



## P R E S S   R E L E A S E

### Deep disappointment over the bill on conscientious objection in Greece

Brussels, 16 April 2019

The European Bureau for Conscientious Objection (EBCO) expresses its deep disappointment over the bill introduced by the Ministry of National Defence of Greece concerning *inter alia* issues about conscientious objectors to military service (COs).

*"It is a lost opportunity that the bill introduces only minor changes to the relevant legislation, and fails to bring the Greek legislation about conscientious objectors in line with the international human rights law and standards",* Friedhelm Schneider, EBCO's President stated today.

EBCO highlights on the one hand the **limited number of positive provisions** as follows:

- **The bill abolishes the capability of the Minister of National Defence to suspend the provisions about conscientious objectors during wartime.**
- **The bill provides that expenses for transportation of COs fall on the state,** as it is already since many years the case with the conscripts.
- **The bill guarantees the return of COs to their previous working position after the civilian service,** as it is already since many years the case with the conscripts.
- The bill provides that the **age** after which a conscientious objector is eligible to buy off the greatest part of the civilian service will be reduced to **33 years** (from 35 currently) in order to be equal with that concerning those serving in the armed forces. The bill also provides that the **minimum number of days** which a conscientious objector is required to serve before being eligible to buy off the rest of its civilian service will be reduced to **20 days** (from 40 currently) in order to be equal with the number of days required from those serving in the armed forces.

EBCO highlights on the other hand the **several remaining problematic issues** as follows:

- **The civilian service remains punitive and discriminatory in length, cost and location** (prohibition to serve in the place of residence). The bill grants a discretionary power to the Minister of National Defence to reduce the length of the civilian service (which today is 15 months and could have been reduced by decision of the Minister to 14 months), down to 12 months in order to bring it closer to the length of military service, which is 9 months for the vast majority of conscripts. While this is a step in the right direction, it does not guarantee any reduction in the actual length of alternative service, which should be established in law. Furthermore, the bill retains in force Article 60 para. 1 of Law 3421/2005, which provides that in principle the length of civilian service is double to that of military service. The bill fails to increase the amount of money (223.53 euros per month) received by COs during their civilian service when they are not given food and housing. EBCO urges the Greek authorities **to make the length of civilian service equal to that of military service, to cover the COs' cost of living during their civilian service, and not to exclude their place of residence.**

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EBCO was founded in Brussels in 1979 as an umbrella structure for national associations of conscientious objectors in the European countries to promote the right to conscientious objection to preparations for, and participation in, war and any other type of military activity as a fundamental human right. It enjoys participatory status with the Council of Europe since 1998 and is a member of its Conference of International Non-Governmental Organisations since 2005. It provides expertise and legal opinions on behalf of the Directorate General of Human Rights and Legal Affairs of the Council of Europe. It is involved in drawing up the annual report of the Committee on Civil Liberties, Justice and Home Affairs of the European Parliament on the application by the Member States of its resolutions on conscientious objection and civilian service, as determined in the "Bandrés Molet & Bindi Resolution" of 1994. It is a full member of the European Youth Forum since 1995.

- **The assessment of applications for CO status are not placed under the full control of civilian authorities.** The procedure remains under the Ministry of National Defence, with the (Alternate) Minister of National Defence taking the final decision. The bill only provides that the 5-membered Special Committee which examines the applications and submits recommendations to the Minister, will have a new composition which will include only one military officer instead of two, as it is the current provision. EBCO urges the Greek authorities **to accept all the applications because conscientious objection is an unconditional right, and no Committee or Minister can examine someone's conscience anyway.**
- **The repetitive punishment in violation of the *ne bis in idem* principle remains.** Punishment for failure to perform military service ("insubordination") does not entail exemption from military duties, resulting in conscientious objectors being repeatedly called-up, and consequently punished. This concerns various categories of COs, such as the total objectors, those whose applications for CO status have been rejected, and those who are granted CO status but they cannot complete the civilian service either because of the punitive conditions, or because their CO status is revoked following a disciplinary offence. EBCO urges the Greek authorities **to exempt from military duties those COs who are punished for insubordination.**
- **Conscientious objectors of a greater age continue to face discrimination.** The bill does not solve the most important problem for this category of COs, that is, the punitive and discriminatory amount of money required to be paid by the COs which is usually **thousands of euros greater** than the amount of money paid by those serving in the armed forces, in order to buy off the **same duty**. This occurs as the COs are required to buy off months of civilian service, at the **same price** as the months of military service. As the civilian service is much longer (e.g. for full service: 15 months of civilian service instead of 9 months of military service for the vast majority of conscripts), this results in a far greater amount of money. EBCO urges the Greek authorities **to fully address the discrimination faced by the COs of greater age, avoiding financial measures because of the financial inequality.**
- **The right to conscientious objection after enlistment (during military service) and also for volunteers/professional soldiers is still not recognised.** EBCO urges the Greek authorities **to fully recognize the right for all.**
- **The right to fair trial is still violated.** EBCO urges the Greek authorities **to put an end to the trials of COs by military courts, although they are civilians, and the trials in absentia without having been informed.**
- **The CO status is revoked in case of a disciplinary offence during civilian service.** EBCO urges the Greek authorities **not to revoke the CO status.**
- Last but not least, EBCO urges the Greek authorities **to cease the pending prosecutions and to quash the penal and administrative sanctions already imposed on COs, publicly recognize and apologize for the serious violations of human rights, including imprisonment, faced by COs in the past and till today, and implement measures of reparation, including compensation both for material and moral harm.**

Finally, EBCO would like to point out a negative provision of the bill according to which, in case a CO, after his official recognition, is granted a postponement to report for service for certain reasons, after this postponement ends, he will have to apply again for CO status. This practically means a revocation of CO status in case of postponement. And a repetition of the lengthy procedures of examination. This appears to be another form of punishment of COs.

*"EBCO and the Association of Greek Conscientious Objectors have submitted and published in February a [detailed memorandum](#) with all the necessary legislative changes. We urge the Greek authorities to use this opportunity to bring the Greek legislation about conscientious objectors in line with the international human rights law and standards", Friedhelm Schneider, EBCO's President concluded.*

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