



SUBMISSION

TO THE 142nd SESSION OF THE HUMAN RIGHTS COMMITTEE

GREECE

Conscientious objection to military service and related issues

Updated September 2024

1

Content Index

- Country profile
- Introduction
- Main violations of the right to conscientious objection to military service
- Violations of fundamental principles of international law in the case of conscientious objectors in Greece
- Suggested recommendations

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▪ COUNTRY PROFILE

Population: 10,482,487¹

Military recruitment: Obligatory for males

Minimum age: 18

Length of (full) military service: 12 months

Conscientious objection: provisions introduced in 1997, entry in force in 1998

Length of (full) alternative civilian service: 15 months

Issues: violations of the right to conscientious objection (art. 18(1)) and other human rights of conscientious objectors (arts. 9(1), 12(2), 14(1), 14(7), 18(2), 25, 26)

2

▪ INTRODUCTION

Greece has a longstanding record of violations of the right to conscientious objection to military service and other human rights of conscientious objectors to military service. Since 2015, violations and failures to comply with international human rights law and standards have been highlighted by at least six UN and European human rights bodies.²

Despite certain positive amendments of legislative provisions for conscientious objectors in the context of a new law in 2019³ and subsequent Ministerial Decisions, serious violations of human rights of conscientious objectors and Greece's obligations towards them remain unaddressed, as it has been pointed out also by Amnesty International.⁴ The failure of the amended legislation to recognize the

¹ Hellenic Statistical Authority, Greece in figures, April - June 2024, p. 16.

https://www.statistics.gr/documents/20181/18330371/GreeceInFigures_2024Q2_EN.pdf/e9361818-419c-1d4f-35a7-061e63a76d1f

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

UN General Assembly, 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), 136.16 (Slovenia). <https://undocs.org/A/HRC/33/7>

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

UN Special Rapporteur on freedom of religion or belief, Communication GRC 3/2016, 31 October 2016. <https://spcommreports.ohchr.org/TMResultsBase/DownloadPublicCommunicationFile?gId=22834>

ECSR, Conclusions XXI-1 - Greece - Article 1-2, (XXI-1/def/GRC/1/2/EN), 9 December 2016, para. 3. Other aspects of the right to earn one's living in an occupation freely entered upon. Service alternative to military service. <https://hudoc.esc.coe.int/eng?i=XXI-1/def/GRC/1/2/EN>

UN General Assembly, Human Rights Council, 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, paras. 18 (note 29), 51, 53, 54 (note 77). <https://www.undocs.org/A/HRC/35/4>

UN General Assembly, Human Rights Council, Approaches and challenges with regard to application procedures for obtaining the status of conscientious objector to military service in accordance with human rights standards, Report of the Office of the United Nations High Commissioner for Human Rights, (A/HRC/41/23), 24 May 2019, paras. 7, 24, 29, 34, 36 (note 47), 38 (note 49), 41, 46-47. <https://undocs.org/A/HRC/41/23>

UN Special Rapporteur on freedom of religion or belief, Communication GRC 3/2019, 11 July 2019. <https://spcommreports.ohchr.org/TMResultsBase/DownloadPublicCommunicationFile?gId=24700>

UN General Assembly, Human Rights Council, Report of the Working Group on the Universal Periodic Review, Greece, (A/HRC/49/5), 6 January 2022, recommendations 130.76 (Panama), 130.88 (Croatia). <https://undocs.org/A/HRC/49/5>

UN General Assembly, Human Rights Council, Conscientious objection to military service, Analytical report of the Office of the United Nations High Commissioner for Human Rights, (A/HRC/50/43), 11 May 2022, paras. 5 (note 5), 6, 11 (note 29), 18, 24, 29, 42. <http://undocs.org/A/HRC/50/43>

UN Human Rights Committee, Views adopted by the Committee under the Optional Protocol, concerning communication No. 3065/2017, (CCPR/C/132/D/3065/2017), 24 August 2022. (Hereinafter, *Petromelidis v. Greece*). <https://undocs.org/CCPR/C/132/D/3065/2017>

³ Law 4609/2019, especially Articles 22-23, available in Greek at: <https://www.e-nomothesia.gr/kat-enoples-dynameis/nomos-4609-2019-phek-67a-3-5-2019.html>

⁴ “Πρωτοφανής, απαράδεκτη και αντίθετη στο διεθνές δίκαιο η αύξηση της εναλλακτικής υπηρεσίας για τους αντρωρησίες συνείδησης”. [“Unprecedented, Unacceptable and Contrary to International Law, the increase of alternative service for

right to conscientious objection to military service in accordance with international human rights standards has been pointed out by the **Special Rapporteur on freedom of religion or belief**, in a communication to the newly elected Greek authorities on 11 July 2019.⁵

Most importantly, the new Greek government, instead of responding to the concerns of the Special Rapporteur by implementing the recommendations of the Human Rights Committee (hereinafter the Committee), has moved towards annulling positive amendments by the previous government about conscientious objectors, such as the reduction of the length of alternative service, or the reduction of the military members in the Special Committee examining applications for conscientious objection status.

▪ MAIN VIOLATIONS OF THE RIGHT TO CONSCIENTIOUS OBJECTION TO MILITARY SERVICE

1) Punitive and discriminatory alternative service

i) Punitive conditions

The punitive conditions of the alternative service result in serious violations of economic and social rights. This has been detailed in a recent **Collective Complaint** of the European Bureau for Conscientious Objection (EBCO) to the European Committee of Social Rights (ECSR), which has been registered, published and is pending.⁶ However, such conditions are also one of the primary factors rendering the alternative service punitive and discriminatory, which constitutes a violation of article **18(1)** of ICCPR.

The Committee has requested Greece to review the legislation for the alternative service not to be punitive and discriminatory, referring *inter alia* to the cost of the service.⁷

According to the legislation⁸, conscientious objectors performing alternative service are either entitled food and housing, without any wage whatsoever, or otherwise receive a monthly “wage”, set by ministerial decision⁹ since 2005 to € 223.53, but it is prohibited by law to be paid any other amount of money for any reason.

For those conscientious objectors provided food and housing, but no wage whatsoever, it is hardly possible to have a decent living, especially considering the extensive period of time (15 months) for which they should remain without any wage. Obviously, such situation is even more unbearable for conscientious objectors from families of lower income.

conscientious objectors”], Amnesty International, Greek Section, Press Release of 16 October 2019, available in Greek at: <https://www.amnesty.gr/news/articles/article/22571/protofanis-aporadekti-kai-antitheti-sto-diethnes-dikaio-i-ayxisi-tis>.

“Government must uphold its commitments to conscientious objectors”, Amnesty International, Greek Section, 15 May 2019. <https://www.amnesty.gr/news/press/article/22170/i-kyvernisi-na-tirisei-tis-desmeyseis-tis-pros-toys-antirrisies-syneidisis>

“Greece: Observations on the Right to Conscientious Objection, Serious Violations of Greece’s Obligation towards Conscientious Objectors Remain Unaddressed in Proposed Bill despite Some Positive Steps”, 20 March 2019, Index number: EUR 25/0088/2019. <https://www.amnesty.org/en/documents/eur25/0088/2019/en/>

⁵ UN Special Rapporteur on freedom of religion or belief, Communication GRC 3/2019, 11 July 2019. <https://spcommreports.ohchr.org/TMResultsBase/DownloadPublicCommunicationFile?gId=24700>

⁶ ECSR, Collective Complaint No. 242/2024 European Bureau for Conscientious Objection (EBCO) v. Greece, registered on 1 July 2024.

<https://www.coe.int/en/web/european-social-charter/-/no.-242/2024-european-bureau-for-conscientious-objection-ebco-v.-greece>

<https://rm.coe.int/cc242casedoc1-en/1680b0dbd6>

⁷ UN Human Rights Committee, Concluding observations on the second periodic report of Greece, (CCPR/C/GRC/CO/2), 3 December 2015, para. 38. <https://undocs.org/CCPR/C/GRC/CO/2>

⁸ Law 3883/2010, article 78, passage k [τα], which has amended the sub-paragraph d of the renumbered paragraph 2 of article 64 of the law 3421/2005, which is available in Greek at: <https://www.stratologia.gr/el/nomothesia>

⁹ Joint ministerial decision 2/24407/0022/09-06-2005 (Government Gazette Vol. B. 858, 23 June 2005).

Furthermore, they are discriminated in comparison to conscripts serving in the armed forces. Conscripts, even though they are also provided food and housing inside the military premises, nevertheless, they receive certain monthly amount of money according to their family status, family income and rank, which ranges from € 8.80 to, at least, € 140.87 (in case of having two children).¹⁰ It is doubtful whether such amounts are sufficient to guarantee a decent living for the conscripts and their families. However, conscientious objectors are deprived even of this insufficient benefit. Furthermore, conscripts receive personal items, such as clothing and footwear,¹¹ while conscientious objectors do not.¹²

Food and housing are often not appropriate. An illustrative example is the case of two conscientious objectors, provided a completely inadequate space inside a hospital and one meal per day, which was examined by the Ombudsman in 2017, and detailed in EBCO's complaint.¹³

Following that case, military authorities issued a circular setting minimum conditions for food and housing,¹⁴ but it is doubtful that they are sufficient.¹⁵ Conscientious objectors continued to be hosted inside hospitals, which are not meant to host people for long periods of time, since this can increase health risks, especially during pandemic.

Despite the above-mentioned circular, some public institutions continue to declare that they can only provide food without housing, or housing without food. In 2024, among the 1,909 positions offered by public institutions to employ conscientious objectors performing alternative service, there are 336 positions where the public institutions can provide only food but not housing and 2 positions where the public institution can provide only housing but not food.¹⁶ It is not clear whether conscientious objectors are still placed to such public institutions which, admittedly, cannot provide both food and housing as the law requires.

As for those conscientious objectors who are not provided food and housing, the “wage” they receive is insufficient to provide an adequate standard of living according to international human rights standards. In 2015, when the minimum wage was less than the current one, namely it was € 586.08 or € 510.95 for workers under 25 years of age,¹⁷ the Committee on Economic, Social and Cultural Rights raised concerns that it was not sufficient to provide workers and their families with a decent living in line with article 7 of the ICESCR.¹⁸ Consequently, the € 223.53 for conscientious objectors is absolutely insufficient to provide them with an adequate standard of living in terms of Articles 7 and 11 of the ICESCR.¹⁹

¹⁰ Government Gazette (FEK), Vol. B., 91, 29 January 2003, Joint Ministerial Decision of the Ministers of Economy and Finance, and National Defence 2/74840/0022, paras. 1-2.

¹¹ Hellenic National Defence General Staff, Response to EBCO, (Φ. 429 39/209/385262), 22 September 2022, para. 1.b.

¹² ECSR, Collective Complaint No. 242/2024 EBCO v. Greece, para. 43. <https://rm.coe.int/cc242casedoc1-en/1680b0dbd6>

¹³ ECSR, Collective Complaint No. 242/2024 EBCO v. Greece, para. 34. <https://rm.coe.int/cc242casedoc1-en/1680b0dbd6>
The original text of the Ombudsman [in Greek]: Συνήγορος του Πολίτη, «Αντιρρησίες συνείδησης: Διασαφηνίστηκαν οι προϋποθέσεις επιλογής φορέα για εναλλακτική θητεία», Νοέμβριος 2017. [Ombudsman, “Conscientious objectors: the conditions for selecting institution for alternative service have been clarified”, November 2017.] https://old.synigoros.gr/?i=human-rights.el.enallaktiki_upiresia.461946

¹⁴ Hellenic National Defence General Staff, circular titled “Αντιρρησίες συνείδησης (εναλλακτική υπηρεσία)”, [“Conscientious Objectors (Alternative service)”], Φ. 429.39/8/490598, 31 January 2017.

Available in Greek at: <https://old.synigoros.gr/resources/engyklisos-geetha.pdf>

¹⁵ ECSR, Collective Complaint No. 242/2024 EBCO v. Greece, paras. 35-36.

<https://rm.coe.int/cc242casedoc1-en/1680b0dbd6>

¹⁶ Data provided by the Hellenic National Defence General Staff to petitioner Theodoros Diamantidis, subsequently published in Greek at: <https://enallaktiki.wordpress.com/theseis-2024/>

¹⁷ UN Committee on Economic, Social and Cultural Rights, Replies of Greece to the list of issues, (E/C.12/GRC/Q/2/Add.1), 6 August 2015, para. 54. <http://www.undocs.org/E/C.12/GRC/Q/2/Add.1>

¹⁸ UN Committee on Economic, Social and Cultural Rights, Concluding observations on the second periodic report of Greece, (E/C.12/GRC/CO/2), 27 October 2015, paras. 19-20. <http://www.undocs.org/E/C.12/GRC/CO/2>

¹⁹ Amnesty International, “Greece: Observations on the Right to Conscientious Objection, Serious Violations of Greece’s Obligation towards Conscientious Objectors Remain Unaddressed in Proposed Bill despite Some Positive Steps”, 20 March 2019, Index number: EUR 25/0088/2019, p. 3. <https://www.amnesty.org/en/documents/eur25/0088/2019/en/>

Later the minimum wage has been increased. As of 1 April 2024, the statutory minimum wage has been set at € 830.00.²⁰ But the “wage” for conscientious objectors remains the same (€ 223.53).

Several other factors indicate that the “wage” provided to conscientious objectors is not sufficient for a decent living. The State Party has already established a procedure²¹ for civil servants (medical, teaching, police staff etc.) in mountainous and island Municipalities whereby the Municipality may provide them with housing and food or, alternatively, a reimbursement which amount is set “for each municipality” by a Joint Ministerial Decision of the Ministers of Interior and of Finance. Such Decision²² estimates monthly housing and food expenses to be within a range of € 200 to € 1,800²³ depending on the Municipality, with an average of € 600. No similar procedure has been established to estimate monthly housing and food expenses in each of the Municipalities where conscientious objectors perform alternative service.²⁴

The State Party fails to guarantee even minimum subsistence according to the latest official statistics. The threshold of poverty for a household of a single person is set to € 6,030 annually,²⁵ which is equivalent to € 502.5 monthly, which is more than double the “wage” of conscientious objectors (€ 223.53). In other words, conscientious objectors receive annually $12 \times € 223.53 = € 2,682.36$, which is **less than half the threshold of poverty**. This is not an occasional but rather a long-standing and deteriorating problem: the gap between the “wage” of conscientious objectors and the threshold of poverty is increasing year by year.²⁶

Worth noting that while there are some provisions for reduced service according to the family status (e.g. having two living children, or a spouse unable to work), there are no provisions for an additional amount of money for conscientious objectors in a similar case. Conscripts with two children receive € 140.87 per month, which means an additional amount of € 132.07, added to their basic amount of € 8.80; conscientious objectors and their children, whether they receive food and housing or the “wage”, are deprived of this additional € 132.07 per month.²⁷

Worth noting, as well, an acute **housing/rental crisis**²⁸ in recent years, with increased prices for house rental, especially in certain areas of Greece, which is also due to the proliferation of short-term rental for tourists.²⁹ However, there is no provision whatsoever to adjust the “wage” of conscientious

20 Government of Greece, Your Guide to Greece, Minimum wage and minimum daily wage. Last update: 9/04/2024. <https://www.gov.gr/en/sdg/work-and-retirement/terms-and-conditions-of-employment/general/minimum-wage-and-minimum-daily-wage>

21 Law 4483/2017, article 32, *Incentives for workers in local authorities in mountainous and island regions*.

22 Joint Ministerial Decision 43802/16-05-2023, *Provision of free food and housing to employees in mountainous and island regions*, 17 May 2023, Government Gazette 3274/B/17-05-2023, p. 5-6 of the PDF document (p. 35031-2). Available in Greek at: https://www.et.gr/api/DownloadFeksApi/?fek_pdf=20230203274

23 The extreme ends are probably due to misinterpretations by the requesting Municipalities since this is the first year of implementation of the measure. For example, the low end of €200 provisioned for non-teacher staff in the Municipality of Sami coincides with the amount provisioned just for monthly **food** expenses, while for housing an amount of €300 is set. See in Municipal Council of Sami, *Decision 92/2022 «Provision of financial incentives to newly appointed doctors to the General Hospital of Argostoli "Agios Gerasimos"»*, 19 Aug 2022, p. 5.

Available in Greek at: <https://diavgeia.gov.gr/doc/%CE%A89%CE%A7%CE%9E46%CE%9C%CE%933%CE%99-75%CE%9F?inline=true>

24 ECSR, Collective Complaint No. 242/2024 EBCO v. Greece, para. 51. <https://rm.coe.int/cc242casedoc1-en/1680b0dbd6>

25 Hellenic Statistical Authority, *Risk of poverty – 2023 Survey on Income and Living Conditions (Income reference period: 2022)*, 3 April 2024, p. 9, available in Greek at: <https://www.statistics.gr/documents/20181/20cac507-3a56-a584-efd-8ac6acfec409>. Table 4 mentions €6,030 annually which is equivalent to €502.5 monthly.

26 ECSR, Collective Complaint No. 242/2024 EBCO v. Greece, para. 52. <https://rm.coe.int/cc242casedoc1-en/1680b0dbd6>

27 ECSR, Collective Complaint No. 242/2024 EBCO v. Greece, paras. 40 and 62.

28 ECSR, Collective Complaint No. 242/2024 EBCO v. Greece, para. 55. See also:

Demetrios Ioannou, “‘All my wage goes to the house’: A rental crisis brews in Greece”, *Al Jazeera*, 25 July 2022. <https://www.aljazeera.com/features/2022/7/25/housing-crisis-in-greece-with-increased-rent>

The research of the organization Eteron is available at: <https://housing360.eteron.org/rents/>

29 See for example: “Fiscal Crisis Drove Greece’s Rents Down, Rebound Spikes Them”, *The National Herald*, 25 February 2020. <https://www.thenationalherald.com/fiscal-crisis-drove-greeces-rents-down-rebound-spikes-them/>

Sotiris Sideris, “The Rent Is Too Damn High. A market that is controlled but not regulated will not serve those who are

objectors according to the rental prices of the area where the alternative service is performed.

As for medical insurance and coverage of medicines costs, conscientious objectors are entitled to insurance in case of illness at the same insurance institution as the employees of the public institution where they perform the alternative service.³⁰ However, this does not mean that they are provided full coverage of medicines costs and other necessary medical expenses; they might face some further expenses during the alternative service and/or they might not be able to receive appropriate medical treatment because of lack of necessary income. For example, the “standard” rate of reimbursement for medicines is not full, but rather 75% (although in some cases it might reach 90% or even 100%).³¹

Other aspects aggravating punitive conditions and financial discrimination faced by conscientious objectors are:

- Despite the covering of *certain* travel expenses,³² equivalently to conscripts,³³ however, contrary to conscripts, and despite a relevant intervention by the Ombudsman, conscientious objectors still do not have their travel expenses covered in case of leave.³⁴

- Discrimination as for fares of private companies, refusing to provide conscientious objectors with the same discounts given to conscripts; the State Party, in violation of its legal obligations, refuses to intervene.³⁵

- Discrimination in case of elections. Conscientious objectors must travel at their own cost to the place where they are registered to vote, while conscripts are permitted to vote at the place of military service.³⁶

- Fiscal discrimination, in the context of a new tax law,³⁷ concerning mainly those self-employed. While conscripts performing the military service are explicitly cited among those who are eligible for challenging that they have received the established minimum annual income, conscientious objectors performing alternative service are not.³⁸

- Additional travel expenses for certain applicants for conscientious objector status (hereinafter CO status), who are summoned to in-person examination by a Special Committee at the Ministry of National Defence and need to travel at their own cost to Athens; considering that the members of the Special Committee may participate in the session remotely³⁹, this result a punitive provision⁴⁰ for the CO status applicants.

ii) Discrimination related to the location of service

The alternative service consists in the provision of services of public benefit in areas other than the

unable to pay.”, *Athens Live*, 29 January 2020. <https://medium.com/athenslivegr/the-rent-is-too-damn-high-69e22e0daaa8>

³⁰ Government Gazette (FEK) 226, Vol. A, 27 October 1999, law 2747/1999, article 8, para. 2.

³¹ ECSR, *Amnesty International v. Greece*, Complaint No. 217/2022, Case Document No. 2, Submissions by the Government on the merits, 17 January 2024, p. 13. <https://rm.coe.int/cc217casedoc2-en/1680af2ad5>

³² UN Human Rights Committee, Third periodic report submitted by Greece under article 40 of the Covenant pursuant to the optional reporting procedure, due in 2022 [Hereinafter: “Third periodic report submitted by Greece”], (CCPR/C/GRC/3), 13 September 2023 [Date received: 20 April 2023], para. 187. <https://undocs.org/CCPR/C/GRC/3>

³³ Law 4609/2019, art. 23, para. 8, which added a para. 3 at article 68 of law 3421/2005, extending the provision also to conscientious objectors. Available in Greek at: <https://www.e-nomothesia.gr/kat-enoples-dynameis/nomos-4609-2019-phok-67a-3-5-2019.html>

³⁴ ECSR, *Collective Complaint No. 242/2024 EBCO v. Greece*, para. 74. <https://rm.coe.int/cc242casedoc1-en/1680b0dbd6>

³⁵ ECSR, *Collective Complaint No. 242/2024 EBCO v. Greece*, para. 75.

³⁶ ECSR, *Collective Complaint No. 242/2024 EBCO v. Greece*, para. 76.

³⁷ Law 5073/2023, (Government Gazette Vol. A 204, 11 December 2023), art. 15.

³⁸ EBCO Annual Report 2023/2024, p. 92.

https://ebco-beoc.org/sites/ebco-beoc.org/files/2024-05-15-EBCO_Annual_Report_2023-24.pdf.

ECSR, *Collective Complaint No. 242/2024 EBCO v. Greece*, para. 77.

³⁹ Decision of the Minister of National Defence Φ.429.1/28/226313/Σ.3002, 11 April 2023, (Government Gazette Vol. B 2747 25 April 2023), article 7.

⁴⁰ EBCO Annual Report 2023/2024, p. 92.

https://ebco-beoc.org/sites/ebco-beoc.org/files/2024-05-15-EBCO_Annual_Report_2023-24.pdf.

ECSR, *Collective Complaint No. 242/2024 EBCO v. Greece*, para. 78.

place of residence, which in 2016 was further extended to the *entire region* of residence.⁴¹ There is **no such explicit restriction in law for conscripts** serving in the armed forces who might be able to perform part of their service in the region of their residence.

According to the Committee, “the requirement to perform such services away from places of permanent residence” can be one of the factors rendering the conditions of alternative service in a country “punitive in nature”.⁴² In the case of Greece, the Committee, indeed referred also to the “nature” of the service.⁴³

The issue of location has been explicitly raised by the **Special Rapporteur on freedom of religion or belief**,⁴⁴ as well by **Amnesty International**.⁴⁵

The **Greek National Commission for Human Rights** has consistently stated that the geographical criterion for the completion of the alternative service should be in conformity with the same rules that apply to regular armed military service.⁴⁶ Currently, conscientious objectors are not allowed to serve in the region of their residence, a restriction which does not apply to conscripts.⁴⁷

In 2021, during the **Universal Periodic Review**, Greece received a relevant recommendation: “Consider amending legislation in order for conscientious objectors to be able to perform alternative civilian service in their place of residence (Croatia)”.⁴⁸ The recommendation was rejected by Greece.⁴⁹

In the Third Periodic Report the State Party claims:

“Conscientious objectors serve in regions outside their place of residence. However, they can request to be transferred close to their place of residence, after five months (instead of seven until recently), in case of family, financial, or social problems. It is to be noted that armed military service is fulfilled in the same way, while numerous civil servants also have to provide their services across the country.”⁵⁰

⁴¹ Law 4361/2016, Article 12, para. 9, which amended para. 1 of article 61 of Law 3421/2005.

⁴² Human Rights Committee, Concluding observations on the sixth periodic report of the Russian Federation, (CCPR/C/RUS/CO/6), 24 November 2009, para. 23. <http://undocs.org/CCPR/C/RUS/CO/6>

⁴³ Human Rights Committee, Concluding observations on the second periodic report of Greece, (CCPR/C/GRC/CO/2), 3 December 2015, para. 38. <http://undocs.org/CCPR/C/GRC/CO/2>

⁴⁴ UN Special Rapporteur on freedom of religion or belief, Communication GRC 3/2019, 11 July 2019, p. 3. <https://spcommreports.ohchr.org/TMResultsBase/DownloadPublicCommunicationFile?gId=24700>

⁴⁵ E.g. Amnesty International, “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), p. 2. <https://www.amnesty.org/en/documents/eur25/0088/2019/en/>

⁴⁶ GNCHR, Recommendations regarding Conscientious Objectors and the Scheme of Alternative Civil-Social Service, 10 June 2004, recommendation h.

http://www.nchr.gr/images/English_Site/ANTIRRISIES/Conscientious_of_objectors_2004.pdf

GNCHR, Input to the OHCHR quadrennial analytical report 2022 on conscientious objection to military service, 21 March 2022, p. 19.

https://www.nchr.gr/images/English_Site/ANTIRRISIES/GNCHR_input_to_OHCHR_report_2022_on_Conscientious_Objectors.pdf

⁴⁷ Submission of the GNCHR to the quadrennial analytical report 2017 on conscientious objection to military service of the UN High Commissioner of Human Rights, p. 10.

https://www.nchr.gr/images/English_Site/ANTIRRISIES/Submission%20of%20the%20GNCHR%20to%20the%20quadrennial%20analytical%20report%202017.pdf

⁴⁸ UN Human Rights Council, Report of the Working Group on the Universal Periodic Review, Greece, A/HRC/49/5, 6 January 2022, recommendation 130.88 (Croatia). <https://undocs.org/A/HRC/49/5>

⁴⁹ 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/49/5/Add.1, 16 December 2021, paras. 6 and 7(c). <https://undocs.org/A/HRC/49/5/Add.1>

⁵⁰ Third periodic report submitted by Greece, para. 186.

As it has been the case with previous similar replies by the Greek authorities to UN bodies on this issue,⁵¹ which have been recently analysed and highlighted by EBCO in its Collective Complaint to ECSR,⁵² the wording of the State Party's Report is also unclear and, thus, potentially misleading.

First, being able to "request to be transferred" does not necessarily mean that the transfer will be granted. Furthermore, it is cited "transferred **close** to their place of residence" (emphasis added). However, "close" does not mean "at" their place of residence, or "in the region of residence", but rather closer than previously. For example, someone who has been appointed in a place 500 km, from his place of residence, can be transferred to a place 300 km from his place of residence. Most importantly, Connection e.V. has registered that **such requests of conscientious objectors to be transferred to their place of residence are rejected**, with the (Deputy) Minister of National Defence explicitly stating that this is "because, according to article 61 para. 1 of the law 3421/2005 (Government Gazette vol. A' 302), the alternative service is fulfilled outside the region of residence of those interested".⁵³

Furthermore, the allegation that "armed military service is fulfilled in the same way" does not appear to be completely accurate. The State Party has not provided, until now, proof that a provision in law, equivalent to that for conscientious objectors, explicitly prohibits conscripts to serve *any* part of their military service at a place inside their entire region of residence. Or that there is a provision in law which prohibits conscripts to be *transferred*, after some period, to *any* place inside their *entire* region of residence.

As for the remark that "numerous civil servants also have to provide their services across the country", apart from the fact that civil servants are obviously not prohibited by law to be placed or transferred to their place of residence, as described above, they benefit from particular provisions which, at least, address their needs in the particular Municipality where they are placed.⁵⁴

The current system as for the location of alternative service is not only a case of discrimination in itself, but also an aggravating factor to the harsh economic conditions previously explained.

Serving the entire period of alternative service outside the entire region of residence, without even the possibility of transfer to the place of residence, or at least inside the region of residence, after some time, implies:

a) That a conscientious objector who is not provided with food and housing by the public institution, almost certainly must rent accommodation, something which increases the cost of alternative service. Or potentially, a conscientious objector is forced to stay in an inadequate place inside the premises of the public institution where he is appointed, because he cannot afford to rent a house. While, if a conscientious objector was allowed to perform the alternative service, or to be transferred, at least for part of his service, to his place of residence, or at least inside his region of residence, he would possibly stay for some months at his regular house and avoid such high cost of renting accommodation or avoid staying in an inadequate place inside the premises of the public institution.

⁵¹ See the reply to the Special Rapporteur on freedom of religion or belief: Permanent Mission of Greece to the United Nations Office and other International Organisations in Geneva, Verbal Note, Ref. No. 6175.4/AS 1237, 14 August 2019. Hellenic National Defence General Staff, F. 429.39/114/22595 D.5202, 1 August 2019, para. 1.c.(5). <https://spcommreports.ohchr.org/TMResultsBase/DownloadFile?Id=35128>

See also the reply for the UPR, A/HRC/49/5/Add.1, 16 December 2021, para. 7(c). <https://undocs.org/A/HRC/49/5/Add.1>

⁵² ECSR, Collective Complaint No. 242/2024 EBCO v. Greece, paras. 67-70. <https://rm.coe.int/cc242casedoc1-en/1680b0dbd6>

⁵³ E.g. Decision of the Deputy Minister of National Defence, Alkiviadis Stefanis, Φ. 429.39/121/225258 Σ.5724, 26 August 2019. (Not published, copy available).

⁵⁴ Joint Ministerial Decision 43802/16-05-2023, *Provision of free food and housing to employees in mountainous and island regions*, 17 May 2023, Government Gazette 3274/B/17-05-2023, p. 5-6 of the PDF document (p. 35031-2). https://www.et.gr/api/DownloadFeksApi/?fek_pdf=20230203274

b) There is a longer distance from the place of residence, and consequently, higher cost of transportation when a conscientious objector travels to visit his family on leave days. This can aggravate the harsh economic conditions or impede certain conscientious objectors from even briefly visiting their families for long periods of time.

Conscientious objectors, usually (unless they can bring their family at the location of alternative service, which is difficult for reasons of cost, possible working commitments of the spouse, inadequate housing, etc.), stay away from their families for the entire period of alternative service, which affects the family, including children.

A further discrimination related to the location of service, (which constitutes also a further corroboration that the statement that “armed military service is fulfilled in the same way” is not completely accurate), comes in conjunction with the issue of length. While conscripts performing the entire period of their military service, *inter alia*, in certain eastern border areas, are provided with a reduction of 3 months of military service (9 months instead of 12 months),⁵⁵ there is no provision for reduction of the length of alternative service for those conscientious objectors performing the entire period of alternative service in the same or any other border or different areas.

iii) Punitive and discriminatory length

According to the legislation, as amended in 2019,⁵⁶ the length of alternative service is **double** the length of military service, but it can be reduced by decision of the Minister of National Defence, albeit without becoming less than the maximum length of military service among the three branches of the armed forces (Army, Navy, Air Force).

Following international recommendations, in June 2019, a Ministerial Decision by the Alternate Minister of National Defence reduced the length of the full alternative service from 15 to 12 months and the length of the three categories of reduced alternative service to (almost) the same length as for the reduced military service.⁵⁷ However, in contravention of international and regional human rights standards and the recommendations of the Committee⁵⁸ and the Special Rapporteur on freedom of religion or belief,⁵⁹ this Ministerial Decision was annulled in October 2019 by the Joint Decision of the new Deputy Ministers of Finance and National Defence, which reinstated the previous length for all categories.⁶⁰ This case of reduction by one government and subsequent increase by the following one, within only a few months, illustrates how the determination of the length of alternative service is based rather on political considerations instead of reasonable and objective criteria.

In a separate development, in February 2021, a Joint Decision by the same Ministers increased the length of the full military service in the Army, where the vast majority of conscripts serve, from 9 to 12 months, making it equal to that in the Navy and Air Force.⁶¹

⁵⁵ See “or 9 months, depending on the location of the units where the conscripts fulfil their military obligations”, in Third periodic report submitted by Greece, para. 184.

⁵⁶ Law 4609/2019, art. 23, para. 1, amending para. 2 of article 60 of Law 3421/2005.

⁵⁷ Decision of the Alternate Minister of National Defence Φ.421.4/4/216913 Σ.4045, 13 June 2019, (Government Gazette vol. B 2477/26-06-2019).

⁵⁸ UN Human Rights Committee, Concluding observations on the second periodic report of Greece, (CCPR/C/GRC/CO/2), 3 December 2015, paras. 37-38. <https://undocs.org/CCPR/C/GRC/CO/2>

⁵⁹ UN Special Rapporteur on freedom of religion or belief, Communication GRC 3/2016, 31 October 2016. <https://spcommreports.ohchr.org/TMResultsBase/DownloadPublicCommunicationFile?gId=22834>

UN Special Rapporteur on freedom of religion or belief, Communication GRC 3/2019, 11 July 2019. <https://spcommreports.ohchr.org/TMResultsBase/DownloadPublicCommunicationFile?gId=24700>

⁶⁰ Joint Decision of the Deputy Minister of Finance and the Deputy Minister of National Defence Φ.421.4/7/228631/Σ.6400, 24-09-2019 (Government Gazette vol. B 3697/4-10-2019).

⁶¹ Joint Decision of the Alternate Minister of Finance and the Deputy Minister of National Defence Φ.421.4/1/322490/Σ.1493, 26-02-2021 (Government Gazette vol. B 853/4-3-2021).

However, even after this development, the length of the full alternative service continues to be significantly and unjustifiably longer (15 months, that is, 3 months longer than the military service). According to the UN standards “Any duration longer than that of military service is permissible only if the additional time for alternative service is based on reasonable and objective criteria. Equalizing the duration of alternative service with military service should be considered a good practice.”⁶²

As for the claim of the State Party that “the alternative service is less burdensome [...] with better working conditions”,⁶³ it is questionable that working in overcrowded and underfunded public hospitals, even during pandemic, is less burdensome than serving, for instance, at the Recruitment Offices, the Military Courts or the Ministry of National Defence.

The European Parliament has repeatedly requested for the length of alternative service to be equal with that of military service, in general,⁶⁴ as well specifically in the case of Greece.⁶⁵

More punitive length for certain conscientious objectors

Apart from the category of full service, there are three categories of reduced alternative service, mainly due to family status. The reduced alternative service is, in terms of ratio to the equivalent military one, even more punitive than the full alternative service: 33% longer (12 months instead of 9 months of military service), 50% longer (9 months instead of 6), and **67%** longer (5 months instead of 3) compared to the equivalent category of reduced military service.

10

Problematic judgement of the supreme administrative court

Worth noting that the Council of State, Greece’s supreme administrative court, in December 2023, has rejected,⁶⁶ with considerable delay, a 2019 appeal of conscientious objectors against the increase of the length of alternative service ruled on October 2019, which reinstated a system where the (full) alternative service is 67% (1.67 times) longer (15 months), than the (full) military service in the Army (9 months, by that time in 2019) where the vast majority of conscripts serves. The court, despite of citing some international human rights standards, eventually disregarded them and fully validated all the problematic aspects of the provisions regarding the length of alternative service.

More specifically the Council of State, by majority of 4 to 3, rejected the appeal against the joint ministerial decision which increased the length of alternative service in October 2019. Firstly, the court found that the legislative provision (which stipulates that the length of alternative service is double the length of military service, but it can be reduced by decision of the Minister of National Defence, albeit without becoming less than the maximum length of military service among the three branches of the armed forces) is “constitutionally tolerable”. The court also found that the contested ministerial decision which increased the length of alternative service was lawful and that the length of alternative service has not become punitive (despite becoming again exactly the same as the one in 2015 when it was found punitive and discriminatory by the Committee). The majority of the Council of State found

⁶² UN General Assembly, Human Rights Council, Approaches and challenges with regard to application procedures for obtaining the status of conscientious objector to military service in accordance with human rights standards, Report of the Office of the United Nations High Commissioner for Human Rights, (A/HRC/41/23), 24 May 2019, para. 60(1). <https://undocs.org/A/HRC/41/23>

⁶³ Third periodic report submitted by Greece, para. 185.

⁶⁴ European Parliament, Resolution on respect for human rights in the European Community (annual report of the European Parliament), (A3-0025/93), 11 March 1993, para. 51, as it has been published in the Official Journal of the European Communities C 115, 26 April 1993, page 183.

https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=OJ:JOC_1993_115_R_0139_01&from=EN

Resolution on conscientious objection in the Member States of the Community, (A3-0411/93), 19 January 1994, para. 9, as it has been published in the Official Journal of the European Communities C 44, 14 February 1994, page 105.

https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=OJ:JOC_1994_044_R_0075_01&from=EN

⁶⁵ Resolution on the situation concerning basic rights in the European Union (2001) (2001/2014(INI)), para 42, text adopted on 15 January 2003.

<http://www.europarl.europa.eu/sides/getDoc.do?pubRef=-//EP//TEXT+TA+P5-TA-2003-0012+0+DOC+XML+V0//EN>

⁶⁶ Council of State, Judgement 2262/2023.

that it is not necessary for the administration (i.e., the Ministers) to provide the reason for such decision increasing the length of alternative service. Nevertheless, the court itself provided its own reasons as to why the length of alternative service can be greater than the length of military service. The court found, *inter alia*, that a greater length of alternative service can be used to verify the sincerity of conscientious objection. However, this contradicts the repeated jurisprudence of the Committee that testing the sincerity of an individual's conviction is not part of the requirement that the difference in treatment (i.e., the difference of length between the alternative and the military service) be based on reasonable and objective criteria.⁶⁷

As it has been highlighted also by EBCO:⁶⁸

- The court briefly cited international law and standards, including references to the Committee's Concluding Observations for several states, as well the ECSR's decision on the collective complaint No. 08/2000 of the Quaker Council for European Affairs (QCEA) v. Greece.⁶⁹ However, the Council of State only cited as examples of punitive ratio of alternative / military service those of 1.7, 1.75 or 2. This, is even though,
 - the Committee's Concluding Observations for Greece,⁷⁰ cited in the judgement, concerned a ratio of 1.67 (and in fact, the exact same ratio as the one examined by the Council of State in this case),
 - the ECSR's acceptable standard is no more than 1.5,⁷¹
 - and the cited Committee's Concluding Observations for Austria concerned a ratio of 1.5,⁷² for which the Committee noted that it could be punitively long if not based on reasonable and objective grounds, referring to articles 18 and 26 of ICCPR.⁷³
- Despite explicitly citing as punitive ratios those of 1.7, 1.75 or 2, the majority of the court found the legislative provision about double length "constitutionally tolerable". Only one of the judges had a dissenting opinion that the legislative provision stipulating that conscientious objectors are obliged to perform an alternative service of double length in comparison to the length of the military service, is punitive and discriminatory, citing articles 9 of ECHR, articles 8 and 18 of ICCPR and concluding observations of the Committee. This judge also opined that the fact that the Minister of National Defence has the right to reduce the length of alternative service to equal that of (the maximum) military service, is not sufficient to make the legislative provision in line with the aforementioned provisions of international law; insofar it is at the discretion of the Minister of National Defence.
- Three of the judges, including the President of the relevant section, who is also one of the Vice-Presidents of the Council of State, had a dissenting opinion, arguing that the Minister of National

⁶⁷ Human Rights Committee, Views on Communication No 666/1995, Frédéric Foin v. France, (CCPR/C/67/D/666/1995), 9 November 1999, para. 10.3. <https://undocs.org/CCPR/C/67/D/666/1995>
Human Rights Committee, Views on Communications No. 690/1996 & 691/1996, Marc Venier and Paul Nicolas v. France, (CCPR/C/69/D/690/1996 & 691/1996), para. 10.4. <https://www.refworld.org/jurisprudence/caselaw/hrc/2000/en/89601>

⁶⁸ EBCO Annual Report 2023/2024, p. 86.

https://ebco-beoc.org/sites/ebco-beoc.org/files/2024-05-15-EBCO_Annual_Report_2023-24.pdf

⁶⁹ ECSR, Collective Complaint No. 08/2000 Quaker Council for European Affairs (QCEA) v. Greece.

https://www.coe.int/en/web/european-social-charter/processed-complaints/-/asset_publisher/5GEFkJmH2bYG/content/no-8-2000-quaker-council-for-european-affairs-qcea-v-greece

⁷⁰ UN Human Rights Committee, Concluding observations on the second periodic report of Greece, 3 December 2015, CCPR/C/GRC/CO/2, paras. 37-38. <https://undocs.org/CCPR/C/GRC/CO/2>

⁷¹ E.g. ECSR, Conclusions XIX-1 - Greece - Article 1-2, (XIX-1/def/GRC/1/2/EN), 24 October 2008, Article 1 - Right to work. Paragraph 2 - Freely undertaken work (non-discrimination, prohibition of forced labour, other aspects), 3. Other aspects of the right to earn one's living in an occupation freely entered upon. Service required to replace military service. <https://hudoc.esc.coe.int/eng?i=XIX-1/def/GRC/1/2/EN>

⁷² Human Rights Committee, List of issues in relation to the fifth periodic report of Austria, Addendum, Replies of Austria to the list of issues, (CCPR/C/AUT/Q/5/Add.1), 24 August 2015, para. 131. <https://undocs.org/CCPR/C/AUT/Q/5/Add.1>

⁷³ UN Human Rights Committee, Concluding observations on the fifth periodic report of Austria, (CCPR/C/AUT/CO/5), 3 December 2015, paras. 33-34. <https://undocs.org/CCPR/C/AUT/CO/5>

Defence should provide the reason for such a decision to increase the length of alternative service, which was lacking in this case.

Additional issues of discrimination

While certain conscripts performing a military service, *inter alia*, at the eastern borders have a duty of only 9 months, conscientious objectors serving in the same areas have a duty of 15 months, that is, 67% longer.

The issue of greater length leads to an additional discrimination in terms of cost, which is described below.

iv) Discrimination as for cost for conscientious objectors above 33 years of age

The Committee, requested Greece to review the legislation in order for the alternative service not to be punitive and discriminatory, referring *inter alia* to the cost of the service.⁷⁴

The law provides the opportunity for conscripts of a certain age to perform only a small part of their service and buy out the rest. An amendment to the legislation in 2019 partially addressed some aspects of the discrimination faced by conscientious objectors in this regard: the age above which someone is entitled to buy out was made equal for conscientious objectors and conscripts performing military service (33 years) and the minimum period of alternative service required to be actually performed was made equal to the equivalent minimum period of military service (20 days). However, the most significant aspect of the discrimination remained unaddressed. The law provides that the amount of money for each month of military service, should be equal to the amount of money for a month of alternative service.⁷⁵ However, given the greater length of alternative service, the overall amount of money for buying out the same duty is greater for conscientious objectors. Considering that the amount of money for each month has been set to € 810,⁷⁶ this means that conscientious objectors have been required to pay thousands of euros more than the conscripts and even at the present time, when the full alternative service is 3 months longer, they are required to pay up to € 2,430 more. Such discrimination has been pointed out by the **Ombudsman**,⁷⁷ the **GNCHR**,⁷⁸ **Amnesty International**⁷⁹ and the **Special**

⁷⁴ UN Human Rights Committee, Concluding observations on the second periodic report of Greece, 3 December 2015, (CCPR/C/GRC/CO/2), para. 38. <https://undocs.org/CCPR/C/GRC/CO/2>

⁷⁵ Law 3883/2010 (Government Gazette vol. A 167/24-09-2010), article 79, para. 2.

⁷⁶ Joint Decision of the Minister of Finance and the Minister of National Defence No Φ.429.1/ 19/281812, 4 March 2011 (Government Gazette vol. B 517 5 April 2011), Art. 1(1).

⁷⁷ [in Greek] Συνήγορος του Πολίτη, «Ο Συνήγορος του Πολίτη για την άρση του προστίμου ανυποταξίας», Press Release of 2 February 2016. <https://old.synigoros.gr/?i=human-rights.el.danews.345630>

Συνήγορος του Πολίτη, Ειδική Έκθεση «Ο θεσμός της εναλλακτικής πολιτικής-κοινωνικής υπηρεσίας. Προτάσεις αναμόρφωσης.» (1999), κεφ. 2. «Η διάρκεια της Ε.Π.Κ.Υ.»

https://old.synigoros.gr/?i=human-rights.el.enallaktiki_upiresia.38783

⁷⁸ Greek National Commission for Human Rights, Input to the OHCHR quadrennial analytical report 2022 on conscientious objection to military service, 21 March 2022, pp. 19-20.

https://www.nchr.gr/images/English_Site/ANTIRRISIES/GNCHR_input_to_OHCHR_report_2022_on_Conscientious_Objects.pdf

GNCHR, Submission to the quadrennial analytical report 2017 on conscientious objection to military service of the UN High Commissioner of Human Rights (February 2017), pp. 10-11.

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

GNCHR submission regarding the continuous violation of Article 1§2 of the European Social Charter in the case of alternative service for conscientious objectors in Greece (11.11.2016), chapter. «Multiple discriminations in the case of conscientious objectors who are above 35 years of age», p. 5-6.

https://www.nchr.gr/images/pdf/apofaseis/ellinikes_ektheseis_en_ell_org/CoE/GNCHR_submission_ECSR_NOVEMBER.pdf#_blank

⁷⁹ Amnesty International, 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, p. 3, Chapter 4. “Buying off alternative service”.

<https://www.amnesty.org/en/documents/eur25/0088/2019/en/>

2) Inadequate procedure of examination of CO status applications

The decision on applications for the recognition of conscientious objectors is taken solely by one person, the Minister of National Defence, after a non-binding recommendation by a five-membered Special Committee with military participation. The composition of the Special Committee is:

- one member of the State's Legal Council,⁸¹ i.e. the body of lawyers of the government (different from the Council of State, the supreme administrative court), acting as president,
- three university professors
- one military officer who has a distinguished role inside the Special Committee, encompassing additional responsibilities compared to other members, being both the rapporteur and the secretary of such Committee.

The lack of independence and impartiality of the procedures of examination of CO status applications is a persistent problem in Greece, which has been pointed out, throughout the years, by international, regional and domestic human rights mechanisms, including the Committee, the UN Special Rapporteur on freedom of religion or belief and the Commissioner for Human Rights of the Council of Europe.⁸²

i) Lack of independence from the military and therefore of impartiality

The Committee has expressed concerns about “the composition of the Special Committee and its reported lack of independence and impartiality”. Consequently, the Committee reiterated its recommendation to Greece to “consider placing the assessment of applications for conscientious objector status under the full control of civilian authorities”.⁸³

Following a judgement of the European Court of Human Rights, in 2016,⁸⁴ an amendment to the legislation in 2019 reduced the number of military officers in the Special Committee from two to one.⁸⁵ While this is a positive step, the amended provision continues to be in contravention of the recommendations of the Committee since they do not require the new Special Committee to be wholly civilian and do not ensure that the decision of granting CO status is not made by the Minister of National Defence. As a result, the amended legislation still fails to place the assessment of applications for CO status under the full control of civilian authorities. This has been acknowledged by the OHCHR⁸⁶ the **Special Rapporteur on freedom of religion or belief**,⁸⁷ the **Greek National**

⁸⁰ UN Special Rapporteur on freedom of religion or belief, Communication GRC 3/2019, 11 July 2019, p.3. <https://spcommreports.ohchr.org/TMResultsBase/DownloadPublicCommunicationFile?gId=24700>

⁸¹ Also cited as State Legal Council or Legal Council of State.

⁸² For a detailed compilation of international and regional human rights standards on this issue, as well the recommendations specifically to Greece, by international, regional and domestic human rights bodies, see in: “Greece: Give Charis Vasileiou and Nikolas Stefanidis a fair examination of their grounds for conscientious objection under an amended legislative framework in line with International Law and standards”, Joint Public Statement, Amnesty International, Connection e.V., War Resisters’ International, International Fellowship of Reconciliation and European Bureau for Conscientious Objection, 21 March 2022 (Index: EUR 25/5374/2022). <https://www.amnesty.org/en/documents/eur25/5374/2022/en/>

⁸³ UN Human Rights Committee, Concluding observations on the second periodic report of Greece, (CCPR/C/GRC/CO/2), 3 December 2015, paras. 37-38. <https://undocs.org/CCPR/C/GRC/CO/2>

⁸⁴ ECtHR, Case of Papavasiliakis v. Greece, (66899/14), 15 September 2016. <http://hudoc.echr.coe.int/eng?i=001-166850>

⁸⁵ Law 4609/2019, article 23, paras. 2 and 3, amending cases a and c of para. 1 of article 62 of law 3421/2005.

⁸⁶ UN General Assembly, Human Rights Council, Approaches and challenges with regard to application procedures for obtaining the status of conscientious objector to military service in accordance with human rights standards, Report of the Office of the United Nations High Commissioner for Human Rights, (A/HRC/41/23), 24 May 2019, para. 41. <https://undocs.org/A/HRC/41/23>

⁸⁷ UN Special Rapporteur on freedom of religion or belief, Communication GRC 3/2019, 11 July 2019, pp. 2 and 5. <https://spcommreports.ohchr.org/TMResultsBase/DownloadPublicCommunicationFile?gId=24700>

In December 2022 there has been an attempt to increase the number of military members of the Special Committee examining the applications. The Ministry of National Defence launched a public consultation on a bill which contained a provision which would increase the number of military officers from 1 to 2 and reduce the number of university professors from 3 to 2,⁹² thus reinstating the previous system. Following the criticism, *inter alia*, by conscientious objectors, Amnesty International,⁹³ and most importantly by the Greek National Commission for Human Rights,⁹⁴ the Ministry of National Defence eventually refrained from including the relevant negative provisions in the bill when it was presented to the Parliament for a vote.⁹⁵ He also refrained from bringing relevant legislation in line with international human rights standards.

Validation of the current system by the Council of State

In December 2023, the Council of State issued two judgements⁹⁶ concerning the appeals against the rejection of CO status applications by the Minister of National Defence, following the recommendation by the Special Committee examining the applications. Both cases concerned applicants having ideological pacifist beliefs originating from the fact that they have been raised in Jehovah's Witnesses families, although they are not Jehovah's Witness themselves. Both cases have been highlighted by international organisations including Connection e.V.⁹⁷

In both cases, the court accepted the appeals and annulled the ministerial decision of rejection as

⁸⁸ GNCHR, Input to the OHCHR quadrennial analytical report 2022 on conscientious objection to military service, 21 March 2022, p.14.

https://www.nchr.gr/images/English_Site/ANTIRRISIES/GNCHR_input_to_OHCHR_report_2022_on_Conscientious_Objects.pdf

[in Greek] ΕΕΔΑ, Παρατηρήσεις επί των άρθρων 18, 21 και 22 του Σχεδίου Νόμου του Υπουργείου Εθνικής Άμυνας "Ρυθμίσεις Μέριμνας Προσωπικού Ενόπλων Δυνάμεων, 19 Μαρτίου 2019, σελ. 6.

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

⁸⁹ Amnesty International, 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", Index number: EUR 25/0088/2019, pp. 2-3. <https://www.amnesty.org/en/documents/eur25/0088/2019/en/>

⁹⁰ Joint Submission by the European Bureau for Conscientious Objection (EBCO) and the Association of Greek Conscientious Objection (AGCO) to the UN Universal Periodic Review 39th session of the UPR Working Group, Oct-Nov 2021, 25 March 2021, para. 2. <https://ebco-beoc.org/node/492>

⁹¹ E.g. Submission by War Resisters' International (WRI) to the UN Universal Periodic Review 39th session of the UPR Working Group, Oct-Nov 2021, 25 March 2021, para.7. https://wri-irg.org/sites/default/files/public_files/2021-04/wri-upr_submission-greece-25-03-2021.pdf

⁹² <http://www.opengov.gr/mindefence/?p=6830>

⁹³ [in Greek] Διεθνής Αμνηστία, «Ελλάδα: Να αποσυρθεί το άρθρο 62 που προτείνει μεταρρυθμίσεις του νόμου 3421/2005 καθώς αυτό θα παραβίαζε περαιτέρω τα δικαιώματα των αντιρρησιών συνείδησης», ["Greece: Withdraw article 62 proposing amendments of law 3421/2005 since this would further violate the rights of conscientious objectors", 28 December 2022. Available Greek at: <https://www.amnesty.gr/news/press/article/26957/ellada-na-aposyrthei-arthro-62-poy-proteinei-metarrythmiseis-toy-nomoy>

⁹⁴ [in Greek] ΕΕΔΑ, Επιστολή της ΕΕΔΑ επί του Σχεδίου Νόμου του Υπουργείου Εθνικής Άμυνας «Μέριμνα υπέρ του προσωπικού των Ενόπλων Δυνάμεων, εξορθολογισμός της νομοθεσίας των Ενόπλων Δυνάμεων, οργάνωση της Εθνοφυλακής και άλλες διατάξεις», 9 January 2023 (published 17 January 2023). <https://www.nchr.gr/2020-02-26-05-51-20/34-antirrisies-syneidisis/1538-epistoli-ypetha.html>

⁹⁵ GNCHR, Observations by the GNCHR on State's draft reply to the list of issues prior to the submission of the third periodic report of Greece on the implementation of the ICCPR, March 2023, para. 66.

https://www.nchr.gr/images/pdf/apofaseis/ellinikes_ektheseis_en_ell_org/OHE/GNCHR_CCPR_REPLY_TO_MINISTRY_OF_FOREIGN_AFFAIRS_fin.pdf

⁹⁶ Council of State, Judgements 2263/2023, 2264/2023.

⁹⁷ "Greece: Give Charis Vasileiou and Nikolas Stefanidis a fair examination of their grounds for conscientious objection under an amended legislative framework in line with International Law and standards", Joint Public Statement, Amnesty International, Connection e.V., War Resisters' International, International Fellowship of Reconciliation and European Bureau for Conscientious Objection, 21 March 2022 (Index: EUR 25/5374/2022).

<https://www.amnesty.org/en/documents/eur25/5374/2022/en/>

insufficiently substantiated. The court ordered the re-examination of the applications.

As highlighted also by EBCO,⁹⁸ both judgements have positive, negative, and double-edged aspects. As for the positive aspects:

- In an important shift to its previous jurisprudence, the Council of State ruled that: a) it is not necessary that conscientious objection derives from affiliation to a specific religious or other system, b) it is not necessary to be combined with relevant activity or specific actions.
- Furthermore, the court pointed out that the fact that the applicants stated that they were not Jehovah's Witnesses, despite being easier to be granted CO status if you are, could also be perceived as an evidence of sincerity. This could facilitate, in the future, the recognition of applicants from this specific sub-group (people raised in Jehovah's Witnesses' families without being one themselves).

As for the negative aspects:

- The Council of State explicitly rejected as unfounded all the structural arguments, concerning independence and impartiality, against the current procedure to grant CO status. More specifically, it found that the participation of a military officer of the Joint Legal Corps of the Armed Forces in the 5-membered Special Committee examining the applications poses no problem as to the independence of such committee, citing the reduction of military members (from 2 to 1) and the increase of civilian members (from 3 to 4). It further found that the special role of such a military officer, being both the rapporteur and the secretary of the committee, also does not pose a problem, considering it not of decisive importance. It also noted that the role of the Special Committee is only to make a recommendation – even though it was the composition of such committee that was crucial in the *Papavasilikis v. Greece* case at the ECtHR.

- Similarly, the court found that the Minister of National Defence, who takes the decision, does not participate in the procedure as a “military” person but rather as a member of the government responsible for the execution of this sector of the governmental policy, which is exercised according to the Constitution and the law, including the “protective” provisions for conscientious objectors, which the Minister, by duty, needs to embrace and implement. Therefore, the court concluded that there is no problem of independence and impartiality.

The above rulings of the Council of State clearly contradict various international human rights standards, including, but not limited to, the recommendations of the **Commissioner for Human Rights of the Council of Europe**,⁹⁹ the **Special Rapporteur on freedom of religion or belief**,¹⁰⁰ the concluding observations of the **Committee**, to “consider placing the assessment of applications for conscientious objector status under the full control of civilian authorities”,¹⁰¹ and the observations and recommendations of **OHCHR**.¹⁰²

See also: “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: joint NGOs statement”, Joint Public Statement, Amnesty International, Connection e.V., War Resisters' International, International Fellowship of Reconciliation and European Bureau for Conscientious Objection, 2 September 2021, (Index: EUR 25/4670/2021).

<https://www.amnesty.org/en/documents/eur25/4670/2021/en/>

⁹⁸ EBCO Annual Report 2023/2024, pp. 87-88. [https://ebco-beoc.org/sites/ebco-beoc.org/files/2024-05-15-EBCO Annual Report 2023-24.pdf](https://ebco-beoc.org/sites/ebco-beoc.org/files/2024-05-15-EBCO%20Annual%20Report%2023-24.pdf).

⁹⁹ Report by Mr. Alvaro Gil-Robles, Commissioner for Human Rights, on his visit to the Hellenic Republic, 2-5, June 2002, CommDH(2002)5, 17 July 2002, para. 18.

<https://rm.coe.int/CoERMPublicCommonSearchServices/DisplayDCTMContent?documentId=09000016806db86f>

¹⁰⁰ 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. <https://undocs.org/E/CN.4/2006/5/Add.1>

UN Special Rapporteur on freedom of religion or belief, Communication GRC 3/2016, 31 October 2016, p. 6.

<https://spcommreports.ohchr.org/TMResultsBase/DownloadPublicCommunicationFile?gId=22834>

UN Special Rapporteur on freedom of religion or belief, Communication GRC 3/2019, 11 July 2019, p 5 (see also p.2).

<https://spcommreports.ohchr.org/TMResultsBase/DownloadPublicCommunicationFile?gId=24700>

¹⁰¹ Human Rights Committee, Concluding observations on the second periodic report of Greece, (CCPR/C/GRC/CO/2), 3 December 2015, para. 38. <http://undocs.org/CCPR/C/GRC/CO/2>

¹⁰² UN General Assembly, Human Rights Council, Approaches and challenges with regard to application procedures for obtaining the status of conscientious objector to military service in accordance with human rights standards, Report of the Office of the United Nations High Commissioner for Human Rights, (A/HRC/41/23), 24 May 2019, paras. 7, 36 (note 47),

● Furthermore, the Council of State appears to introduce an extremely limited concept of conscientious objection to military service which requires the objector to detest with “moral intensity and seriousness any form of violence without exception”. This is a requirement which is not even explicitly mentioned in the Greek legislation (some elements related to violence, which are anyway rejected, in part or in whole, by the OHCHR¹⁰³ and organisations such as Amnesty International,¹⁰⁴ refer only to the use of guns, ammunition and *illegal* violence). Furthermore, such concept of conscientious objection to military service limited only to absolute non-violence clearly contradicts international standards about **selective** conscientious objection to military service.¹⁰⁵

ii) Lack of political independence and impartiality

According to the standards of the Parliamentary Assembly of the Council of Europe (PACE), the composition of the decision-taking body “shall guarantee maximum independence and impartiality”.¹⁰⁶ This should be understood not only in relation to the military but also as of the political independence and impartiality of this body.

This issue is particularly relevant in Greece. Insofar, the decision is taken by a Minister of the government; the body conducting the examination and recommending to the Minister consists of members appointed by the government. Thus, the standard of maximum independence and impartiality cannot be achieved, as the entire procedure is dependent from the government and subject to its political aims.

The lack of political independence is further exacerbated by the fact that the president of the Special Committee is a member of the State’s Legal Council, i.e. the body of lawyers of the government. This is a body that in the decade of 1990s has delayed the introduction of legislation providing for alternative service, claiming that it would be unconstitutional¹⁰⁷; it is also the body that until today defends the Greek State/government when conscientious objectors appeal to the Council of State, Greece’s supreme administrative court, as well to the European Court of Human Rights and to the Committee. Therefore, it is the body which has repeatedly tried to justify actions, practices and legislative provisions of the Greek State which have been considered violations of international law by the

38 (note 49), 41. <https://undocs.org/A/HRC/41/23>

¹⁰³ Ibid. paras. 46-47.

¹⁰⁴ Amnesty International, “Greece: Application procedures for obtaining the status of conscientious objectors to military service in accordance with human rights standards”, 17 December 2018, (Index Number: EUR 25/9575/2018), Part B. Formal requirements and conditions resulting in disqualification.

<https://www.amnesty.org/en/documents/eur25/9575/2018/en/>

¹⁰⁵ E.g. UNHCR, Guidelines on International Protection No. 10, HCR/GIP/13/10/Corr. 1, 12 November 2014, p.1.

<https://www.unhcr.org/publications/legal/529efd2e9/guidelines-international-protection-10-claims-refugee-status-related-military.html>

UN General Assembly, Human Rights Council, 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, paras. 15, 63.

<https://www.undocs.org/A/HRC/35/4>

UN General Assembly, Human Rights Council, Approaches and challenges with regard to application procedures for obtaining the status of conscientious objector to military service in accordance with human rights standards, Report of the Office of the United Nations High Commissioner for Human Rights, (A/HRC/41/23), 24 May 2019, paras. 26, 47, 60(d).

<https://undocs.org/A/HRC/41/23>

United Nations, General Assembly, Conscientious objection to military service, Analytical report of the Office of the United Nations High Commissioner for Human Rights, (A/HRC/50/43), 11 May 2022, paras. 12, 17(d), 57(e).

<http://undocs.org/A/HRC/50/43>

United Nations, General Assembly, Conscientious objection to military service, Report of the Office of the United Nations High Commissioner for Human Rights, (A/HRC/56/30), 23 April 2024, para. 20. <https://undocs.org/A/HRC/56/30>

¹⁰⁶ Council of Europe, Parliamentary Assembly, Resolution 337 (1967), Right of conscientious objection, para. b.2.2.

<https://assembly.coe.int/nw/xml/XRef/Xref-XML2HTML-en.asp?fileid=15752&lang=en>

¹⁰⁷ Recommendation of the State’s Legal Council 669/1991, by unanimous decision of the Plenary during the session of October 10, 1991.

The lack of political independence and impartiality of the entire procedure and of those participating in it, is reflected in the strong decrease of recognitions when there is a change of government in Greece. Despite the longstanding problems, in 2018, under the then government, (and after numerous recommendations and decisions by international, regional and domestic human rights bodies, as well pressure by civil society organisations), the recognition rate for applicants citing ideological grounds had reached 93%, with 14 out of the 15 applications approved. In the first months of 2019, there were two such applicants on ideological grounds, who were both recognised (100% recognition, albeit with a very small number of applicants). Subsequently, due to the amendment of the legislation in May 2019, and the need to appoint a new Special Committee with only 1 military member, there was a long period of time (almost 15 months) during which the entire procedure was halted. When it has been resumed in July 2020, the members of the new Special Committee were appointed by the new government, elected in July 2019. Consequently, under a new Minister of a different government, and a new Special Committee appointed by the new government, (and despite the fact of having now only 1 military member), the percentage of recognition of applicants citing ideological grounds has **sharply dropped from 93% in 2018 (or 100% in 2019) to 0% in 2021.**¹¹⁰

Connection e.V. reiterates the European Parliament's position that "no court or commission can penetrate the conscience of an individual"¹¹¹ and that the best way to resolve the problem is to accept claims of conscientious objection as valid without inquiry. This is something that has been recognised as a best practice also by the OHCHR¹¹² and has been welcomed by the UN Human Rights Council¹¹³ and previously by its predecessor, the UN Commission on Human Rights.¹¹⁴

In any case, insofar a procedure of examination of application exists, then, as a minimum, the political independence and impartiality of the procedure should be guaranteed. This could be possibly achieved to a certain extent if the members of the body examining the applications (or at least of the Special Committee which currently conducts the examination and makes a recommendation), are appointed

¹⁰⁸ E.g. European Court of Human Rights, Case of Papavasiliakis v. Greece, (66899/14), 15 September 2016. <http://hudoc.echr.coe.int/eng?i=001-166850>

For the representation of the Greek Government by the State Legal Council see para. 2. For the arguments cited by the State Legal Council on behalf of the Greek Government, justifying the actions found to be violations of ECHR, see paras. 43-47.

¹⁰⁹ See *Petromelidis v. Greece* case. Although it is not explicitly stated in the document of the views, (CCPR/C/132/D/3065/2017), nevertheless, it was also in this case that the State's Legal Council has represented Greece/the Greek Government and has tried to justify actions that were ultimately found by the Committee to be violations of articles 9(1), 12(2), 14(7) and 18(1) of ICCPR.

¹¹⁰ Official data provided, following petition, to conscientious objector and applicant for CO status Theodoros Diamantidis, available in Greek at:

https://enalaktiki.wordpress.com/wp-content/uploads/2022/05/cea3cf84ceb1cf84ceb9cf83cf84ceb9cebaceac_ce91cebdceb1ceb3cebdcf8ecf81ceb9cf83ceb7cf82_2012-2021.pdf

¹¹¹ 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).

https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=OJ:JOC_1983_068_R_0001_01&from=EN

See also European Parliament, Resolution on conscientious objection and alternative service, (A3-15/89), [known as Schmidbauer Resolution], 13 October 1989, as published in the Official Journal of the European Communities C291, 20 November 1989, para. A (page 123) and para. 4 (page 124).

https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=OJ:JOC_1989_291_R_0113_01&from=EN

¹¹² 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, Part III Best Practices, para. 34.

<http://undocs.org/A/HRC/35/4>

See also A/HRC/23/22, para. 48, E/CN.4/2006/51, para. 36, and A/HRC/50/43, para. 57(h).

¹¹³ UN Human Rights Council, Resolution 24/17 (A/HRC/RES/24/17), 8 October 2013, para. 7.

<http://undocs.org/A/HRC/RES/24/17>

¹¹⁴ UN Commission on Human Rights, Resolution 1998/77, Conscientious objection to military service,

22 April 1998, (E/CN.4/RES/1998/77), para. 2. <https://www.refworld.org/legal/resolution/unchr/1998/en/8561>

(or at least selected from a list of candidates) not by the government but by an independent authority, such as, for example, the Greek National Commission for Human Rights or the Greek Ombudsman.

iii) Lack of effective appeal procedure

An additional problem is the lack of an effective appeal procedure. In theory, there are two kinds of available appeal procedures, the administrative one (“aitisi therapeias”), and the judicial one.

The judicial appeal can be submitted to the Council of State, the Supreme Administrative Court of Greece. However, apart from the cost of such an appeal (prohibitive for many conscientious objectors), the problem is that “the scrutiny performed by the Supreme Administrative Court in the event of an appeal against the Minister of National Defence’s decision, it extends only to the lawfulness of the decision and not to the merits of the case, and is based on the assessments made by the members of the special committee”, as it has been pointed out by the **European Court of Human Rights**.¹¹⁵ Furthermore, as cited above, the Council of State continues disregarding international human rights standards, including OHCHR standards and the concluding observations of the Committee, concerning the assessment of applications.

18

As for the administrative appeal (“aitisi therapeias”), the problem is that it is considered under the very same procedure as the initial application, that is, by the Minister of National Defence, after recommendation by the same Special Committee, which includes a military officer. Therefore, the same issues of independence and impartiality remain in this procedure.

Official data reveal **0%** (0 of 5) successful administrative appeals in 2021,¹¹⁶ **25%** (1 of 4) in 2022¹¹⁷ and **50%** (1 of 2) in 2023.¹¹⁸

Worth noting also a pattern of delay of response by the Minister of National Defence to appeals of rejected applicants, which entails for claimants of conscientious objection a risk of missing the deadline for judicial appeal (see further details in the following paragraphs).

3) Discrimination between different categories of conscientious objectors

The **Committee** has expressed concerns about “reports indicating discrimination on the basis of different grounds of objection”¹¹⁹, echoed by the **Special Rapporteur on freedom of religion or belief**¹²⁰ and the **OHCHR**.¹²¹ Such discrimination has been pointed out, for several years, by the

¹¹⁵ ECtHR, Case of Papavasiliakis v. Greece, (66899/14), 15 September 2016, para. 65. <http://hudoc.echr.coe.int/eng/?i=001-166850>

¹¹⁶ Official data provided, following petition, to conscientious objector and applicant for CO status Theodoros Diamantidis, available in Greek at:

https://enalaktiki.wordpress.com/wp-content/uploads/2022/05/cea3cf84ceb1cf84ceb9cf83cf84ceb9cebaseac_ce91cebdceb1ceb3cebdcf8ecf81ceb9cf83ceb7cf82_2012-2021.pdf

¹¹⁷ Official data provided, following petition, to conscientious objector and applicant for CO status, Nikolaos Nikolopoulos, available in Greek at: <https://enalaktiki.wordpress.com/2023/04/03/episima-statistika-2022/>

¹¹⁸ Official data provided, following petition, to conscientious objector Nikolaos Nikolopoulos, available in Greek at:

<https://enalaktiki.wordpress.com/2024/02/06/%ce%b5%cf%80%ce%af%cf%83%ce%b7%ce%bc%ce%b1-%cf%83%cf%84%ce%b1%cf%84%ce%b9%cf%83%cf%84%ce%b9%ce%ba%ce%ac-%ce%b5%ce%b3%ce%ba%cf%81%ce%af%cf%83%ce%b5%cf%89%ce%bd-%ce%b1%cf%80%ce%bf%cf%81%cf%81/>

¹¹⁹ UN Human Rights Committee, Concluding observations on the second periodic report of Greece, (CCPR/C/GRC/CO/2), 3 December 2015, para. 37. <https://undocs.org/CCPR/C/GRC/CO/2>

¹²⁰ UN Special Rapporteur on freedom of religion or belief, Communication GRC 3/2016, 31 October 2016, p. 2.

<https://spcommreports.ohchr.org/TMResultsBase/DownloadPublicCommunicationFile?gId=22834>

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

<https://spcommreports.ohchr.org/TMResultsBase/DownloadPublicCommunicationFile?gId=24700>

¹²¹ UN General Assembly, Human Rights Council, Approaches and challenges with regard to application procedures for obtaining the status of conscientious objector to military service in accordance with human rights standards, Report of the Office of the United Nations High Commissioner for Human Rights, (A/HRC/41/23), 24 May 2019, para. 29. <https://undocs.org/A/HRC/41/23>

Ombudsman¹²² who mainly identified a discrimination between those applicants citing religious grounds and those applicants citing ideological grounds. As it has been pointed out by the **European Court of Human Rights**: “In this connection, the Court observes that in his recommendation of 2013 the Greek Ombudsman pointed out that, while for conscientious objectors classified as “religious”, the special committee required no more than a certificate from the religious community concerned and did not even call them to an interview, “ideological” objectors were often required to answer questions concerning sensitive personal information [...]”.¹²³

A more careful analysis reveals an even more complex situation. The discrimination is not only or simply between those citing religious and those citing ideological grounds, but also between different religious grounds. The case of Mr. Petros Sotiropoulos, a Christian Evangelist who spent more than ten years in failed attempts to be recognised as conscientious objector on religious grounds, cited by the Special Rapporteur in 2016, is illustrative.¹²⁴ According to the information we received, after all these years and after the aforementioned communication by the Special Rapporteur explicitly citing his case, Mr. Sotiropoulos has been finally granted CO status but still not on religious grounds, but rather because of a second application he had submitted, this time on ideological grounds.

Another conscientious objector who cited religious grounds, has been granted CO status, and has performed alternative service, but he has been officially recognised as a conscientious objector “on ideological grounds” instead of religious ones. This case can illustrate on one hand the fact that Greek authorities seem not to grant CO status on religious grounds to persons of religious beliefs other than Jehovah’s Witnesses, and on the other hand, that one cannot rely on official statistics.¹²⁵

Another category of conscientious objectors who face difficulties to be granted CO status are those Jehovah’s Witnesses who are not yet baptised. In this regard, conscientious objectors have to appeal to the Council of State which ruled that baptism cannot be the only mean to prove the adoption of a dogma.¹²⁶

A further category consists of persons who have been raised in a family of Jehovah’s Witness, have adopted the same pacifist ideas and beliefs which prevent them from performing a military service, but for other reasons, have not become Jehovah’s Witnesses themselves. The Papavasilakis’ case, examined by the **European Court of Human Rights**, is illustrative of this category and of the problems these individuals face.¹²⁷ Despite the judgement of the ECtHR in this case, which *inter alia* led to the recognition of Papavasilakis as a conscientious objector¹²⁸, other similar cases continue to face problems, as for instance the two cases previously mentioned¹²⁹ for which the Council of State

¹²² [in Greek] Συνήγορος του Πολίτη, Ειδική Έκθεση 2013, «Καταπολέμηση των διακρίσεων», Κεφ. «Διακρίσεις λόγω θρησκευτικών ή άλλων πεποιθήσεων, παράγραφος «Εξέταση αιτήσεων αναγνώρισης αντιρρησιών συνείδησης», p. 110.

<https://old.synigoros.gr/resources/docs/10-diakriseis--2.pdf>

¹²³ ECtHR, Case of Papavasilakis v. Greece, (66899/14), 15 September 2016, para. 62. <http://hudoc.echr.coe.int/eng?i=001-166850>

¹²⁴ UN Special Rapporteur on freedom of religion or belief, Communication GRC 3/2016, 31 October 2016, pp. 3-4. <https://spcommreports.ohchr.org/TMResultsBase/DownloadPublicCommunicationFile?gId=22834>

¹²⁵ IFOR, Submission to the 133rd session of the Human Rights Committee, Greece, Contribution for the adoption of the List of Issues Prior to Reporting, Conscientious objection to military service and related issues, Updated August 2021, p. 6.

https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=INT%2FCCPR%2FICS%2FGRC%2F46472&Lang=en

¹²⁶ Council of State, Judgement 1045/2018.

¹²⁷ ECtHR, Case of Papavasilakis v. Greece, (66899/14), 15 September 2016. <http://hudoc.echr.coe.int/eng?i=001-166850>

¹²⁸ CoE, Secretariat of the Committee of Ministers, “Communication from Greece (information on individual measures) concerning the case of PAPAVASILAKIS v. Greece (Application No. 66899/14)”, (DH-DD(2018)930), 27 September 2028.

[https://search.coe.int/cm/Pages/result_details.aspx?Reference=DH-DD\(2018\)930](https://search.coe.int/cm/Pages/result_details.aspx?Reference=DH-DD(2018)930)

¹²⁹ “Greece: Give Charis Vasileiou and Nikolas Stefanidis a fair examination of their grounds for conscientious objection under an amended legislative framework in line with International Law and standards”, Joint Public Statement, Amnesty International, Connection e.V., War Resisters’ International, International Fellowship of Reconciliation and European Bureau for Conscientious Objection, 21 March 2022 (Index: EUR 25/5374/2022).

has recently annulled the ministerial decisions of rejection.¹³⁰

Finally, the category of conscientious objectors on ideological (i.e., non-religious) grounds is also still facing problems and discrimination. As previously noted, the percentage of recognition for this category has dropped to **0%** (0 out of 12) in 2021.¹³¹ The percentage of recognition was **33%** (3 out of 9) in 2022,¹³² and **25%** (1 out of 4) in 2023.¹³³ While for those citing religious grounds the percentage has been **99%** in 2021, **95%** in 2022 and **95%** 2023.

Individual cases highlight the highly problematic treatment of this category.

In one of the cases, the Special Committee took into consideration for its negative recommendation to the Minister, the fact that the conscientious objector has sincerely declared in front of the Special Committee that perhaps he might not be able to perform the alternative service because of his difficult financial situation in conjunction with the punitive conditions of the alternative service. A conscientious objector should never be deprived of his right to conscientious objection because of his financial situation. And the fact that someone might not be able to perform (or conclude) a punitive alternative service should never be the reason to be deprived of his CO status and face punishment.¹³⁴

20

In another case, reported by Amnesty International,¹³⁵ a conscientious objector, following the rejection of his first application, insisted on his conscientious objection by submitting a second application for CO status. He was summoned for a second time for medical examinations, and, two and a half months later, he was informed by e-mail about the rejection of his second application, without it having been examined on the merits. This is despite the relevant jurisprudence of the Council of State, that has ruled in favour of individuals whose second application has been rejected without being examined on the merits. The military authorities are using a new reasoning in order to circumvent the judgements of the Council of State and reject second applications without them being examined on the merits. In this particular case, together with the notification, by e-mail, of the rejection of the second application, the conscientious objector was also informed that he was called up to enlist in the armed forces the following day. The next day he was given a call for enlistment by the police, requiring him to enlist in the armed forces on the same day. Such practices, of calling up for enlistment within hours, effectively reduce the margin to appeal such decisions and therefore the right to an effective remedy, and/or put applicants at risk to be immediately declared insubordinate and face serious criminal and administrative sanctions and the risk of arrest.¹³⁶

<https://www.amnesty.org/en/documents/eur25/5374/2022/en/>

¹³⁰ Council of State, Judgements 2263/2023, 2264/2023.

¹³¹ Official data provided, following petition, to conscientious objector and applicant for CO status Theodoros Diamantidis, available in Greek at:

https://enalaktiki.wordpress.com/wp-content/uploads/2022/05/cea3cf84ceb1cf84ceb9cf83cf84ceb9cebaceac_ce91cebdceb1ceb3cebdcf8ecf81ceb9cf83ceb7cf82_2012-2021.pdf

¹³² Official data provided, following petition, to conscientious objector and applicant for CO status, Nikolaos Nikolopoulos, available in Greek at: <https://enalaktiki.wordpress.com/2023/04/03/episima-statistika-2022/>

¹³³ Official data provided, following petition, to conscientious objector Nikolaos Nikolopoulos, available in Greek at:

<https://enalaktiki.wordpress.com/2024/02/06/%ce%b5%cf%80%ce%af%cf%83%ce%b7%ce%bc%ce%b1-%cf%83%cf%84%ce%b1%cf%84%ce%b9%cf%83%cf%84%ce%b9%ce%ba%ce%ac-%ce%b5%ce%b3%ce%ba%cf%81%ce%af%cf%83%ce%b5%cf%89%ce%bd-%ce%b1%cf%80%ce%bf%cf%81%cf%81/>

¹³⁴ IFOR, Submission to the 133rd session of the Human Rights Committee, Greece, Contribution for the adoption of the List of Issues Prior to Reporting, Conscientious objection to military service and related issues, Updated August 2021, pp. 6-7.

https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=INT%2FCCPR%2FICS%2FGRC%2F46472&Lang=en

¹³⁵ [in Greek] “Πρόσφατα στοιχεία δείχνουν ότι οι ενέργειες του Ελληνικού Κράτους παραβιάζουν τις υποχρεώσεις του για τα ανθρώπινα δικαιώματα αναφορικά με το δικαίωμα στην αντίρρηση συνείδησης», [“Recent data indicate that the actions of the Greek State violate its obligations for human rights concerning the right to conscientious objection”], 12 July 2022. <https://www.amnesty.gr/news/press/article/26474/prosfata-stoiheia-deihnoyn-oti-oi-energeies-toy-ellinikoy-kratoy>

¹³⁶ WRI, “Greece: A victory for transparency reveals zero recognition of COs on ideological grounds. Serious deterioration

In another case, Thomas Katsaros applied in May 2022 for CO status, requesting to perform the (punitive) alternative service. His application was based on his *ideological* pacifist beliefs. His application was rejected in August 2022 by the Minister of National Defence, after a recommendation by the Special Committee on the grounds that in their view from the submitted documentation “it is not inferred that the claimed conscientious grounds stem from a specific ideology, philosophical, religious or political” preventing him from fulfilling his military duties in arms. (A common reasoning which now appears to be rejected by the Council of State.¹³⁷)

Katsaros submitted an administrative appeal to the Minister of National Defence in September 2022. However, due to the delay in receiving a response for such appeal, and to the risk to miss the deadline for judicial appeal, in November 2022 he also submitted a judicial appeal to the Council of State, the Supreme Administrative Court – which is still pending.

Throughout the years, there is a pattern of delay of response by the Minister of National Defence to appeals of rejected applicants, which entails for claimants of conscientious objection a risk of missing the deadline for judicial appeal.

Katsaros’s initial (administrative) appeal was rejected by the same Minister of National Defence in January 2023, after a recommendation by a subsequent Special Committee.

The case of Thomas Katsaros illustrates two of the most problematic aspects of the legislation and practice concerning the right to conscientious objection in Greece: the lack of independence and impartiality of the procedures of examination of CO status applications, and the discrimination faced by certain groups of conscientious objectors on the basis of the nature of their beliefs.¹³⁸

4) Punishment of certain categories of conscientious objectors

i) Categories of conscientious objectors who are punished

Certain categories of conscientious objectors, who, for one reason or the other, do not perform or conclude the punitive and discriminatory alternative service face punishment as “insubordinate”. Such categories are the following:

- Those whose CO status applications have been unfairly rejected because of the problematic procedure of examination. In this case they are required to perform military service and if they insist in their conscientious objection, they are declared insubordinate and face the relevant punishment (see below).
- Those who are granted CO status, but because of the punitive conditions, they find themselves unable to conclude the alternative service. In this case, their CO status is revoked and they are required to perform certain months of military service and if they insist in their conscientious objection they are declared insubordinate and face the relevant punishment.
- Those who commit a disciplinary offence during their alternative service, which results in their CO status being revoked. In this case, they are required to perform months of military service and if they insist in their conscientious objection, they are declared insubordinate and face the relevant punishment.
- Most often, those who refuse to perform the (punitive and discriminatory) alternative service, including -but not limited to- those self-identified as “total objectors”. They are also declared insubordinate and face the relevant punishment. As it has been reported by groups of total objectors and media,¹³⁹ in February 2019 alone, at least three total objectors have been sentenced by the Military Court of Athens to (suspended) sentences of 12- and 18-months’ imprisonment,

for COs intensifies”, 1 August 2022. https://wri-irg.org/en/story/2022/greece-victory-transparency-reveals-zero-recognition-cos-ideological-grounds-serious#_ftn1

¹³⁷ Council of State, Judgements 2263/2023, 2264/2023.

¹³⁸ “Greece: Give Thomas Katsaros a fair examination of his grounds for conscientious objection”, Joint Public Statement, Amnesty International, Connection e.V., War Resisters’ International, International Fellowship of Reconciliation and European Bureau for Conscientious Objection, 3 March 2023, (Index: EUR 25/6508/2023). <https://www.amnesty.org/en/documents/eur25/6508/2023/en/>

¹³⁹ [in Greek] Δημήτρης Αγγελίδης, «Μετέωρες διατάξεις για αντιρρησίες συνείδησης», *ΕΦ.ΣΥΝ.*, 12, March 2019. https://www.efsyn.gr/ellada/koinonia/186788_meteores-diataxeis-gia-antirrhisies-syneidisis

respectively.

It is also relevant to report that conscripts or professional soldiers developing conscientious objection after joining the armed forces, are not recognised as conscientious objectors and face punishment as well¹⁴⁰.

Taking into consideration the punitive and discriminatory character of the alternative service and the inadequate procedures of examination for CO status, as highlighted by international and regional human rights bodies, none of the aforementioned categories of conscientious objectors should be punished.

ii) The punishment for insubordination

Being declared as “insubordinate” entails risk of arrest at any given moment. In recent years, arrests and detentions have been documented by Amnesty International¹⁴¹ and EBCO¹⁴². It can be about some hours or a couple of days, until either the “insubordinate” is brought before a military court for a trial, or –more often – his trial is scheduled for a later date, and he is released.

The punishment for each period of insubordination includes in all cases:

- An administrative fine of € 6,000,¹⁴³ increased as long as it remains unpaid, which can also result to confiscation of property, including money from bank accounts.¹⁴⁴
- A prison sentence up to 2 years;¹⁴⁵ often, but not always, a suspended sentence, depending on the criminal record, and usually eligible to be converted to a “financial penalty” of several thousands of euros – different from the administrative fine cited above.
- Further sanctions, (vaguely mentioned as “deprivations and prohibitions” in the State Party’s report¹⁴⁶), such as: deprivations of the right to be employed in the public sector, and for those who have been irrevocably convicted for insubordination or desertion, the deprivation of the right to exercise a profession which requires a special permission by the authority and of the right to

¹⁴⁰ E.g. Amnesty International, “Greece: To be in the army or choosing not to be: The continuous harassment of conscientious objectors.”, 31 May 2003 Index Number: EUR 25/003/2003, p. 5.

<https://www.amnesty.org/en/documents/eur25/003/2003/en/>

Amnesty International, “Greece: Professional soldier Giorgos Monastiriotis is a prisoner of conscience and must be released”, 21 September 2004 Index Number: EUR 25/011/2004.

<https://www.amnesty.org/en/documents/eur25/011/2004/en/>

Διεθνής Αμνηστία, «Ελλάδα: Νέα δίκη αντιρρησία συνείδησης από στρατοδικείο για λιποταξία», 1 Δεκεμβρίου 2012 [Amnesty International, “Greece: New trial of conscientious objector for desertion”, 1 December 2012]. Available in Greek at:

<https://www.amnesty.gr/news/articles/article/10519/ellada-nea-diki-antirrhisia-syneidisis-apo-stratodikeio-gia-lipotaxia>

¹⁴¹ See for example, Amnesty International, “Greece: Stop arbitrary prosecutions and arrests of conscientious objectors”, 4 November 2013, Index number: EUR 25/017/2013. <https://www.amnesty.org/en/documents/eur25/017/2013/en/>

Amnesty International, Annual Report 2017/2018, Greece. <https://www.amnesty.org/en/countries/europe-and-central-asia/greece/report-greece/>

Amnesty International, Europe: Human rights in Europe – review of 2019, p. 37.

<https://www.amnesty.org/en/documents/eur01/2098/2020/en/>

Amnesty International, Annual Report 2021/2022, Greece, p. 180.

<https://www.amnesty.org/en/documents/pol10/4870/2022/en/>

Amnesty International, Annual Report 2023/2023, Greece.

<https://www.amnesty.org/en/location/europe-and-central-asia/western-central-and-south-eastern-europe/greece/report-greece/>

¹⁴² E.g.: EBCO Annual Report 2023/2024, p. 90-91. https://ebco-beoc.org/sites/ebco-beoc.org/files/2024-05-15-EBCO_Annual_Report_2023-24.pdf

EBCO annual report 2021, p. 38.

https://ebco-beoc.org/sites/ebco-beoc.org/files/attachments/2022-03-21-EBCO_Annual_Report_2021.pdf

¹⁴³ Ministerial decision Φ.429.1/17/281810 (Government Gazette vol. Β΄ 517/2011) “Determination of the fine which is imposed to insubordinates and deserters”. Available in Greek at: <https://www.stratologia.gr/el/node/937>

¹⁴⁴ ECtHR, *Papavasiliakis v. Greece*, Application no. 66899/14, Judgement of 15 September 2016, para. 21.

<https://hudoc.echr.coe.int/?i=001-166850>

¹⁴⁵ Military Penal Code, Article 32 (a). Available in Greek at: <https://www.stratologia.gr/el/node/931>

¹⁴⁶ Third periodic report submitted by Greece, para. 191.

vote and to be elected. The “insubordinate” or deserter is prohibited from migrating abroad or from being employed in ships travelling abroad, and from having a passport issued or renewed, except for insubordinate residing in foreign countries.¹⁴⁷

In the case of conscientious objectors unduly punished for insubordination, apart from violation of article 18(1) of ICCPR, there are also violations, *inter alia*, of:

- Art. 9(1), in case of arrests, detentions and imprisonments. (See *Petromelidis v. Greece*¹⁴⁸)
- Art. 12(2), in case of prohibition from migrating abroad or from being employed in ships travelling abroad, and from having a passport issued or renewed (See *Petromelidis v. Greece*¹⁴⁹)
- Art. 14(1), for trials of conscientious objectors by military courts.¹⁵⁰
- Art. 25, in case of deprivation of the right to vote and to be elected.¹⁵¹ (Although not reported, for unknown reasons, in the *Petromelidis*’ case, it occurred in other cases.¹⁵²)

▪ VIOLATIONS OF FUNDAMENTAL PRINCIPLES OF INTERNATIONAL LAW IN THE CASE OF CONSCIENTIOUS OBJECTORS IN GREECE

1) Repeated punishment of conscientious objectors in violation of *ne bis in idem*

Punishment for insubordination does not entail exemption from military duties (unless someone has actually served a prison sentence equal or greater than the length of alternative service he would have been required to perform if he would have been recognised as a conscientious objector,¹⁵³ which nowadays does not occur in practice). Consequently, conscientious objectors are repeatedly called-up, and repeatedly punished. In theory, such a repeated punishment is unlimited as of the number of sentences and fines, and in practice Connection e.V. is aware of cases of conscientious objectors who have been punished (at least) 5 times (e.g. the case of Lazaros Petromelidis presented below).

In 2022 a conscientious (total) objector who has refused to perform both military service and the alternative service was sentenced for insubordination by the Military Court of Ioannina to a suspended sentence of 6-month imprisonment. This was his *second* conviction for insubordination.¹⁵⁴

In October 2023 the Military Court of Athens examined the case of another total objector on charges of insubordination, for refusing to perform both the military and the alternative service. During the trial, the Military Court discovered that the total objector was again in situation of insubordination, following a renewed call-up for military service. Therefore, the Prosecutor recommended to postpone the trial, so that the second period of insubordination could be examined together with the first one. The Military Court indeed postponed the trial to October 2024. However, the Military Court ordered the arrest of the total objector, according to the procedures for recently committed offences. This

¹⁴⁷ Law 3421/2005 (as it stands today), art. 53-54. Available in Greek at: <https://www.stratologia.gr/el/nomothesia>

¹⁴⁸ *Petromelidis v. Greece*, paras. 9.8, 10. <https://undocs.org/CCPR/C/132/D/3065/2017>

¹⁴⁹ *Petromelidis v. Greece*, paras. 9.9, 10. Available at: <https://undocs.org/CCPR/C/132/D/3065/2017>

¹⁵⁰ See equivalent jurisprudence of the ECtHR, article 6 of ECHR:

E.g. ECtHR, Case of Erçep v. Turkey (Application No. 43965/04), 22 November 2011.

Available in French at: <https://hudoc.echr.coe.int/eng?i=001-107532>

ECtHR, Case of Feti Demirtaş v. Turkey (Application No. 5260/07), 17 January 2011.

Available in French at: <https://hudoc.echr.coe.int/eng?i=001-108617>

ECtHR, Case of Savda v Turkey (Application No. 42730/05), 12 June 2012.

Available in French at: <https://hudoc.echr.coe.int/eng?i=001-111414>

ECtHR, Case of Buldu and others v. Turkey (Application No. 14017/08), 3 June 2014.

Available in French at: <https://hudoc.echr.coe.int/eng?i=001-144352>

¹⁵¹ See equivalent concerns of the Committee in Turkey, in Human Rights Committee, Concluding observations on the initial report of Turkey adopted by the Committee at its 106th session (15 October – 2 November 2012), (CCPR/C/TUR/CO/1), 13 November 2012, para. 23. <https://undocs.org/CCPR/C/TUR/CO/1>

¹⁵² E.g. the case of Ioannis (Yiannis) Gklarnetatzis. See in EBCO, Annual Report 2015, p. 29.

https://ebco-beoc.org/sites/ebco-beoc.org/files/attachments/2015_EBCO_REPORT.pdf

¹⁵³ Law 3421/2005, article 65, para. 1.

¹⁵⁴ EBCO, Annual Report 2022/23, p. 43.

https://ebco-beoc.org/sites/ebco-beoc.org/files/attachments/2023-05-12-EBCO_Annual_Report_2022-23.pdf

happened because the offence of insubordination is considered a “continuous crime”, which means that someone is considered to be committing it continuously throughout the period he is insubordinate. Indeed, the total objector was arrested and brought to the police station of Moschato for a preliminary examination. He was subsequently released, following the order of the Prosecutor.¹⁵⁵

Such a repeated punishment is in violation of the *ne bis in idem* principle (Article 14.7 of ICCPR), as it has been found by the **Committee** in its concluding observations on Greece¹⁵⁶ and in the *Petromelidis v. Greece* case,¹⁵⁷ and also highlighted by consecutive **Special Rapporteurs on freedom of religion or belief**.¹⁵⁸

The **WGAD**, besides the violation of Article 14(7) of ICCPR¹⁵⁹, has also found that “repeated incarceration in conscientious objectors cases is directed towards changing their conviction and opinion, under threat of penalty”,¹⁶⁰ and thus it contravenes also **Article 18(2)** of the ICCPR, which prohibits “coercion which would impair his freedom to have or to adopt a religion or belief of his choice”.

2) Failure to provide an effective remedy including adequate reparations – and to implement the Views of the Committee

Despite consecutive amendments to the relevant legislation, Greece has always failed to recognize the violations of the right to freedom of thought, conscience and religion and of other human rights, committed to this day against conscientious objectors and to provide effective remedy. This also concerns those who had declared their conscientious objection before the establishment of the alternative service in 1998.

Despite a legislative provision of 2016¹⁶¹ which ended pending cases of prosecution against those who had declared their conscientious objection before 1998, implicitly admitting that they should have not been prosecuted, Greece has failed to address the cases of those already sentenced and punished and to provide them adequate reparations. The State Party in its Report has provided any answer to the request to “indicate if the State party intends to provide adequate compensation to those who have already been sentenced and punished”.¹⁶²

i) Disregarding the Views of the Committee in the *Petromelidis v. Greece* case

An illustrative case.

Lazaros Petromelidis had declared his conscientious objection in 1992, and until 2014 he has been sentenced for five different periods of insubordination (merged in three cases before military courts),

¹⁵⁵ EBCO Annual Report 2023/2024, p. 90-91.

https://ebco-beoc.org/sites/ebco-beoc.org/files/2024-05-15-EBCO_Annual_Report_2023-24.pdf

¹⁵⁶ Human Rights Committee, Concluding observations on the second periodic report of Greece, 3 December 2015, CCPR/C/GRC/CO/2, paras. 37-38. <http://undocs.org/CCPR/C/GRC/CO/2>

¹⁵⁷ *Petromelidis v. Greece*, paras. 9.10, 9.11, 10. <https://undocs.org/CCPR/C/132/D/3065/2017>

¹⁵⁸ UN Special Rapporteur on freedom of religion or belief, Communication GRC 3/2016, 31 October 2016, pp. 3, 6. <https://spcommreports.ohchr.org/TMResultsBase/DownloadPublicCommunicationFile?gId=22834>

UN Special Rapporteur on freedom of religion or belief, Communication GRC 3/2019, 11 July 2019, pp. 3, 5. <https://spcommreports.ohchr.org/TMResultsBase/DownloadPublicCommunicationFile?gId=24700>

¹⁵⁹ Working Group on Arbitrary Detention, Opinion 16/2008 (Turkey), para. 39 (pp. 145-146). <http://undocs.org/A/HRC/10/21/Add.1>.

And previously:

Opinion No. 24/2003 (Israel), paras. 30-31 (p. 22). <http://undocs.org/E/CN.4/2005/6/Add.1>

Opinion No. 36/1999 (Turkey) para. 10 (p. 55). <http://undocs.org/E/Cn.4/2001/14/add.1>

¹⁶⁰ United Nations, Economic and Social Council, Commission on Human Rights, Report of the Working Group on Arbitrary Detention “Civil and political rights, including the question of torture and detention”, (E/CN.4/2000/4), 20 December 2000 (Recommendation 2: detention of conscientious objectors), paras. 91-94. <https://www.refworld.org/reference/themreport/unchr/2000/en/39863>

¹⁶¹ Law 4361/2016, (Government Gazette vol. A 10/1-2-2016), Article 12, para. 8.

¹⁶² Human Rights Committee, List of issues prior to submission of the third periodic report of Greece, (CCPR/C/GRC/QPR/3), 2 December 2021, para. 20. <https://undocs.org/CCPR/C/GRC/QPR/3>

has been deprived of his liberty at least four times (87 days in total), has paid two financial penalties instead of imprisonment (corresponding to four sentences) and has faced multiple violations of his human rights, including the right to leave his country, for many years. Lazaros Petromelidis has been repeatedly declared a prisoner of conscience by Amnesty International”.¹⁶³ Greece continues to fail to recognise the human rights violations committed against Mr. Petromelidis and provide him with adequate reparations.

In 2021, the Committee found violations of Petromelidis’ rights under articles 9(1), 12(2), 14(7) and 18(1) of the ICCPR.¹⁶⁴

As cited by the Committee: “Pursuant to article 2 (3) (a) of the Covenant, the State party is under an obligation to provide the author with an effective remedy. This requires it to make full reparation to individuals whose Covenant rights have been violated. Accordingly, the State party is obligated, inter alia, to expunge the author’s criminal record, to reimburse all sums paid as fines and to provide adequate compensation. The State party is also under an obligation to take all steps necessary to prevent similar violations from occurring in the future. In this connection, the Committee reiterates that, in accordance with its obligation under article 2 (2) of the Covenant, the State party should review its legislation with a view to ensuring the effective guarantee of the right to conscientious objection under article 18 (1) of the Covenant, for instance by providing for the possibility of undertaking alternative civilian service that is not punitive and discriminatory in nature.”¹⁶⁵

However, to date there have not been any actions whatsoever by the State Party to give effect to such Views. Moreover, the State party’s follow-up observations¹⁶⁶ indicate lack of intention by the State party to implement the Views, neither as to individual measures, nor as to the legislation, to prevent similar violations from occurring again in the future.

As to individual measures, the State party has failed, so far, to give effect to any of those described in the Views, such as:

- a) “**reimburse all sums paid as fines**”. This refers to the financial penalties instead of imprisonment. The State party has failed to reimburse the sums of € 5,431¹⁶⁷ and € 1,386¹⁶⁸, which should be reimbursed augmented with adequate interest.
- b) “**provide adequate compensation**” for the violations of the author’s rights under articles 9(1), 12(2), 14(7) and 18(1) of ICCPR. The State party has failed to provide any compensation whatsoever, not even for the 87 days of detention/imprisonment.¹⁶⁹ The compensation should also take into consideration the legal expenses throughout the numerous proceedings.

¹⁶³ Amnesty International, “Greece: conscientious objectors must not be penalized”, 05/06/2001, AI Index EUR 25/002/2001. <https://www.amnesty.org/en/documents/EUR25/002/2001/en/>
 Amnesty International, “GREECE Conscientious objector Lazaros Petromelidis at risk of imprisonment”, 31 March 2002, AI Index: EUR 25/007/2002. <https://www.amnesty.org/en/documents/eur25/007/2002/en/>
 Amnesty International, “Greece: Conscientious objector faces imprisonment”, 16/04/2002, AI Index EUR 25/008/2002. <https://www.amnesty.org/download/Documents/116000/eur250082002en.pdf>
 Amnesty International, “Greece: To be in the army or choosing not to be: The continuous harassment of conscientious objectors”, 31/5/2003, AI Index: EUR 25/003/2003. <https://www.amnesty.org/en/documents/eur25/003/2003/en/>
 Amnesty International, “Greece: Petromelidis's Promethean trials”, 13 December 2004, AI Index: EUR 25/015/2004. <https://www.amnesty.org/download/Documents/96000/eur250152004en.pdf>
 Amnesty International, “Greece: Punished for their beliefs: how conscientious objectors continue to be deprived of their rights”, 11/5/2005, AI Index: EUR 25/007/2005. <https://www.amnesty.org/en/documents/eur25/007/2005/en/>
 Amnesty International, “Greece: Lazaros Petromelidis repeatedly convicted for his beliefs”, 20/6/2008, AI Index: EUR 25/003/2008. <https://www.amnesty.org/en/documents/EUR25/003/2008/en/>
 Amnesty International, “Greece: Stop arbitrary prosecutions and arrests of conscientious objectors”, 4/11/2013, AI Index: EUR 25/017/2013. <https://www.amnesty.org/en/documents/eur25/017/2013/en/>

¹⁶⁴ *Petromelidis v. Greece*, para. 10. <https://undocs.org/CCPR/C/132/D/3065/2017>

¹⁶⁵ *Petromelidis v. Greece*, para. 11. <https://undocs.org/CCPR/C/132/D/3065/2017>

¹⁶⁶ Permanent Mission of Greece to the United Nations Office and other International Organizations in Geneva, No.: 6172.1/19, 10 January 2023. NOTE VERBALE.

¹⁶⁷ *Petromelidis v. Greece*, para. 2.8. <https://undocs.org/CCPR/C/132/D/3065/2017>

¹⁶⁸ *Petromelidis v. Greece*, para. 2.9. <https://undocs.org/CCPR/C/132/D/3065/2017>

¹⁶⁹ *Petromelidis v. Greece*, para. 3.2. <https://undocs.org/CCPR/C/132/D/3065/2017>

- c) “**expunge the author’s criminal record**”. Greek legislation provides for two types of copies of criminal record, one for general use and one for judicial use.¹⁷⁰ Although the copy for general use is automatically expunged after certain years, sentences remain in the criminal record and in the copy for *judicial* use (which cannot be obtained by the person concerned). This could lead to potential discrimination in judicial, employment or other terms. State party’s observations do not cite anything about expunging criminal record. Furthermore, even a renewed copy for *general* use obtained by Mr. Petromelidis on 14 March 2024 was not expunged.

ii) Failure to provide effective remedy for conscientious objectors after 1998

The legislative provision of 2016 fails to recognise that the violations of the rights of conscientious objectors continued also for those who have declared their conscientious objection after 1998, till today.

▪ **SUGGESTED RECOMMENDATIONS TO THE STATE PARTY**

Connection e.V. kindly invites the Committee to make the following recommendations to the country under review, in its Concluding observations:

- The State party should implement without delay the views of the Committee in the *Petromelidis v. Greece* case,
 - including individual measures and
 - reviewing its legislation with a view to ensuring the effective guarantee of the right to conscientious objection to military service, encompassing an alternative to military service that is accessible to all conscientious objectors and not punitive or discriminatory in terms of its nature, cost or duration.
- The State party should cease punishment of conscientious objectors, including the repetitive punishment in violation of the *ne bis in idem* principle, and provide adequate compensation to those who have already been sentenced and punished.
- The State party should place the assessment of conscientious objector status application under the full control of civilian authorities, outside the Ministry of National Defence, without military participation and the body should have maximum independence and impartiality. (arts. 9(1), 12(2), 14(1), 14(7), 18(1), 18(2), 25, 26)
- In accordance with rule 75 of the Committee’s rules of procedure, the State party is requested to provide, within one year of the adoption of the present concluding observations, information on the implementation of the recommendations made by the Committee in the paragraph about “Conscientious objection to compulsory military service”.

¹⁷⁰ Code of Criminal Procedure, art. 571.