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Universal Periodic Review

Joint written statement* submitted by the International Humanist and Ethical Union, the European Humanist Federation, non-governmental organizations in special consultative status

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1996/31.

[31 August 2016]

* This written statement is issued, unedited, in the language(s) received from the submitting non-governmental organization(s).

GE.16-15465(E)



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Suggested recommendations to Greece on combating racism and abolishing blasphemy laws

Our organizations welcome UN CERD's concluding observations published on 29 August 2016 and request that the issues raised therein are integrated in the HRC's recommendations to Greece.¹

In particular, Greece should be urged to:

- accept that the fundamental right of freedom of expression should not undermine the principles of dignity, tolerance, equality and non-discrimination as the exercise of the right to freedom of expression carries with it special responsibilities, among which is the obligation not to disseminate ideas on racial superiority or hatred, a principle reiterated by UN CERD;²
- as a consequence of the above, bring its anti-racism legal framework in full compliance with the requirements of article 4 of ICERD, by restoring the criminalisation of the dissemination of ideas based on racial superiority and other forms of hate speech, as recommended by UN CERD and also in February 2015 by the European Commission against Racism and Intolerance,³
- declare illegal, and prohibit, organizations which promote and incite racial discrimination, such as the Golden Dawn political party, as recommended by UN CERD both in 2009 and in 2016,⁴ and also by the Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance,⁵ as well as by the Council of Europe Commissioner for Human Rights;⁶ and,
- abolish articles 198 and 199 on blasphemy from its Criminal Code⁷ that are used in a discriminatory manner only in cases of blasphemy against the official Orthodox Christian religion, as recommended by UN CERD.⁸

Humanist Union of Greece NGO(s) without consultative status, also share the views expressed in this statement.

¹ http://tbinternet.ohchr.org/Treaties/CERD/Shared%20Documents/GRC/CERD_C_GRC_CO_20-22_24986_E.pdf

² http://tbinternet.ohchr.org/Treaties/CERD/Shared%20Documents/GRC/CERD_C_GRC_CO_20-22_24986_E.pdf

³ <http://www.coe.int/t/dghl/monitoring/ecri/Country-by-country/Greece/GRC-CbC-V-2015-001-ENG.pdf>; "While the [antiracism] law covers the recommendation contained in § 18 c of ECRI's General Policy Recommendation (GPR) No. 7 on national legislation to combat racism and racial discrimination, which relates to racist threats, it does not address those in §§ 18 b, referring to insults and defamation, or 18 f, concerning the public dissemination, public distribution or production or storage of racist material" [emphasis added]

⁴ http://tbinternet.ohchr.org/Treaties/CERD/Shared%20Documents/GRC/CERD_C_GRC_CO_20-22_24986_E.pdf

⁵ http://ap.ohchr.org/documents/dpage_e.aspx?si=A/HRC/32/50/Add.1

⁶ [https://wcd.coe.int/ViewDoc.jsp?p=&Ref=CommDH\(2013\)6&Language=lanEnglish&Ver=original&BackColorIntranet=B9BDEE&BackColorIntranet=FFCD4F&BackColorLogged=FFC679&direct=true](https://wcd.coe.int/ViewDoc.jsp?p=&Ref=CommDH(2013)6&Language=lanEnglish&Ver=original&BackColorIntranet=B9BDEE&BackColorIntranet=FFCD4F&BackColorLogged=FFC679&direct=true)

⁷ Article 198 of Criminal Code (CC): "Malicious Blasphemy: 1. One who publicly and maliciously and by any means blasphemes God shall be punished by imprisonment for not more than two years. 2. Except for cases under paragraph 1, one who by blasphemy publicly manifests a lack of respect for the divinity, shall be punished by jailing for not more than six months or by pecuniary penalty of not more than 3,000 euros." Article 199 CC: "Blasphemy Concerning Religions: One who publicly and maliciously and by any means blasphemes the Eastern Orthodox Church of Christ or any other religion tolerated in Greece shall be punished by imprisonment for not more than two years."

⁸ http://tbinternet.ohchr.org/Treaties/CERD/Shared%20Documents/GRC/CERD_C_GRC_CO_20-22_24986_E.pdf