



Birth certificate mentioning when a child was named by a civil act breached a family's right not to have to manifest their beliefs

In today's **Chamber** judgment¹ in the case of [Stavropoulos and others v. Greece](#) (application no. 52484/18) the European Court of Human Rights held, unanimously, that there had been:

a violation of Article 9 (freedom of thought, conscience, and religion) of the European Convention on Human Rights.

The case concerned the practice of certain registry offices in Greece indicating on birth certificates when a child is named by a civil act. Stavroula-Dorothea Stavropoulou and her parents, the applicants in the case, complained in particular that the handwritten note "naming" on her birth certificate, next to her first name, implied that she had not been christened.

The Court agreed with the applicants that the note had had a particular connotation and found that including such information on her birth certificate, a public and frequently used document, had constituted an interference with their right not to be obliged to manifest their beliefs.

Including the note had not been necessary and had not been prescribed by law, but had been more the result of a widespread belief among certain Greek registries that there were two alternative procedures to acquire a name, by christening and by naming, and that only those who were not christened needed to be named.

Principal facts

The applicants, Nikolaos Stavropoulos, Ioanna Kravari and their daughter, Stavroula-Dorothea Stavropoulou, are Greek nationals. They live in Oxford (United Kingdom).

The applicant couple's daughter was born in 2007 and they registered her birth in the Amarousio registry office. Her first name was recorded on her birth certificate with the handwritten note "naming" (ονοματοδοσία) next to it in brackets.

In October 2007 the applicants applied to the Supreme Administrative Court for the annulment of the registration in so far as it concerned the note "naming". They argued that it constituted a reference to the fact that their child had not been christened and thus revealed their religious beliefs.

Their application was rejected as inadmissible because the note next to the third applicant's name merely repeated the title of the relevant domestic law, namely Article 25 of Law no. 344/1976, which provided that the civil act of "naming" was the only legal way of acquiring a name.

Complaints, procedure and composition of the Court

Relying on Article 9 (freedom of thought, conscience, and religion) and Article 8 (right to respect for private and family life), the applicants alleged that the note "naming" on their daughter's birth

1. Under Articles 43 and 44 of the Convention, this Chamber judgment is not final. During the three-month period following its delivery, any party may request that the case be referred to the Grand Chamber of the Court. If such a request is made, a panel of five judges considers whether the case deserves further examination. In that event, the Grand Chamber will hear the case and deliver a final judgment. If the referral request is refused, the Chamber judgment will become final on that day.

Once a judgment becomes final, it is transmitted to the Committee of Ministers of the Council of Europe for supervision of its execution. Further information about the execution process can be found here: www.coe.int/t/dghl/monitoring/execution.

certificate had carried a connotation, namely that she had not been christened, and that that had amounted to an interference with their right not to be obliged to manifest their beliefs.

They argued in particular that, despite the fact that Greek legislation only recognised the civil act of “naming”, in practice registry offices had presented christening as an alternative. That meant that the word “naming” was only added to a birth certificate when parents had chosen to declare the name of their child without christening him or her, whereas no such note was written next to the name of a child who had been christened.

The application was lodged with the European Court of Human Rights on 31 October 2018.

Judgment was given by a Chamber of seven judges, composed as follows:

Ksenija **Turković** (Croatia), *President*,
Krzysztof **Wojtyczek** (Poland),
Linos-Alexandre **Sicilianos** (Greece),
Aleš **Pejchal** (the Czech Republic),
Pere **Pastor Vilanova** (Andorra),
Jovan **Ilievski** (North Macedonia),
Raffaele **Sabato** (Italy),

and also Abel **Campos**, *Section Registrar*.

Decision of the Court

[Article 9 \(freedom of thought, conscience, and religion\)](#)

The parties disagreed as to whether the handwritten note “naming” on the third applicant’s birth certificate had interfered with the applicants’ rights under Article 9. The applicants argued that the note suggested that she had not been christened, while the Government submitted that it had been added inadvertently.

The Court found that although the note could not in itself be considered to have a religious connotation or be indicative of the absence of a particular belief, the context implied that the third applicant had not been christened.

The observations filed by the Greek Ombudsman as third-party intervener before the Court had set in context the use of the word “naming” on birth certificates, referring to a widely held belief and practice by certain Greek registries that there were two alternative procedures to acquire a name, by christening and by naming, and that only those who were not christened needed to be named.

The Government’s argument was moreover contradicted by the registry office in a certificate appended to the Government’s observations, stating that such notes appeared on many birth certificates that had been registered at the time, and by the Ombudsman, who confirmed that he had received complaints and intervened on the matter in 2006.

Indeed, the Court could not see why it would be necessary to indicate “naming” next to the third applicant’s name, if not to distinguish it from something else. That conclusion was further reinforced by the fact that there was a section on the right side of the third applicant’s birth certificate concerning christening, which in her case had been left blank. Therefore, the Amarousio registry office’s note had not been written inadvertently, but as an indication of the way that the third applicant’s name had been obtained.

Given that context, the Court shared the applicants’ view that the note “naming” next to the third applicant’s first name had had a connotation, namely that she had not been christened and that she had been named in a civil act.

It considered that including that information in a document which was as public and as frequently used as a birth certificate, for example for school registration, had constituted an interference with the applicants' right not to be obliged to manifest their beliefs, as protected by Article 9 of the Convention. It could even expose them to the risk of discriminatory situations in their relations with the administrative authorities.

Furthermore, the interference had not been prescribed by law but had resulted from the practice of the Amarousio registry office. Although Article 25 of Law no. 344/1976 provided that an individual acquired his or her first name by the civil act of "naming", there had been no need for registrars to write "naming" for newborns acquiring their names in this way, as opposed to christening. Indeed, that practice was apparently widespread in other registry offices as well.

There had accordingly been a violation of Article 9 of the Convention.

Other articles

Given the findings concerning Article 9, the Court held that there was no need to examine separately the applicants' complaint about a breach of their private life under Article 8.

Article 41 (just satisfaction)

The Court held that Greece was to pay the applicants 10,000 euros (EUR), jointly, in respect of non-pecuniary damage and EUR 1,800 in respect of costs and expenses.

The judgment is available only in English.

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The European Court of Human Rights was set up in Strasbourg by the Council of Europe Member States in 1959 to deal with alleged violations of the 1950 European Convention on Human Rights.