

**GREECE****Section I – Impact assessment**

- I.1 Has an authority been assigned as responsible for the implementation of the Recommendation? If so, which? Yes  No

The Departments of Human Resources of the Hellenic Ministry of National Defence, General Staff of National Defence, and the General Staffs of Army, Navy, and Air Force.

- I.2 How would you assess the impact of the recommendation on the human rights of members of the armed forces in your country? Please explain your reply.  
Fully satisfactory  Adequate  Insufficient  Absent

The impact of the recommendation on the human rights of members of the Hellenic Armed Forces has been adequate, since its provisions had already been addressed in the past, through appropriate legislation.

- I.3 Have specific measures for the promotion and protection of the human rights of members of armed forces been adopted after and pursuant to the adoption of the Recommendation? If so, please provide examples. Yes  No

Some examples are the amendment of the legislation concerning the posting and transfer system of professional members of the armed forces, and the parental leave for those members of the armed forces who are parents of young children.

- I.4 Which obstacles, if any, have been encountered in the implementation of the Recommendation?

Following the answer to the question I.2, it does not apply.

**Section II – Dissemination of the Recommendation**

- II.1 Has an authority been assigned as responsible for the dissemination of the Recommendation? If so, which? Yes  No

See the answer to question I.1.

- II.2 Have specific events been organised to ensure the dissemination of the Recommendation? If so, please provide examples. Yes  No

- II.3 Which obstacles, if any, have been encountered in the dissemination of the Recommendation?

Following the answer to questions II.1 and II.2, it does not apply.

- II.4 To which authorities has the Recommendation been distributed?

To the General Staffs of the Armed Forces.

- II.5 Has the Recommendation been distributed to members of the armed forces? Yes  No

- II.6 Has the Recommendation been translated? Yes  No

- II.7 If not, is this foreseen? Yes  No

II.8 How would you assess the visibility of the Recommendation?

Fully satisfactory  Adequate  Insufficient  Absent

### Section III – Implementation of specific provisions

#### A - Right to life

A.1 Are there measures in place to ensure an independent and effective investigation into suspicious deaths or alleged violations of the right to life of a member of the armed forces? Yes  No

A.2 Are there measures in place to encourage reporting of acts inconsistent with the right to life and to protect those reporting such acts against retaliation? Yes  No

A.3 Please provide information about the legal framework of such measures and examples of the measures in place. If the reply to one or more of the questions above is “NO”, please explain why such measures are not in place and whether any measure is in preparation.

The competent authority orders directly the conduct of an administrative inquiry, and investigation/interrogations are conducted, mandated by the competent prosecutor, with the assistance of police and forensic services. Such incidents may be reported by any person who are aware thereof and are seriously punished by the Military Penal Code. Moreover, service orders provide for the related necessary actions. Legal provisions set up an appeals system to review and ensure the impartiality of the decision, upon petition or complaint.

#### B – Torture and other forms of ill-treatment

B.1 Are there measures in place to protect members of the armed forces from torture or other inhuman or degrading treatment or punishment? Yes X No

B.2 Are there specific measures in place for more vulnerable categories, such as conscripts? Yes X No

B.3 Are there measures in place to ensure an independent and effective investigation into alleged acts of torture or other ill-treatment, or when the authorities have reasonable grounds to suspect that such acts have occurred? Yes X No

B.4 Are there measures in place to encourage reporting of acts of torture or other ill-treatment and to protect those reporting such acts against retaliation? Yes X No

B.5 Please provide information about the legal framework of such measures and examples of the measures in place. If the reply to one or more of the questions above is “NO”, please explain why such measures are not in place and whether any measure is in preparation.

No instances of torture or inhuman behaviour by any member of the Hellenic Armed Forces have been reported. However, the report of such acts is formalized in specific legal provisions of the current military regulations. Therefore, the investigation of the complaint is conducted both by the courts of military justice and the respective disciplinary authorities.

C – Forced or compulsory labour

C.1 Is military service compulsory? If so, please indicate whether it is possible to exact an alternative service instead of compulsory military service, and which are the differences in nature and duration of such service? Yes  No

According to the provisions of the Greek Constitution and the relevant law of conscription, military service is compulsory. Those who have reasons of conscience (religious or ideological) may exact an alternative service in the public sector (hospitals, posts, financial services), which lasts for six months more, than the compulsory armed service.

D – Military Discipline

D.1 Is there a clear legal framework in place governing military discipline in accordance with paragraphs 19-21 of the Appendix to the Recommendation? If so, please indicate a reference to the relevant legal framework. If not, please explain why and whether any measure is in preparation. Yes  No

Disciplinary obligations and offenses, the right to make complaints and recourses, as well as jurisdiction and responsibility for disciplinary prosecution, are provided for in the disciplinary Regulations of the Hellenic Armed Forces. There are disciplinary committees, dealing with such cases, both in first and second degree, following the lodging of an appeal.

E- Right to liberty and security

E.1 Is there a procedure prescribed by law dealing with the deprivation of liberty of members of the armed forces? Yes  No

E.2 Is it lawful to detain members of armed forces under the age of 18? yes  No

E.2.1 If so, do detention conditions comply with the conditions set out in Paragraph 23 of the Appendix to the Recommendation? Yes  No

E.2.2 If the reply to question E.2.1 is "NO", please explain why and whether any measure is in preparation.

It does not apply, since military service of conscripts, who are younger than 18 is not legal.

E.3 Are there any limitations or exceptions to the guarantees set out in Paragraphs 24 to 27 of the Appendix to the Recommendation possible? If so, please specify. Yes  No

F- Right to a fair trial

F.1 In matters that qualify as criminal under the European Convention on Human Rights, do members of the armed forces enjoy procedural rights and safeguards to the same extent as in criminal proceedings against civilians, in accordance with Paragraphs 28, 30 and 31 of the Appendix to the Recommendation? If not, please explain why and whether any measure is in preparation in this area. Yes  No

F.2 Is there a clear legal framework setting out limitations or exclusions to the right to have access to a tribunal for the determination of Yes  No

members of the armed forces' civil rights and obligations? If any, please provide examples of such limitations or exclusions.

F.3 Does your country have military courts? Yes  No

F.3.1 If so, are they separate from the chain of command? Yes  No

F.3.2 If the reply to question F.3 is "yes", are there differences in the organisation and operation of military courts, in comparison with civil courts, in particular as regards the procedural safeguards set out in Paragraphs 33 and 34 of the Appendix to the Recommendation? Yes  No

G – Right to respect for private and family life, home and correspondence

G.1 Are there measures in place to ensure that conscripts are posted near their family and home, and that posting of professional members far from their family and home is not used as a disciplinary punishment? Yes  No

G.2 Are there measures in place to ensure that members of the armed forces posted abroad are able to maintain private contacts? Yes  No

G.3 Are there assistance programmes in place for those accompanying the members of the armed forces posted abroad? Yes  No

G.4 Can members of the armed forces enjoy parental leave, childcare benefits, access to nursery schools and adequate children's health and educational systems? If not, please explain why and whether any measure is in preparation. Yes  No

G.5 Where appropriate, please provide examples of good practices regarding the right of members of armed forces to respect for their private and family life, home and correspondence, in accordance with section "G" of the Appendix to the Recommendation.

H – Freedom of thought, conscience and religion

H.1 Are there measures in place to allow all members of armed forces to comply, as much as possible, with their religious obligations? If so, please provide examples. If not, please explain why and whether any measure is in preparation. Yes  No

H.2 Do conscripts have the rights to be granted conscientious objector status? Yes  No

H.2.1 If so, is an alternative service of a civilian nature available? Yes  No

H.2.2 If not, please explain why and whether any measure is in preparation.

H.3 Are conscientious objectors exposed to sanctions, disciplinary measures or judicial prosecutions? Yes  No

H.4 Can professional members of the armed forces leave the armed forces for reasons of conscience? If so, please explain the conditions and the procedure, and in particular whether the requests can be reviewed by an independent and impartial authority. If not, please explain why and whether any measure is in preparation. Yes  No

So far, no members of the Hellenic Armed Forces have claimed to be conscientious objectors. There is not a legal framework regulating such cases.

H.5 Are there measures in place to ensure that conscripts and members of the armed forces are informed, respectively, of the right to be granted conscientious objector status and to leave the armed forces for reasons of conscience and of the procedures available to exercise these rights? Yes  No

Only for conscripts.

H.6 Where appropriate, please provide examples of good practices regarding the right of members of armed forces to freedom of thought, conscience and religion, in accordance with section "H" of the Appendix to the Recommendation.

The web pages of the General staffs provide details on the legislation and the procedures available for alternative service. An independent committee examines the petitions for alternative service. Members of the Hellenic Armed Forces are allowed to participate to religious events in accordance with their declared beliefs and they are facilitated to that end.

#### I – Freedom of expression

I.1 Is there a clear legal framework setting out formalities, conditions and restrictions to the right to freedom of expression for the members of armed forces? Yes  No

I.2 If so, please briefly present it, by providing in particular examples of restrictions to the right to freedom of expression.

Freedom of expression, oral or written, of the views of the members of the Hellenic Armed Forces' personnel is guaranteed. Restrictions only apply to references in the media, concerning (sensitive) national defense-related information (i.e. the organization and function of the armed forces). The expression of personal and scientific views is not restricted.

#### J – Right to access to relevant information

J.1 Are there measures in place to ensure that full and detailed information about recruitment in the armed forces and commitments resulting therefrom are provided to potential recruits? Yes  No

J.2 Can former and current members of armed forces have access to their own personal data, including medical records and information regarding exposure to situations potentially hazardous to their health? Yes  No

J.3 If so, are there restrictions to this right of access? Please provide examples, if any. Yes  No

The restriction to the right of access to information concerns only documents that are characterized as confidential for national security reasons.

K – Freedom of peaceful assembly and association

K.1 Can members of the armed forces join lawfully established military associations or trade unions? If so, please indicate the conditions and eventual restrictions to this right. If not, please explain why and whether any measure to review or lift the existing restrictions or prohibitions is in preparation. Yes  No

The establishment of trade unions by members of the military personnel is not allowed, according to the Constitution of Greece. However, such members may participate in non-profit, scientific associations or organizations after written permission of their service.

K.2 Can members of the armed forces join political parties? If so, please indicate the conditions and eventual restrictions to this right. If not, please explain why and whether any measure to review or lift the existing restrictions or prohibitions is in preparation. Yes  No

Restrictions arise from the Constitution of Greece.

L – Right to vote and to stand for election

L.1 Are there any restrictions on the electoral rights of members of the armed forces and on membership in the armed forces during a member's candidacy or term of office? If so, please provide examples. Yes  No

There are no restrictions or bans to the right of vote for the members of the Hellenic Armed Forces. As far as the right to stand for election is concerned, the Hellenic Armed Forces' personnel have to resign or be ex officio discharged from the armed forces.

M- Right to marry

M.1 Do members of the armed forces enjoy the right to marry and to form civil partnership in the same terms as civilians? If not, please explain why and whether any measure is in preparation. Yes  No

N – Right to protection of property

N.1 Are there measures in place to ensure that the property of members of armed forces, including conscripts, if retained upon joining the armed forces, is returned at the end of military service? Yes  No

O – Accommodation

O.1 Are there measures in place to ensure adequate accommodation for members of armed forces and their families, both on the national territory and abroad? Yes  No

O.2 Where accommodation is provided in barracks, are there separate dormitories for women and men? Yes  No

P – Remuneration and pension

P.1 Do professional members of the armed forces receive remuneration giving them a decent standard of living and an adequate retirement pension? Yes  No

P.2 Are there measures in place to ensure that men and women in the armed forces are entitled to equal pay for equal work or work of equal value? If not, please explain why and whether any measure is in preparation. Yes  No

Q – Right to dignity, health protection and security at work

.1 Are there specific measures in place to protect the dignity at work of members of armed forces, in particular as regards the prevention of sexual harassment? If so, please indicate the relevant legal framework and provide examples. If not, please explain why and whether any measure is in preparation. Yes  No

Q.2 Is medical care provided during and as a result of military operations free of charge for the servicepersons? Yes  No

Q.3 Are there allowances or compensation schemes available for members of the armed forces obliged to leave the armed forces because of an injury resulting from the exercise of military duties, or in case of death in service? Yes  No

Q.4 Where appropriate, please provide examples of good practices regarding the right of members of armed forces to dignity, health protection and security at work, in accordance with section “Q” of the Appendix to the Recommendation.

Military hospitals and pharmacies are established in many towns across the country where medical care is provided to the personnel of the armed forces, conscripts, retired military personnel and the members of their families.

R – Nutrition

R.1 Are there measures in place to ensure that members of the armed forces enjoy the right to decent and sufficient nutrition in accordance with section “R” of the Appendix to the Recommendation? Yes  No   
Where appropriate, please provide examples of good practices.

Within the premises of every General Staff, every large unit or at the Prefectural premises, there are military messes (with cafeterias – restaurants) for the military personnel and their dependents.

S – Non-discrimination

S.1 Are there measures in place to ensure that members of armed forces enjoy their rights and freedoms without any discrimination, in accordance with section “S” of the Appendix to the Recommendation? Yes  No   
Where appropriate, please provide examples of good practices.

Gender Equality Offices in the MoD and the General Staffs have been

established since 2004.

S.2 Are there any limitations to the access of women to the armed forces, or to particular types of occupational activities within the armed forces? If so, please provide examples. Yes  No

The criteria for entering the Armed Forces Academies (officers and non-commissioned officers) are the same and professional privates are employed in accordance with their skills, irrespectively of gender. Both men and women serve in all positions and have equal opportunities for official promotion and training. Positions that women do not serve are Submarines, Fast patrol boats.

S.3 Can sexual orientation constitute a ground to prevent access to the armed forces, or for discharge? Yes  No

T – Persons under the age of 18 enlisted in the armed forces

T.1 Does your legislation allow the voluntary recruitment into the armed forces of persons under the age of 18? Yes  No

T.2 If so, are there measures in place to ensure the full information about the duties involved and the informed consent of these persons and of their parents or legal guardians? Yes  No

T.3 Are there special measures in place to protect the physical and psychological welfare of these persons? Yes  No

T.4 Can these persons take an active part in the hostilities? Yes  No

U – Training

U.1 Are training activities aimed at increasing the knowledge of human rights by members of armed forces in place? If so, please indicate by whom are such training activities carried out. Yes  No

The respective training is achieved through courses of International Law and Human Rights Law and relevant seminars, which are taught by specialized professors and specially-trained personnel on the related issues.

U.1.1. If the reply to question U.1 is “YES”:

U.1.1.1 Is international human rights law part of the training programme? Yes  No

U.1.1.2 Are the human rights of the members of armed forces themselves part of the training programme? Yes  No

U.1.1.3 Are prevention of ill-treatment and discrimination part of the training programme? Yes  No

U.1.1.4 Is international humanitarian law, including the duties mentioned in paragraph 84 of the Appendix to the Recommendation, part of the training programme? Yes  No

U.1.2 If the reply to question U.1 is “NO”, please explain why and whether any measure is in preparation.



V – Allegations of human rights violations

V.1 Are there measures in place to ensure that members of the armed forces have the right to bring allegations of human rights violations, in particular of discrimination, harassment and bullying, before an independent body? If so, please indicate to which authorities can such allegations be brought and which is the procedure. If not, please explain why and whether any measure is in preparation.

Yes  No

Members of the Hellenic Armed Forces are allowed to report, even anonymously, to the Leadership, who has to forward the allegations to the pertinent prosecutor, while they control in a disciplinary way any wrong-doer proved guilty of committing such actions.

**Section IV - Follow-up**

IV.1 Which measures would you recommend to ensure that the principles set out in the Recommendation and in its Appendix are complied with in national legislation and practice?

IV.2 Should the Council of Europe continue examining periodically the implementation of this Recommendation? If so, should such examination in future concentrate on specific issues, and which specific issues would you recommend examining in that case?

IV.3 Are there any issues on which the Recommendation and its Appendix should be revised or completed? If so, please indicate them.