greece* (18 December 1996), Strasbourg, 74/1995/580/666 (Eur. Ct. H.R.)**

Can the State interfere with the right of parents to teach their religion to their children? Does the European Convention of Human Rights also protect children?

Victoria Valsamis was suspended from school for refusing to participate in a parade that extolled patriotic ideals that she did not share.

The government claimed, in its presentation to the European Court of Human Rights, that participation in the parade did not violate Miss Valsamis' beliefs. Rather, participation in a celebration of the National Day, "the outbreak of war between Greece and Fascist Italy," provided a reinforcement of the democratic and human rights ideals of the Greek government.

Miss Valsamis disagreed; participation did violate her religious beliefs. She and her parents felt that "pupils' education should be provided through history lessons rather than school parades," allowing Miss Valsamis to receive her education without violating her religious beliefs.

The European Court found that "the applicants did not have an effective remedy before a national authority." In other words, Greece failed to provide the Valsamis family with a legal channel to protect their rights, which included the parents' right to teach their child and the child's right to freedom of religion.

***Efstathiou v. Greece* (18 December 1996), Strasbourg 77/1996/696/888 (Eur. Ct. H.R.)**

The facts and questions of this case are similar to *Valsamis v. Greece*.

Finally in 1998, Jehovah's Witnesses were no longer suspended from school for refusing to participate in ceremonies or activities that would have violated their conscience.

***Georgiadis v. Greece* (29 May 1997), Strasbourg 56/1996/675/865 (Eur. Ct. H.R.)**

Ministers of religion were exempted from military service under a 1988 Greek law. Ministers of the Greek Orthodox Church were routinely granted this exemption, but those of Jehovah's Witnesses were not. Additionally, Greek law made no allowance for conscientious objection to military service and had no arrangement for civilian service as an alternative to military service.

Anastasios Georgiadis was recognized by local authorities as a minister of Jehovah's Witnesses and was granted authority by the government to perform and register marriages.

When called for military duty, Mr. Georgiadis applied for exemption as a minister. The Ministry of Defense refused to recognize his status as a minister and to grant him the exemption because "the Holy Synod of the Church of Greece . . . does not consider Jehovah's Witnesses to be a

known religion."

Mr. Georgiadis was inducted into the military and was subsequently imprisoned for insubordination when, because of his conscientious objection to military service, he refused to join his unit.

Imprisonment was enforced throughout his appeal process, which was eventually successful.

However, immediately upon his release Mr. Georgiadis was again inducted by the military, denied exemption as a minister, imprisoned for insubordination, and denied release pending his appeal.

The appeal again found in favor of Mr. Georgiadis, but this did not spare him from prison. He was again immediately inducted into the military, and the process of imprisonment and appeal was repeated.

After repeated delays and with his third appeal, Mr. Georgiadis was finally granted exemption as a religious minister and released from prison.

Greek law allows for payment of damages when there has been a violation of human rights, but this was denied to Mr. Georgiadis because "the State is under no obligation to compensate the applicant for his detention pending trial, because his detention was due to his own gross negligence."

The European Court of Human Rights disagreed with Greece and ordered payment of damages. On 5 June 1997, Greece passed a law recognizing conscientious objectors and creating a provision for alternate civilian service.

***Tsirlis and Kouloumpas v. Greece* (29 May 1997), Strasbourg 54/1996/673/859-860 (Eur. Ct. H.R.)**

The facts and circumstances of this case are similar to the *Georgiadis v. Greece*.

The 15 months both Dimitrios Tsirlis and Timotheos Kouloumpas spent in sordid prison conditions are some of the "5000 years of prison" time spent by conscientious objectors in Greece, as highlighted in a March 1993 report from Amnesty International.

As mentioned above, on 5 June 1997, Greece passed a law recognizing conscientious objectors and creating a provision for alternate civilian service.

***Pentidis and Others v. Greece* (2 June 1997), Strasbourg 59/1996/678/868 (Eur. Ct. H.R.)**

Despite the previous victories for religious freedom at the European Court, freedom to practice one's religion and to gather for worship was still challenged by Greece.

As with the case *Manoussakis and Others v. Greece*, Zissis Pentidis was convicted of establishing a place of worship "without authorisation from the recognised ecclesiastical authorities and the Minister of Education and Religious Affairs."

The European Commission of Human Rights, however, found Mr. Pentidis' activities so elemental to the free exercise of religion that restricting them could not be considered as necessary in a democratic society.

In response to the Commission's decision, Greece granted the needed

authorization to Mr. Pentidis, and the friendly settlement was accepted.

***Tsavachidis v. Greece* (21 January 1999), Strasbourg, Application No. 28802/95 (Eur. Ct. H.R.)**

Gabriel Tsavachidis was also accused of operating a church "without the necessary permission from the local church authorities and the Minister of Education and Religious Affairs."

But this case contained an additional element. Mr. Tsavachidis had been placed under secret surveillance by the National Intelligence Service because of his religious affiliation. A newspaper exposed a confidential Intelligence Service report, which contained "allegations prejudicial to Greek citizens who were not members of the Greek Orthodox Church."

The European Commission of Human Rights found that Mr. Tsavachidis' privacy had been violated by the unwarranted surveillance. The Greek government stated that Jehovah's Witnesses "are not subject to secret surveillance on account of their religious beliefs" and agreed that they "will never be subject to such surveillance in the future." Greece also agreed to cover Mr. Tsavachidis' court costs. This offer of a friendly settlement was accepted.

The European Court of Human Rights, when rendering its judgment on this settlement, reinforced its earlier decisions on *Kokkinakis v. Greece* and *Manoussakis and Others v. Greece*, identifying Jehovah's Witnesses as a "known religion" entitled to practice their religion freely and reminding other Council of Europe countries of their obligations in this regard.

[Top of page](#) | [How to contact us](#)

Copyright © 2003 Watch Tower Bible and Tract Society of Pennsylvania.
All rights reserved.