



Greek National Commission for Human Rights

**Input to the European Bureau's for Conscientious Objection (EBCO)
Annual Report on
"Conscientious Objection to Military Service in Europe 2021"**

January 2022



The Greek National Commission for Human Rights (GNCHR) is the independent advisory body to the Greek State on matters pertaining to human rights protection and the National Human Rights Institution (NHRI). It was established in accordance with the UN Paris Principles and is governed by Law 4780/2021. Its members are persons appointed by forty-two institutions whose activities cover the field of human rights (independent authorities, universities, third level trade unions, NGOs, political parties and the Administration).

The Greek National Commission for Human Rights (GNCHR) warmly welcomes the initiative of the European Bureau for Conscientious Objection (EBCO) and would be more than willing to share input in view of the preparation of its Annual Report on "Conscientious Objection to Military Service in Europe 2021".

I. About the GNCHR

The [Greek National Commission for Human Rights \(GNHRC\)](#) was established by Law 2667/1998 as the independent advisory body to the Greek State in accordance with the UN Paris Principles and is the National Human Rights Institution (NHRI) for Greece. Following a GNCHR initiative, the GNCHR's founding legislation was amended by [Law 4780/2021](#) "National Accessibility Authority, National Commission for Human Rights and National Bioethics and Technoethics Commission" (OJ 30/A/28 February 2021). The GNCHR has been accredited, since 2001, A status (full compliance), by the competent GANHRI Sub – Committee on Accreditation (SCA) under the auspices and in collaboration with the Office of the High Commissioner for Human Rights (OHCHR). In March 2017, the GNCHR was re-accredited A status by SCA, a fact proving the fulfilment of its mission to promote and protect human rights.

The GNCHR plays an important and constructive role in the effective implementation of human rights protection, constantly monitoring developments related to the human rights situation in Greece and abroad and the implementation of human rights law, providing ongoing advisory to the competent bodies of the State.

The independence of the GNCHR, through the dual mandate for the promotion and protection of human rights entrusted to it by the legislator, is guaranteed by its law and ensured *inter alia* by providing for a mandate as broad and clear as possible in the legislation. The GNCHR has a broad mandate, in accordance with the Paris Principles, to promote and protect human rights. This mandate covers the whole range of human rights, including social, economic and cultural rights, as they are enshrined in the Constitution, in international and European treaties and other normative texts as well as in soft law instruments such as declarations and guidelines

The GNCHR ensures pluralism both through its large and diverse membership as well as through its cooperation with a broad range of social forces involved in the promotion and protection of human rights in the Country. The GNCHR is currently comprised of 43 members, and an equal number of alternates, designated by diverse bodies, the activities of which cover the whole spectrum of human rights, such as: Non-Governmental Organisations (NGOs), third-level trade union organisations, independent authorities, universities, bar associations, political parties, Parliament and the Administration. Moreover, the GNCHR has over the years developed several mechanisms of cooperation with all relevant actors in order to enhance its effectiveness and credibility. This extends to both Government and Parliament representatives, with whom the

GNCHR is required by the Paris Principles to interact with, with due respect to its independence. Information about the GNCHR's activities can be found on our website: www.nchr.gr.

II. Specific Observations on human rights protection of Conscientious Objectors in Greece

The GNCHR has shown sustained interest in matters relating to freedom of conscience. In particular, it has repeatedly dealt with chronic violations of the rights of conscientious objectors while constantly underscoring the need for harmonisation of the Greek legislation with international and European human rights' standards. Already, back in 2001, the GNCHR highlighted the need for the taking of comprehensive legislative initiatives on the issue of conscientious objectors, with special focus on such matters as the lack of independence and impartiality of competent authorities when deciding the status of conscientious objectors; the length of alternative service being significantly longer than that of the military service¹ and later the repeated punishment of conscientious objectors in violation of the principle *ne bis in idem*.

These findings were reiterated by the GNCHR in 2004, when it submitted to the Government its Recommendations regarding Conscientious Objectors and the Scheme of Alternative Civil-Social Service, by which the GNCHR noted with emphasis, among many other observations, that the duration of alternative social service should not exceed that of regular military service by 50%, the duration of unarmed military service should not exceed that of regular military service by 30%, while the instigation of continuous and repeated prosecutions for refusing to perform military service should be abolished². In this direction, in 2005, the GNCHR submitted again its Recommendation regarding Article 64 (5) of the draft law under examination, entitled "Conscription of Greeks and Other Provisions", highlighting that the proposed provisions concerning the deprivation of the right to perform unarmed military service or alternative civilian social service in case of participation in a strike or trade union activities, were contrary to the provision establishing the right to conscientious objection (interpretative statement of Article 6 (4) of the Constitution)³ as well articles 22 par. 2 (the right to syndicalism) and 23 par. 2 (the right to participate in a strike) of the Constitution. Such provision was amended in the right direction in 2010.

In 2017 the GNCHR has also raised, *inter alia*, the issues of discrimination between conscientious objectors based on the grounds of conscience, the lack of recognition of the right to conscientious objection in a period of war (which led to the abolishment of a relevant problematic provision in 2019), the lack of recognition of the right to conscientious objection during military service and

¹ GNCHR, [Recommendations](#) regarding the Scheme of Alternative Civil-Social Service, July 2001.

² GNCHR, [Recommendations](#) regarding Conscientious Objectors and the Scheme of Alternative Civil-Social Service, June 2004.

³ GNCHR, [Recommendation](#) regarding Article 64(5) of the draft law titled "Conscription of Greeks and Other Provisions", November 2005.

the lack of recognition of the right to conscientious objection for those serving voluntarily in the armed forces/professional staff,⁴ with most of these issues still pending nowadays.

Since then, the GNCHR, consistently including issues related to the protection of the rights of conscientious objectors in its submissions to international and regional human rights monitoring bodies, has actively and significantly contributed to the formation of their concluding observations and recommendations to the Greek authorities. In particular, the GNCHR deplors that, despite some amendments in relevant legislation in 2019⁵, the alternative civilian service remains punitive and discriminatory in terms of length, cost and location of service⁶. As highlighted by the Special Rapporteur on freedom of religion or belief, conscientious objectors in Greece are not allowed to serve in the region of their residence, an explicit restriction which does not apply to conscripts serving in the armed forces⁷. There are no explicit provisions about free transportation or reduction in fares for the conscientious objectors, as it is the case for conscripts. For conscientious objectors above 33 years of age, the cost for buying out the rest of the alternative service, after serving some period of time, is significantly higher than the equivalent cost for buying out the rest of the military service⁸. In addition, the length of alternative service, according to the law⁹, is in principle double the length of military service, a provision contrary to all international human rights standards¹⁰. Currently, following an increase of the length of the military service in the Army in March 2021, the full alternative service is three (3) months longer than the full military service. The assessment of applications for conscientious objector *status* is still not placed under the full control of civilian authorities¹¹, while certain categories of conscientious objectors continue to be prosecuted¹², which often entails repeated punishment in violation of the *ne bis in idem* principle¹³. Despite certain

⁴ GNCHR, [Submission](#) to the quadrennial analytical report 2017 on conscientious objection to military service of the UN High Commissioner of Human Rights, 1 February 2017.

⁵ Law 4609/2019 regarding arrangements for Armed Forces Personnel, the Army, including conscientious objectors (COs) to military service (OJ 67/A/3 May 2019).

⁶ GNCHR, [Submission](#) to the quadrennial analytical report 2017 on conscientious objection to military service of the UN High Commissioner of Human Rights, 1 February 2017, p. 10.

⁷ UN Special Rapporteur on Freedom of Religion or Belief, Communication [GRC 3/2019](#), 11 July 2019, p. 3.

⁸ UN Special Rapporteur on Freedom of Religion or Belief, Communication [GRC 3/2019](#), 11 July 2019, p. 2.

⁹ Art. 60(1) of Law 3421/2005.

¹⁰ GNCHR, [Observations](#) on articles 18, 21 and 22 of the Bill of the Ministry of National Defence regarding the "Arrangements for Armed Forces Personnel" [in Greek], 19 March 2019, p. 5.

¹¹ OHCHR, Approaches and challenges with regard to application procedures for obtaining the status of conscientious objector to military service in accordance with human rights standards, 24 May 2019, [A/HRC/41/23](#), par. 41; GNCHR, Stakeholder Report to the Universal Periodic Review (UPR) of Greece, UN Human Rights Council, 39th session (March 2021), par. 19.

¹² [Response](#) of Greece to the Special Rapporteur on Freedom of Religion or Belief, par. 1(d)7.

¹³ UN Special Rapporteur on Freedom of Religion or Belief, Communication [GRC 3/2019](#), 11 July 2019, p. 5.

provisions for alternative civilian service, there is still no recognition of the *right* to conscientious objection as such¹⁴.

This is why the GNCHR recommended to the United Nations Human Rights Committee, in its Submission with regard to the List of Issues Prior to Reporting for the Third periodic examination of Greece under the International Covenant on Civil and Political Rights, to ask the Greek Government: (a) what concrete measures has it undertaken to ensure that the alternative service is not punitive or discriminatory in terms of its nature, cost or duration, as well as to end repetitive punishment in violation of the *ne bis in idem* principle; and (b) what effective steps is it taking to place the assessment of applications for conscientious objectors *status* under the full control of civilian Authorities¹⁵. It is worth mentioning that, following among others the said GNCHR Submission, the UN Committee, included these issues in the List of Issues, requesting the Greek State to "report on the measures taken to provide all conscientious objectors with an alternative to military service that is not punitive or discriminatory in terms of its nature, cost or duration",, to "provide information on measures taken to ensure respect for the *ne bis in idem* principle and avoid inflicting repetitive punishments on conscientious objectors", as well as to "provide information on the impact of Law No 4361/2016, which ended prosecutions against those who had declared their conscientious objection before 1998, and indicate if the State party intends to provide adequate compensation to those who have already been sentenced and punished"¹⁶.

In addition, in this very same direction, the GNCHR formulated, in its Stakeholder Report to the UN Human Rights Council, in view of the Universal Periodic Review (UPR) of Greece, specific recommendations, urging the competent State authorities inter alia to (a) ensure that the alternative service is not punitive or discriminatory in terms of its nature, cost or duration; (b) place the assessment of applications for conscientious objectors *status* under the full control of civilian authorities; and (c) end repetitive punishment in violation of the *ne bis in idem* principle¹⁷. Following the GNCHR Submission, Greece has received two recommendations concerning, on the one hand, the revision of its legislation with a view to recognizing the right to

¹⁴ GNCHR, [Observations](#) on articles 18, 21 and 22 of the Bill of the Ministry of National Defence regarding the "Arrangements for Armed Forces Personnel" [in Greek], 19 March 2019, p. 11; OHCHR, Approaches and challenges with regard to application procedures for obtaining the status of conscientious objector to military service in accordance with human rights standards, 24 May 2019, [A/HRC/41/23](#), par. 24; GNCHR, [Submission](#) to the quadrennial analytical report 2017 on conscientious objection to military service of the UN High Commissioner of Human Rights, 1 February 2017, p. 5.

¹⁵ GNCHR, [Submission](#) to the United Nations Human Rights Committee on the List of Issues Prior to Reporting for the Third periodic examination of Greece under the International Covenant on Civil and Political Rights, September 2021, par. 90-92.

¹⁶ UN Human Rights Committee, List of issues prior to the submission of the third periodic report of Greece, 2 December 2021, [CCPR/C/GRC/QPR/3](#), par. 20.

¹⁷ GNCHR, [Stakeholder Report](#) to the Universal Periodic Review (UPR) of Greece, UN Human Rights Council, 39th session, March 2021, par. 19.

conscientious objection to military service, envisaging an alternative service to military service to which all conscientious objectors have access to and that is not punitive or discriminatory in its nature, cost or duration, on the other hand, the possibility of amending the legislation in order for conscientious objectors to be able to perform alternative civilian service in their place of residence¹⁸.

In this context, on the occasion of a Press Release following the decision of the UN Human Rights Committee in the case of Lazaros Petromelidis, issued in December 2021, the GNCHR has urged, once again, the competent State authorities, to immediately harmonise the legislation on conscientious objectors with international law and international and European human rights standards¹⁹.

The entire set of GNCHR Observations/Recommendations on the specific thematic of Conscientious Objectors are available at the GNCHR webpage, at: <https://www.nchr.gr/2020-02-26-05-51-20/34-antirrisies-syneidisis.html>.

¹⁸ UN Human Rights Council, [Draft report](#) of the Working Group on the Universal Periodic Review, 16 November 2021, [A/HRC/WG.6/39/L.1](#), Recommendations 130.76 (Panama), 130.88 (Croatia).

¹⁹ GNCHR, [Press Release](#) on the occasion of the decision of the UN Human Rights Committee in the case of Lazaros Petromelidis, December 2021 [in Greek].