EUROPEAN COMMITTEE OF SOCIAL RIGHTS
COMITE EUROPEEN DES DROITS SOCIAUX





Case Document No.4

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

REPLY BY THE GOVERNMENT TO EBCO'S RESPONSE ON THE MERITS

Registered at the Secretariat on 26 June 2026

HELLENIC REPUBLIC
MINISTRY OF LABOUR AND SOCIAL SECURITY

To the European Committee of Social Rights

Athens, June 2026

Further Observations by the Government of Greece

on the Merits of Collective Complaint 242/2024,

European Bureau for Conscientious Objection (EBCO) v. Greece

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 January 2026.

3. The Greek Government submitted their observations on the merits of the Complaint on 30 March 2026.

4. *European Bureau for Conscientious Objection (EBCO)* submitted their response to the observations on the merits of the Greek Government on 11 May 2026.

5. The Greek Government wishes to reiterate their observations on the merits submitted by the aforementioned memorandum and hereby submits further comments on certain specific issues in reply to the complainant's observations of 11/05/2026.

6. According to the Greek 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 physical capacity), for such duration and in such manner as the legislator may deem appropriate and necessary to accomplish their mission. However, in cases where there is a "documented objection of conscience", that is, the conscience of certain individuals, for religious, ideological, or ethical reasons, and in general due to their inner path, has been shaped in such a way that exercising violence and taking a human life is morally intolerable, even as a possibility and for any reason, and has a catalytic effect on their personality, an "alternative service" corresponding to their objection is performed in accordance with the law. This 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, as part of their military service. By virtue of the provision of paragraph 2b of Article 229 of Law 5265/26, conscientious objectors are quasi enlisted in the Armed Forces and, as such, are deemed to be fulfilling a form of military service required by the Constitution, without, however, being considered military personnel. They do not fill permanent vacancies within the Body to which they are assigned, but they are equal to the employees of that Body in terms of health care and general administrative support.

7. Armed service is performed by conscripts, by order of priority, in border and island areas or on warships, regardless of their place of residence. In accordance with paragraphs 2, 3, and 5 of Article 259 of Law 5265/26, conscripts are assigned exclusively to high-demand Maneuver-Combat Support - Administrative Support Units with high operational requirements, in accordance with the new Force Structure of the Armed Forces, and with absolute priority given to units in the North Aegean Region and the Regional Units of Evros, Rodopi, Xanthi, Kalymnos, Karpathos-Heroic Island of Kasos, Kos, and Rhodes. For the Navy, initially on warships, naval bases, naval observation posts, or island services; and for the Air Force, primarily in units and services outside the regions of Attica and Thessaloniki, with the highest degree of difficulty. Conscripts cannot be transferred until six (6) months have elapsed from the date of their enlistment. As mentioned above, conscripts, 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. It is undeniable, however, that conscripted soldiers are under a special legal regime, bound by legislative restrictions both on and off the military base and throughout the duration of their military service. However, apart from the above-mentioned service they perform, they are required to comply, for example, with the Military Criminal Code, the Joint Service Disciplinary Regulations, and all orders by their superiors, being themselves at the lowest level of military hierarchy. They therefore bear obligations in the military operational environment that are not comparable to those in civilian life or to those of public servants and conscientious objectors. The "benefits" provided to them - as they train in an environment that closely resembles actual combat conditions - are solely for the purpose of carrying out their military mission and in no way constitute privileges.

8. It follows from the above that the performance of military service and alternative service are entirely different situations, which the complainant organization is attempting to equate within the context of equality. Consequently, the organization in question claims the right to enjoy the benefits of military service without bearing its obligations. In conclusion, the two institutions are dissimilar and, therefore, incomparable**.** The constitutional principle of equality requires not only the equal treatment of similar situations, but also, as in this case, the different treatment of dissimilar situations. The differences cited by the complainant are not punitive in nature, do not constitute an excessive burden, and cannot be characterized as prohibited discriminatory treatment against conscientious objectors, since these differences were conceived as a counterbalance to the special nature of armed service, of the essential difference regarding the type, the content and the nature of the service provided.

9. 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. In most cases, while the Body provides the stipulated cash amount, it also provides the conscientious objector with food. However, it is understood that if the Body chooses to provide food and accommodation, the conditions for their adequacy must be met. 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.

10. The complainant's allegation that conscientious objectors are squashed into hospital wards, in cases where the alternative service is performed in hospitals and the Body provides the conscientious objector with food and accommodation, is unfounded. Conscientious objectors assigned to hospitals, provided they are given accommodation and food, stay in rooms with specific heating standards in winter and air conditioning in summer, personal hygiene facilities, and of course, they stay alone without any patients present. Similarly to conscientious objectors, who perform alternative service in public hospitals, conscripts who perform military service are assigned to military hospitals to meet relevant operational needs. The difference, however, is that conscripts stay in multi-person wards, under conditions far more difficult than those of conscientious objectors.

11. Furthermore, as common experience shows, it is not rare for many conscripts to incur costs and expenses during their service, comparable to those that conscientious objectors allegedly have to incur, especially when they serve far from their place of residence, so that they may have accommodation and food during their leave and even on their days off. They cannot travel to their place of residence frequently, as they serve in border areas and on islands, from which they cannot be transferred until six (6) months have elapsed from the date of their enlistment.

12. As for the alleged failure to protect the family and take into account the family status of conscientious objectors, it is clear that this allegation must be rejected, as there are numerous beneficial provisions regarding both their exemption from the obligation to perform alternative service and the performance of reduced alternative service, in accordance with the provisions of Articles 181 and 202 of Law 5265/26 respectively. In addition, it should be noted, with regard to the complainant's reference to a specific category of reduced alternative service, namely the 5-month reduced alternative service corresponding to 3 months of reduced military service (with a duration 1.67 times longer instead of 1.50), that this does not concern the most vulnerable group of conscientious objectors, as the complainant claims. The reduced military service mentioned above is not related to family status, and in particular the vulnerability of family members (disabilities, parents' age, etc.), but applies to a category of permanent residents abroad who, having been born abroad, are entitled to fulfill a 3-month military obligation and a 5-month alternative service, respectively, in accordance with the provision of paragraph 3 of Article 246 of Law 5265/26. The percentage of conscientious objectors who have completed this 5-month alternative service during the period 2016-2026 amounts to a negligible figure, of around 0.3%. Consequently, in the main part of our observations on the merits of the Collective Complaint 242/24, reference to the full 15-month military

service (accounting for 59%), the reduced 12-month military service (accounting for 22.3%), the reduced 9-month military service (accounting for 17%), and the reduced 6-month military service (accounting for 1.6%) and not to the reduced 5-month military service, is entirely justified.

13. The nature of alternative service, as well as the way it is performed, does not in essence constitute a prohibited interference with the freedom of thought, conscience, and religion of the conscientious objector. In particular, as regards the structure and organization of the alternative service system, the legislator ensures the possibility of providing an authentic alternative service that is neither deterrent nor sanctioning or punitive in nature. 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. From the moment a conscientious objector reports for alternative service with a public sector entity and for the entire duration of his service there, no control or supervision is exercised by military authorities, no inspections are carried out, nor are military regulations applied. The employing Body is responsible for monitoring the performance of the alternative service. It is the employing Body that is responsible for informing the Military Service Office to which the conscientious objector is assigned of any issues relating to the performance of alternative service.

14. The presence of conscientious objectors at the said Body for the performance of alternative service is a fundamental obligation. Unjustified failure to assume duties at the relevant Body constitutes a breach of duty, falling under the provisions of Article 229 of Law 5265/26, according to which, conscientious objectors are punished, during the period of their alternative service, for violating the provisions governing the granting of leave of absence, with penalties identical to those applicable to the employees of the Body to which they were assigned. In such cases, a period equal to twice the number of days of unjustified absence is added to the duration of the alternative service owed. In addition, if they commit disciplinary or criminal offenses that could result in the dismissal or termination of the employment relationship for the personnel of the Body to which they were assigned, their status as conscientious objectors may be revoked. Consequently, when essential terms of alternative service are violated and when the basic obligations arising from the alternative service performance are not fulfilled, individuals are disqualified from performing alternative service and are subject to mandatory military service. If they subsequently fail to enlist, they are declared draft evaders and face penal and administrative consequences, similar to those who were required to fulfill their mandatory military service.

15. 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 differentiation in the provisions, on the condition that such differentiation is justified by reasonable and objective criteria, such as the purely civilian nature of the specific alternative service by the provision of services other than those of the Armed Forces (even in war time), the need for special, demanding training in military service, as well as practical, geopolitical, and financial reasons that are not, however, related to purposeful unequal treatment.

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 calls on the European Committee of Social Rights to take into account all the aforementioned substantiated reasons, pertaining both to the Observations on the merits and to the Further Observations on the merits, in order to hold that the complaint under consideration is unfounded.