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EUROPEAN SOCIAL CHARTER

Comments by the European Bureau for Conscientious Objection
(EBCO-BEOC)
on the 26th national report
on the implementation of the 1961 European Social Charter

submitted by

THE GOVERNMENT OF GREECE

(Article 1§2 for the period
01/01/2011 – 31/12/2014)

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Department of the European Social Charter and the European Code of Social Security
Council of Europe
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FRANCE

Violation of Article 1§2 of the European Social Charter in the case of alternative service for conscientious objectors in Greece

Dear Madam, dear Sir,

The European Bureau for Conscientious Objection (EBCO) would like to draw the attention of the European Committee of Social Rights (ECSR) to the violation of "the right of the worker to earn his living in an occupation freely entered upon", in the case of conscientious objectors in Greece.

The European Committee of Social Rights (hereinafter "ECSR" or the "Committee") has consistently stated that under Article 1§2 of the Charter, alternative service may not exceed one and a half times the length of armed military service. Nevertheless at present the alternative service of Greek conscientious objectors (15 months) continues to be 67% longer than the military service (9 months) that 93% of Greek conscripts have to do in the army.

This is why EBCO would like to urge the ECSR to induce the Greek government to bring in line the Greek provisions for alternative service with Article 1 §2 of the European Social Charter and to reduce correspondingly the duration of alternative service for conscientious objectors.

As the Committee's conclusions on Greece are expected to be issued soon I would be very grateful to you to disseminate the following information to the members of the European Committee of Social Rights.

Thank you very much in advance.

Yours sincerely,

Friedhelm Schneider
President
European Bureau for Conscientious Objection

EBCO was founded in Brussels in 1979 as an umbrella structure for national associations of conscientious objectors in the European countries to promote the right to conscientious objection to preparations for, and participation in, war and any other type of military activity as a fundamental human right. It enjoys participatory status with the Council of Europe since 1998 and is a member of its Conference of International Non-Governmental Organisations since 2005. It provides expertise and legal opinions on behalf of the Directorate General of Human Rights and Legal Affairs of the Council of Europe. It is involved in drawing up the annual report of the Committee on Civil Liberties, Justice and Home Affairs of the European Parliament on the application by the Member States of its resolutions on conscientious objection and civilian service, as determined in the "Bandrés Molet & Bindi Resolution" of 1994. It is a full member of the European Youth Forum since 1995.

Violation of Article 1§2 of the European Social Charter in the case of alternative service for conscientious objectors in Greece

The European Bureau for Conscientious Objection would like to urgently draw the attention of the European Committee of Social Rights (ECSR) to the violation of “the right of the worker to earn his living in an occupation freely entered upon”, in the case of conscientious objectors in Greece.

In Conclusions XIX – 1 (GREECE), November 2008¹, the ECSR noting that the length of different periods of alternative service to replace armed military service were:

- 23 months for those who would have had to serve a full armed military service of 12 months;
- 17 months for those who would have had to serve a reduced armed military service of 9 months;
- 11 months for those who would have had to serve a reduced armed military service of 6 months;
- 5 months for those who would have had to serve a reduced armed military service of 3 months;

has stated that even though the situation in Greece had improved significantly, it was still not compatible with Article 1§2 of the Charter.

In Conclusions XX-1 (2012) (GREECE)², the ECSR stated:

“Service alternative to military service

The Committee recalls that it had previously noted that armed military service lasts twelve months. Certain conscripts may only serve nine months, others six and some three. There are two forms of replacement for armed military service: unarmed military service and alternative service.

The two types of service differ in length. The Committee considered that the periods of unarmed military service to replace armed military service were compatible with Article 1§2 of the 1961 Charter, whereas it found that the length of the alternative service to armed military service was excessive and not in conformity with the Charter.

However, the Committee notes that the situation has been amended and unarmed military service has been abolished further duration of alternative service has been reduced, the alternative service duration has been set as follows:

- at 15 months for those who would be required to serve full military service,
- at twelve months for those who would be required to serve nine months military service,
- at nine months for those who would be required to serve six months military service
- and at five months for those who would be required to serve three months military service.

The Committee considers that this brings the situation into conformity with the Charter but notes that these changes occurred outside the reference period. Therefore during the reference period the situation was not in conformity with the 1961 Charter.”

First of all, ECSR failed to note that for those who would be required to serve three months military service, the alternative service of five months was 67% longer, and thus in breach of Article 1§2 of ECS.

Furthermore, this 2012 conclusion of ECSR is based on a misconception of the situation concerning military service in Greece. In the conclusion it is stated that “The Committee recalls that it had previously noted that armed military service lasts twelve months.” This was not exactly the case. By the time the conclusion was issued, the full service was already, and still is, 9 months in the Army (Ground Forces) and 12 months in the Navy and the Air Force.

But the vast majority of conscripts serves in the Army. Only a small number of conscripts serves in the Navy and the Air Force and constitutes an exception to the rule. According to the International Institute for Strategic Studies (The Military Balance 2014 , pp.103 – 105), there were 37,000 conscripts in the Army, while only 6,850 in the Navy and the Air Force. According to these figures, more than 84% of conscripts served in the Army, while less of 16% served in the Navy and the Air Force.

According to more recent figures of the International Institute for Strategic Studies (The Military Balance 2015,

¹ <http://hudoc.esc.coe.int/eng?i=XIX-1/def/GRC/1/2/EN>

² <http://hudoc.esc.coe.int/eng?i=XX-1/def/GRC/1/2/EN>

p.100), the number of conscripts in the Army are 45,000, while the number of those in the Navy is 1,600 and in the Air Force is 1,790. According to these figures, 93% of conscripts serve in the Army while only 7% serve in the Navy and the Air Force.

Furthermore, according to the current provisions³, the conscripts in the Navy and the Air Force who, after the initial training, they remain for the entire military service in units in the regions of Thrace, the islands of eastern Aegean Sea and Dodecanese islands, which means in the areas close to the eastern borders, are requested to serve only 9 months instead of 12 (or 8 months, for those liable to reduced service of 9 months). Thus, the real percentage of those serving only 9 months is even higher, while the real percentage of those serving 12 months is even lower.

Based on all the above, the length of full military service in Greece should be considered as being basically 9 months, instead of 12 months, which is only the exception.

Furthermore, the majority of conscientious objectors are initially required to serve in the Army, so the comparison of the length of the alternative service they are required to serve (for full service, 15 months), should be made to the length of military service (for full service 9 months) that they, personally, were initially called to serve – not to the length of the maximum military service that a few other conscripts serve. (On the other hand, if there is some exception of a conscientious objector who was initially supposed to serve in the Navy or the Air Force, this should not be an excuse for considering his alternative service not punitive or requesting him to serve a longer alternative service than other objectors, since this would constitute a discrimination between conscientious objectors working in the same conditions. The difference in the length of the military service between the Army and the Navy/Air Force is meant to deal with the general perception that the military service in the Navy/Air Force is less onerous than the military service in the Army and should not affect the length of alternative service.)

The comparison for different categories of full or reduced service can be seen in the following table:

	Military Service	Alternative Civilian Service
Full service	12 months (Navy, Air Force) 7% of conscripts	15 months (25% more than in the Navy-Air Force, but 67% more than in the Army.)
	9 months (Army) 93% of conscripts	
Reduced service (A)	9 months (Navy, Air Force), 8 months (Army)	12 months (33% more than in the Navy, Air Force, 50% more than in the Army)
Reduced service (B)	6 months	9 months (50% more)
Reduced service (C)	3 months	5 months (67% more)

It is obvious that for the majority of conscripts who are required to serve full service, as well as for those required to serve the minimum service, the length of the alternative civilian service continues to be in breach of Article 1§2.

The Ministry of National Defence has repeatedly referred to the fact that the ECSR has stated that the situation has been brought in conformity with the European Social Charter.⁴

The misconception of the European Committee on Social Rights about the real situation and the real ratio between military and alternative service, has been highlighted by an MP in the Parliament, as an answer to the allegations of the Ministry of National Defence that the situation has been brought in conformity with the European Social Charter.⁵

³ See decision of the Minister of Defence No Φ.421.4/13/209290 of 17 December of 2009

⁴ See the answers (in Greek) of the Deputy Minister of National Defence: of [20/8/2015](#) to the [question No 4218/29-7-2015](#), of [26/11/2015](#) to the [question No 781/3-11-2015](#), and of [23/12/2015](#) to the [question No 955/9-11-2015](#).

⁵ See [Question No 1716/7-12-2015](#) (in Greek) of Mr. Karagiannidis, MP of the governing SYRIZA party.