

TO: European Bureau for
Conscientious Objection
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INFO: HNDGS/B4/2

SUBJECT: Conscientious Objectors

- REF.:**
- a. Constitution of Greece
 - b. L.3421/05 "Recruitment of Greek Nationals and other provisions" (GG A 302), as now in force
 - c. F.420/79/81978/D.300/21-12-2005 Minister of National Defence Decision (GG B 1854), as now in force
 - d. Letter dated 13 Dec 2021/EBCO concerning "Questionnaire bout EBCO's Annual Report 2021"

1. Kindly be informed, in response to ref (d) and in the context of the data collection questionnaire concerning the Greek legal framework about the status of conscientious objectors in our country, of the following:

Question 1: What is the duration of the military service, and what is the duration of the alternative social civilian service?

The duration of full military service according to the law is 24 months and the reduced service is 9 or 6 months. After a decision of the Ministry of National Defence the end of service can be defined before the completion of the above duration. With a recently issued decision duration of the service has been defined to 12 months for all branches of the Armed Forces or 9 months, depending on the location of the units where the conscripts fulfill their military obligations. However the service's duration can be reduced to 9, 8, 6 or 3 months, if there are reasons for that reduction, as explicitly mentioned in the clauses of Law 3421/05.

The duration of full alternative service is 15 months, while the reduced service is 12, 9 or 5 months. The differentiation of duration between the military and alternative service, which cannot be described as excessive and punitive, is justified by the fact that the alternative service is less burdensome than the armed service and is based on the principle of proportional equality. The above arises from the fact that the fulfillment of the armed military service, due to our Country's geopolitical position, is usually fulfilled mainly in military units of the frontiers and the conscripts are called to deal with increased requirements and duties, usually under adverse conditions, while the alternative service is completed in bodies of the wider public sector (financial services, courts, post offices, administrative offices, hospitals) and consists of the provision of public utility services, with better quality working conditions. Consequently the exclusion of conscientious objectors from the fulfillment of the armed service justifies the longer duration of alternative service, restituting the proportional equality mentioned in article 4 of paragraph 1 of the Constitution.

Question 2: How was the human right to conscientious objection to military service first recognized? Which year and by which law/article of Constitution?

The human right to conscientious objection to military service first recognized in 1997 with the entry into force of Law 2510/1997. The applied law since 2005 is Law 3421/2005. In 2001, when the Constitution of Greece was revised, the right of all Greek citizens to perform alternative service reaffirmed by introducing an interpretive clause to the provision of art. 4 par. 6 of the Constitution so that "(the provision) does not preclude that the law provides for the mandatory performance of other services, within or outside the armed forces (alternative service), by those having a substantial conscientious objection to performing armed service or, generally, military duties".

Question 3: Are all the conscripts officially informed about the human right to conscientious objection to military service, and how?

Civilians can officially be informed about the right to conscientious objection to military service and the procedures to get recognised as conscientious objectors and serve alternative service by the Recruiting Authorities of the country and the official website of the Legal Corps (www.stratologia.gr).

Question 4: What is the procedure for a conscript to serve alternative social civilian service? Are there conscripts who are denied this human right?

Citizens who claim religious or ideological beliefs may be recognised as conscientious objectors and serve alternative service. The applications with the supporting documents are submitted to the Recruiting Authorities of the country and then examined by a five-member committee. The committee assesses the applications (the applicants may be invited for interview to express their beliefs) and provides recommendations to the Minister of National Defence in order a Ministerial Decision to get issued. If an application for conscientious objector status is rejected, the individuals must enlist in the Armed Forces.

Question 5: Is the alternative social civilian service system purely civilian indeed, managed by a non-military authority/ministry?

The committee entitled to assess the applications for conscientious objector status and to provide recommendations to the Minister of National Defence is composed of 5 members (1 member of the Legal Council of the Hellenic State, 3 university professors and 1 Armed Forces Officer). The composition of the committee provides the necessary guarantees for impartiality and independence, as the participation of a single Officer is deemed not to affect it.

Question 6: What is the legal minimum age for conscription, and what is the legal minimum age for voluntary enlistment in peace time, in case of general/partial compulsory mobilization, and in war time?

In all cases, Greek male citizens are conscripted at the age of 19, and when they apply for voluntary enlistment, after they have attained the age of 18.

Question 7: How is the human right to conscientious objection recognized for the professional members of the military?

The personnel of the Armed Forces (Officers, NCOs, Professional Soldiers) may resign from the Armed Forces for any reason (including reasons of belief) at any time during their career. However, according to law, Officers and NCOs graduating from Military Academies and Schools are required to serve in the Armed Forces for a mandatory period of twice the years of their studies, for Officers, and five years, for NCOs. Resigning before the end of this period is possible, however these Officers and NCOs must pay a compensation to the State. Similar provisions also apply to Military Academy and School students, as well as for personnel who have received leave for studies and/or have trained in domestic or foreign schools at the Service's cost.

The payment of compensation to the State when resigning before completing the minimum mandatory service period in the Armed Forces is not a punitive measure, but rather a repayment of the funds spent by the State for their training. Consequently, save for the aforementioned restrictions, Armed Forces personnel are not barred from resigning from the Armed Forces, neither is there any distinction concerning the reasons for resignation. It is stressed though that the aforementioned restrictions (save for the training at the Service's cost during their service) do not apply to Professional Soldiers, for whom no minimum mandatory service period in the Armed Forces is required, and they may resign at any time without having to pay compensation.

Question 8: Are there any plans to suspend/abolish conscription in the near future?

No.

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