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GREECE: CHARIS VASILEIOU SHOULD HAVE A FAIR EXAMINATION OF HIS GROUNDS FOR CONSCIENTIOUS OBJECTION UNDER AN AMENDED LEGISLATIVE FRAMEWORK IN LINE WITH INTERNATIONAL LAW AND STANDARDS

Ahead of the hearing before the Council of State, Greece's Supreme Administrative Court, of the case of Charis Vasileiou, a conscientious objector whose application has been rejected by the Deputy Minister of National Defence, **Amnesty International**, **Connection e.V.**, the **European Bureau for Conscientious Objection (EBCO-BEOC)**, the **International Fellowship of Reconciliation (IFOR)** and **War Resisters' International (WRI)** call on the Greek authorities to annul the decision of rejection and grant him a fair examination of his grounds for conscientious objection under an amended legislative framework in line with international human rights law, international and regional human rights standards and the recommendations of domestic human rights bodies.

Charis Vasileiou has applied in 2020 for conscientious objector status and in order to perform the (punitive) alternative civilian service. His application was based on his *ideological* pacifist beliefs originating from the fact that he has been raised in a family of Jehovah's Witnesses, although he has never become a Jehovah's Witness himself due to different views on other theoretical aspects of this belief.

His application has been rejected in March 2021 by the Deputy Minister of National Defence, after a recommendation by a special committee with military participation, on the grounds that his *religious* beliefs are not a result of a conscious choice and affiliation with the religious community of Jehovah's Witnesses.

Vasileiou's case illustrates two of the most problematic aspects of the legislation and practice concerning conscientious objectors in Greece: the lack of independence and impartiality of the procedures of examination of applications for conscientious objector status and the discrimination faced by certain groups of conscientious objectors on the basis of the nature of their beliefs.

The analysis of the five organizations of Charis Vasileiou's case, national law and practice, on the basis of international law and standards and the recommendation of international and domestic bodies has found that the inadequate procedure of examination of applications for recognition of conscientious objectors is a violation of the right to freedom of thought, conscience and religion. And further, that the unequal treatment of conscientious objectors on the basis of the nature of their beliefs grounded on conscience, might constitute a violation of the right to equality before the law and equal protection of the law without any discrimination.

A. LEGISLATION AND PRACTICE IN GREECE

The final decision on applications for granting conscientious objector's status is taken exclusively by one person, the (Deputy) Minister of National Defence¹ after a non-binding² recommendation of a five-member Special Committee consisting of a military officer, three university professors and one member of the State's Legal Council as president.

¹ Law 3421/2005, Article 62 para.1

² According to the decision of the Minister of National Defence No Φ.420/79/81978/Σ.300 (Government's Gazette B 1854/2005), Article 3, paragraph 6, the Special Committee gives not only the opinion but also a draft of a ministerial decision, but if the Minister of Defense disagrees with the content of this draft, another one is prepared according to his/her orders.

The members of the Committee are appointed by a Joint Decision of the Minister of National Defence, along with the Minister of Economy and Finance and the Minister of Education.³

In practice, the Committee does not summon baptised Jehovah's Witnesses having a certificate from their church, who are automatically granted conscientious objector status. This approach is the best practice according to OHCHR,⁴ the Human Rights Council⁵ and the only appropriate practice according to the European Parliament.⁶ However, the Committee does not apply this to all conscientious objectors and summons those citing other religious grounds or ideological (non-religious) grounds for their conscientious objection. This differentiation has been considered by the Greek Ombudsman as "a standard practice of unequal treatment".⁷

According to the Greek National Commission for Human Rights (GNCHR) referring to official figures from 2007 to 2015: "While the percentage of recognition of conscientious objectors on religious grounds is consistently about 96% to 100%, the percentage of recognition of conscientious objectors on ideological grounds is usually around or even below 50%."⁸

A person whose application has been rejected may appeal to the (Deputy) Minister of National Defence to change the decision (in practice, the appeal is examined by the same Committee, which recommends again to the Minister), and/or to the Council of State, that is the Supreme Administrative Court.

B. PROCEDURES AND COMPOSITION OF THE BODY RESPONSIBLE FOR ASSESSING THE APPLICATIONS

General international standards and recommendations of international bodies:

- The **Parliamentary Assembly of the Council of Europe**, has set specific basic principles as for the procedure: Where the decision regarding the recognition of the right of conscientious objection is taken in the first instance by an administrative authority, the decision-taking body shall be entirely separate from the military authorities and its composition shall guarantee maximum independence and impartiality; the decision shall be subject to control by at least one other administrative body, composed likewise in the manner prescribed above, and subsequently to the control of at least one independent judicial body; it should be ensured that objections and judicial appeals have the effect of suspending the armed service call-up order until the decision regarding the claim has been rendered; applicants should be granted a hearing and should also be entitled to be represented and to call relevant witnesses.⁹
- The then **UN Special Rapporteur on religious intolerance**, since many years had set the relevant standards: "The decision concerning their status should be made, when possible, by an impartial tribunal set up for that purpose or by a regular civilian court, with the application of all the legal safeguards provided for in international human rights instruments. There should always be a right to appeal to an independent, civilian judicial body. The decision-making body should be entirely separate from the military authorities and the conscientious objector should be granted a hearing, and be entitled to legal representation and to call relevant witnesses."¹⁰ The same standards continue to

3 Law 3421/2005, article 62 para. 2 as amended by Article 23 of Law 4609/2019.

4 OHCHR, Conscientious objection to military service, Analytical report of the Office of the United Nations High Commissioner for Human Rights, (A/HRC/35/4), 1 May 2017, para. 34. Available at: <http://undocs.org/A/HRC/35/4>

See also A/HRC/23/22, para. 48 and E/CN.4/2006/51, para. 36.

5 UN Human Rights Council, Resolution 24/17 (A/HRC/RES/24/17), 8 October 2013, para. 7. Available at <http://undocs.org/A/HRC/RES/24/17>

6 European Parliament, Resolution on conscientious objection and alternative service, (A3-15/89), [known as Schmidbauer Resolution], as published in the Official Journal of the European Communities C291, 13 October 1989, para. A (page 123) and para. 4 (page 124)

See also European Parliament, Resolution on conscientious objection, (1-546/82), [known as Macciocchi Resolution], 7 February 1983, as published in the Official Journal of the European Communities C 68, 14 March 1983, para. 3 (page 15).

7 Ombudsman, Special Report 2013, "Combating discrimination", p. 110. Available in Greek at <https://www.synigoros.gr/resources/docs/10-diakriseis.pdf>

8 Greek National Commission for Human Rights, Submission to the quadrennial analytical report 2017 on conscientious objection to military service of the UN High Commissioner of Human Rights (February 2017), p. 6. See also Addendum, p. 13-14.

http://www.nchr.gr/images/pdf/apofaseis/antiriesis_suneidisis/Submission%20of%20the%20GNCHR%20to%20the%20quadrennial%20analytical%20report%202017.pdf

9 Council of Europe, Parliamentary Assembly, Resolution 337 (1967), Right of conscientious objection, paras. b2, b3, b4 και b5.

10 Report submitted by Mr. Angelo Vidal d Almeida Ribeiro, Special Rapporteur appointed in accordance with Commission on Human Rights resolution 1986/20 of 10 March 1986 (E/CN.4/1992/52), 18 December 1991, para. 185. [Available through <http://www.ohchr.org/EN/Issues/FreedomReligion/Pages/Annual.aspx>].

be cited by the **UN Special Rapporteur on freedom of religion or belief** as named now¹¹ and the **Office of the United Nations High Commissioner for Human Rights (OHCHR)**.¹²

- The **OHCHR** has determined that “Independent and impartial decision-making bodies should determine whether a conscientious objection to military service is genuinely held in a specific case. Such bodies should be placed under the full control of civilian authorities”.¹³ In the same report, the **OHCHR** has set up several minimum criteria so that application procedures are in line with international human rights norms and standards.¹⁴ The **OHCHR** has also cited acceptance of applications without inquiry as a best practice.¹⁵
- Already since 1998, the then **UN Commission on Human Rights** has welcomed the fact that some States accept claims of conscientious objection as valid without inquiry.¹⁶ The same has been repeated by its successor, the **UN Human Rights Council**.¹⁷
- The **European Parliament** has repeatedly pointed out that “no court or commission can penetrate the conscience of an individual” and has favoured the position that a declaration setting out the grounds should suffice for somebody to be recognized as a conscientious objector.¹⁸

Recommendations of international and Greek bodies specifically to Greece

Greece has received numerous recommendations, even after the amendment of the legislation in 2019, which reduced the number of military officers in the special committee from two to one.¹⁹

- The **European Court of Human Rights**, in the Papavasiliakis’ case²⁰, a case similar to that of Vasileiou insofar as Papavasiliakis was also someone raised in a family of a Jehovah’s Witness without being one himself, condemned Greece for violation of Article 9 of the European Convention of Human Rights (concerning the freedom of thought, conscience and religion), because the special committee has examined the case of the claimant in the presence of three – out of a total of five – members, with two of them being military officers, which resulted in them being the majority. The Court stressed that the independence of the members of the competent body constitutes one of the fundamental conditions for the effectiveness of the examination of a case of a conscientious objector. It has also pointed out that in this case, the fact that the final decision has been taken by the Minister of National Defence does not afford the requisite guarantees of impartiality and independence.
- The **UN Human Rights Committee** in 2005 had expressed its concern for the fact that the examination of applications was solely under the control of the Ministry of Defence, and had recommended Greece to consider placing the assessment of applications for conscientious objector status under the control of civilian authorities.²¹ The Committee, indirectly but clearly, found that the Ministry of National Defence is not a civilian authority, and has expressed similar positions in the case of Russia too.²² Ten years later, it expressed its concerns, about, among other things, “the composition of the Special Committee and its reported lack of independence and impartiality”,

11 A/HRC/6/5, para. 22, available at: <https://undocs.org/A/HRC/6/5>, A/HRC/19/60/Add.1, para. 56, available at:

<https://undocs.org/A/HRC/19/60/Add.1>, A/HRC/22/51/Add.1, para. 69, available at: <https://undocs.org/A/HRC/22/51/Add.1>

12 OHCHR, Conscientious objection to military service, Analytical report of the Office of the United Nations High Commissioner for Human Rights, (A/HRC/35/4), 1 May 2017, para. 17. Available at: <http://undocs.org/A/HRC/35/4>

13 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, (A/HRC/41/23), 24 May 2019, para. 60 (g). Available at: <https://undocs.org/A/HRC/41/23>

14 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, (A/HRC/41/23), 24 May 2019, pp. 14 and 15. Available at: <https://undocs.org/A/HRC/41/23>

15 OHCHR, Conscientious objection to military service, Analytical report of the Office of the United Nations High Commissioner for Human Rights, (A/HRC/35/4), 1 May 2017, para. 34. Available at: <http://undocs.org/A/HRC/35/4>

See also A/HRC/23/22, para. 48 and E/CN.4/2006/51, para. 36.

16 UN Commission on Human Rights, Resolution 1998/77, Conscientious objection to military service, 22 April 1998, (E/CN.4/RES/1998/77), para. 2.

17 UN Human Rights Council, Resolution 24/17 (A/HRC/RES/24/17), 8 October 2013, para. 7. Available at <http://undocs.org/A/HRC/RES/24/17>

18 European Parliament, Resolution on conscientious objection, (1-546/82), [known as Macciocchi Resolution], 7 February 1983, as published in the Official Journal of the European Communities C 68, 14 March 1983, para. 3 (page 15). See also European Parliament, Resolution on conscientious objection and alternative service, (A3-15/89), [known as Schmidbauer Resolution], as published in the Official Journal of the European Communities C291, 13 October 1989, para. A (page 123) and para. 4 (page 124).

19 Law 4609/2019, art. 23 amending para. 1 of article 62 of Law 3421/2005.

20 European Court of Human Rights, Case of Papavasiliakis v. Greece, (66899/14), 15 September 2016. Available at <http://hudoc.echr.coe.int/eng?i=001-166850>

21 UN Human Rights Committee, Concluding observations on the initial report of Greece, (CCPR/CO/83/GRC), 25 April 2005, para. 15. Available at <http://undocs.org/CCPR/CO/83/GRC>

22 UN Human Rights Committee, Concluding observations on the sixth periodic report of the Russian Federation, (CCPR/C/RUS/CO/6), 24 November 2009, para. 23.

Available at <http://undocs.org/CCPR/C/RUS/CO/6>

and recommended Greece to “consider placing the assessment of applications for conscientious objector status under the full control of civilian authorities”.²³

- The **Commissioner for Human Rights of the Council of Europe** has explicitly recommended to Greece the “transfer of administrative responsibilities as regards granting conscientious objector status from the Ministry of Defence to an independent civilian department”.²⁴
- The **UN Special Rapporteur on freedom of religion or belief**, since 2006, has adopted and stressed the recommendations of the UN Human Rights Committee to Greece, to consider placing the assessment of applications for conscientious objector status under the control of civilian authorities.²⁵ In 2016 the UN Special Rapporteur highlighted the case of a rejected applicant, asked for him to be examined by an independent and impartial body, repeated the recommendations of the Human Rights Committee and urged the Greek authorities “that all necessary interim measures be taken to halt the alleged violations and prevent their re-occurrence and in the event that the investigations support or suggest the allegations to be correct, to ensure the accountability of any person(s) responsible for the alleged violations”.²⁶ In July 2019, after the amendment of the legislation which reduced the number of military members in the special committee, the UN Special Rapporteur referred to the “the recently adopted law (4609/2019), which regrettably fails to recognize the status of conscientious objectors (COs) to military service in accordance with international human rights standards”. He noted that “The assessment procedure remains unchanged”, and he referred to the recommendations of the Human Rights Committee, pointing out that “the assessment of applications for conscientious objector status should be within the jurisdiction of civilian authorities”.²⁷
- The **OHCHR** in 2017 has highlighted the concerns and recommendations of the Human Rights Committee, and the ECtHR judgement.²⁸ In 2019, the **OHCHR** has explicitly stated about the bill (law 4609/2019) that it “remains problematic, given that, despite the new composition of the five-membered special committee with the inclusion of only one military officer (rather than of two), the assessment of applications for conscientious objections status is still not under the full control of civilian authorities”.²⁹
- The Greek **Ombudsman** has stated: “The personal interview as a mean to ascertain reasons of conscience is controversial *per se*, insofar it submits an internal esprit to an examination of sincerity”.³⁰
- The **Greek National Commission for Human Rights** has repeatedly recommended: “The competent authority deciding whether a person should be assigned to an alternative service or not, must be independent and should not include members of the military administration”.³¹ In 2019, commenting on the bill (now law 4609/2019), the **GNCHR**, explicitly stated that despite the reduction of the military officers the bill does not fully comply with the recommendations of monitoring bodies such as the Human Rights Committee, the UN Special Rapporteur on

23 UN Human Rights Committee, Concluding observations on the second periodic report of Greece, (CCPR/C/GRC/CO/2), 3 December 2015, paras. 37-38.

Available at <http://undocs.org/CCPR/C/GRC/CO/2>

24 Report by Mr Alvaro Gil-Robles, Commissioner for Human Rights, on his visit to the Hellenic Republic, 2-5 June 2002, CommDH(2002)5, para. 18.

25 UN Economic and Social Council, Commission on human rights, Civil and political rights, including the question of religious intolerance, Addendum, Summary of cases transmitted to Governments and replies received, E/CN.4/2006/5/Add.1, 27 March 2006, para. 139. Available at: <http://undocs.org/E/CN.4/2006/5/Add.1>

26 UN Special Rapporteur on freedom of religion or belief, Communication GRC 3/2016, 31 October 2016

27 UN Special Rapporteur on freedom of religion or belief, Communication GRC 3/2019, 11 July 2019.

28 OHCHR, Conscientious objection to military service, Analytical report of the Office of the United Nations High Commissioner for Human Rights, (A/HRC/35/4), 1 May 2017, para. 53. Available at: <http://undocs.org/A/HRC/35/4>

29 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, (A/HRC/41/23), 24 May 2019, para. 41. Available at: <https://undocs.org/A/HRC/41/23>

30 Συνήγορος του Πολίτη, Ειδική Έκθεση 2013, «Καταπολέμηση των διακρίσεων», Κεφ. «Διακρίσεις λόγω θρησκευτικών ή άλλων πεποιθήσεων, παράγραφος «Εξέταση αιτήσεων αναγνώρισης αντιρρησιών συνείδησης», σελ. 110. Διαθέσιμο στο <https://www.synigoros.gr/resources/docs/10-diakriseis.pdf>

31 Παρατηρήσεις της ΕΕΔΑ επί του άρθρου 12 του Σχεδίου Νόμου του Υπουργείου Εθνικής Άμυνας «Ρύθμιση θεμάτων μεταθέσεων οπλιτών, μέριμνας προσωπικού και άλλες διατάξεις» (Αντιρρησίες συνείδησης) (20.1.2016), σελ. 5, παρ. 4. Επίσης: Greek National Commission for Human Rights, Submission to the quadrennial analytical report 2017 on conscientious objection to military service of the UN High Commissioner of Human Rights (February 2017), p. 8.

http://www.nchr.gr/images/pdf/apofaseis/antirrisies_suneidisis/Submission%20of%20the%20GNCHR%20to%20the%20quadrennial%20analytical%20report%202017.pdf

Προτάσεις για το θεσμό της εναλλακτικής πολιτικής- κοινωνικής υπηρεσίας (2001), παρ. 7. Παρατηρήσεις επί του σχεδίου Δεύτερης Περιοδικής Έκθεσης της Ελληνικής Δημοκρατίας για το Διεθνές Σύμφωνο για τα Ατομικά και Πολιτικά Δικαιώματα (ΔΣΑΠΔ), 5.12.2013, σελ. 56.

freedom of religion or belief and the Commissioner for Human Rights of the Council of Europe.³² In 2021, in its submission for the 3rd Cycle of UPR, the **GNCHR** has reiterated that “The assessment of applications for conscientious objector status is still not placed under the full control of civilian authorities”.³³

Breaches:

Because of the inadequate procedure of examination of applications for recognition of conscientious objectors, there is a violation of the right to freedom of thought, conscience and religion, as set out in Article 18 of the ICCPR, as well as that of Article 9 of the ECHR.

The current legislation on the examination of applications for alternative service continues to be in contravention of the recommendations of the UN Human Rights Committee by not requiring the new Special Committee to be wholly civilian and ensuring that the decision of granting conscientious objector status is not made by the Minister of Defence.³⁴

C. DISCRIMINATION BASED ON DIFFERENT GROUNDS OF OBJECTION

General international standards and recommendations of international bodies:

- The **OHCHR** has compiled the minimum criteria in order for the procedures for conscientious objector status to be in line with international human rights norms and standards. Among them, there is the requirement for: “Non-discrimination on the basis of the grounds for conscientious objection and between groups. Alternative service arrangements should be accessible to all conscientious objectors without discrimination as to the nature of their religious or non-religious beliefs; there should be no discrimination between groups of conscientious objectors.”³⁵
- The **Human Rights Committee**, in its General Comment 22, has stated that “there shall be no differentiation among conscientious objectors on the basis of the nature of their particular beliefs”.³⁶ Subsequently, the Committee, in the context of its concluding observations, has consistently advocated for recognition of “the right to conscientious objection to military service without discrimination as to the nature of the beliefs (religious or non-religious beliefs grounded in conscience) justifying the objection”,³⁷ or “without limitation on the category of conscientiously held beliefs”,³⁸ and has expressed concerns “about the limiting of conscientious objection to military service only to members of registered religious organizations whose teaching prohibits the use of arms”.³⁹
- The **Human Rights Council** has reminded states of “the requirement not to discriminate between conscientious objectors on the basis of the nature of their particular beliefs”.⁴⁰

Recommendations of international and Greek bodies specifically to Greece

32 (in Greek) ΕΕΔΑ, Παρατηρήσεις επί των άρθρων 18, 21 και 22 του Σχεδίου Νόμου του Υπουργείου Εθνικής Άμυνας “Ρυθμίσεις Μέρμηνας Προσωπικού Ενόπλων Δυνάμεων, 19 Μαρτίου 2019, σελ. 6. Available at:

https://www.nchr.gr/images/pdf/apofaseis/antirisies_suneidisis/EEDA_paratiriseis_SxN_Antirrisies%20syneidisis_2019.pdf

33 Greek National Commission’s for Human Rights (GNCHR) Stakeholder Report to the Universal Periodic Review (UPR) of Greece, UN Human Rights Council, 39th session, March 2021, para. 19. Available at:

https://www.nchr.gr/images/English_Site/EllinikesEktheseis/GNCHR_UPR_Stakeholder_Report_2021_Final.pdf

34 See Greece: Observations on the right to conscientious objection – “serious violations of Greece’s obligations towards conscientious objectors remain unaddressed in proposed bill despite some positive steps”

20 March, 2019, Index Number: EUR 25/0088/2019, available at: <https://www.amnesty.org/en/documents/eur25/0088/2019/en/>

35 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, (A/HRC/41/23), 24 May 2019, para. 60 (e). Available at: <https://undocs.org/A/HRC/41/23>

See also: Conscientious objection to military service, Analytical report of the Office of the United Nations High Commissioner for Human Rights, (A/HRC/35/4), 1 May 2017, para. 64. Available at: <http://undocs.org/A/HRC/35/4>

36 Human Rights Committee General Comment No. 22 (CCPR/C/21/Rev.1/Add.4), 27 September 1993, ‘The right to freedom of thought, conscience and religion or belief (Art. 18)’, para. 11. Available at: <https://undocs.org/CCPR/C/21/Rev.1/Add.4>

37 E.g. UN Human Rights Committee, Concluding observations on the fifth periodic report of Belarus, (CCPR/C/BLR/CO/5), 22 November 2018, paras. 47-48. Available at: <http://undocs.org/CCPR/C/BLR/CO/5>

See also: UN Human Rights Committee, Concluding observations on the seventh periodic report of Ukraine, (CCPR/C/UKR/CO/7), 22 August 2013, para. 19. Available at: <https://undocs.org/CCPR/C/UKR/CO/7>

38 UN Human Rights Committee, Concluding observations on the fourth periodic report of Azerbaijan, (CCPR/C/AZE/CO/4), 16 November 2016, paras. 34-35. Available at: <http://undocs.org/CCPR/C/AZE/CO/4>

39 UN Human Rights Committee, Concluding observations on the second periodic report of Kyrgyzstan, (CCPR/C/KGZ/CO/2), 23 April 2014, para. 23. Available at: <http://undocs.org/CCPR/C/KGZ/CO/2>

40 Human Rights Council resolution 24/17 (A/HRC/RES/24/17), 27 September 2013, para. 8. Available at: <https://undocs.org/A/HRC/RES/24/17>

- The **Human Rights Committee**, specifically in the case of Greece, has expressed concerns about “reports indicating discrimination on the basis of different grounds of objection to service” and has recommended that the alternative service should be “accessible to all conscientious objectors”.⁴¹
- In the context of the **Second Cycle of Human Rights Council’s Universal Periodic Review (UPR)**, Greece received a recommendation asking *inter alia* for the alternative service to be “accessible to all conscientious objectors”.⁴² Greece has not accepted the recommendation.⁴³
- The **OHCHR** has highlighted both the Human Rights Committee’s concerns⁴⁴ as well those of the Greek Ombudsman (see below) and the fact that Greece has rejected the recommendations about conscientious objectors in the context of UPR.⁴⁵
- In 2016, the **UN Special Rapporteur on freedom of religion or belief**, referred to information received that the special committee “repeatedly rejects applicants who do not belong to the Jehova[h]’s Witnesses denomination”.⁴⁶ In 2019 the UN Special Rapporteur referred to the concerns of the Human Rights Committee, stating that the recognition of this status [of conscientious objector] should not be executed in a discriminatory manner based on different application grounds.⁴⁷
- The Greek **Ombudsman** has referred to “a continuous practice of unequal treatment: while for the so called “religious” objectors the committee is satisfied by the submission of the certificate of the relevant religious community and do not even summon them to an interview, the so called “ideological” objectors are often required to answer to questions concerning sensitive personal data, as for example the affiliation to a specific political tendency (cases 165151, 167596, 168243/2013).”⁴⁸

Breaches:

The unequal treatment of conscientious objectors on the basis of the nature of their beliefs might constitute a violation of Article 26 of the ICCPR, that entitles all persons to equality before the law and equal protection of the law without any discrimination.

D. RECOMMENDATIONS

Amnesty International, Connection e.V, the European Bureau for Conscientious Objection, the International Fellowship of Reconciliation and War Resisters’ International make the following recommendations:

- **The ministerial decision of rejection of the application of Charis Vasileiou and other similar cases should be annulled and they should have a fair examination of their grounds for conscientious objection under an amended legislative framework in line with international human rights law and international and regional human rights standards and the recommendations of the domestic human rights bodies.**
- **The procedure of examination of applications for conscientious objector status, if any, should be placed under the full control of civilian authorities (i.e. be transferred from the Ministry of National Defence) by a panel with a wholly civilian composition and should be conducted without delay and in a way that guarantees maximum independence and impartiality.**
- **As a best practice highlighted by UN and regional bodies, claims of conscientious objection should be accepted as valid without inquiry**

41 UN Human Rights Committee, Concluding observations on the second periodic report of Greece, 3 December 2015, (CCPR/C/GRC/CO/2), paras. 37-38. Available at <http://undocs.org/CCPR/C/GRC/CO/2>

42 UN Human Rights Council, Report of the Working Group on the Universal Periodic Review, Greece, (A/HRC/33/7), 8 July 2016, recommendation 136.15 (Uruguay).

43 UN Human Rights Council, Report of the Working Group on the Universal Periodic Review, Greece, Addendum, Views on conclusions and/or recommendations, voluntary commitments and replies presented by the State under review, (A/HRC/33/7/Add.1), 2 September 2016, p. 3.

44 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, (A/HRC/41/23), 24 May 2019, para. 29. Available at: <https://undocs.org/A/HRC/41/23>

45 OHCHR, Conscientious objection to military service, Analytical report of the Office of the United Nations High Commissioner for Human Rights, (A/HRC/35/4), 1 May 2017, para. 53. Available at: <http://undocs.org/A/HRC/35/4>

46 UN Special Rapporteur on freedom of religion or belief, Communication GRC 3/2016, 31 October 2016, p. 2.

47 UN Special Rapporteur on freedom of religion or belief, Communication GRC 3/2019, 11 July 2019, p. 5.

48 Συνήγορος του Πολίτη, Ειδική Έκθεση 2013, «Καταπολέμηση των διακρίσεων», Κεφ. «Διακρίσεις λόγω θρησκευτικών ή άλλων πεποιθήσεων, παράγραφος «Εξέταση αιτήσεων αναγνώρισης αντιρρησιών συνείδησης», σελ. 110. Διαθέσιμο στο <https://www.synigoros.gr/resources/docs/10-diakriseis.pdf>

