

*War Resisters' International is a global network of pacifist and antimilitarist organisations, working together for a world without war.*



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London, 25 March 2021

### **GREECE**

**Submission by War Resisters' International (WRI) to the UN Universal Periodic Review 39<sup>th</sup> session of the UPR Working Group, Oct-Nov 2021**

In this submission, War Resisters' International provides information under section (a) **Contributions to UPR documentation by “Other Stakeholders”, including civil society and national human rights institutions** of the [3rd UPR cycle: contributions and participation of "other stakeholders" in the UPR.](#)

**Submitting stakeholder:** War Resisters' International

Acronym: WRI

**War Resisters' International (WRI)** is a global network of pacifists and antimilitarists with over ninety member organisations in over forty countries. Since our foundation in 1921, we have been supporting and connecting people around the world who refuse to take part in war, and who use nonviolent action to tackle war's causes. WRI has consultative status with the Economic and Social Council of the United Nations.

The Right to Refuse to Kill programme of WRI specialises in conscientious objection to military service and we are thankful for this opportunity to submit information in this process.

## **A. Previous recommendations during the 2nd cycle of UPR**

1. During the 2<sup>nd</sup> Cycle of UPR, Greece has rejected<sup>1</sup> all the recommendations<sup>2</sup> concerning conscientious objectors.

## **B. Violations of the right to freedom of thought, conscience and religion (Article 18 ICCPR,<sup>3</sup> Article 9 ECHR,<sup>4</sup> Article 10 EUCFR<sup>5</sup>)**

2. The right to conscientious objection to military service is inherent to the right to freedom of thought, conscience and religion.<sup>6</sup> Despite implementing legislation about conscientious objection and alternative civilian service since 1998, Greece still violates the right to conscientious objection, and consequently the right to freedom of thought, conscience and religion of many individuals. This is mainly because of the following factors:

### **a) Non-recognition of certain conscientious objectors**

3. Many conscientious objectors are not recognised as such due to the following factors:

4. **There are conditions for automatic disqualification**, such as obtaining a permit to carry a weapon or having applied for such permit; participating in individual or collective activities held during shooting events, hunting and similar activities relating to the use of weapons; and conviction for a crime relating to the use of weapons, ammunition or unlawful violence, or a pending criminal proceeding for these facts. This has been repeatedly pointed out by the **Ombudsman**,<sup>7</sup> **Amnesty International**,<sup>8</sup> the **Special Rapporteur on freedom of religion or belief** (hereinafter Special Rapporteur)<sup>9</sup> and the **OHCHR**<sup>10</sup>, with the latter's standards being that states "should avoid the imposition of any conditions that would result in the automatic disqualification of applicants".<sup>11</sup>

5. **The strict time limits leave no opportunity for serving conscripts to apply for conscientious objector status.** According to the legislation, conscripts may avail themselves of the right to conscientious objection until the date they are due to report for military service; applications submitted after enlistment into the armed forces are not accepted. This provision is in contravention of human rights standards, as pointed out by the **Greek National Commission for Human Rights (GNCHR)**,<sup>12</sup> **Amnesty International**,<sup>13</sup> the **Special Rapporteur**<sup>14</sup> and the **OHCHR**.<sup>15</sup>

6. **There is no recognition of the right to conscientious objection for professional members of the armed forces, and thus no opportunity to leave them without consequences.** As for the procedure of resignation, this is distinct and has serious consequences, as it usually entails payment of large amounts of money. This failure has been pointed out by the **GNCHR**,<sup>16</sup> **Amnesty International**,<sup>17</sup> the **Special Rapporteur**,<sup>18</sup> and the **OHCHR**.<sup>19</sup>

7. **The body examining applications is not fully independent and impartial.** The 5-membered Special Committee which examines the application and makes the recommendation is appointed by the government (by decision of the Ministers of

National Defence, of Finance and of Education). Despite the amendment of the relevant provision in 2019, there is still military participation with one military officer, as pointed out by the **GNCHR**,<sup>20</sup> **Amnesty International**,<sup>21</sup> the **OHCHR**<sup>22</sup> and the **Special Rapporteur**.<sup>23</sup>

**8. The decision on granting conscientious objector status still lies with the (Deputy) Minister of National Defence**, despite relevant recommendations by the **GNCHR**,<sup>24</sup> **Amnesty International**,<sup>25</sup> the **Commissioner for Human Rights of the Council of Europe**,<sup>26</sup> the **Human Rights Committee**<sup>27</sup> and the **Special Rapporteur**,<sup>28</sup> to be placed under the full control of civilian authorities.

**9. There is discrimination between conscientious objectors, based on different grounds of conscientious objection**, as it has been previously pointed out by the **Ombudsman**,<sup>29</sup> the **Human Rights Committee**<sup>30</sup>, the **Special Rapporteur**<sup>31</sup> and the **OHCHR**.<sup>32</sup>

#### **b) Punitive, discriminatory and not genuinely civilian alternative service**

10. Another violation of the right to conscientious objection stems from the punitive, discriminatory (see Part C) and not genuinely civilian service due to the following factors:

11. **The length** of the alternative service is greater than the one of the military service, despite a previous **UPR recommendation**<sup>33</sup> and the resolution of the **European Parliament**.<sup>34</sup>

12. **The cost**, as pointed out by the **Human Rights Committee**<sup>35</sup> and the **Special Rapporteur**.<sup>36</sup>

13. **The alternative service is still under the supervision of the Ministry of National Defence**, despite recommendations by the **Ombudsman** since 1999,<sup>37</sup> the **GNCHR**,<sup>38</sup> and **Amnesty International**.<sup>39</sup>

#### **c) Revocation of CO status**

14. According to the legislation, the CO status is revoked in cases related with the conditions of disqualification, failure to report for alternative service in time, and disciplinary offences committed during alternative service. This has been pointed out by the **Ombudsman**,<sup>40</sup> and **Amnesty International**.<sup>41</sup> Furthermore, in certain cases of postponement, there is a requirement to repeat the procedure of application for CO status, resulting in *de facto* revocation of CO status, as pointed out by the **GNCHR**,<sup>42</sup> and the **Special Rapporteur**.<sup>43</sup>

### **C. Violations of the right to freedom from discrimination (Article 26 ICCPR, Article 14 ECHR, Article 21 EUCFR)**

15. Any punitive condition on conscientious objection could be also considered as a form of discrimination on grounds of religion or belief. However, there are some particularly evident aspects of discrimination:

16. **Discrimination as of the location of service**. Conscientious objectors are prohibited by law to perform alternative service in their region of residence, while

there is no such explicit and absolute restriction for conscripts, as pointed out by the **GNCHR**,<sup>44</sup> **Amnesty International**,<sup>45</sup> the **Special Rapporteur**,<sup>46</sup> and implicitly by the **Human Rights Committee** referring to the punitive and discriminatory *nature* of the service.<sup>47</sup>

**17. Discrimination as of the means of subsistence.** Conscripts performing military service, apart from food and accommodation, receive certain personal items and a small amount of money, while conscientious objectors receive only food and accommodation (or an amount instead of food and accommodation, which is distinct and should not be compared to that given to conscripts, because the latter is *in addition* to food and accommodation).

**18. The amount to buy out a great part of the service is far greater for conscientious objectors.** Both conscripts and conscientious objectors above 33 years of age have the opportunity, after serving 20 days of military or alternative service, to buy out the rest of their service. However, the price for each month of alternative service is established by law to be at least equal to that for a month of military service and considering the greater length of alternative service, conscientious objectors are required to pay a far greater amount of money, which may amount to several thousands of euros more. This has been pointed out by the **Ombudsman**,<sup>48</sup> the **GNCHR**,<sup>49</sup> **Amnesty International**<sup>50</sup> and the **Special Rapporteur**.<sup>51</sup>

#### **D. Violation of the right to the presumption of innocence (Article 14 para. 2 ICCPR, Article 6 para. 2 ECHR, Article 48 para. 1 EUCFR)**

19. One of the conditions of automatic disqualification (see para. 4) refers to a pending criminal proceeding for a crime relating to the use of weapons, ammunition or unlawful violence. However, the fact that someone is merely prosecuted for a crime does not necessarily mean that he is guilty and this provision contravenes the presumption of innocence, as it has been pointed out also by **Amnesty International**.<sup>52</sup> The **OHCHR**, referring to Amnesty's submission,<sup>53</sup> has indeed stated that: "In the case of a pending criminal proceeding, the presumption of innocence applies".

#### **E. Violations of economic and social rights of conscientious objectors**

20. As of the means of subsistence, in addition to the discrimination in comparison to conscripts (para. 17), the insufficient means of subsistence provided to conscientious objectors performing alternative service (i.e. only food and accommodation with no salary at all, or alternatively a salary of €223.53 instead of food and accommodation), constitute violations of the right of everyone to the enjoyment of just and favourable conditions of work (**Article 7 ICECSR**) and the right of everyone to an adequate standard of living for himself and his family (**Article 11 ICESR**), as it has been also pointed out by **Amnesty International**.<sup>54</sup> This is based on the fact that the **Committee on Economic, Social and Cultural Rights** had raised concerns that much greater salaries in Greece (€586.08 or €510.95 for workers under 25 years of age<sup>55</sup>) were not sufficient to provide workers and their families with a decent living in line with article 7 of the ICESCR.<sup>56</sup> Equivalently, this could be considered also a violation of **Article 30 (The right to protection against poverty and social**

**exclusion) of the European Social Charter.** The issue of insufficient means of subsistence has been raised also by the **Special Rapporteur**.<sup>57</sup>

21. Furthermore, the heavy administrative fines of 6,000 euros (with the possibility of increase as long as they are not paid), which usually are repeatedly imposed to those categories of conscientious objectors who are punished (see Part F), could also result in situations of violation of Article 11 of ICESR.

22. According to the **European Committee of Social Rights, of the Council of Europe**, the alternative service should not exceed in length 1.5 times [50% increase] the length of military service, otherwise there is a violation of **Article 1, paragraph 2 of the European Social Charter (ESC)** concerning the effective protection of the right of the worker to earn his living in an occupation freely entered upon.<sup>58</sup> Despite a recent (March 2021) increase in the length of the full military service in the Army,<sup>59</sup> which altered the ratio between the full military and the full alternative service, nevertheless, the ratio between the 3<sup>rd</sup> category of reduced alternative service and the equivalent 3<sup>rd</sup> category of reduced military service remains 5:3 [67% increase], which is a violation of Article 1, para. 2 of ESC, as it had been already noted by the **GNCHR**,<sup>60</sup> **Amnesty International**<sup>61</sup> and **EBCO**<sup>62</sup> in their submissions to the European Committee of Social Rights. This could also amount to a violation of the equivalent **Article 6 of ICESCR** and **Article 15 of EUCFR**.

#### **F. Further violations of human rights of certain conscientious objectors who are punished**

23. Certain categories of conscientious objectors in Greece, who do not perform the punitive and discriminatory alternative civilian service, face punishment as “insubordinate”. Such categories include those not recognised (see part B(a) of this submission), those who cannot afford or who refuse to perform the punitive, discriminatory and not genuinely civilian alternative service, and those whose CO status is revoked, usually because of a disciplinary offence. The punishment for each period of insubordination entails an administrative fine of 6,000 euros (increasing as long as it is not paid), a prison sentence up to 2 years (usually, but not always, suspended and converted to a financial penalty), and numerous administrative and other sanctions, which result in the following violations:

24. **Violations of the right to liberty (Article 9 ICCPR, Article 5 ECHR, Article 6 EUCFR).** Conscientious objectors who have been declared “insubordinate” face risks of arrest at any given moment, as well of imprisonment after a non-suspended sentence.

25. **Violations of the right to a fair and public hearing by a competent, independent and impartial tribunal established by law (Article 14.1 ICCPR, Article 6, para 1 ECHR, Article 47 EUCFR).** Conscientious objectors are tried for insubordination by military courts, an issue which has been pointed out by the **Special Rapporteur**.<sup>63</sup> The **European Court of Human Rights**, in equivalent cases of Turkish conscientious objectors has found that the trials of conscientious objectors by military courts constitute a violation of Article 6.1 of the European Convention of Human Rights.<sup>64</sup>

26. The repeated punishment of conscientious objectors constitutes:

- (a) **Violation of the *ne bis in idem* principle. (Article 14, para. 7 ICCPR, Article 4 of Protocol 4 to ECHR, Article 50 EUCFR)**, as it has been pointed out by the GNCHR,<sup>65</sup> Amnesty International,<sup>66</sup> the Human Rights Committee<sup>67</sup> and the Special Rapporteur.<sup>68</sup>
- (b) **Violation of the right not to be subject to coercion which would impair his freedom to have or to adopt a religion or belief of his choice. (Article 18.2 of ICCPR)**, according to the general standards (not particularly in the case of Greece) of the UN Working Group on Arbitrary Detention.<sup>69</sup>
- (c) **Violation of the right not to be subjected to degrading treatment. (Article 7 ICCPR, Article 3 ECHR, Article 4 EUCFR)**, according to the jurisprudence of the European Court of Human Rights in equivalent cases of repeated punishment and “civil death”, amounting to degrading treatment of conscientious objectors in Turkey.<sup>70</sup>

27. **Violation of the right to be tried in his presence (Article 14.3 (d) of ICCPR, Article 6, para. 3 ECHR, Article 47 EUCFR)**. Trials *in absentia* are not precluded by law and occasionally occur in cases of conscientious objectors who have not been adequately informed. See for instance the relevant cases of Yannis Gklarnetatzis<sup>71</sup> and Anastasios Batas<sup>72</sup> reported in previous years by Amnesty International. In such cases, the conscientious objectors do not effectively enjoy the right to be present, defended and represented. The issue of trials *in absentia* has been cited by the Special Rapporteur.<sup>73</sup>

28. **Violation of the right to vote and to be elected (Article 25 ICCPR, Article 39 EUCFR)**. Those irrevocably convicted for insubordination or desertion are deprived of the right to vote and to be elected.

29. **Violation of the right to be free to leave any country, including his own, (Article 12, para. 2 ICCPR, Article 2, para. 2 of Protocol 4 to ECHR), right to freedom of movement and residence (Article 45 EUCFR)**. The “insubordinate” or deserters are prohibited from migrating abroad or from being employed in ships travelling abroad, and from having a passport issued or renewed, except for the insubordinate already residing in foreign countries for years.

30. **Violations of the right to work (Article 6 of the ICESCR, Article 15 EUCFR, Article 1 ESC)**. Conscientious objectors who are declared “insubordinate” face 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. The “insubordinate” or deserters are also prohibited from being employed in ships travelling abroad.

31. **Violation of the right to protection of property (Article 1, Protocol 1 to ECHR, Article 17 EUCFR)**. The repeated administrative fines of 6,000 euros (increased if not paid), which may also result in confiscation of other property, derive from domestic legislation which contravenes international law and therefore cannot be considered lawful.

## G. Recommendations

32. War Resisters' International suggests the following recommendations:

- Implement the recommendations of the Human Rights Committee<sup>74</sup> and the Special Rapporteur on freedom of religion or belief,<sup>75</sup> concerning conscientious objectors.
- Consider changes in legislation and practice in order to ensure that all individuals who express conscientious objection to compulsory military service do not face any harassment or prosecution, especially repeated one, and that, without discrimination based on different grounds of conscience and/or religion, they all have the opportunity to perform civilian service of equal length to the one of military service.<sup>76</sup>

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

<sup>2</sup> UN Human Rights Council, Report of the Working Group on the Universal Periodic Review, Greece, ([A/HRC/33/7](#)), 8 July 2016, recommendation 136.15 (Uruguay), 136.16 (Slovenia).

<sup>3</sup> International Covenant on Civil and Political Rights

<sup>4</sup> European Convention on Human Rights

<sup>5</sup> Charter of the Fundamental Rights of the European Union

<sup>6</sup> UN Human Rights Committee, Communication No. 1786/2008, Jong-nam Kim et al. v. The Republic of Korea (CCPR/C/106/D/1786/2008), 1 February 2013, para. 7.4. Available at <http://undocs.org/CCPR/C/106/D/1786/2008>

<sup>7</sup> [in Greek] Συνήγορος του Πολίτη, Ειδική Έκθεση «Ο θεσμός της εναλλακτικής πολιτικής-κοινωνικής υπηρεσίας. Προτάσεις αναμόρφωσης.» (1999), Μέρος Ι, Κεφάλαιο 3, “Η υπαγωγή στο καθεστώς της Ε.Π.Κ.Υ.”. Διαθέσιμο στο: [www.synigoros.gr/resources/docs/208142.doc](http://www.synigoros.gr/resources/docs/208142.doc)

<sup>8</sup> 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, pp. 3-5. Available at:

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

<sup>9</sup> UN Special Rapporteur on freedom of religion or belief, Communication [GRC 3/2016](#), 31 October 2016, p. 2.

<sup>10</sup> OHCHR, Approaches and challenges with regard to application procedures for obtaining the status of conscientious objector to military service in accordance with human rights standards, ([A/HRC/41/23](#)), 24 May 2019, paras. 46-47.

OHCHR, *Conscientious Objection to Military Service*, New York and Geneva, 2012, Formal requirements and conditions resulting in disqualification, p. 54. Available at:

[https://www.ohchr.org/Documents/Publications/ConscientiousObjection\\_en.pdf](https://www.ohchr.org/Documents/Publications/ConscientiousObjection_en.pdf)

<sup>11</sup> OHCHR, Approaches and challenges with regard to application procedures for obtaining the status of conscientious objector to military service in accordance with human rights standards, ([A/HRC/41/23](#)), 24 May 2019, para. 60, criterion h.

<sup>12</sup> Greek National Commission for Human Rights, Submission to the quadrennial analytical report 2017 on conscientious objection to military service of the UN High Commissioner of Human Rights (February 2017), p. 6.

[http://www.nchr.gr/images/pdf/apofaseis/antirisis\\_suneidisis/Submission%20of%20the%20GNCHR%20to%20the%20quadrennial%20analytical%20report%202017.pdf](http://www.nchr.gr/images/pdf/apofaseis/antirisis_suneidisis/Submission%20of%20the%20GNCHR%20to%20the%20quadrennial%20analytical%20report%202017.pdf)

<sup>13</sup> 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, pp. 2-3. Available at:

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

<sup>14</sup> 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

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replies received, E/CN.4/2006/5/Add.1, 27 March 2006, paras. 138-139. Available at <http://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. 2.

<sup>15</sup> OHCHR, Approaches and challenges with regard to application procedures for obtaining the status of conscientious objector to military service in accordance with human rights standards, ([A/HRC/41/23](#)), 24 May 2019, para. 34.

<sup>16</sup> Greek National Commission for Human Rights, Submission to the quadrennial analytical report 2017 on conscientious objection to military service of the UN High Commissioner of Human Rights (February 2017), p. 7.

[http://www.nchr.gr/images/pdf/apofaseis/antirisisis\\_suneidisis/Submission%20of%20the%20GNCHR%20to%20the%20quadrennial%20analytical%20report%202017.pdf](http://www.nchr.gr/images/pdf/apofaseis/antirisisis_suneidisis/Submission%20of%20the%20GNCHR%20to%20the%20quadrennial%20analytical%20report%202017.pdf)

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

<sup>17</sup> 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. 4. Available at: <https://www.amnesty.org/en/documents/eur25/0088/2019/en/>

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, pp. 2-3. Available at:

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

<sup>18</sup> UN Special Rapporteur on freedom of religion or belief, Communication [GRC 3/2016](#), 31 October 2016, p. 2.

<sup>19</sup> OHCHR, Approaches and challenges with regard to application procedures for obtaining the status of conscientious objector to military service in accordance with human rights standards, ([A/HRC/41/23](#)), 24 May 2019, para. 24.

<sup>20</sup> [in Greek] ΕΕΔΑ [Παρατηρήσεις επί των άρθρων 18, 21 και 22 του Σχεδίου Νόμου του Υπουργείου Εθνικής Άμυνας "Ρυθμίσεις Μέριμνας Προσωπικού Ενόπλων Δυνάμεων](#) 19/3/2019, σ. 6.

<sup>21</sup> 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, pp. 2-3. Available at: <https://www.amnesty.org/en/documents/eur25/0088/2019/en/>

<sup>22</sup> OHCHR, Approaches and challenges with regard to application procedures for obtaining the status of conscientious objector to military service in accordance with human rights standards, ([A/HRC/41/23](#)), 24 May 2019, para. 41.

<sup>23</sup> UN Special Rapporteur on freedom of religion or belief, Communication [GRC 3/2019](#), 11 July 2019, pp. 2 and 5.

<sup>24</sup> Greek National Commission for Human Rights, Submission to the quadrennial analytical report 2017 on conscientious objection to military service of the UN High Commissioner of Human Rights (February 2017), pp. 7-8.

[http://www.nchr.gr/images/pdf/apofaseis/antirisisis\\_suneidisis/Submission%20of%20the%20GNCHR%20to%20the%20quadrennial%20analytical%20report%202017.pdf](http://www.nchr.gr/images/pdf/apofaseis/antirisisis_suneidisis/Submission%20of%20the%20GNCHR%20to%20the%20quadrennial%20analytical%20report%202017.pdf) .

<sup>25</sup> 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, pp. 2-3 and 6. Available at: <https://www.amnesty.org/en/documents/eur25/0088/2019/en/>

<sup>26</sup> Report by Mr. Alvaro Gil-Robles, Commissioner for Human Rights, on his visit to the Hellenic Republic, 2-5 June 2002, [CommDH\(2002\)5](#), para. 18.

<sup>27</sup> UN Human Rights Committee, Concluding observations on the second periodic report of Greece, ([CCPR/C/GRC/CO/2](#)), 3 December 2015, paras. 37-38.

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

<sup>28</sup> UN Special Rapporteur on freedom of religion or belief, Communication [GRC 3/2019](#), 11 July 2019, p. 5.

UN Special Rapporteur on freedom of religion or belief, Communication [GRC 3/2016](#), 31 October 2016, pp. 2-3 and 6.

UN Economic and Social Council, Commission on human rights, Civil and political rights, including the question of religious intolerance, Addendum, Summary of cases transmitted to Governments and



replies received, E/CN.4/2006/5/Add.1, 27 March 2006, para. 139. Available at:

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

<sup>29</sup> [in Greek] Συνήγορος του Πολίτη, Ειδική Έκθεση 2013, «Καταπολέμηση των διακρίσεων», Κεφ. «Διακρίσεις λόγω θρησκευτικών ή άλλων πεποιθήσεων, παράγραφος «Εξέταση αιτήσεων αναγνώρισης αντιρρησιών συνείδησης», σελ. 110. Διαθέσιμο στο <https://www.synigoros.gr/resources/docs/10-diakriseis.pdf>

<sup>30</sup> UN Human Rights Committee, Concluding observations on the second periodic report of Greece, (CCPR/C/GRC/CO/2), 3 December 2015, paras. 37-38.

<sup>31</sup> UN Special Rapporteur on freedom of religion or belief, Communication [GRC 3/2016](#), 31 October 2016, p. 2. UN Special Rapporteur on freedom of religion or belief, Communication [GRC 3/2019](#), 11 July 2019, p. 5.

<sup>32</sup> OHCHR, Approaches and challenges with regard to application procedures for obtaining the status of conscientious objector to military service in accordance with human rights standards, (A/HRC/41/23), 24 May 2019, para. 29.

<sup>33</sup> UN Human Rights Council, Report of the Working Group on the Universal Periodic Review, Greece, (A/HRC/33/7), 8 July 2016, recommendation 136.16 (Slovenia).

<sup>34</sup> Resolution on the situation concerning basic rights in the European Union (2001) (2001/2014(INI)), para 42, text adopted on 15 January 2003, available at: <http://www.europarl.europa.eu/sides/getDoc.do?pubRef=-//EP//TEXT+TA+P5-TA-2003-0012+0+DOC+XML+V0//EN>

<sup>35</sup> UN Human Rights Committee, Concluding observations on the second periodic report of Greece, (CCPR/C/GRC/CO/2), 3 December 2015, para. 38.

<sup>36</sup> UN Special Rapporteur on freedom of religion or belief, Communication [GRC 3/2019](#), 11 July 2019, p. 3. UN Special Rapporteur on freedom of religion or belief, Communication [GRC 3/2016](#), 31 October 2016, p. 2.

<sup>37</sup> Συνήγορος του Πολίτη, Ειδική Έκθεση «Ο θεσμός της εναλλακτικής πολιτικής-κοινωνικής υπηρεσίας. Προτάσεις αναμόρφωσης.» (1999), Μέρος I, Κεφάλαιο 1, “Η νέα εποπτεύουσα αρχή”. Διαθέσιμο στο: [www.synigoros.gr/resources/docs/208142.doc](http://www.synigoros.gr/resources/docs/208142.doc)

<sup>38</sup> GNCHR, [Recommendations](#) regarding Conscientious Objectors and the Scheme of Alternative Civil-Social Service (2004), recommendation d.

<sup>39</sup> [in Greek] Διεθνής Αμνηστία, “Ελλάδα: Νέος νόμος για την αντίρρηση συνείδησης – Νέα χαμένη ευκαιρία;”, Δημόσια Δήλωση, 13 Σεπτεμβρίου 2010, παράγραφος 1. <https://www.amnesty.gr/news/press/article/5839/ellada-neos-nomos-gia-tin-antirrisi-syneidisis-nea-hameni-eykairia>

<sup>40</sup> [In Greek] Συνήγορος του Πολίτη, Ειδική Έκθεση «Ο θεσμός της εναλλακτικής πολιτικής-κοινωνικής υπηρεσίας. Προτάσεις αναμόρφωσης.» (1999), κεφ. 6. «Η αντικατάσταση της έκπτωσης από αυτοτελές σύστημα κυρώσεων».

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<sup>41</sup> 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. 4. Available at: <https://www.amnesty.org/en/documents/eur25/0088/2019/en/>

<sup>42</sup> [in Greek] ΕΕΔΑ Παρατηρήσεις επί των άρθρων 18, 21 και 22 του Σχεδίου Νόμου του Υπουργείου Εθνικής Άμυνας “Ρυθμίσεις Μέριμνας Προσωπικού Ενόπλων Δυνάμεων 19/3/2019, σ. 7-8.

<sup>43</sup> UN Special Rapporteur on freedom of religion or belief, Communication [GRC 3/2019](#), 11 July 2019, pp. 2 and 3.

<sup>44</sup> Greek National Commission for Human Rights, Submission to the quadrennial analytical report 2017 on conscientious objection to military service of the UN High Commissioner of Human Rights (February 2017), p. 10.

[http://www.nchr.gr/images/pdf/apofaseis/antirrisies\\_suneidisis/Submission%20of%20the%20GNCHR%20to%20the%20quadrennial%20analytical%20report%202017.pdf](http://www.nchr.gr/images/pdf/apofaseis/antirrisies_suneidisis/Submission%20of%20the%20GNCHR%20to%20the%20quadrennial%20analytical%20report%202017.pdf)

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

<sup>45</sup> 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. Available at: <https://www.amnesty.org/en/documents/eur25/0088/2019/en/>

<sup>46</sup> UN Special Rapporteur on freedom of religion or belief, Communication [GRC 3/2019](#), 11 July 2019, p. 3. UN Special Rapporteur on freedom of religion or belief, Communication [GRC 3/2016](#), 31 October 2016, p. 2.

- <sup>47</sup> UN Human Rights Committee, Concluding observations on the second periodic report of Greece, (CCPR/C/GRC/CO/2), 3 December 2015, para. 38.
- <sup>48</sup> [in Greek] Συνήγορος του Πολίτη, «Ο Συνήγορος του Πολίτη για την άρση του προστίμου ανυποταξίας», Δελτίο Τύπου 2/2/2016. Διαθέσιμο στο: <https://www.synigoros.gr/?i=human-rights.el.danews.345630>
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- <sup>49</sup> Greek National Commission for Human Rights, Submission to the quadrennial analytical report 2017 on conscientious objection to military service of the UN High Commissioner of Human Rights (February 2017), pp. 10-11. [http://www.nchr.gr/images/pdf/apofaseis/antirisies\\_suneidisis/Submission%20of%20the%20GNCHR%20to%20the%20quadrennial%20analytical%20report%202017.pdf](http://www.nchr.gr/images/pdf/apofaseis/antirisies_suneidisis/Submission%20of%20the%20GNCHR%20to%20the%20quadrennial%20analytical%20report%202017.pdf)
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- <sup>50</sup> 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”. Available at: <https://www.amnesty.org/en/documents/eur25/0088/2019/en/>
- <sup>51</sup> UN Special Rapporteur on freedom of religion or belief, Communication [GRC 3/2019](#), 11 July 2019, p. 3.
- <sup>52</sup> 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, p. 4. Available at: <https://www.amnesty.org/en/documents/eur25/9575/2018/en/>
- <sup>53</sup> OHCHR, Approaches and challenges with regard to application procedures for obtaining the status of conscientious objector to military service in accordance with human rights standards, (A/HRC/41/23), 24 May 2019, para. 47 and note 56.
- <sup>54</sup> 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 5. “Benefits”. Available at: <https://www.amnesty.org/en/documents/eur25/0088/2019/en/>
- <sup>55</sup> Replies of Greece to the list of issues, (E/C.12/GRC/Q/2/Add.1), 6 August 2015, para. 54. Available at: <http://www.undocs.org/E/C.12/GRC/Q/2/Add.1>
- <sup>56</sup> 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. Available at: <http://www.undocs.org/E/C.12/GRC/CO/2>
- <sup>57</sup> UN Special Rapporteur on freedom of religion or belief, Communication [GRC 3/2016](#), 31 October 2016, p. 2.
- <sup>58</sup> See for example Council of Europe, European Committee of Social Rights, *European Social Charter (Revised): Conclusions 2008 (vol. I)*, Estonia – Article I, p. 231.
- <sup>59</sup> 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 (Official Journal vol. B 853/4-3-2021).
- <sup>60</sup> [Comments by Greek National Commission for Human Rights on the 3d report](#), 30 June 2020.
- <sup>61</sup> [Comments by Amnesty International on the 3d report](#)
- <sup>62</sup> [Comments by the European Bureau for Conscientious Objection on the 3d report](#)
- <sup>63</sup> UN Special Rapporteur on freedom of religion or belief, Communication [GRC 3/2019](#), 11 July 2019, p. 2.
- <sup>64</sup> ECtHR, Ercep v Turkey (43965/04), 22 November 2011, para. 70. Available at <http://hudoc.echr.coe.int/eng?i=001-107532>
- Savda v Turkey (42730/05), 12 June 2012, para. 111. Available at <http://hudoc.echr.coe.int/eng?i=001-111414>
- Feti Demirtas v Turkey (5260/07), 17 January 2012, para. 125. Available at <http://hudoc.echr.coe.int/eng?i=001-108617>
- <sup>65</sup> Greek National Commission for Human Rights, Submission to the quadrennial analytical report 2017 on conscientious objection to military service of the UN High Commissioner of Human Rights (February 2017), pp. 11-12.

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<sup>66</sup> 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. 4. Available at: <https://www.amnesty.org/en/documents/eur25/0088/2019/en/>

<sup>67</sup> UN Human Rights Committee, Concluding observations on the second periodic report of Greece, (CCPR/C/GRC/CO/2), 3 December 2015, paras. 37-38.

<sup>68</sup> UN Special Rapporteur on freedom of religion or belief, Communication [GRC 3/2016](#), 31 October 2016, pp. 3 and 6. UN Special Rapporteur on freedom of religion or belief, Communication [GRC 3/2019](#), 11 July 2019, pp. 3 and 5.

<sup>69</sup> 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), (Recommendation 2: detention of conscientious objectors), paras. 91-94. See also: [A/HRC/42/39](#), 16 July 2019, para. 60(b).

<sup>70</sup> European Court of Human Rights, Ülke v. Turkey (39437/98), 24 January 2006, paras. 60-64. Available at <http://hudoc.echr.coe.int/eng?i=001-72146>

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<sup>71</sup> [in Greek] Amnesty International, “Quash the sentence of conscientious objector Yannis Gklarnetatzis”, 22 October 2014. Available at: <https://www.amnesty.gr/news/press/article/14258/na-anairethei-i-katadiki-toy-antirrisia-syneidisis-gianni-gklarnetatzis>

<sup>72</sup> [in Greek] Amnesty International, “Quash the sentence of conscientious objector Anastasios Batas”, 2 November 2015. Available at: <https://www.amnesty.gr/news/press/article/16024/na-akyrothei-i-katadiki-toy-antirrisia-syneidisis-anastasiy-mpata>

<sup>73</sup> UN Special Rapporteur on freedom of religion or belief, Communication [GRC 3/2019](#), 11 July 2019, p. 2.

<sup>74</sup> UN Human Rights Committee, Concluding observations on the second periodic report of Greece, (CCPR/C/GRC/CO/2), 3 December 2015, paras. 37-38

<sup>75</sup> UN Special Rapporteur on freedom of religion or belief, Communication [GRC 3/2016](#), 31 October 2016. UN Special Rapporteur on freedom of religion or belief, Communication [GRC 3/2019](#), 11 July 2019.

<sup>76</sup> Based on the previous recommendation 136.16 of Slovenia during the 2<sup>nd</sup> Cycle.