



European
Social
Charter

Charte
Sociale
Européenne



COUNCIL
OF EUROPE

CONSEIL
DE L'EUROPE

20/08/2012

RAP/Cha/GR/XXII(2012)Add

EUROPEAN SOCIAL CHARTER OF 1961

REPLY TO SUPPLEMENTARY QUESTION

22nd National Report on the implementation of
the European Social Charter of 1961

submitted by

THE GOVERNMENT OF GREECE

(Article 1§2
for the period 01/01/2007 – 31/12/2010)

Report registered by the Secretariat on 3 August 2012

CYCLE XX-1 (2012)



HELLENIC REPUBLIC
MINISTRY OF LABOUR AND
SOCIAL SECURITY
GENERAL DIRECTORY OF
ADMINISTRATIVE SUPPORT

DEPARTMENT OF INTERNATIONAL
RELATIONS
SECTION II

Address : 40, Pireos str
FAX : 210- 5295422
Information : E. Zerva
Telephone : 213 1516386
e-mail : ezerva@ypakp.gr

Athens, 03/08/2012
Ref. No.: 15954/515

TO
Council of Europe
General Directorate of Human Rights
- GD II
Secretariat of the European Social Charter
F- 67075 Strasbourg Cedex
Fax: 0033388413700
To the attention of Mr. Regis Brillat
Secretary General of the ESC

COMM.

- 1) Permanent Delegation of Greece in
the Council of Europe
21 Place Broglie
67000 Strasbourg
Tel: 0033388328818
- 2) Ministry of Foreign Affaires
Directorate for the Council of Europe
Vas. Sofias 1
10027 Athens
Tel: 210 3684150

Subject: Additional info on art. 1, para2 - Prohibition of discrimination in employment/ forced labour/ right to earn one's living in an occupation freely entered upon

In response to the ECSR's additional questions on art. 1, para 2 (Prohibition of discrimination in employment/ forced labour/ right to earn one's living in an occupation freely entered upon), we would like to inform you of the following:

a. Those serving professionally in the Armed Forces undertake the obligation to remain in the Armed Forces depending on the category to which they belong and more particularly:

1) Under Article 64 of Legislative Decree 1400/1973 (Government Gazette A 114), as replaced by Article 1 of Law 3257/2004 (Government Gazette A 143), permanent Officers undertake the obligation to remain in the Armed Forces, following their appointment to the rank of Second-Lieutenant, Ensign or Pilot Officer, for a period two times longer than the period of study in the Military Schools, as such is defined in the Schools' regulations. Officers who join directly the Armed Forces following an examination undertake the obligation to remain in the Armed Forces for a period of six (6) years following their appointment to the rank of Officer. Reserve Officers in active

status undertake the obligation to remain in the Armed Forces for a period of eight (8) years starting from the date of their permanent appointment, under Article 39 of Law 3883/2010 (Government Gazette A 167).

2) Under Article 8 of Emergency Law 268/1968 (Government Gazette A 13), as replaced by Article 2 of Law 3257/2004 (Government Gazette A 143), Permanent Non-Commissioned Officers, graduates of the High Military Schools, undertake the obligation to remain in the Armed Forces for a period of five (5) years following their appointment to the rank of Sergeant or Petty Officer. Permanent Non-Commissioned Officers who join the Armed Forces following an examination as well as Non-Commissioned Officers in course of being permanently appointed undertake the obligation to remain in the Armed Forces for a period of five (5) years following their appointment to the rank of Permanent Non-Commissioned Officer.

3) Under Article 5 of Law 2936/2001 (Government Gazette A 166), Professional Privates undertake the obligation to remain in the Armed Forces for a period of seven (7) years, unless their resignation is accepted before the completion of the seven-year period. Article 13 of Law 2936/2001 provides for the possibility of submitting a resignation after completing a three-year (3) period of actual service for those Professional Privates who had already fulfilled their military service duty or had been working in the Armed Forces and after completing a four-year (4) period of actual service for those Professional Privates who had not fulfilled their military service duty before getting recruited in the Armed Forces.

b. The period during which persons working in the Armed Forces are obliged to remain in the army is prolonged in case such persons have received a special training or if the exigencies of the service so require:

1) Under Article 64 of Law 1400/1973, as replaced by Article 1 of Law 3257/2004, officers who:

a) are sent by their service for training abroad for a period longer than six months, undertake the obligation to remain in the Armed Forces for a period two times longer than the training period, but in no case this period shall be less than two years;

b) are selected by their service to attend the country's Higher Educational Institutes, undertake the obligation to remain in the Armed Forces for a period two times longer than the period of study, regardless of whether they receive a degree or not;

c) graduate from Technical Military Schools and receive a degree giving them the possibility, in accordance with any relevant law provisions, to obtain a licence to practice their profession, undertake the obligation to remain in the Armed Forces for a period two times longer than the period of study;

d) receive a leave for training in the country or abroad the duration of which is longer than six months, undertake the obligation to remain in the Armed Forces for a period two times longer than the duration of leave and any extensions thereof;

e) are members of the Medical Corps and receive a specialization under the support of the service, undertake the obligation to remain in the Armed Forces for a period of five years.

It is noted that training missions or leaves for training abroad the duration of which is less than six months are cumulated provided that they take place within a period of two years. The aforementioned obligations are calculated upon completion of the training having created the relevant obligation and are added to the initial obligation to remain in the army provided for in paragraphs 1 and 2 of Article 64 of Legislative Decree 1400/1973, as replaced by Article 1 of Law 3257/2004; the training time is not taken into account for the fulfillment of the obligation undertaken.

2) Under Article 8 of Emergency Law 268/1968, as replaced by Article 2 of Law 3257/2004, permanent non-commissioned officers and warrant officers sent by their service for training abroad the duration of which is more than six months, undertake the obligation to remain in the Armed Forces for a period two times longer than the training period, but in no case this period shall be less than two years. Training missions abroad the duration of which is less than six months are cumulated provided that such missions take place within a period of two years. The aforementioned obligations are calculated upon completion of the training having created the relevant obligation and are added to the initial obligation to remain in the army provided for in paragraphs 1 and 2 of Article 64 of Legislative Decree 1400/1973, as replaced by Article 1 of Law 3257/2004; the training time is not taken into account for the fulfillment of the obligation undertaken.

c. There is the possibility to leave voluntarily the service before completing the required time of remaining in the Armed Forces by submitting a resignation:

1) As regards permanent Officers, under Article 33 of Law 3883/2010 (Government Gazette A 167), those resigning from the army are obliged to pay in favour of the State a compensation equal to the product of the total liquidated actual earnings of the rank held multiplied by the remaining months of the time required to remain in the Armed Forces, as such compensation is defined by the provisions of Article 64 of Law 1400/1973. Moreover, in case those leaving the armed forces on their own request, before fulfilling the obligations they have undertaken, have received training abroad, they are obliged to pay, in addition to the aforementioned compensation, the expenses of their training. The compensation or training expenses, as applicable, are credited and certified as state revenue, in accordance with the provisions in force. It is noted that the rules outlined above do not apply to those leaving the armed forces on health grounds confirmed by the competent Higher Medical Committee.

2) Permanent Non-Commissioned Officers leaving the armed forces on their own request before fulfilling the commitment undertaken, are obliged, under Article 8 of Emergency Law 268/1968, as replaced by Article 2 of Law 3257/2004, to pay in favour of the State a compensation equal to the product of the basic salary of the rank held multiplied by the remaining months of the

time required to remain in the Armed Forces. Moreover, in case those leaving the armed forces on their own request, before fulfilling the obligations they have undertaken, have received training abroad, they are obliged to pay, in addition to the aforementioned compensation, the expenses of their training. The compensation or training expenses, as applicable, are credited and certified as state revenue, in accordance with the provisions of Article 55 of Presidential Decree 16/1989 (Government Gazette 89 A).

2. It is noted that the Court of Auditors has held, in settled case-law (for example, judgments nos. 32/2010 and 30/2010), that the provisions of paragraphs 1 and 17 of Article 64 of Legislative Decree 1400/1973 comply with the Constitution and the European Social Charter given that the obligation to remain in the armed forces for a specific period is undertaken voluntarily and constitutes a reasonable restriction on the right to free development of personality, the right to participation in economic life and to work, that is justified by reasons of public interest and in particular in order to staff the armed forces with specialized personnel.

Should you have any further requests, please do not hesitate to contact us.

ANNA STRATINAKI

SECRETARY GENERAL

SECRETARIAT GENERAL

**DIRECTORATE GENERAL
HUMAN RIGHTS AND RULE OF LAW**

DIRECTORATE OF HUMAN RIGHTS

*HEAD OF THE DEPARTMENT
OF THE EUROPEAN SOCIAL CHARTER
AND THE EUROPEAN CODE OF SOCIAL SECURITY,
EXECUTIVE SECRETARY
OF THE EUROPEAN COMMITTEE OF SOCIAL RIGHTS*

ESC 170
HK/CT



European
Social
Charter

Charte
Sociale
Européenne



COUNCIL OF EUROPE
CONSEIL DE L'EUROPE

Ms Evanghelia Zerva
Government Official
Ministry of Labour and Social Security
Department of International Relations
Section II, 40 Pireos Street
GR - 10182 ATHENS
Greece

Strasbourg, 14 June 2012

Dear Ms Zerva,

The European Committee of Social Rights is currently examining the States' reports on the European Social Charter with respect to the thematic group on "employment, training and equal opportunities" and has instructed me to forward to you the enclosed questions.

The Committee would be grateful if you could reply to these questions before 27 July 2012 in order to allow the information to be taken into account in Conclusions 2012.

Yours sincerely,

Régis Brillat

Régis Brillat



European
Social
Charter

Charte
Sociale
Européenne



COUNCIL OF EUROPE
CONSEIL DE L'EUROPE

EUROPEAN COMMITTEE OF SOCIAL RIGHTS
COMITE EUROPEEN DES DROITS SOCIAUX

14 June 2012

Questions addressed to Greece

Article 1§2 (prohibition of discrimination in employment/ forced labour/ right to earn one's living in an occupation freely entered upon):

- *What is the length of, if any, compulsory minimum period of service required of those serving in the professional armed forces?*
- *Are there circumstances, such as specialised training or specific operational requirements, which entail a different compulsory minimum term of service in the professional armed forces and under what conditions may the persons concerned leave the service before the expiry of this term?*