EUROPEAN COMMITTEE OF SOCIAL RIGHTS
COMITE EUROPEEN DES DROITS SOCIAUX





Case Document No.2

European Bureau for Conscientious Objection (EBCO) v. Greece
Complaint No. 242/2024

SUBMISSIONS BY THE GOVERNMENT ON THE MERITS

Registered at the Secretariat on 31 March 2026

HELLENIC REPUBLIC
MINISTRY OF LABOUR AND SOCIAL SECURITY

To the European Committee of Social Rights

Athens, 27 March 2026

Observations by the Government of Greece

on the Merits of Collective Complaint 242/2024,

European Bureau for Conscientious Objection (EBCO) v. Greece

Introduction

1. By letter dated 09/07/2024, the Council of Europe (*Directorate General of Human Rights and Rule of Law – Directorate of Social Rights, Health and Environment - Department of Social Rights*) informed the Greek Government that the international non-governmental organization, *European Bureau for Conscientious Objection (EBCO),* lodged collective complaint No *242/2024* against Greece, alleging breach of articles 1§2, 11, 16, 30 and 31 as well as Article E read in conjunction with Articles 16, 30, and 31 of the revised European Social Charter on the effect that the conditions whereby conscientious objectors in Greece are obliged to perform an alternative civilian service are punitive and discriminatory.

2. The complaint was declared admissible by the European Committee of Social Rights (ECSR), by decision dated 20/01/2026.

3. The Greek Government by the present memorandum has the honor to submit their observations on the merits of collective complaint No. *242/2024, European Bureau for Conscientious Objection (EBCO) v. Greece* and to ask the European Committee of Social Rights to declare the complaint unfounded.

A. Constitutional guarantees

4. Pursuant to article 2, para. 1 of the Constitution of Greece, "Respect and protection of the value of the human being constitute the primary obligations of the State". Pursuant to paragraph 2 of the same article, "Greece, adhering to the generally recognized rules of international law, pursues the strengthening of peace and of justice, and the fostering of friendly relations between peoples and States". Moreover, article 4 of the Constitution of Greece stipulates in paragraph 1 that "All Greeks are equal before the law", and in paragraph 6 that "Every Greek capable of bearing arms is obliged to contribute to the defense of the Country as provided by law". By virtue of the Seventh Revisionary Parliament Resolution dated 6.4.2001, the following interpretative statement has been added to the said article 4: "Paragraph 6 does not preclude the mandatory provision of other services provided for by Law, within or outside the Armed Forces (alternative service), by those who have documented conscientious objection to armed military service". As regards the Armed Forces of the Country, article 45 of the Constitution stipulates that the President of the Republic is the commander in chief of the Nation's Armed Forces, the command of which shall be exercised by the Government, as specified by law. Moreover, the Constitution stipulates, inter alia, in article 5 that "All persons living within the Greek territory shall enjoy full protection of their life, honour and liberty irrespective of nationality, race or language and of religious or political beliefs. Exceptions shall be permitted only in cases provided by international law" (para.2). Article 13 stipulates that "Freedom of religious conscience is inviolable", that "The enjoyment of civil rights and liberties does not depend on the individual's religious beliefs" (para. 1), and that "No person shall be exempt from discharging his obligations to the State or may refuse to comply with the laws by reason of his religious convictions" (para. 4). Article 25 stipulates that "the State has the right to claim from all citizens to fulfil the duty of social and national solidarity".

5. Military service in our country is universal and mandatory, according to article 4, para.6 of the Constitution, in the context of protecting the State's security. This requirement applies to all Greek citizens from the 1st of January of their 19th year till the 31st of December of their 45th year, according to article 174 of Law 5265/26. In principle, armed military service obligation is fulfilled in the Units and Services of the Armed Forces. However, in application of the rules of international law (European Convention on Human Rights, International

Covenant on Civil and Political Rights, European Charter of Social Rights), citizens, who on justified grounds invoke religious or ideological beliefs, may be recognized as conscientious objectors and fulfill alternative service obligations in Bodies of the Public Sector.

B. Issues raised in the collective complaint

6. More specifically, regarding issues raised in the said collective complaint of the above-mentioned international non-governmental organization, we would like to inform you of the following:

7. Regarding the ***alleged violation of article 30 of the Revised European Social Charter***, on the right to protection against poverty and social exclusion, it is noted that both in the context of protection against poverty, elimination of discrimination against conscientious objectors compared to those who fulfill armed military service obligations and in the context of equality, equity in law and social exclusion, provision is made for State-covered travel costs. More specifically, the travel costs of conscientious objectors who are called up for their alternative service shall be borne by the State, both when they present themselves at a Public Sector Body and when they travel back to their permanent residence after being discharged from the Body. The same applies when they are called up to present themselves before Military Authorities (e.g. Military Recruitment Agency, Military Health Committee), and when they return to their permanent residence, provided that they travel to and from home following orders of a Military Authority. Moreover, there is no difference between conscientious objectors who fulfill alternative service obligations and soldiers who fulfill military service obligations as regards both the age limit at which a buy-off of the remaining military service is feasible and the amount set to buy off each month of service.

8. As regards the ***alleged violation of article 31 of the Revised European Social Charter***, on the right to housing, that conscientious objectors performing alternative service, do not enjoy adequate resources and housing, we hereby inform you that alternative service is performed in Bodies of the Public Sector by providing services of general interest, and the location where the said service is performed is now defined outside the region of residence of the persons concerned. These persons are entitled to food and accommodation by the body to which they are assigned and if the body fails to provide them so, they are

paid 223,53 euros monthly, which is an amount set by joint ministerial decision[1]. In this case, the interested Body must budget the appropriate amount (make provisions so that the relevant payment appropriations are entered in the corresponding annual budget).

9. As regards the ***alleged violation of article 16 of the Revised European Social Charter***, on the right of the family to social, legal and economic protection, that the families of conscientious objectors are not adequately protected, it is stated that those who are recognized as conscientious objectors perform alternative service in Bodies of the Public Sector by providing services of general interest at areas outside the region of their residence. After five (5) months [instead of seven (7) as was the case in the past], they may request to be assigned to another Body, provided that the applicants face family, financial and social problems. It should also be noted that several categories of civil servants (for example, teachers, judges, etc) have the obligation to provide services outside their place of residence and are required to offer their services throughout the country. Furthermore, in addition to the entitlement to two (2) days of absence for every month of service, provision is also made to grant conscientious objectors five (5) days' parental leave for each child, for the protection of family institution.

10. As regards the ***alleged violation of article 1 para. 2 of the Revised European Social Charter,*** on the right of the worker to earn his living in an occupation freely entered upon, we hereby inform you of the following:

(a) Article 4 of the European Convention for the Protection of Human Rights and Fundamental Freedoms (ECHR) stipulates, inter alia, that no one shall be required to perform forced or compulsory labour. For the purpose of this Article the term "forced or compulsory labour" shall not include any service of a military character or, in case of conscientious objectors in countries where they are recognised, service exacted instead of compulsory military service;

(b) Pursuant to article 4, para. 6 of the Constitution, every Greek capable of bearing arms is obliged to contribute to the defense of the Country. During peacetime, the said obligation includes the in-person provision of services in the Armed Forces of the country by all Greeks (depending on every person's

[1] Joint Ministerial Decision No. 2/24407/0022/9.6.2005 (Β΄ 858).

physical capacity) for such duration and in such manner as the legislator may deem appropriate and necessary to accomplish their mission. By nature, one of the elements of such service is that they undertake activities that are, directly or indirectly, operationally or supportively, related to engagement in acts of violence and, potentially, taking life. Accepting this element as inherent to military service and, according solely to constitutional purposes, necessary for the functioning and organization of Greek Armed Forces [i.e., as the Army of a democratic, peaceful and human rights-oriented State[2]], forms part of the above-mentioned constitutional obligation of Greek citizens, irrespective, in principle, of the moral implications that usually such issues have for human beings.

(c) However, in cases where the conscience of certain persons, for religious, ideological and ethical reasons, and in general due to their inner path, has been shaped in such a way that exercising violence is morally intolerable, even as a possibility and for any reason, and has a catalytic effect on their personality, then, under such circumstances (provided that they are stated and properly highlighted), the requirement to perform military service would be contrary to respecting the value of human being, which is «primary obligation of the State» (article 2 para. 1 of the Constitution of Greece), and as such covers and defines the above-mentioned obligation of Greek citizens to defend their Country. It is precisely for these cases that the above-mentioned interpretative statement was established under article 4 of the Constitution, according to which, and in line with its wording, history and purpose[3], those persons who «have documented conscientious objection», within the above mentioned meaning, and therefore it would not be permissible to force them to perform «armed or military service in general», are required by law to perform "alternative service" that corresponds to their objection.

(d) It is noted that the duration of military service in all branches of the Armed Forces (Army, Navy, AirForce) is twelve (12) months, while the duration of alternative service, performed by conscientious objectors, corresponds to the length of service of those who serve in the Armed Forces increased by three (3) months. Thus, the duration of alternative service for those recognized as conscientious objectors is set as follows:

[2] Article 2 (paras. 1 and 2) and article 45 of the Constitution of Greece

[3] Minutes of Meetings of the Constitutional Revision Committee, 1997, and of the Seventh Revisionary Parliament of Greece, 2000 and the relevant explanatory reports

i. Fifteen (15) months, for those who would be liable to full primary military obligation, if they served in the Armed Forces.

ii. Twelve (12) months, for those who would be liable to nine (9) months reduced primary military obligation if they served in the Armed Forces.

iii. Nine (9) months, for those who would be liable to six (6) months reduced primary military obligation, if they served in the Armed Forces.

iv. Five (5) months, for those who would be discharged from the Armed Forces if they had fulfilled their military service obligation after completion of three (3) months of actual military service.

(e) The duration of alternative service is set at fifteen (15) months for those who would be obliged to perform full military service (and with the corresponding variations in terms of reduced service) and is not significantly longer than the corresponding full military service, which, as stated above, amounts to twelve (12) months for those serving in the Army, Navy, and Air Force. Therefore, it cannot be considered that this duration gives the alternative service a punitive character, nor that it is of such a length that it deters conscientious objectors from fulfilling their military service obligation, in an alternative manner, as required. Besides, alternative service may, under certain conditions, be longer than military service, without violating the relevant supra-legislative provisions and the principles of equality and proportionality, provided that the difference is reasonable, not punitive or deterrent, and justified by appropriate and objective reasons of public interest. In this case, the longer duration of alternative service, as mentioned above, is justified in principle due to the substantial difference, in terms of the type, content, and nature of the service provided, in relation to the services provided by those serving in the armed forces. In particular, inter alia, soldiers, compared to those performing alternative service, are under strict discipline and restrictions, are on constant alert, carry weapons and undergo military training, participate in military exercises and missions, with the risks that this entails, and in certain cases are on duty around the clock, particularly in view of the geopolitical position and situation of the country. Therefore, this duration continues, as stated above, to be based on reasonable and objective criteria and does not constitute, according to the Constitution and the above-mentioned texts of supra-legislative force, discriminatory treatment to the detriment of conscientious objectors in alternative service.

(f) Furthermore, it is clarified that, pursuant to paragraph 2 of Article 1 of the European Social Charter, as interpreted by the European Committee of Social Rights, alternative service should not exceed the duration of military service by more than one and a half (1.5) times (50% increase). The current 15-month duration of alternative service is 1.25 times longer than the 12-month military obligation. Therefore, our country has established a difference of only three (3) months in the duration of military and alternative service, in compliance with its international obligations arising from the European Convention on Human Rights, the European Social Charter and relevant UN instruments. This difference, therefore, is not punitive in nature, does not constitute an excessive burden, and cannot be characterized as prohibited discriminatory treatment against conscientious objectors, since it was conceived as a counterbalance to the special nature of armed service.

(g) The alternative service for conscientious objectors in our country is a real service to society, fully compatible with human rights. The difference in treatment between those in alternative service and those in military service must be based on reasonable and objective criteria to be considered compatible with the principle of equality. Subsequently, the national legislator provided for a longer term of service for those performing alternative service, on condition that this differentiation is justified by reasonable and objective criteria, such as the nature of the specific alternative service, the need for special training, or practical reasons not related to intentional unequal treatment. Otherwise, a significantly longer (e.g., 1.7 or 1.75 times longer) or even double duration of alternative service compared to military service could constitute prohibited discrimination against conscientious objectors.

11. As regards the ***alleged violation of Article 11 of the Revised European Social Charter***, concerning the right to protection of health, the following are mentioned:

(a) Alternative service is performed by conscientious objectors in public sector Bodies (Social Welfare Institutions, Public Financial Services, Hospitals, Municipalities, etc.) in areas outside their region of residence, while armed service is performed by soldiers, by order of priority in border and island areas or on warships, regardless of their place of residence. The Military Recruitment Services inform those who apply for inclusion in the provisions regarding

conscientious objection to indicate the areas where they wish to perform alternative service (excluding the areas of their region of residence). Those performing alternative service are entitled to food and accommodation from the Body to which they are assigned and, if the Body fails to provide them so, they are paid a fixed amount. It is therefore at the discretion of the employing Body to choose whether to provide accommodation and food or their equivalent in cash. However, it is understood that if the Body chooses to provide food and accommodation, the conditions for their adequacy must be met. If the conscientious objector voluntarily chooses not to make use of the appropriate accommodation and food offered by the Body, that person cannot claim payment from the Body. Otherwise, if those provided by the Body do not meet the above conditions, the Body will be obliged to pay the specified compensation. In this case, it is necessary for the employing Body to budget the corresponding amount.

(b) The Hellenic National Defense General Staff /B4 (Legal Corps Directorate), taking into account both the current military legislation and the general principles of law, issued a Circular with instructions and guidelines to all Ministries, which are responsible for the Administrative Bodies that wish to employ conscientious objectors, so that these Ministries, in turn, can issue Protocols to the Administrative Bodies. According to this Circular:

i. In case of failure to provide adequate food and accommodation to conscientious objectors, the Bodies must timely budget the corresponding amount, if possible, at the stage of call for expressions of interest for the employment of conscientious objectors for the following year, so that the monthly payment of the amount due can be made.

ii. In case of providing food and accommodation, these must be suitable and adequate, without putting at risk the basic and self-evident conditions of hygiene and dignity during alternative service. Specifically, the basic requirements for food (meals must meet the specifications of the Food and Beverage Code of the General Chemical State Laboratory) and accommodation (rooms with specific heating standards in winter and air conditioning in summer, personal hygiene facilities, and storage space for personal items in case of shared facilities) must be met.

iii. If it is found that the employing Body for conscientious objectors provides food and accommodation that do not meet the suitability requirements, conscientious objectors shall no longer be assigned to that Body.

iv. As with conscientious objectors, who perform alternative service in public (non-military) hospitals, soldiers performing military service are also assigned to military hospitals to cover relevant service needs.

12. Regarding the ***allegation of violation of Article E of the Revised European Social Charter***, read in conjunction with Articles 16, 30, and 31, concerning non-discrimination, as it is argued that the legal provisions concerning alternative service for conscientious objectors offer less protection than that offered to those who perform military service, we would like to inform you that:

(a) Pursuant to the constitutional principle of equality and equity in law of all Greek citizens under the current legislative framework[4], the proportional application of beneficial provisions is provided both for those serving in the military to fulfill their military obligation and for conscientious objectors performing alternative service. In addition, during a war period, the provisions on alternative service are not suspended[5], since those who have a proven conscientious objection to perform military service cannot bear arms, even during a war period, but they can offer other services outside the Armed Forces.

(b) The provisions in force concerning conscientious objectors ensure the establishment of a sufficiently effective and accessible procedure followed for a person to be classified as a conscientious objector and, furthermore, provide the necessary guarantees during the performance of alternative service so that the nature of this service and the manner in which it is performed do not in essence constitute a prohibited interference with the freedom of thought, conscience, and religion of the serving conscientious objector. As regards the structure and organization of the alternative service system, the legislator ensures the provision of an authentic alternative service, of a purely civil nature, which is neither deterrent nor punitive for conscientious objectors. The envisaged alternative service system is clearly and adequately distinguished from the military system, so that the army is not actively involved in the supervision of the relevant civil public interest bodies. The bodies in which

[4] Law 5265/26, "Roadmap for the Transition of the Armed Forces to the New Era"
[5] As provided for in Law 3421/05, "Conscription of Greeks and other provisions"

alternative service is performed are not subject to control or supervision by military authorities, regular inspections are not carried out, and military regulations are not applied. Those who perform alternative service are not considered military personnel but are treated as employees of the Body (without, of course, filling permanent vacancies within the Body) in terms of administration support and health care (without paying contributions). Furthermore, they do not fall under the jurisdiction of military courts, as they are considered quasi-soldiers. Additionally, the alternative service performed by conscientious objectors does not entail any restrictions on their subsequent occupational employment, does not constitute an impediment to their appointment to a public position, and is recognized as pensionable service.

(c) Finally, the five-member Committee, which examines and advises the Minister of National Defense on citizens' requests for their recognition as conscientious objectors, is now composed of three (3) [instead of two (2)] university professors and one (1) Officer of the Armed Forces, instead of two (2) who participated previously. Thus, the country complies with the requirements of the European Convention on Human Rights and the case law of the European Court of Human Rights (Papavassilakis v. Greece, appeal no. 66899/14) and of the Council of State (CoS 1318/2017), and the Committee is given more guarantees of impartiality. The participation of only one officer in the Committee does not affect the independence and impartiality of the said Committee.

13. Greece, as a state that adheres to the principles of democracy, peace, human rights and the rule of law, is constantly striving to comply, on the one hand, with international and European human rights and recommendations standards of the competent supervisory bodies, and on the other, with the provisions in force regarding soldiers, so that those who raise documented objections to performing military service are given the opportunity to perform alternative service that is not punitive in nature in terms of conditions, duration, and legal possibilities.

In conclusion, based on the submissions above, we reiterate that the domestic legislation on the issues under consideration is in conformity with our country's obligation to implement the provisions of the Revised European Social Charter and thus that no violation has occurred.

In light of the information presented above, the Greek Government avails itself of the opportunity to submit further observations in due course in reply to any further submissions by the complainant organization and calls on the European Committee of Social Rights to take into account all the aforementioned substantiated reasons, in order to hold that the complaint under consideration is unfounded.