



**EUROPEAN COMMITTEE OF SOCIAL RIGHTS  
COMITE EUROPEEN DES DROITS SOCIAUX**

10 July 2024

**Case Document No. 1**

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

**COMPLAINT**

**Registered at the Secretariat on 1 July 2024**

# Collective Complaint

## European Bureau for Conscientious Objection V Greece

Date: 30 June 2024

### Complainant:

**European Bureau for Conscientious Objection**

35 Van Elewyck street, 1050 Brussels, Belgium

[ebco@ebco-beoc.org](mailto:ebco@ebco-beoc.org) / [www.ebco-beoc.org](http://www.ebco-beoc.org)

### **Contact persons:**

Alexia Tsouni, EBCO President, [tsounialexia@gmail.com](mailto:tsounialexia@gmail.com)

## **1. ADMISSIBILITY**

### **1.1 Competence of the European Bureau for Conscientious Objection (EBCO)**

- 1) The European Bureau for Conscientious Objection (EBCO) hereby submits this collective complaint to the Executive Secretary, acting on behalf of the Secretary General of the Council of Europe, pursuant to the collective complaint mechanism established by the Council of Europe on 9 November 1995 in the Additional Protocol to the European Social Charter Providing for a System of Collective Complaints (the Additional Protocol) with the purpose of ensuring the full realisation of social rights by all.

- 2) Under Article 1(b) of the Additional Protocol, the High Contracting Parties recognise the right of international non-governmental organisations holding consultative status to submit collective complaints. The European Bureau for Conscientious Objection is on the Governmental Committee list of international non-governmental organisations currently registered until 30 June 2025 to submit collective complaints.<sup>1</sup>
- 3) International non-governmental organisations entitled to submit complaints, unlike bodies coming under Article 1(c) and Article 2(1) of the Additional Protocol, need not come within the jurisdiction of the High Contracting Party. The European Bureau for Conscientious Objection is therefore entitled to bring a collective complaint against those countries having ratified the European Social Charter or Revised European Social Charter or both that have also agreed to be bound by the collective complaints' mechanism, without prejudice to any other admissibility requirement.
- 4) The European Bureau for Conscientious Objection is an international non-governmental organisation dedicated to promoting, *inter alia*, the right to conscientious objection to preparations for, and participation in, war and any other type of military activity as a fundamental human right, on both a national and an international level, at the European Union, the Council of Europe, the United Nations, and other international bodies. *EBCO has the legal status of Belgian international association provided by Royal Decree of 22 May 1986, published in the Belgian Official Journal "Moniteur Belge" on 6 June 1986.*<sup>2</sup>
- 5) EBCO has presence in 16 European countries through individual membership or membership in national and international organisations participating in EBCO.
- 6) The European Bureau for Conscientious Objection is recognised as an accurate, unbiased, and credible source of research and analysis concerning the right to conscientious objection to military service, and related issues, in Europe. Especially as for Greece, the European Bureau for Conscientious Objection has been cited as a factor in the improvement of the legislation concerning conscientious objectors. Specifically, in the explanatory report for the bill which became law 4609 in 2019, it was stated that the amendments of certain provisions about conscientious objectors are made, *inter alia*, "in order to eliminate the constant negative findings for the Country by Amnesty International and the European Bureau for Conscientious Objection".<sup>3</sup> This was also cited in a 2023 judgement of the Council of State, the Supreme Administrative Court of Greece.<sup>4</sup>
- 7) The European Bureau for Conscientious Objection has previously made submissions to the European Committee of Social Rights, specifically about

<sup>1</sup> <https://rm.coe.int/gc-2023-39-bil-list-ingos-01-01-2024/1680ae3089>

<sup>2</sup> Moniteur Belge, 6 June 1986, p. 8384 (p. 14 of the PDF). Available at: [https://www.ejustice.just.fgov.be/mopdf/1986/06/06\\_1.pdf#page=14](https://www.ejustice.just.fgov.be/mopdf/1986/06/06_1.pdf#page=14)

<sup>3</sup> Explanatory Report for the draft law "Regulations Regarding Armed Forces Personnel, Recruitment, Military Justice and Other Provisions", p. 27. Available in Greek at: <https://www.hellenicparliament.gr/UserFiles/2f026f42-950c-4efc-b950-340c4fb76a24/%CE%A5%CE%A0%CE%95%CE%98%CE%91-282.pdf>

<sup>4</sup> Council of State, Judgement 2262/2023, paras. 9 and 19. Available in Greek at: [https://www.adjustice.gr/webcenter/portal/ste/ypiresies/nomologies?bltId=0C540E5905D05C71F75DDE2A9E5B5321&\\_afrLoop=14945196071075249#!%40%40%3F\\_afrLoop%3D14945196071075249%26bltId%3D0C540E5905D05C71F75DDE2A9E5B5321%26centerWidth%3D65%2525%26leftWidth%3D0%2525%26npath%3D%252Fwebcenter%252Fportal%252Fste%252Fypiresies%252Fnomologies%26ri%26gthWidth%3D35%2525%26showFooter%3Dfalse%26showHeader%3Dtrue%26\\_adf.ctrl-state%3D13t5ubm5x2\\_45](https://www.adjustice.gr/webcenter/portal/ste/ypiresies/nomologies?bltId=0C540E5905D05C71F75DDE2A9E5B5321&_afrLoop=14945196071075249#!%40%40%3F_afrLoop%3D14945196071075249%26bltId%3D0C540E5905D05C71F75DDE2A9E5B5321%26centerWidth%3D65%2525%26leftWidth%3D0%2525%26npath%3D%252Fwebcenter%252Fportal%252Fste%252Fypiresies%252Fnomologies%26ri%26gthWidth%3D35%2525%26showFooter%3Dfalse%26showHeader%3Dtrue%26_adf.ctrl-state%3D13t5ubm5x2_45)

conscientious objectors in Greece,<sup>5</sup> and in 2016 it was explicitly cited in the Committee' Conclusions about Greece.<sup>6</sup>

8) The European Bureau for Conscientious Objection:

- has been explicitly cited in the European Parliament's Resolution on conscientious objection in the Member States of the Community, (A3-0411/93), as the organisation which should be involved in an 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.<sup>7</sup> EBCO publishes its annual report "Conscientious Objection to Military Service in Europe"<sup>8</sup> which is also EBCO's contribution to the annual report of the Committee on Civil Liberties, Justice and Home Affairs.
- participates in public hearings at the European Parliament.<sup>9</sup>
- has made submissions to the Committee of Ministers of the Council of Europe<sup>10</sup> and to the Steering Committee for Human Rights (CCDH)<sup>11</sup> of the Council of Europe,
- enjoys participatory status with the Council of Europe since 1998 and is a member of the Conference of International Non-Governmental Organisations of the Council of Europe since 2005,
- is entitled to lodge collective complaints concerning the European Social Charter of the Council of Europe since 2021,

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<sup>5</sup> 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, 27 October 2016, Report registered by the Secretariat on 7 November 2016. Available at: <https://rm.coe.int/CoERMPublicCommonSearchServices/DisplayDCTMContent?documentId=09000016806b6cc3>

Comments by the European Bureau for Conscientious Objection on the 3d National Report on the implementation of the European Social Charter submitted by the Government of Greece, Report registered by the Secretariat on 14 February 2020. Available at: <https://rm.coe.int/ebco-s-comments-on-greek-3d-report/16809eff2a>

<sup>6</sup> Conclusions XXI-1 - Greece - Article 1-2, XXI-1/def/GRC/1/2/EN, 09/12/2016. Available at: <https://hudoc.esc.coe.int/?i=XXI-1/def/GRC/1/2/EN>

<sup>7</sup> European Parliament, Resolution on conscientious objection in the Member States of the Community, (A3-0411/93), 19 January 1994, para. 16, as it has been published in the Official Journal of the European Communities C 44, 14 February 1994, page 105 (31 of the PDF document). Available at: [https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=OJ:JOC\\_1994\\_044\\_R\\_0075\\_01&from=EN](https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=OJ:JOC_1994_044_R_0075_01&from=EN)

<sup>8</sup> <https://www.ebco-beoc.org/reports>

<sup>9</sup> E.g. EBCO, "EBCO in the European Parliament public hearing on conscientious objection as a human right and in particular, Russian conscientious objectors", Press Release, 1 March 2023. Available at: <https://www.ebco-beoc.org/node/554>

<sup>10</sup> Secretariat General, Secretariat of the Committee of Ministers, Communication from a NGO (European Bureau for Conscientious Objection) (14/02/2018) in the case of Ulke v. Turkey (Application No. 39437/98), DH-DD(2018)209, 1 March 2018. Available at: <https://rm.coe.int/1310th-meeting-march-2018-dh-rule-9-2-communication-from-a-ngo-europea/168078f2f5>

<sup>11</sup> Steering Committee for Human Rights (CCDH), Possible work of the CDDH on conscientious objection to compulsory armed military service in Europe, Document transmitted by the European Bureau for Conscientious Objection (EBCO), CDDH(2020)04, 13 November 2020. Available at: <https://rm.coe.int/steering-committee-for-human-rights-cddh-possible-work-of-the-cddh-on-/1680a05b26>

- is a full member of the European Youth Forum<sup>12</sup> since 1995.
- 9) The European Bureau for Conscientious Objection co-operates at a regular basis with several other non-governmental organisations promoting the right to conscientious objection, including Amnesty International, both in general, as well as specifically for the rights of conscientious objectors in Greece.<sup>13</sup>
  - 10) The European Bureau for Conscientious Objection, together with the Association of Greek Conscientious Objection (AGCO) has regularly made submissions for the Universal Periodic Review of Greece.<sup>14</sup> Consequently, issues of conscientious objectors in Greece were cited in the Summary of Stakeholders Submission for Greece<sup>15</sup>, where EBCO is explicitly cited.<sup>16</sup> As a result, in the context of the 3rd Cycle of Universal Periodic Review by the UN Human Rights Council, Greece has received two recommendations, from Panama and Croatia, concerning conscientious objectors to military service.<sup>17</sup>

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<sup>12</sup> <https://www.youthforum.org/members/ebco-european-bureau-for-conscientious-objection>

<sup>13</sup> See, for example, joint public statements:

“Greece: Charis Vasileiou should have a fair examination of his grounds for conscientious objection under an amended legislative framework in line with international law and standards: joint NGOs statement”, Joint Public Statement, Amnesty International, Connection e.V., War Resisters’ International, International Fellowship of Reconciliation and European Bureau for Conscientious Objection, 2 September 2021 Index Number: EUR 25/4670/2021. Available at:

<https://www.amnesty.org/en/documents/eur25/4670/2021/en/>

“Greece: Give Charis Vasileiou and Nikolas Stefanidis a fair examination of their grounds for conscientious objection under an amended legislative framework in line with International Law and standards”, Joint Public Statement, Amnesty International, Connection e.V., War Resisters’ International, International Fellowship of Reconciliation and European Bureau for Conscientious Objection, 21 March 2022 (Index: EUR 25/5374/2022). Available at:

<https://www.amnesty.org/en/documents/eur25/5374/2022/en/>

“Greece: Give Thomas Katsaros a fair examination of his grounds for conscientious objection under an amended legislative framework in line with International Law and standards”, Joint Public Statement, Amnesty International, Connection e.V., War Resisters’ International, International Fellowship of Reconciliation and European Bureau for Conscientious Objection, 3 March 2023, (Index: EUR 25/6508/2023). Available at: <https://www.amnesty.org/en/documents/eur25/6508/2023/en/>

<sup>14</sup>“Greece: New trials against conscientious objectors - endless relapse”, Amnesty International Greece, European Bureau for Conscientious Objection and War Resisters’ International, 17 February 2010. Available at: <https://ebco-beoc.org/node/306>

“Greece has broken European consensus”, Joint Public Statement, Amnesty International, European Bureau for Conscientious Objection and War Resisters’ International, 30 May 2005, (Index: EUR 25/009/2005). Available at:

<https://www.amnesty.org/en/documents/eur25/009/2005/en/>

2021: <https://uprdoc.ohchr.org/uprweb/downloadfile.aspx?filename=8952&file=EnglishTranslation>

2015: <https://ebco-beoc.org/uprgreece2015>

2010: <https://ebco-beoc.org/uprgreece2011>

<sup>15</sup> United Nations, General Assembly, Human Rights Council, Working Group on the Universal Periodic Review, Summary of Stakeholders’ submissions on Greece, (A/HRC/WG.6/39/GRC/3), 12 August 2021, e.g. para. 35. Available at:

<https://undocs.org/A/HRC/WG.6/39/GRC/3>

<sup>16</sup> Ibid. p. 10.

<sup>17</sup> United Nations, General Assembly, Human Rights Council, Report of the Working Group on the Universal Periodic Review, Greece, (A/HRC/49/5), 6 January 2022, recommendations 130.76 (Panama), 130.88 (Croatia). Available at: <https://undocs.org/A/HRC/49/5>

- 11) The European Bureau for Conscientious Objection has been regularly issuing press releases, open letters, and other public texts on the right to conscientious objection in Greece.<sup>18</sup>
- 12) The European Bureau for Conscientious Objection has been received by the Minister of National Defence to discuss issues concerning conscientious objectors in Greece.<sup>19</sup>
- 13) This complaint is signed by Alexia Tsouni, President of the European Bureau for Conscientious Objection,<sup>20</sup> and by Theodoros Diamantidis, Secretary of the European Bureau for Conscientious Objection, who are entitled to represent the complainant organisation, according to articles 10-11 of its Statute<sup>21</sup> and by virtue of the Board's decision of 30 June 2024.

## **1.2 Application of the Revised European Social Charter and collective complaint system to the State Party: Greece**

- 14) Greece is a State party to the 1996 Revised European Social Charter (Revised Charter) and to the Additional Protocol Providing for a System of Collective Complaints. Greece ratified the 1961 European Social Charter on 6 June 1984.<sup>22</sup> Greece signed the Revised European Social Charter on 3 May 1996, ratified it on 18 March 2016 and is bound by its provisions since the entry into force of this treaty in its respect on 1 May 2016.<sup>23</sup> With this ratification Greece accepted 96 of the 98 Articles and sub-Articles, including articles 16, 30, 31 and E.
- 15) According to Article B(2) of the Revised Charter, “[A]cceptance of the obligations of any provision of this Charter shall, from the date of entry into force of those obligations for the Party concerned, result in the corresponding provision of the European Social Charter and, where appropriate, of its Additional Protocol of 1988 ceasing to apply to the Party concerned in the event of that Party being bound by the first of those instruments or by both instruments.” Further, Article D

<sup>18</sup> E.g. “Is this democracy? Greece brings another civilian before military court”, 24 October 2020.

Available at: <https://ebco-beoc.org/node/469>

“The Greek government of SYRIZA should honor its promises about reduction of the length of alternative civilian service”, 19 June 2019. Available at: <https://ebco-beoc.org/node/456>

“Deep disappointment over the bill on conscientious objection in Greece”, 16 April 2019. Available at: <https://ebco-beoc.org/node/453>

“Military trial of 53year old pioneer conscientious objector sets another negative record for Greece”, 31 May 2017. Available at: <https://www.ebco-beoc.org/node/423>

“Greece: Repeal the conviction of conscientious objector Anastasios Batas”, 2 November 2015.

Available at: <https://ebco-beoc.org/node/379>

“Greece: Repeal the conviction of the President of the Association of Greek Conscientious Objectors Yiannis Glarnetatzis”, 20 October 2015. Available at: <https://ebco-beoc.org/node/376>

“Greece, trial of conscientious objector Sotiropoulos: Stop the intimidations and prepare the end of conscription”, 16 June 2015. Available at: <https://ebco-beoc.org/node/368>

<sup>19</sup> E.g. The Alternate Minister of National Defence received an EBCO delegation for meeting inside the Ministry of National Defence, in November 2016. See in EBCO, “The Greek Government should fulfill its promises concerning conscientious objectors' human rights”, 20 March 2017. Available at:

<https://ebco-beoc.org/node/421>

<sup>20</sup> <https://ebco-beoc.org/ebcoboard>

<sup>21</sup> [https://www.ejustice.just.fgov.be/tsv\\_pdf/2023/03/13/23035387.pdf](https://www.ejustice.just.fgov.be/tsv_pdf/2023/03/13/23035387.pdf)

<sup>22</sup> <https://www.coe.int/en/web/european-social-charter/Greece#previous>

<sup>23</sup> <https://www.coe.int/en/web/conventions/full-list?module=signatures-by-treaty&treatynum=163>

of the Revised Charter provides that ‘The provisions of the Additional Protocol to the European Social Charter providing for a system of collective complaints shall apply to the undertakings given in this Charter for the States which have ratified the said Protocol.’ Greece ratified the Additional Protocol Providing for a System of Collective Complaints on 18 June 1998.

- 16) This complaint therefore meets the admissibility criteria under Article 1 and 13 of the Additional Protocol.
- 17) Under Article 28(1) of the Greek Constitution: “International conventions as of the time they are sanctioned by statute and become operative according to their respective conditions, shall be an integral part of domestic Greek law and shall prevail over any contrary provision of the law. The rules of international law and of international conventions shall be applicable to aliens only under the condition of reciprocity.”

### 1.3 Articles concerned

- 18) This complaint concerns violations of social and economic rights of conscientious objectors to military service, performing the alternative civilian service, in conjunction with the violation of the right to freedom from discrimination.
- 19) This complainant submits that Greece is in violation of **Article 30** (The right to protection against poverty and social exclusion) and **Article 31** (The right to housing), insofar conscientious objectors performing alternative civilian service are not provided with adequate resources and housing, as well as **Article 16** (The right of the family to social, legal and economic protection), insofar the families of conscientious objectors are also affected and not adequately protected. The complainant submits that Greece is in violation of the above articles in themselves, as well as in conjunction with **Article E** (Non-discrimination), insofar the legal provisions for conscientious objectors performing alternative civilian service, and their families, provide less protection in comparison to the protection provided to conscripts performing military service, and their families. The discrimination faced by the conscientious objector is on the grounds of “religion” (as for those conscientious objectors citing religious grounds for their conscientious objection), and “political or other opinion” (as for those conscientious objectors citing ideological grounds for their conscientious objection), which are both covered in the definition of discrimination in Article E. In certain cases, the above violations are in conjunction with violations of other articles, such as **Article 1.2**, as for the length of alternative service for a specific category of reduced service, and **Article 11**, as for providing housing inside hospitals, which increases health risks.
- 20) Greece has accepted to be bound by articles 30, 31 and 16, as well 1.2 and 11, of Part II of the Revised European Social Charter. Greece is also bound by the article E of Part V of the Charter on the prohibition of discrimination. The reservations and declarations by Greece concern articles 3, 6, 19<sup>24</sup> which are not relevant for

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<sup>24</sup> <https://www.coe.int/en/web/conventions/full-list?module=declarations-by-treaty&numSte=163&codeNature=0>



this case and therefore Greece is bound by the rest of the Revised European Social Charter as it stands.

## 2. BACKGROUND

### 2.1 The context of violations of human rights of conscientious objectors in Greece

21) The violations of economic and social rights of conscientious objectors in Greece occur within the broader context of violations of their human rights. Since 2015, violations and failures to comply with international human rights law and standards have been highlighted by at least six UN and European human rights bodies, including the UN Human Rights Committee,<sup>25</sup> the European Court of Human Rights,<sup>26</sup> the UN Human Rights Council,<sup>27</sup> the UN Special Rapporteur on freedom of religion or belief,<sup>28</sup> the Office of the High Commissioner for Human Rights,<sup>29</sup> as well as the European Committee of Social Rights.<sup>30</sup>

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<sup>25</sup> UN Human Rights Committee, Views adopted by the Committee under the Optional Protocol, concerning communication No. 3065/2017, (CCPR/C/132/D/3065/2017), 24 August 2022. Available at: <https://undocs.org/CCPR/C/132/D/3065/2017>

UN Human Rights Committee, Concluding observations on the second periodic report of Greece, (CCPR/C/GRC/CO/2), 3 December 2015, paras. 37-38. Available at: <https://undocs.org/CCPR/C/GRC/CO/2>

<sup>26</sup> ECtHR, CASE OF PAPAVALAKIS v. GREECE, Application No 66899/14, 15.9.2016. Available at: <https://hudoc.echr.coe.int/eng?i=001-166850>

<sup>27</sup> United Nations, General Assembly, Human Rights Council, Report of the Working Group on the Universal Periodic Review, Greece, (A/HRC/49/5), 6 January 2022, recommendations 130.76 (Panama), 130.88 (Croatia). Available at: <https://undocs.org/A/HRC/49/5>

UN Human Rights Council, Report of the Working Group on the Universal Periodic Review, Greece, (A/HRC/33/7), 8 July 2016, recommendation 136.15 (Uruguay), 136.16 (Slovenia). Available at: <https://undocs.org/A/HRC/33/7>

<sup>28</sup> UN Special Rapporteur on freedom of religion or belief, Communication GRC 3/2016, 31 October 2016. Available at:

<https://spcommreports.ohchr.org/TMResultsBase/DownloadPublicCommunicationFile?gld=22834>

UN Special Rapporteur on freedom of religion or belief, Communication GRC 3/2019, 11 July 2019. Available at:

<https://spcommreports.ohchr.org/TMResultsBase/DownloadPublicCommunicationFile?gld=24700>

<sup>29</sup> United Nations, General Assembly, Conscientious objection to military service, Analytical report of the Office of the United Nations High Commissioner for Human Rights, (A/HRC/50/43), 11 May 2022, paras 5 (note 5), 6, 11 (note 29), 18, 24, 29, 42. Available at: <http://undocs.org/A/HRC/50/43>

OHCHR, Approaches and challenges with regard to application procedures for obtaining the status of conscientious objector to military service in accordance with human rights standards, (A/HRC/41/23), 24 May 2019, paras. 7, 24, 29, 34, 36 (note 47), 38 (note 49), 41, 46-47. Available at:

<https://undocs.org/A/HRC/41/23>

OHCHR, Conscientious objection to military service, Analytical report of the Office of the United Nations High Commissioner for Human Rights, (A/HRC/35/4), 1 May 2017, paras. 18 (note 29), 51, 53, 54 (note 77). Available at: <https://www.undocs.org/A/HRC/35/4>

<sup>30</sup> ECSR, Conclusions XXI-1 - Greece - Article 1-2, XXI-1/def/GRC/1/2/EN, 9 December 2016, para. 3. Other aspects of the right to earn one's living in an occupation freely entered upon. Service alternative to military service. Available at: <https://hudoc.esc.coe.int/eng?i=XXI-1/def/GRC/1/2/EN>



22) The number of conscientious objectors in Greece, particularly those willing to perform the punitive and discriminatory alternative civilian service, is rather limited, especially if considered on a year-by-year basis. Each year some dozens or a few hundreds of conscientious objectors, predominantly on religious grounds, are recognised and appointed to perform the alternative civilian service. According to official data, in 2023, there were only 87 applications for conscientious objectors' status, with 80 of them approved (but 1 concerning a reservist, which means not appointed for alternative service) and therefore 79 appointed for alternative service.<sup>31</sup> In the previous years, since 2012, according to official data, there was only one year (2018) when the number of applications and approvals surpassed the number 200, i.e. it was 206. In all other cases the number was less than 200 and sometimes less than 100.<sup>32</sup> Most of the violations of economic and social rights of conscientious objectors in Greece described in this complaint could be easily addressed with the allocation of some minimum resources, an amount insignificant compared with the total state budget.<sup>33</sup> Therefore, there can be no excuse about lack of resources. Consequently, the particularly harsh economic conditions and the violations of economic and social rights of conscientious objectors should rather be seen as a deliberate state policy of punishment, as well as a further disincentive (in conjunction with the longer duration of alternative service), in order to dissuade people from declaring their conscientious objection to military service and reduce the number of applications for alternative civilian service.

## **2.2 Provisions in law concerning conditions of alternative (civilian) service for conscientious objectors**

23) According to the legislation:

“Those performing alternative service:  
[...]

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<sup>31</sup> Hellenic National Defence General Staff, Response to Mr. Nikolaos Nikolopoulos, Φ.429.39/9/270364, 5 February 2024. The data are published by conscientious objectors, in Greek, at: <https://enalaktiki.wordpress.com/2024/02/06/%ce%b5%cf%80%ce%af%cf%83%ce%b7%ce%bc%ce%b1-%cf%83%cf%84%ce%b1%cf%84%ce%b9%cf%83%cf%84%ce%b9%ce%ba%ce%ac-%ce%b5%ce%b3%ce%ba%cf%81%ce%af%cf%83%ce%b5%cf%89%ce%bd-%ce%b1%cf%80%ce%bf%cf%81%cf%81/>

<sup>32</sup> (for the years 2012-2021) Hellenic National Defence General Staff, Response to Mr. Theodoros Diamantidis, Φ.429.39/89/363847, 9 May 2022. The data are published by conscientious objectors in Greek at: [https://enalaktiki.wordpress.com/wp-content/uploads/2022/05/cea3cf84ceb1cf84ceb9cf83cf84ceb9cebaseac\\_ce91cebdceb1ceb3cebdcf8e\\_cf81ceb9cf83ceb7cf82\\_2012-2021.pdf](https://enalaktiki.wordpress.com/wp-content/uploads/2022/05/cea3cf84ceb1cf84ceb9cf83cf84ceb9cebaseac_ce91cebdceb1ceb3cebdcf8e_cf81ceb9cf83ceb7cf82_2012-2021.pdf)

(for 2021-2022) Hellenic National Defence General Staff, Response to Mr. Nikolaos Nikolopoulos, Φ.429.39/19/223629, 27 March 2023. The data are published by conscientious objectors in Greek at: <https://enalaktiki.wordpress.com/2023/04/03/episima-statistika-2022/>

<sup>33</sup> Athens-Macedonian News Agency, “Greek budget recorded a primary surplus of 3.692 billion euros in 2023”, 15 January 2024. Available at: <https://www.amna.gr/en/article/789681/Greek-budget-recorded-a-primary-surplus-of-3692-billion-euros-in-2023>

d. are entitled to food and housing by the institution in which they are appointed, and if this [institution] cannot provide [food and housing], they are provided with a sum of money, the amount of which, as well as any necessary detail concerning the procedure of its disbursement, are determined by joint decision of the Ministers of National Defence, of Finance and of co-competent ministers”.<sup>34</sup>

24) According to the relevant joint ministerial decision: “In the cases where the institutions, in which the conscientious objectors have been appointed to perform the alternative civilian service, are not capable of providing them food and housing, they pay them, starting 1.1.2005, a wage of two hundred and twenty-three and fifty-three (223.53) euros monthly. [...] Apart from the wage, to those performing alternative civilian service, no other amount of money is paid whatsoever for any reason”.<sup>35</sup>

### 2.3 Legal consequences for those not able to afford the alternative (civilian) service

25) Those conscientious objectors who cannot afford to perform, and therefore do not initiate the alternative civilian service, or those who refuse to submit themselves to such a punitive and discriminatory regime, are facing severe legal and economic consequences. They are called up to perform *military* service, and if they insist in their conscientious objection, they are declared “insubordinate”. Being declared “insubordinate” entails risk of arrest at any moment.<sup>36</sup> The punishment for *each* period of insubordination includes in all cases:

- An administrative fine of €6,000,<sup>37</sup> increased as long as it remains unpaid,

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<sup>34</sup> Law 3883/2010, article 78, passage k [α], which has amended the sub-paragraph d of the renumbered paragraph 2 of article 64 of the law 3421/2005.

<sup>35</sup> Government Gazette (FEK) B’ 858/23-6-2005, Joint Ministerial Decision No 2/24407/0022/9 June 2005, paras. 1 and 3.

<sup>36</sup> E.g.: EBCO Annual Report 2023/2024, p. 90-91. Available at: [https://ebco-beoc.org/sites/ebco-beoc.org/files/2024-05-15-EBCO\\_Annual\\_Report\\_2023-24.pdf](https://ebco-beoc.org/sites/ebco-beoc.org/files/2024-05-15-EBCO_Annual_Report_2023-24.pdf)

Amnesty International, Annual Report 2021/2022, Greece, p. 180. Available at: <https://www.amnesty.org/en/documents/pol10/4870/2022/en/>

EBCO annual report 2021, p. 38. Available at: [https://ebco-beoc.org/sites/ebco-beoc.org/files/attachments/2022-03-21-EBCO\\_Annual\\_Report\\_2021.pdf](https://ebco-beoc.org/sites/ebco-beoc.org/files/attachments/2022-03-21-EBCO_Annual_Report_2021.pdf)

Amnesty International, Europe: Human rights in Europe – review of 2019, p. 37. Available at: <https://www.amnesty.org/en/documents/eur01/2098/2020/en/>

Amnesty International, Annual Report 2017/2018, Greece, p. 179. <https://www.amnesty.org/en/documents/pol10/6700/2018/en/>

Amnesty International, “Greece: Stop arbitrary prosecutions and arrests of conscientious objectors”, 4 November 2013, Index number: EUR 25/017/2013.

<https://www.amnesty.org/en/documents/eur25/017/2013/en/>

<sup>37</sup> Ministerial decision Φ.429.1/ 17/281810 (Government Gazette vol. B’ 517/2011) “Determination of the fine which is imposed to insubordinates and deserters”. Available in Greek at:

<https://www.stratologia.gr/el/content/%CF%85%CF%80%CE%BF%CF%85%CF%81%CE%B3%CE%B9%CE%BA%CE%AE-%CE%B1%CF%80%CF%8C%CF%86%CE%B1%CF%83%CE%B7-%CF%86429117281810%CF%833944-3-11-%CE%BA%CF%85%CE%B1-%CE%B5%CE%B8%CE%BD%CE%B9%CE%BA%CE%AE%CF%82-%CE%AC%CE%BC%CF%85%CE%BD%CE%B1%CF%82-%CE%BA%CE%B1%CE%B9->

which can also result to confiscation of property, including money from bank accounts.<sup>38</sup>

- In times of peace, a prison sentence up to 2 years<sup>39</sup> (often, but not always, a suspended sentence, depending on the criminal record, and usually eligible to be converted to a financial penalty of several thousands of euros – different from the administrative fine cited above).
- Further sanctions, such as: deprivations of the right to be employed in the public sector, and for those who have been irrevocably convicted for insubordination or desertion, the deprivation of the right to exercise a profession which requires a special permission by the authority and of the right to vote and to be elected. The “insubordinates” or deserters are prohibited from migrating abroad or from being employed in ships travelling abroad, and from having a passport issued or renewed, except for insubordinates residing in foreign countries.<sup>40</sup>

26) The same applies to those who have started to perform the alternative civilian service but cannot afford to *conclude* it. If they do not conclude the alternative service, their conscientious objector status is revoked, they are called up to perform military service,<sup>41</sup> and if they insist in their conscientious objection, they are declared “insubordinate” and face the same legal consequences. However, before those, they may face an additional prosecution for insubordination concerning not the military, but the *alternative* service. In April 2023, a trial of a conscientious objector to military service occurred at the Military Court of Athens. In this case, the conscientious objector had been recognised as such; he had initiated the punitive alternative civilian service, but at some point, he interrupted it, obtaining a deferment. When he did not return to continue at the scheduled date, he was declared insubordinate, in 2019, and several months later, he was arrested in 2020 by the police. In this case, the Military Court of Athens unanimously decided to cease the prosecution of the conscientious objector due to the fact that he had been granted exemption for medical reasons in the meantime. However, if he hadn’t been granted such exemption, he would have probably faced punishment for insubordination for the alternative service, as well as punishment for insubordination for subsequent periods of insubordination for military service.<sup>42</sup>

27) Most importantly, punishment for insubordination does not entail exemption from military duties, (unless someone has actually served a prison sentence of equal or greater length than the alternative service he would have been required to perform

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[%CE%BF%CE%B9%CE%BA%CE%BF%CE%BD%CE%BF%CE%BC%CE%B9%CE%BA%CF%8E%CE%BD2011-%C2%AB%CE%BA%CE%B1%CE%B8%CE%BF%CF%81%CE%B9%CF%83%CE%BC%CF%8C%CF%82](#)

<sup>38</sup> ECtHR, *Papavasiliakis v. Greece*, Application no. 66899/14, Judgement (extracts) of 15 September 2016, para. 21. Available at: <https://hudoc.echr.coe.int/?i=001-166850>

<sup>39</sup> Military Penal Code, Article 32 (a). Available in Greek at:

<https://www.stratologia.gr/el/content/%CE%BD%CF%8C%CE%BC%CE%BF%CF%82-22871995-%C2%AB%CF%83%CF%84%CF%81%CE%B1%CF%84%CE%B9%CF%89%CF%84%CE%B9%CE%BA%CF%8C%CF%82-%CF%80%CE%BF%CE%B9%CE%BD%CE%B9%CE%BA%CF%8C%CF%82-%CE%BA%CF%8E%CE%B4%CE%B9%CE%BA%CE%B1%CF%82%CF%82-%C2%BB>

<sup>40</sup> Law 3421/2005 (as it stands today), art. 53-54. Available in Greek at:

<https://www.stratologia.gr/el/nomothesia>

<sup>41</sup> Law 3421/2005 (as it stands today), art. 64, paras. 4-6.

<sup>42</sup> EBCO Annual Report 2023/24, p. 91. Available at: [https://ebco-beoc.org/sites/ebco-beoc.org/files/2024-05-15-EBCO\\_Annual\\_Report\\_2023-24.pdf](https://ebco-beoc.org/sites/ebco-beoc.org/files/2024-05-15-EBCO_Annual_Report_2023-24.pdf)

if he had been recognised as a conscientious objector,<sup>43</sup> which nowadays does not occur in practice). Consequently, the conscientious objectors are repeatedly called-up, and repeatedly punished, in violation of the *ne bis in idem* principle, as it has been highlighted by the UN Human Rights Committee.<sup>44</sup> An illustrative example of the repeated punishment of a conscientious objector who could not afford the extremely punitive and discriminatory conditions, by that time, is the case of Lazaros Petromelidis, who, from 1992 until 2014, was convicted 5 times for insubordination, found himself in custody at least 4 times, and paid 2 financial penalties instead of imprisonment.<sup>45</sup> In his case, the Human Rights Committee, in 2021, has found multiple violations of the ICCPR.<sup>46</sup> Despite the Human Rights Committee's decision in the Petromelidis' case, repeated trials, sentencing and punishment, including through fines, continue according to Amnesty International.<sup>47</sup> In 2022 a conscientious (total) objector who has refused to perform both military service and the punitive and discriminatory alternative civilian service was sentenced for insubordination by the Military Court of Ioannina to a suspended sentence of 6-month imprisonment. This was his *second* conviction for insubordination, in violation of the *ne bis in idem* principle (Article 14.7 of the ICCPR).<sup>48</sup>

## 2.4 Provisions in law concerning conscripts performing military service

- 28) To examine the issue of discrimination, it is necessary also to examine certain provisions in law concerning conscripts performing military service.
- 29) Conscripts performing their military service are entitled to a monthly amount of money according to their family status, rank and family income as follows:<sup>49</sup>

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<sup>43</sup> Law 3421/2005, article 65, para. 1.

<sup>44</sup> UN Human Rights Committee, Concluding observations on the second periodic report of Greece, 3 December 2015, CCPR/C/GRC/CO/2, paras. 37-38. <http://undocs.org/CCPR/C/GRC/CO/2>

<sup>45</sup> Connection e.V., EBCO, IFOR, War Resisters' International, Joint Press Release - UN Human Rights Committee finds multiple violations in a landmark case of Greek conscientious objector to military service, 18 January 2022. Available at: <https://ebco-beoc.org/node/518>

<sup>46</sup> UN Human Rights Committee, Views adopted by the Committee under the Optional Protocol, concerning communication No. 3065/2017, (CCPR/C/132/D/3065/2017), 24 August 2022, para. 10. Available at: <https://undocs.org/CCPR/C/132/D/3065/2017>

<sup>47</sup> Amnesty International, "The state of the world's human rights", Annual Report 2022/2023, Greece, p. 179. Available at:

<https://www.amnesty.org/en/documents/pol10/5670/2023/en/>

<https://www.amnesty.org/en/location/europe-and-central-asia/greece/report-greece/>

Amnesty International, "The State of World's Human Rights", Annual Report 2023/2024, April 2024, Greece, p. 185. Available at:

<https://www.amnesty.org/en/documents/pol10/7200/2024/en/>

<https://www.amnesty.org/en/location/europe-and-central-asia/western-central-and-south-eastern-europe/greece/report-greece/>

<sup>48</sup> EBCO, Annual Report 2022/23, p. 43. Available at: [https://ebco-beoc.org/sites/ebco-beoc.org/files/attachments/2023-05-12-EBCO\\_Annual\\_Report\\_2022-23.pdf](https://ebco-beoc.org/sites/ebco-beoc.org/files/attachments/2023-05-12-EBCO_Annual_Report_2022-23.pdf)

<sup>49</sup> Government Gazette (FEK), Vol. B., 91, 29 January 2003, Joint Ministerial Decision of the Ministers of Economy and Finance, and National Defence 2/74840/0022, paras. 1-2.

- a) Unwed conscripts:
  - i) *Lochias* (sergeant) and equivalent ranks: €11.15
  - ii) *Dekaneas* (corporal) and equivalent ranks: €9.98
  - iii) *Ypodekaneas* (lance corporal) – *Stratiotis* (private) and equivalent ranks: €8.80
  - iv) The above three categories of conscripts, if they are children of parents with 4 or more children, are entitled to a monthly amount of €35.
- b)
  - i) Married without children, unwed orphaned as for one of the parents, and unwed children of unwed mothers: €35.22
  - ii) Unwed orphaned as for both parents: €100
- c) Married or unwed with children who have been legally recognised:
  - i) One child: €88.04
  - ii) Two children: €140.87
- d) Those of the above categories who are unwed, if their annual family income does not exceed €3,000, are entitled to the following monthly amount as follows:
  - i) Children of long-term unemployed parents, as those are stipulated by law:<sup>50</sup> €100
  - ii) Children of parents who are residents of less-favoured areas as stipulated in the EC Directive 93/66: €100
- e) The above amounts of money are not cumulative.

### 3. SUBSTANCE OF THE COMPLAINT

30) Conscientious objectors in Greece, if recognised as such, are obliged to perform an alternative civilian service which is punitive and discriminatory, and is in violation, *inter alia*, of several provisions of the Revised Charter, as it will be analysed in the following paragraphs. Conscientious objectors are forced to “accept” such punitive and discriminatory alternative civilian service, under threat of severe legal and economic consequences which have been explained in part 2.3. Such consequences are also confirmed and described in the Third Periodic Report of Greece to the UN Human Rights Committee,<sup>51</sup> where it is explicitly stated that “The same [i.e. being declared draft evaders] applies to those recognized as conscientious objectors who do not report for duty to their assigned authority”<sup>52</sup> and that “The provisions on the consequences of draft evasion apply to both

<sup>50</sup> Law 2434/96, Chapter B, article 13, para. 1.

<sup>51</sup> Third periodic report submitted by Greece under article 40 of the Covenant pursuant to the optional reporting procedure, due in 2022, (CCPR/C/GRC/3), 27 April 2023, paras. 189-192. Available at: <https://undocs.org/CCPR/C/GRC/3>

<sup>52</sup> *Ibid.* para. 190.

conscientious objectors and individuals performing a military service, who unduly do not report for military or alternative service”.<sup>53</sup>

### 3.1 The case of those conscientious objectors performing alternative service who are only provided with food and housing

31) As it has been explained in part 2.2, some of the conscientious objectors are not entitled to any amount of money, but they are only provided with food and housing by the public institution in which they are performing the alternative civilian service. This complainant submits that providing only food and housing without any amount of money whatsoever, especially for such a prolonged period of time, up to 15 months for those liable for full alternative service, is in itself a violation of **Article 30**. Food and housing are not the only needs for a person, and providing only food and housing is not sufficient to protect a person from poverty. Conscientious objectors of this category are not provided money to cover even elementary needs and items such as, for instance, hygiene items, telephone bills to communicate with their families, and other.

32) For example, at the EU level, among the necessary and desirable items to lead an adequate life at individual level are listed:

- Replacing worn-out clothes by some new ones
- Having two pairs of properly fitting shoes (including a pair of all-weather shoes)
- Spending a small amount of money each week on him/herself
- Having regular leisure activities
- Getting together with friends/family for a drink/meal at least once a month.<sup>54</sup>

33) As for medical insurance and covering of costs of medicines, conscientious objectors performing alternative service are entitled to insurance for provisions in case of illness at the same insurance institution as the rest of the employees of the public institution where they perform the alternative civilian service.<sup>55</sup> However, this does not mean that they are provided full covering of all cost of medicines and other necessary medical expenses, which means that they might face some further expenses during the alternative civilian service and/or that they might not be able to receive appropriate medical treatment because of lack of necessary income. For example, according to the response of the State Party to another collective complaint, the “standard” rate of reimbursement for medicines is 75% (although in some cases it might reach 90% or even 100%).<sup>56</sup>

34) Furthermore, in many cases, housing inside the public institution is not appropriate and therefore there is a direct violation of the right to housing (**Article**

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<sup>53</sup> Ibid., para. 192.

<sup>54</sup> Eurostat, Glossary: Severe material and social deprivation rate (SMSD). Available at: [https://ec.europa.eu/eurostat/statistics-explained/index.php?title=Glossary:Severe\\_material\\_and\\_social\\_deprivation\\_rate\\_\(SMSD\)](https://ec.europa.eu/eurostat/statistics-explained/index.php?title=Glossary:Severe_material_and_social_deprivation_rate_(SMSD))

<sup>55</sup> Government Gazette (FEK) 226, Vol. A, 27 October 1999, law 2747/1999, article 8, para. 2.

<sup>56</sup> ECSR, Amnesty International v. Greece, Complaint No. 217/2022, Case Document No. 2, Submissions by the Government on the merits, 17 January 2024, p. 13. Available at: <https://rm.coe.int/cc217casedoc2-en/1680af2ad5>



31), particularly point 1 “to promote access to housing of an adequate standard”. In 2017 the Greek Ombudsman examined the complaint of two conscientious objectors who had been appointed for alternative service in a hospital in the broader geographical area of Peloponnese. The accommodation provided to the two conscientious objectors was a room meant to host doctors during their night shifts, without facilities for personal hygiene, having available only the facilities for personal hygiene used by the patients hospitalised on the same floor. The room was in a bad condition, there was no place to store personal items, while food was provided only once per day (lunch). The objectors refused to stay in this place, they rented accommodation outside the hospital, and they claimed the amount of money (“wage”) stipulated in the legislation. The administration of the hospital admitted that the place was inappropriate but said that there was no relevant amount in the budget, and no money was given to them. The Ombudsman pointed out to the Hellenic National Defence General Staff that:

- There was no protocol determining minimum conditions for the appropriateness of places for housing and of food.
- Such places were not evaluated before appointing the conscientious objectors.
- The institutions were not obliged to have in time the relevant amount of money in case they don’t have appropriate places (to host the conscientious objectors).<sup>57</sup>

35) Following the mediation of the Ombudsman, the Hellenic National Defence General Staff issued a circular towards various recipients which stipulates, *inter alia*, that:

- In case the institutions cannot provide food and housing, they must secure the necessary amount in the budget, in time, in order for the monthly disbursement to occur as soon as possible.
- The minimum conditions for food and housing should be followed, including:
  - Three meals per day, according to the provisions of the Code of Foods and Beverages.
  - Accommodation in a good condition, with heat in the winter, air conditioning in the summer, facilities of personal hygiene, and place to store personal items in case it is used by multiple persons.<sup>58</sup>

36) However, it is doubtful that the above minimum conditions are sufficient. For example, a minimum size of the room or of the adequate space per person is not specified, despite the fact that not being overcrowded is a requirement for

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<sup>57</sup> [in Greek] Συνήγορος του Πολίτη, «Αντιρρησίες συνείδησης: Διασαφηνίστηκαν οι προϋποθέσεις επιλογής φορέα για εναλλακτική θητεία», Νοέμβριος 2017. [Ombudsman, “Conscientious objectors: the conditions for selecting institution for alternative service have been clarified”, November 2017.] Available at: [https://old.synigoros.gr/?i=human-rights.el.enallaktiki\\_upiresia.461946](https://old.synigoros.gr/?i=human-rights.el.enallaktiki_upiresia.461946)

<sup>58</sup> Hellenic National Defence General Staff, circular titled “Αντιρρησίες συνείδησης (εναλλακτική υπηρεσία)”, [Conscientious Objectors (Alternative service)], Φ. 429.39/8/490598, 31 January 2017. Available in Greek at: <https://old.synigoros.gr/resources/engyklis-geetha.pdf>



adequate housing.<sup>59</sup> Neither there are any standards of quantity for each meal. (The Code of Foods and Beverages is rather about minimum standards of safety). Furthermore, in the circular there are no provisions ensuring that the meals are compatible with the religious and/or ideological beliefs of the conscientious objectors (e.g. vegetarians, vegans) and EBCO is aware that such problems have occurred. Finally, while the circular states that conscientious objectors will no longer be appointed to institutions which declare that they provide food and housing, but later on it is found that those are inadequate, nevertheless, the circular does not specify any procedure to evaluate such places before appointing conscientious objectors, as the Ombudsman had suggested.

- 37) Despite the above-mentioned circular, certain public institutions continue to declare that they can only provide food without housing, or housing without food. For example, in 2024, among the 1,909 positions offered by public institutions to employ conscientious objectors performing alternative service, there are 336 positions where the public institutions can provide only food but not housing and 2 positions where the public institution can provide only housing but not food.<sup>60</sup> It is not clear whether the Ministry of National Defence, nowadays, still appoints conscientious objectors to such public institutions which, admittedly, cannot provide both food and housing as the law requires.
- 38) Insofar the Ministry of National Defence has taken into consideration some of the recommendations of the Ombudsman and issued the circular, this has possibly resulted in having more cases of conscientious objectors falling under the other category (of those receiving a “wage”), which will be examined further below, in part 3.2, and in which case there are also violations of the Revised Charter. However, insofar the “wage” is not sufficient, as it will be explained in part 3.2, it is possible that conscientious objectors do not always claim their right to adequate housing, i.e., they avoid protesting, refusing, and appealing against an inadequate accommodation and requesting the “wage” in order to stay outside the premises. (Worth noting that, in principle, it is not up to the conscientious objectors to decide whether they will receive the “wage”, or they will receive food and housing. However, if the food and housing are inappropriate, they can potentially protest and appeal either to the military authorities or to the civil authorities (ministry), to which the institution belongs, or to an independent authority, like the Ombudsman, in order to claim their right to adequate food and housing.) It appears that, in some cases, conscientious objectors rather accept staying inside the premises of the institution, despite being inappropriate, even according to the inadequate standards set by the circular, because they cannot afford to stay outside. The right to adequate housing and, therefore, to refuse inadequate accommodation inside the premises of the institution, can be effectively protected only if there is a viable alternative of a sufficient “wage”.
- 39) Another factor that should be taken into consideration is that providing accommodation inside *hospitals* can hardly be considered as housing of an

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<sup>59</sup> European Committee of Social Rights, Conclusions 2019, Greece, March 2020, p. 62. Available at: <https://rm.coe.int/rapport-grc-en/16809cfda6>

<sup>60</sup> Data provided by the Hellenic National Defence General Staff to petitioner Theodoros Diamantidis, subsequently published in Greek at: <https://enalaktiki.wordpress.com/theseis-2024/>

adequate standard. Accommodation inside *hospitals* increases the risk for hospital-acquired infections, in the same way that spending a long time in hospital can lead to an increased risk of catching infections for patients.<sup>61</sup> This could be particularly relevant in times of epidemic or pandemic. In this case the failure of the State party to comply with **Article 31** (failure “to promote access to housing of an adequate standard”) can also be seen in conjunction with **Article 11** (failure “to remove as far as possible the causes of ill-health” and “to prevent as far as possible epidemic, endemic and other diseases”).

- 40) This complainant also submits that providing only food and housing without any amount of money whatsoever, and without any further benefit or provision depending on the family status of the conscientious objectors, constitutes in itself a violation of **Article 16** concerning the right of the family to social, legal and economic protection. The only provision in the legislation concerning conscientious objectors which takes into consideration the issue of family status is the one about the length of the alternative civilian service. Indeed, there are 4 categories: one category for full alternative service (15 months) and 3 categories of reduced alternative service (12, 9 and 5 months), according to the family status (and some other factors, e.g. residence abroad). These categories correspond to 4 categories concerning military service, i.e. 12 months for full service and 3 categories for reduced service (9, 6 and 3 months), according to family status (and some other factors, e.g. residence abroad).<sup>62</sup> However, there are no further provisions according to family status, and conscientious objectors who are entitled to reduced service according to their family status, do not receive any amount of money or other benefit. For example, those who have two living children, or those who have a spouse incapable of any employment, are entitled to 6 months of military service, or equivalently, if they are conscientious objectors, to 9 months of alternative civilian service. However, these conscientious objectors, if they are provided with food and housing, do not receive any amount of money, despite having two children or a spouse incapable of any employment.
- 41) This complainant also submits that the above violations of Articles 30, 31 and 16, in the case of those conscientious objectors provided only with food and housing, are not only in themselves, but also in conjunction with **Article E** about discrimination. This is because conscripts serving military service are comparatively better protected. Apart from housing and food inside the premises of the armed forces, they are also provided with (a) a certain amount of money, depending also on family status and income, (b) certain personal items, while conscientious objectors are given neither money, nor personal items.
- 42) Specifically, as it has been explained in part 2.4, conscripts performing their military service receive a monthly amount of money, according to their family status, family income and rank, which ranges from €8.80 to, at least, €140.87 (in the case of having two children). It is doubtful whether such amounts are

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<sup>61</sup> NHS, England, Reducing length of stay. Available at: <https://www.england.nhs.uk/urgent-emergency-care/reducing-length-of-stay/>

<sup>62</sup> Joint Ministerial Decision of the Ministers of National Defence and of Finance Φ.421.4/7/228631/Σ.6400/24.9.2019, published in Government Gazette Vol. B 3697, 4 October 2019.

sufficient to guarantee a decent living for the conscripts and their families.

However, conscientious objectors are deprived even of this insufficient benefit.

- 43) Furthermore, conscripts are provided by the armed forces with certain personal items, which can cover some of their needs and reduce their expenses. According to a response from the Hellenic National Defence General Staff to EBCO, the personal items provided to conscripts are items of clothing and footwear.<sup>63</sup> Conscientious objectors do not receive personal items.

### **3.2 The case of those conscientious objectors performing alternative service who are provided with a monthly “wage” instead of food and housing**

- 44) As it has been explained in part 2.2, when the public institution employing conscientious objectors for their alternative civilian service cannot provide food and housing, it provides them instead with a monthly “wage”, which has been set by ministerial decision since 2005 to €223.53<sup>64</sup> and remains unchanged since then, even in times of financial crises.
- 45) This complainant wishes to emphasise once more that conscientious objectors are explicitly prohibited by law to be paid any other amount of money for any reason.<sup>65</sup> Therefore, conscientious objectors who perhaps could be eligible for other financial benefits designed for people living in poverty, are prohibited from receiving them.
- 46) In order to assess whether this amount of money is sufficient, it is necessary to examine a number of factors and standards. First, it should be noted that conscientious objectors are explicitly prohibited from being placed for alternative service in their region of residence (see relevant part 3.3 of this complaint). This means that they must certainly pay rent, which significantly increases their expenses during alternative civilian service.
- 47) According to the most recent (2015) concluding observations of the UN Committee on Economic, Social and Cultural Rights (CESCR),<sup>66</sup> the then minimum wage, i.e. €586.08 or €510.95 for workers younger than 25 years of age<sup>67</sup>, (which was well above the “wage” of conscientious objectors, i.e. €223.53), was not sufficient to provide workers and their families with a decent living. Conscientious objectors might not be officially considered as workers, but if more than double a wage was not sufficient for workers and their families for a decent

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<sup>63</sup> Hellenic National Defence General Staff, Response to EBCO, (Φ. 429 39/209/385262), 22 September 2022, para. 1.b.

<sup>64</sup> Government Gazette (FEK) vol. B' 858/23-6-2005, Joint Ministerial Decision No 2/24407/0022/9 June 2005, para. 1.

<sup>65</sup> Government Gazette (FEK) vol. B' 858/23-6-2005, Joint Ministerial Decision No 2/24407/0022/9 June 2005, para. 3.

<sup>66</sup> UN Committee on Economic, Social and Cultural Rights, Concluding observations on the second periodic report of Greece, (E/C.12/GRC/CO/2), 27 October 2015, paras. 19-20.  
<http://www.undocs.org/E/C.12/GRC/CO/2>

<sup>67</sup> Replies of Greece to the list of issues, (E/C.12/GRC/Q/2/Add.1), 6 August 2015, para. 54. Available at: <http://www.undocs.org/E/C.12/GRC/Q/2/Add.1>

living, it is self-evident that the “wage” of conscientious objectors cannot be either.

48) In subsequent years, the minimum wage has been increased, but the “wage” for conscientious objectors remained, and still remains, the same. As of 1 April 2024, the statutory minimum wage was set at eight hundred and thirty euros (€830.00).<sup>68</sup>

49) In this regard, it’s worth noting that in the first years of the implementation of the legislation for the alternative service, there was indeed an annual increase of the “wage”, as follows:

- 1998: 55,000 drachmas.<sup>69</sup>
- 1999: 58,000 drachmas.<sup>70</sup>
- 2000: 61,000 drachmas.<sup>71</sup>
- 2001: 64,000 drachmas.<sup>72</sup>
- 2002: 67,000 drachmas.<sup>73</sup> [with an exchange rate of 340.75 it is approximately equivalent to €196.63]
- 2003: €203.50.<sup>74</sup>
- 2004: €210.70.<sup>75</sup>
- 2005: €223.53.<sup>76</sup>

However, since 2005, there has been no increase whatsoever, and the amount has remained the same for almost two decades.

50) Several other factors indicate that the “wage” provided to conscientious objectors is not sufficient for a decent living. The Human Rights Committee in its concluding observations of 2015<sup>77</sup> has explicitly pointed out that the alternative service should not be punitive or discriminatory, *inter alia*, in terms of *cost*.

51) The State party has already established a procedure under Law 4483/2017<sup>78</sup> for workers (medical, teaching, police staff etc.) in mountainous and island Municipalities whereby the Municipality may provide them with housing and food or, alternatively, a reimbursement, the amount of which is set “for each municipality” by a Joint Ministerial Decision of the Minister of Interior and the Minister of Finance. The latest such Decision<sup>79</sup> estimates monthly housing and

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<sup>68</sup> Government of Greece, Your Guide to Greece, Minimum wage and minimum daily wage. Last update: 9/04/2024. Available at: <https://www.gov.gr/en/sdg/work-and-retirement/terms-and-conditions-of-employment/general/minimum-wage-and-minimum-daily-wage>

<sup>69</sup> Joint Ministerial Decision No 2015400/1547/0022/5-3-1998 (Government Gazette vol. B 280/20-3-1998)

<sup>70</sup> Joint Ministerial Decision No 2/23527/0022/22-4-1999 (Government Gazette vol. B 818/21-5-1999)

<sup>71</sup> Joint Ministerial Decision No 2/6920/0022/23-2-2000 (Government Gazette vol. B 291/10-3-2000)

<sup>72</sup> Joint Ministerial Decision No 2/17058/0022/15-3-2001 (Government Gazette vol. B 381/6-4-2001)

<sup>73</sup> Joint Ministerial Decision No 2/14133/0022/24-5-2002 (Government Gazette vol. B 703/10-6-2002)

<sup>74</sup> Joint Ministerial Decision No 2/3402/0022/9-5-2003 (Government Gazette vol. B 597/14-5-2003)

<sup>75</sup> Joint Ministerial Decision No 2/34523/0022/12-8-2004 (Government Gazette vol. B 1338/31-8-2004)

<sup>76</sup> Joint Ministerial Decision No 2/24407/0022/9-6-2005 (Government Gazette vol. B 858/23-6-2005)

<sup>77</sup> UN Human Rights Committee, Concluding observations on the second periodic report of Greece, 3 December 2015, CCPR/C/GRC/CO/2, para. 38. <http://undocs.org/CCPR/C/GRC/CO/2>

<sup>78</sup> Law 4483/2017, article 32, *Incentives for workers in local authorities in mountainous and island regions* (as amended by Law 5003/2022 article 88).

<sup>79</sup> Joint Ministerial Decision 43802/16-05-2023, *Provision of free food and housing to employees in mountainous and island regions*, 17 May 2023, Government Gazette 3274/B/17-05-2023, p. 6 of the

food expenses to be within a range of €200 to €1,800<sup>80</sup> depending on the Municipality, with a median of €600. No such procedure has been set in place to estimate monthly housing and food expenses in each of the Municipalities where conscientious objectors serve an alternative civilian service.

- 52) Most importantly, the State Party fails by a great margin to guarantee even minimum subsistence according to the latest statistics for the poverty threshold of a single person. In April 2024, the Hellenic Statistical Authority issued the 2023 Survey on Income and Living Conditions (income reference period: 2022), in which the threshold of poverty for a household of a single person is set to €6,030 annually,<sup>81</sup> which is equivalent to €502.5 monthly, which is more than double the “wage” of conscientious objectors (€223.53). Or, in other words, conscientious objectors receive annually  $12 \times €223.53 = €2,682.36$ , which is less than half the threshold of poverty. This is not an occasional but rather a long-standing problem, which is in fact deteriorating year by year. In 2023, again according to the Hellenic Statistical Authority (2022 Survey, income reference period: 2021), the poverty threshold for a household of a single person was set to €5,712 annually<sup>82</sup> which is equivalent to €476 monthly. In 2019 (2018 Survey, income reference period: 2017), the poverty threshold for a household of a single person was set to €4,718 euros per person annually,<sup>83</sup> which is equivalent to €393.1 monthly. Therefore, year by year, the gap between the “wage” of conscientious objectors and the threshold of poverty is significantly increased.
- 53) Considering all the above, the complainant submits that the current and long-standing situation constitutes, in itself, a violation of **Article 30**.
- 54) The complainant also submits that insofar conscientious objectors are spending the “wage” in order to cover other essential needs (food, etc.) they do not have enough financial resources for adequate housing. Moreover, the State Party has not taken any measures whatsoever to make prices of housing accessible to

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PDF document (p. 35032). Available in Greek at:

[https://www.et.gr/api/DownloadFeksApi/?fek\\_pdf=20230203274](https://www.et.gr/api/DownloadFeksApi/?fek_pdf=20230203274)

<sup>80</sup> The extreme ends are probably due to misinterpretations by the requesting Municipalities since this is the first year of implementation of the measure. For example, the low end of €200 provisioned for non-teacher staff in the Municipality of Sami coincides with the amount provisioned just for monthly **food** expenses, while for housing an amount of €300 is set. See in Municipal Council of Sami, *Decision 92/2022 «Provision of financial incentives to newly appointed doctors to the General Hospital of Argostoli "Agios Gerasimos"»*, 19 Aug 2022, p. 5, available in Greek at <https://diavgeia.gov.gr/doc/%CE%A89%CE%A7%CE%9E46%CE%9C%CE%933%CE%99-75%CE%9F?inline=true>

<sup>81</sup> Hellenic Statistical Authority, *Risk of poverty – 2023 Survey on Income and Living Conditions (Income reference period: 2022)*, 3 April 2024, p. 9, available in Greek at:

<https://www.statistics.gr/documents/20181/20cac507-3a56-a584-effd-8ac6acfec409>. Table 4 mentions €6,030 annually which is equivalent to €502.5 monthly.

<sup>82</sup> Hellenic Statistical Authority, *Risk of poverty – 2022 Survey on Income and Living Conditions (Income reference period: 2021)*, 8 May 2023, p. 9, available at:

<https://www.statistics.gr/documents/20181/17860692/Risk+of+Poverty+%28+2022+%29.pdf/1a1b8a05-538f-c4bb-9b63-e056e83ecb5b?t=1683536337186>. Table 4 mentions €5,712 annually which is equivalent to €476 monthly.

<sup>83</sup> Hellenic Statistical Authority, *Risk of poverty – 2018 Survey on Income and Living Conditions (Income reference period: 2017)*, 21 June 2019, p. 2 and 10 (Table 6), available at:

<https://www.statistics.gr/documents/20181/8550386/Risk+of+Poverty+%28+2018+%29.pdf/13058a0c-e1cb-d2d7-dc94-f274dff5d83?t=1561107710668>



conscientious objectors, for example by providing additional amounts of money specifically for housing, especially in areas of high prices, or state-rented housing for the conscientious objectors, or by subsidising owners to house conscientious objectors for free or at lower prices. Therefore, in this case there is a violation of **Article 31**, insofar the State Party does not promote access to housing of an adequate standard (para. 1) and does not make the price of housing accessible to those without adequate resources (para. 3).

- 55) The above problem of housing is exacerbated by an acute housing crisis in recent years.<sup>84</sup> The housing cost overburden rate shows the share of the population living in a household where total housing costs represent more than 40% of disposable income. In the EU in 2021, 10.4% of the population in cities lived in such a household, but the highest housing cost overburden rates in cities were observed in Greece (32.4%).<sup>85</sup> More than 79% of renting households spend 40% or more of their disposable income on housing.<sup>86</sup> According to data from real estate agencies and advertisements, in recent years there has been an increase of 30% to 50% in some areas of Athens, as well as in a number of municipalities in the Attica region. Similar increases have been recorded in Thessaloniki, and to a lesser extent in other urban centres. In the Athens city centre, where there have been the largest increases, rental prices have risen by 20%-30% on average in the period 2019-2021, while in areas further away from the centre, the corresponding increase is estimated to have been 10%-15%. In another survey, it was estimated that approximately  $\frac{2}{3}$  of the properties in the city centre of Athens are rented for more than 600 euros per month, while the majority of the more affordable properties were built before 1980.<sup>87</sup> The problem of housing for conscientious objectors because of the increase of the prices of house rental (including due to the proliferation of short-term rental through relevant internet platforms), has also been highlighted by another non-governmental organisation, the International Fellowship of Reconciliation (IFOR), in the context of determining the list of issues prior to reporting to the Human Rights Committee.<sup>88</sup>
- 56) The above-described problems become even more severe in cases of persons that are household heads and/or parents of children. A useful comparison is with the “reasonable subsistence expenses” state figures used in the context of credit

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<sup>84</sup> Κουραχάνης, Ν. (2023), Στεγαστική κρίση και στεγαστική πολιτική: προκλήσεις και προοπτικές, Αθήνα: ΙΜΕ ΓΣΕΒΕΕ [Kourahanis N. (2023), Housing crisis and housing policy: challenges and perspectives]. Available in Greek at: <https://socialpolicy.panteion.gr/news/1798-nea-meleti-stegastiki-krisi-kai-stegastiki-politiki-prokliseis-kai-prooptikes> “Unmasking Greece's housing crisis”.

<https://www.housingeurope.eu/resource-1890/unmasking-greece-s-housing-crisis>

<sup>85</sup> <https://ec.europa.eu/eurostat/cache/digpub/housing/bloc-2b.html?lang=en>

<sup>86</sup> Demetrios Ioannou, “‘All my wage goes to the house’: A rental crisis brews in Greece”, *Al Jazeera*, 25 July 2022. Available at: <https://www.aljazeera.com/features/2022/7/25/housing-crisis-in-greece-with-increased-rent>

<https://housing360.eteron.org/rents/>  
<sup>87</sup> <https://housing360.eteron.org/rents/>

<sup>88</sup> IFOR, Submission to the 133<sup>rd</sup> session of the Human Rights Committee, “Greece, contribution to the adoption of the List of Issues Prior to Reporting”, Updated August 2021, p. 3. Available at: [https://tbinternet.ohchr.org/\\_layouts/15/treatybodyexternal/Download.aspx?symbolno=INT%2FCCP%2F2FICS%2FGRC%2F46472&Lang=en](https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=INT%2FCCP%2F2FICS%2FGRC%2F46472&Lang=en)

institutions assessing a debtor's ability of repayment that are estimated (2021 data) at €537 for a single person with an additional €221 EUR for each dependent child.<sup>89</sup>

- 57) However, conscientious objectors do not receive an additional amount of money for each child. The complainant submits that this constitutes, in itself, a violation of **Article 16**.
- 58) In regard to **Article 16**, it should also be stressed that when, in 2015, the UN Committee on Economic, Social and Cultural Rights (CESCR),<sup>90</sup> found that the then minimum wage (€586.08 or €510.95 for workers younger than 25 years of age<sup>91</sup>), was not sufficient to provide a decent living, the Committee did not cite only workers but also explicitly cited their families too. Equivalently, the less than half "wage" for conscientious objectors (€223.53), should also be seen as not providing a decent living not only for conscientious objectors themselves, but also for their families, and therefore a violation of **Article 16** should be found.
- 59) This complainant also submits that the above violations of Articles 30, 31 and 16, in the case of those conscientious objectors provided with a monthly "wage", are not only in themselves, but also in conjunction with **Article E** about discrimination.
- 60) A common misunderstanding is to compare the amount of money or "wage" that some of the conscientious objectors receive to the amount of money received by conscripts, which is far less. This is completely erroneous, and has also occasionally fuelled hate speech against conscientious objectors. The amount of money or "wage" is received by some conscientious objectors *instead* of food and housing, and only because specific public institutions employing conscientious objectors cannot provide food and housing. This is explicitly stipulated both in the law<sup>92</sup> and in the ministerial decision where the exact amount is defined.<sup>93</sup> On the contrary, the amount of money received by conscripts is *in addition* to food and housing provided in the premises of the armed forces.
- 61) Therefore, not only the two cases of amounts of money are not comparable, but in fact, it is the conscientious objectors who face discrimination, in violation of

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<sup>89</sup>The figures are based on the Hellenic Statistical Authority's annual Household Budget Surveys. General Secretariat for Financial Sector and Private Debt Management, *Information note on Reasonable Subsistence Expenses*, 23 Nov 2021, p. 1, available in Greek at [http://www.keyd.gov.gr/wp-content/uploads/2021/11/%CE%95%CE%BD%CE%B7%CE%BC%CE%B5%CF%81%CF%89%CF%84%CE%B9%CE%BA%CF%8C-%CF%83%CE%B7%CE%BC%CE%B5%CE%AF%CF%89%CE%BC%CE%B1-%CE%95%CF%8D%CE%BB%CE%BF%CE%B3%CE%B5%CF%82-%CE%B4%CE%B1%CF%80%CE%AC%CE%BD%CE%B5%CF%82-%CE%B4%CE%B9%CE%B1%CE%B2%CE%AF%CF%89%CF%83%CE%B7%CF%82\\_23-11-21.pdf](http://www.keyd.gov.gr/wp-content/uploads/2021/11/%CE%95%CE%BD%CE%B7%CE%BC%CE%B5%CF%81%CF%89%CF%84%CE%B9%CE%BA%CF%8C-%CF%83%CE%B7%CE%BC%CE%B5%CE%AF%CF%89%CE%BC%CE%B1-%CE%95%CF%8D%CE%BB%CE%BF%CE%B3%CE%B5%CF%82-%CE%B4%CE%B1%CF%80%CE%AC%CE%BD%CE%B5%CF%82-%CE%B4%CE%B9%CE%B1%CE%B2%CE%AF%CF%89%CF%83%CE%B7%CF%82_23-11-21.pdf)

<sup>90</sup> UN Committee on Economic, Social and Cultural Rights, Concluding observations on the second periodic report of Greece, (E/C.12/GRC/CO/2), 27 October 2015, paras. 19-20. <http://www.undocs.org/E/C.12/GRC/CO/2>

<sup>91</sup> Replies of Greece to the list of issues, (E/C.12/GRC/Q/2/Add.1), 6 August 2015, para. 54. Available at: <http://www.undocs.org/E/C.12/GRC/Q/2/Add.1>

<sup>92</sup> Law 3421/2005 (as it stands today), article 64, paragraph 2, sub-paragraph d. For an exact translation see above, in part 2.2.

<sup>93</sup> Government Gazette (FEK) B' 858/23-6-2005, Joint Ministerial Decision No 2/24407/0022/9 June 2005, paras. 1 and 3.



**Article E.** The conscientious objectors who receive the “wage” instead of food and housing, should receive an *additional* amount of money, equal to that received by conscripts (of the same family status and family income). However, conscientious objectors receive neither this additional money, nor personal items.

- 62) Furthermore, the amount of money received by conscripts depends, *inter alia*, to their family status and family income, while the “wage” of conscientious objectors is the same for any family status and income. For example, a private receives €8.80 per month, but if he has two children, he receives €140.87 per month. This means an additional amount of money of €132.07, because of the two children. However, a conscientious objector does not receive, and therefore is deprived of this additional monthly amount of money of €132.07. Consequently, the violation of **Article 16** should be seen not only in itself, but also in conjunction with **Article E**.

### 3.3 The issue of location of alternative civilian service

- 63) The issue of the location, of the geographical area, where a conscientious objector is appointed to perform the alternative civilian service is examined separately in this part, because it constitutes discrimination in itself, in comparison with the regime governing conscripts performing military service, as well as an aggravating factor to the situation constituting violations of the Revised Charter as described in previous parts.
- 64) According to the legislation, the alternative service consists in the provision of services of public benefit in areas other than the place of residence, which in 2016 was further extended to *the entire region* of residence.<sup>94</sup> There is *no such explicit restriction in law for conscripts* serving in the armed forces who, consequently, might be able to perform some part of their service in the region of their residence. Therefore, this is another violation of **Article E** of the Revised Charter.
- 65) As for the international human rights standards on this issue, according to the Human Rights Committee, “the requirement to perform such services away from places of permanent residence” can be one of the factors rendering the conditions of alternative service in a country “punitive in nature”.<sup>95</sup> In the case of Greece, the Committee, in its more recent (2015) concluding observations, indeed referred also to the “nature” of the service.<sup>96</sup>
- 66) Besides the Human Rights Committee, the issue of location has been explicitly raised by the Special Rapporteur on freedom of religion or belief<sup>97</sup> and

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<sup>94</sup> Law 4361/2016, Article 12, para. 9.

<sup>95</sup> UN Human Rights Committee, Concluding observations on the sixth periodic report of the Russian Federation, (CCPR/C/RUS/CO/6), 24 November 2009, para. 23.

Available at <http://undocs.org/CCPR/C/RUS/CO/6>

<sup>96</sup> UN Human Rights Committee, Concluding observations on the second periodic report of Greece, (CCPR/C/GRC/CO/2), 3 December 2015, para. 38.

Available at <http://undocs.org/CCPR/C/GRC/CO/2>

<sup>97</sup> UN Special Rapporteur on freedom of religion or belief, Communication GRC 3/2019, 11 July 2019, p. 3. Available at:

<https://spcommreports.ohchr.org/TMResultsBase/DownloadPublicCommunicationFile?gId=24700>

consistently by the Greek National Commission for Human Rights,<sup>98</sup> and Amnesty International.<sup>99</sup> In 2021, in the context of the Universal Periodic Review, Greece received a relevant recommendation: “130.88 Consider amending legislation in order for conscientious objectors to be able to perform alternative civilian service in their place of residence (Croatia)”.<sup>100</sup> The recommendation was rejected by Greece.<sup>101</sup>

- 67) In 2019, the Permanent Mission of Greece to the United Nations Office and other International Organisations in Geneva sent a Verbal Note to the UN OHCHR including a response of the Hellenic National Defence General Staff to the previously mentioned communication of the UN Special Rapporteur on Freedom of Religion or Belief, of 2019. In this response, in the relevant part about the location of alternative service, it is written: “(5) Individuals recognised as conscientious objectors serve an alternative service in public sector authorities to provide community services to areas outside their place of residence. With the new legal framework, they can request service in another authority, including close to their place of residence, after five (5) months instead of seven (7) until recently, in case of family, financial, and social problems of the individual. It is also notified that the same legal framework also applies to individuals serving a military service, who enlist in Armed Forces Units outside their place of residence and may be transferred after five (5) months”.<sup>102</sup>
- 68) Similarly, in its response rejecting the relevant UPR recommendation, the State under review, Greece, stated: “(c) Recommendation 130.88: According to relevant

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<sup>98</sup> Greek National Commission for Human Rights (GNCHR), Input to the OHCHR quadrennial analytical report 2022 on conscientious objection to military service, 21 March 2022, p. 18-19. Available at: [https://www.nchr.gr/images/English\\_Site/ANTIRRISIES/GNCHR\\_input\\_to\\_OHCHR\\_report\\_2022\\_on\\_Conscientious\\_Objectors.pdf](https://www.nchr.gr/images/English_Site/ANTIRRISIES/GNCHR_input_to_OHCHR_report_2022_on_Conscientious_Objectors.pdf)

See also previously:

GNCHR, Recommendations regarding Conscientious Objectors and the Scheme of Alternative Civil-Social Service, 10.6.2004, recommendation h. Available at:

[http://www.nchr.gr/images/English\\_Site/ANTIRRISIES/Conscientious\\_of\\_objectors\\_2004.pdf](http://www.nchr.gr/images/English_Site/ANTIRRISIES/Conscientious_of_objectors_2004.pdf)

Submission of the GNCHR to the quadrennial analytical report 2017 on conscientious objection to military service of the UN High Commissioner of Human Rights, p. 10. Available at:

<https://www.nchr.gr/en/decisions-positions/68-conscientious-objectors/324-submission-of-the-gnchr-to-the-quadrennial-analytical-report-2017-on-conscientious-objection-to-military-service-of-the-un-high-commissioner-of-human-rights.html>

<sup>99</sup> E.g. Amnesty International, “Greece: Observations on the right to conscientious objection – “serious violations of Greece’s obligations towards conscientious objectors remain unaddressed in proposed bill despite some positive steps”, 20 March 2019, (Index Number: EUR 25/0088/2019), p. 2. Available at: <https://www.amnesty.org/en/documents/eur25/0088/2019/en/>

<sup>100</sup> UN Human Rights Council, Report of the Working Group on the Universal Periodic Review, Greece, A/HRC/49/5, 6 January 2022, recommendation 130.88 (Croatia). Available at:

<https://undocs.org/A/HRC/49/5>

<sup>101</sup> UN Human Rights Council, Report of the Working Group on the Universal Periodic Review, Greece, Addendum, Views on conclusions and/or recommendations, voluntary commitments and replies presented by the State under review, A/HRC/49/5/Add.1, 16 December 2021, paras. 6 and 7(c). Available at: <https://undocs.org/A/HRC/49/5/Add.1>

<sup>102</sup> Permanent Mission of Greece to the United Nations Office and other International Organisations in Geneva, Verbal Note, Ref. No. 6175.4/AS 1237, 14 August 2019. See in: Hellenic National Defence General Staff, F. 429.39/114/22595 D.5202, 1 August 2019, para. 1(5). Available at:

<https://spcommreports.ohchr.org/TMResultsBase/DownloadFile?gId=35128>

Greek Law, the specific location of the alternative service performed by conscientious objectors is being decided based upon the wider public sector Authorities' needs and requirements. However, as enlisted personnel serves outside their place of habitual residence, so is the case with conscientious objectors, meaning they are asked to perform their alternative service outside their place of habitual residence being able, in all cases, to request a transfer after five months of alternative service”.

- 69) In both cases, the wording of the response of the Greek authorities on this issue is unclear and potentially misleading. In the 2021 response to the UPR recommendation, the Greek authorities state that conscientious objectors are “able, in all cases, to request a transfer after five months of alternative service”. First, being able to request a transfer does not necessarily mean that the transfer will be granted. Furthermore, this response is referring to transfers in general, but it does not specify whether a transfer to *the place of residence* or at least *a place inside the broader region of residence* would be permitted. On the other hand, in the 2019 response to the UN Special Rapporteur on freedom of religion or belief it is stated: “they can request service in another authority, including close to their place of residence, after five (5) months”. However, “close” does not mean “at” their place of residence, or “in the region of residence”, but rather closer than previously. For example, someone who has been appointed in a place 500 km, from his place of residence, can be transferred to a place 300 km from his place of residence. Most importantly, the European Bureau for Conscientious Objection is aware and has proof that such requests of conscientious objectors to be transferred to their *place* of residence are rejected, with the (Deputy) Minister of National Defence explicitly stating that this is “because, according to article 61 para. 1 of the law 3421/2005 (Government Gazette vol. A' 302), the alternative service is fulfilled outside the region of residence of those interested”.<sup>103</sup>
- 70) Furthermore, the allegations that “enlisted personnel serves outside their place of habitual residence” (2021), and especially that “the same legal framework also applies to individuals serving a military service, who enlist in Armed Forces Units outside their place of residence and may be transferred after five (5) months” (2019), do not appear to be completely accurate. The State Party has not provided, until now, proof that a provision in law, equivalent to that for conscientious objectors, explicitly prohibits conscripts to serve *any* part of their military service at a place inside their entire region of residence. Or that there is a provision in law which prohibits conscripts to be transferred, after some period of time, to any place inside their entire region of residence.
- 71) Furthermore, there is another aspect as to how the regime about the location of alternative service is discriminatory compared to the equivalent regime for military service. As it has been pointed out by the International Fellowship of Reconciliation (IFOR) in its submission to the Human Rights Committee, a “further discrimination related to the location of service comes in conjunction with the issue of length. While conscripts performing the entire period of their military service in certain eastern border areas, are provided with a reduction of 3

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<sup>103</sup> Decision of the Deputy Minister of National Defence, Alkiviadis Stefanis, Φ. 429.39/121/225258, 26 August 2019. (Not published, copy available).

months of military service (9 months instead of 12 months),<sup>104</sup> nevertheless, there is no provision for reduction of the length of alternative service for those conscientious objectors performing the entire period of alternative service in the same or any other border areas”.<sup>105</sup>

- 72) The current regime as for the location of alternative service is not only a case of discrimination in itself, but also an aggravating factor to the situation constituting violations (art. **30**, **31** and **16**) of the Revised Charter cited in previous parts of this complaint. This is because serving the *entire* period of alternative service outside the entire region of residence, without even the possibility of transfer to the place of residence, or at least inside the region of residence, after some time, means:
- a) That a conscientious objector who is not provided food and housing inside the public institution, almost certainly must rent accommodation, something which increases enormously the cost of alternative service (**Art. 30**). Or potentially, a conscientious objector is forced to stay in an inadequate place inside the premises of the public institution where he is appointed, because he cannot afford to pay rent (**Art. 31**). While, if a conscientious objector was allowed to perform the alternative service, or to be transferred, at least for a part of his service, to his place of residence, or at least inside his region of residence, he could perhaps stay for some months at his regular house and avoid such high cost of renting accommodation or avoid staying in an inadequate place inside the premises of the public institution.
  - b) The conscientious objectors, usually (unless they can bring their family at the location of alternative service, which is difficult for reasons of cost, possible working commitments of the spouse, inadequate housing, etc.), stay away from their families for the entire period of alternative service. Something which significantly aggravates the violations of **Article 16** as to the protection of the family life.
  - c) There is longer distance from the place of residence, and consequently, higher cost of transportation when a conscientious objector travels to visit his family in days of leave. (See also in conjunction with other factors described in part 3.4, about discrimination as for fares, as well as discrimination as for covering expenses in a case of leave). This can aggravate the harsh economic conditions (**Art. 30**), or impede certain conscientious objectors from visiting their families for long periods of time (**Art. 16**)

### **3.4 Additional factors aggravating the situation and the discrimination**

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<sup>104</sup> Joint Decision of the Alternate Minister of Finance and the Deputy Minister of National Defence Φ.421.4/1/322490/Σ. 1493/26-02-2021 (Government Gazette vol. B 853/4-3-2021), art. 1, para. a., sub-para. aa.

<sup>105</sup> IFOR, Submission to the 133<sup>rd</sup> session of the Human Rights Committee, “Greece, contribution to the adoption of the List of Issues Prior to Reporting”, Updated August 2021, p. 3. Available at: [https://tbinternet.ohchr.org/\\_layouts/15/treatybodyexternal/Download.aspx?symbolno=INT%2FCCPR%2FICCS%2FGRC%2F46472&Lang=en](https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=INT%2FCCPR%2FICCS%2FGRC%2F46472&Lang=en)

73) *Significantly longer period of alternative civilian service.* Conscientious objectors, are not only entitled to less benefits than the conscripts, as explained in previous parts, but they are also forced (under threat of severe legal and economic consequences explained in part. 2.3) to stay in service for a significant longer period of time. Even after the reduction of the discrepancy between the length of alternative and that of military service, due to an increase of the length of military service in the Army, where the vast majority of conscripts serve, in 2021,<sup>106</sup> the additional time for conscientious objectors is still significant. For the 3 out of 4 categories of full and reduced service, the alternative civilian service is 3 months longer than the equivalent military service, i.e. 15 months instead of 12, 12 months instead of 9, and 9 months instead of 6. Only in one category of reduced service the additional time for conscientious objectors is just 2 months, i.e. 5 months of alternative civilian service instead of 3 months of military service.<sup>107</sup> However, in that case, the length of alternative service is still in violation of **Article 1.2** of the Revised Charter, since it is 1.67 times (67% longer than) the length of military service, as it has been repeatedly explained by EBCO,<sup>108</sup> the Greek National Commission for Human Rights,<sup>109</sup> and Amnesty International<sup>110</sup> and has been noted by the European Committee of Social Rights.<sup>111</sup> The additional time of 3 or 2 months aggravates the already problematic situation for conscientious objectors, while the chances of coping with the harsh financial conditions of the alternative service with savings secured before starting the service are further reduced.

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<sup>106</sup> Joint Decision of the Alternate Minister of Finance and the Deputy Minister of National Defence Φ.421.4/1/322490/Σ. 1493/26-02-2021 (Government Gazette vol. B 853/4-3-2021).

<sup>107</sup> Joint Ministerial Decision of the Ministers of National Defence and of Finance Φ.421.4/7/228631/Σ.6400/24.9.2019, published in Government Gazette Vol. B 3697, 4 October 2019.

<sup>108</sup> 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, 27 October 2016, Report registered by the Secretariat on 7 November 2016, pp 3-4. Available at:

<https://rm.coe.int/CoERMPublicCommonSearchServices/DisplayDCTMContent?documentId=09000016806b6cc3>

Comments by the European Bureau for Conscientious Objection on the 3d National Report on the implementation of the European Social Charter submitted by the Government of Greece, Report registered by the Secretariat on 14 February 2020, pp. 2, 4. Available at: <https://rm.coe.int/ebco-s-comments-on-greek-3d-report/16809eff2a>

<sup>109</sup> Comments by the Greek National Commission for Human Rights (GNCHR) on the 26th national report on the implementation of the 1961 European Social Charter submitted by the Government of Greece, Report registered by the Secretariat on 16 November 2016, p. 4. Available at:

<https://rm.coe.int/CoERMPublicCommonSearchServices/DisplayDCTMContent?documentId=09000016806bdb99>

Comments by the Greek National Commission for Human Rights on the 3d National Report on the implementation of the European Social Charter submitted by the Government of Greece, Report registered by the Secretariat on 14 February 2020, pp. 4-5, 7, 9. Available at:

<https://rm.coe.int/gnchr-s-comments-on-greece/16809ef6f2>

<sup>110</sup> Comments by Amnesty International on the 3d National Report on the implementation of the European Social Charter submitted by the Government of Greece, 30 June 2020, Report registered by the Secretariat on 14 February 2020, pp. 2. Available at: <https://rm.coe.int/amnesty-international-comments-on-greek-3d-report/16809eff1e>

<sup>111</sup> Conclusions XXI-1 - Greece - Article 1-2, XXI-1/def/GRC/1/2/EN, 09/12/2016. Available at: <https://hudoc.esc.coe.int/?i=XXI-1/def/GRC/1/2/EN>

74) *Discrimination as for travel expenses for leave.* In 2019, an amendment of the legislation extended a provision concerning the coverage of certain travel expenses of conscripts to conscientious objectors too.<sup>112</sup> Nevertheless, the coverage of other travel expenses is still denied to conscientious objectors, despite being granted to conscripts. Specifically, conscripts are entitled once during their military service to travel for free to any destination, with any means of transportation apart from air travel, if they have leave of more than 4 days.<sup>113</sup> This was confirmed in a response of the Hellenic National Defence General Staff to EBCO, where there was no reference to any equivalent right for the conscientious objectors performing alternative service.<sup>114</sup> In a response to a conscientious objector who had asked about whether conscientious objectors performing the alternative service are entitled to this right, the Hellenic National Defence General Staff, Directorate B4 (Legal Corps), stated that, according to its opinion, there is no legal possibility to cover the travel expenses of conscientious objectors during leave, because the relevant ministerial decision is based on a legislative decree of 1969<sup>115</sup> which does not cite conscientious objectors among those entitled to this right.<sup>116</sup> Following a complaint by conscientious objectors, the Greek Ombudsman has contacted the Hellenic National Defence General Staff for the same issue. The Hellenic National Defence General Staff responded by referring to its previous position.<sup>117</sup>

75) *Discrimination as for fares.* Private companies of various means of transportation often offer discounts concerning fares for conscripts during their military service. However, more often than not, such companies discriminate against conscientious objectors performing the alternative civilian service, by refusing to provide equivalent discounts. For example, on 13 April 2023, a conscientious objector performing alternative civilian service in the island of Lesbos, attempted to board a ship using a ticket with a reduction of 25%, as it is provided to those performing military service. He claimed he had this right based on the principle of non-discrimination, as well as a provision of the law which stipulates that conscientious objectors performing alternative civilian service are considered as in a way enlisted in the armed forces.<sup>118</sup> The authorities of the ship refused to accept it and forced him to pay a full ticket. He submitted official complaints to the ship owner company,<sup>119</sup> without receiving a response. In June 2023, he submitted a complaint to the Ministry of Maritime Affairs and Insular Policy, Directorate of

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<sup>112</sup> Law 4609/2019, art. 23, para. 8.

<sup>113</sup> Joint Ministerial Decision of the Ministers of National Defence and of Finance Φ. 800/23/88906/Σ.15217/11.8.2021, published in Government Gazette, Vol. B, 6003, 20 December 2021, art. 1, para. 3.

<sup>114</sup> Hellenic National Defence General Staff, Φ. 429.39/209/385262 Σ.7657, 22 September 2022, para. 1.d.

<sup>115</sup> Legislative Decree 263/1969, published in Government Gazette Vol. A 160, 18 August 1969.

<sup>116</sup> Hellenic National Defence General Staff, Φ. 429.39/218/388351 Σ. 8229, 10 October 2022.

<sup>117</sup> Hellenic National Defence General Staff, Φ. 429.39/132/254941 Σ. 8283, 17 October 2023.

<sup>118</sup> Law 3421/2005, art. 64, para. 2(b).

<sup>119</sup> Complaint of the conscientious objector Theodoros Diamantidis to the Attica Group, ref. number: 107533, dated 13 April 2023.

Maritime Transport.<sup>120</sup> In July 2023, in its response,<sup>121</sup> the Ministry of Maritime Affairs and Insular Policy, Directorate of Maritime Transport cited the categories of citizens (students, certain people with disability, etc.), entitled to reduced fares according to the relevant ministerial decisions.<sup>122</sup> Conscripts (and conscientious objectors) are not cited among them. However, the Ministry also explained that apart from the above, according to another provision,<sup>123</sup> ship owner companies are entitled to freely grant (other) reduced fares. The Ministry further asked the company to respond directly to the complaint of the conscientious objector. Therefore, the Ministry implied that the ship owner company was entitled to grant reduced fares to conscripts performing military service, but not necessarily to conscientious objectors performing alternative civilian service. The conscientious objector submitted an administrative appeal (“*aitisi therapeias*”) against the response of the Ministry of Maritime Affairs and Insular Policy, Directorate of Maritime Transport.<sup>124</sup> In his administrative appeal, the conscientious objector cited, *inter alia*, legislative provisions according to which direct discrimination exists when a person has a less favourable treatment for reasons, *inter alia*, of religious or other beliefs<sup>125</sup>, and the principle of equal treatment applies also to the private sector, including as for the provision of services<sup>126</sup>; the provider of transportation is obliged to provide services of maritime transportation without discrimination to passengers;<sup>127</sup> that conscientious objectors performing alternative civilian service are considered as in a way enlisted in the armed forces;<sup>128</sup> that the Ministry of Maritime Affairs and Insular Policy, Directorate of Maritime Transport is responsible for receiving complaints when the provider of transportation has not responded within a month, and to issue recommendations as for the obligations deriving *inter alia* from Regulation (EU) No 1177/2010;<sup>129</sup> as well as several international human rights standards about non-discrimination concerning conscientious objectors to military service (see relevant part 4).

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<sup>120</sup> Ref. number 4600/29-6-2023.

<sup>121</sup> Ministry of Maritime Affairs and Insular Policy, Directorate of Maritime Transport, “Response to Complaint” (of Mr. Theodoros Diamantidis), ref. number 2252.2-13/49508/23, dated 7 July 2023.

<sup>122</sup> Decision of the Minister of Maritime Affairs and Aegean No. 3324.1/01/13/15-7-2013 (Government Gazette Vol. B 1728), as it has been amended by the decision of the Minister of Maritime Affairs and Aegean No. 3324.1/01/14/29-04-2014 (Government Gazette Vol. B 1129), as well the decision of the Alternate Minister of Economy, Infrastructure, Maritime Affairs and Tourism No. 2251.2.12/01/15/02-07-2015 (Government Gazette Vol. B 1557)

<sup>123</sup> Decision of the Ministers of Maritime Affairs, Aegean and Insular Policy No. 3323.1/01/05/26-05-2005 (Government Gazette Vol. B 718), para. 11.

<sup>124</sup> Theodoros Diamantidis, “Administrative Appeal against Response-Act of the Ministry of Maritime Affairs and Insular Policy, Directorate of Maritime Transport 2252.2-13/49508/23”, Ref. Number 4883/11-07-2023. And Complementary document, Ref. Number 4884/11-07-2023.

<sup>125</sup> Law 4443/2016, art. 2.

<sup>126</sup> Law 4443/2016, art. 3.

<sup>127</sup> Law 4948/2022, art. 44. Also, Regulation (EU) No 1177/2010 of the European Parliament and of the Council of 24 November 2010 concerning the rights of passengers when travelling by sea and inland waterway and amending Regulation (EC) No 2006/2004, art. 1, citing “non-discrimination between passengers with regard to transport conditions offered by carriers”. Available at: <https://eur-lex.europa.eu/eli/reg/2010/1177/oj>

<sup>128</sup> Law 3421/2005, art. 64, para. 2(b).

<sup>129</sup> Decision of the Minister of Maritime Affairs and Aegean 3332.12/05/13/2013 (Government Gazette Vol. B 1453, 14 June 2013)



However, the Ministry did not respond to the administrative appeal. As for the ship owner company, in its response it cited that as a private company it has opted to provide discounts to military personnel (officers and conscripts) travelling to/from the northern Aegean Sea, and that the complainant did not show a military ID.<sup>130</sup>

76) *Discrimination in case of elections.* In case of elections, such as the consecutive parliamentary elections in May and June 2023 in Greece, conscientious objectors face another discrimination,<sup>131</sup> since there is no provision permitting them to vote in the place of alternative civilian service,<sup>132</sup> unlike conscripts who are permitted to vote in the place of military service.<sup>133</sup> This results in additional financial burden for transportation to the region where someone is registered to vote.<sup>134</sup>

77) *Fiscal discrimination.* Further discrimination has been identified<sup>135</sup> in the context of a new tax law,<sup>136</sup> concerning mainly those self-employed. While conscripts performing the military service are explicitly cited among those who are eligible for challenging that they have received the established minimum annual income, conscientious objectors performing alternative civilian service are not.<sup>137</sup>

78) *Additional travel expenses for certain conscientious objectors.* Finally, it has been reported by conscientious objectors in Greece that applicants for conscientious objector status, especially those citing ideological (non-religious) grounds, or those citing religious grounds, but who are not baptised Jehovah's Witnesses, are summoned to in-person examination by a Special Committee in the premises of the Ministry of National Defence in Athens. This means that, regardless of how far they live, they need to travel at their own cost to Athens, which constitutes an additional financial burden, and a further discrimination compared to conscripts. The punitive character of this procedure is evident considering the fact that, unlike the applicants, the members of the Special Committee may participate in the session remotely.<sup>138 139</sup>

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<sup>130</sup> Response of Attica Group to Mr. Theodoros Diamantidis, dated 26 July 2023.

<sup>131</sup> "Where and how conscientious objectors vote in elections – exclusion from facilitation provided to conscripts.", 18 May 2023. Available in Greek at:

<https://enalaktiki.wordpress.com/2023/05/18/%cf%80%ce%bf%cf%8d-%ce%ba%ce%b1%ce%b9-%cf%80%cf%8e%cf%82-%cf%88%ce%b7%cf%86%ce%af%ce%b6%ce%bf%cf%85%ce%bd-%cf%83%cf%84%ce%b9%cf%82-%ce%b5%ce%ba%ce%bb%ce%bf%ce%b3%ce%ad%cf%82-%ce%bf%ce%b9-%ce%b1%ce%bd/#r1>

<sup>132</sup> Response of the Directorate for Elections of the Ministry of Interior, to a conscientious objector performing alternative civilian service, registered under number 27341/31-03-2023.

<sup>133</sup> Presidential Decree 26/2012, art. 27.

<sup>134</sup> EBCO Annual Report 2023/2024, p. 92. Available at: [https://ebco-beoc.org/sites/ebco-beoc.org/files/2024-05-15-EBCO\\_Annual\\_Report\\_2023-24.pdf](https://ebco-beoc.org/sites/ebco-beoc.org/files/2024-05-15-EBCO_Annual_Report_2023-24.pdf)

<sup>135</sup> "Tax bill: The provision excluding those performing alternative service", 11 December 2023. Available in Greek at: <https://enalaktiki.wordpress.com/2023/12/11/forologiko-tekmarto-eisodima-antirrision-syneidisis/>

<sup>136</sup> Law 5073/2023, (Government Gazette Vol. A 204, 11 December 2023), art. 15.

<sup>137</sup> EBCO Annual Report 2023/2024, p. 92. Available at: [https://ebco-beoc.org/sites/ebco-beoc.org/files/2024-05-15-EBCO\\_Annual\\_Report\\_2023-24.pdf](https://ebco-beoc.org/sites/ebco-beoc.org/files/2024-05-15-EBCO_Annual_Report_2023-24.pdf)

<sup>138</sup> Decision of the Minister of National Defence Φ.429.1/28/226313/Σ.3002, 11 April 2023, (Government Gazette Vol. B 2747 25 April 2023), article 7.

<sup>139</sup> EBCO Annual Report 2023/2024, p. 92. Available at: [https://ebco-beoc.org/sites/ebco-beoc.org/files/2024-05-15-EBCO\\_Annual\\_Report\\_2023-24.pdf](https://ebco-beoc.org/sites/ebco-beoc.org/files/2024-05-15-EBCO_Annual_Report_2023-24.pdf)

## 4. APPLICABLE LEGAL STANDARDS

### 4.1 The main rights invoked in the present complaint

- 79) **Article 30** of the Revised Charter– The right to protection against poverty and social exclusion, stipulates:  
“With a view to ensuring the effective exercise of the right to protection against poverty and social exclusion, the Parties undertake:  
a) to take measures within the framework of an overall and co-ordinated approach to promote the effective access of persons who live or risk living in a situation of social exclusion or poverty, as well as their families, to, in particular, employment, housing, training, education, culture and social and medical assistance;  
b) to review these measures with a view to their adaptation if necessary.”
- 80) Additionally, according to the Committee: “the main indicator used to measure poverty is the relative poverty rate (this corresponds to the percentage of people living under the poverty threshold, which is set at 60% of the equivalised median income). The at-risk-of-poverty rate before and after social transfers (Eurostat) is also used as a comparative value to assess national situations, without prejudice to the use of other suitable parameters that are taken into account by national anti-poverty strategies or plans”.<sup>140</sup>
- 81) Furthermore: “the Committee emphasizes the very close link between the effectiveness of the right recognized by Article 30 of the Charter and the enjoyment of the rights recognized by other provisions, such as [...] the social, legal and economic protection of the family (Article 16) [...] or the right to housing (Article 31), without forgetting the important impact of the non-discrimination clause (Article E), which obviously includes non-discrimination on grounds of poverty.”<sup>141</sup>
- 82) **Article 31** of the Revised Charter – The right to housing, stipulates, *inter alia*:  
“With a view to ensuring the effective exercise of the right to housing, the Parties undertake to take measures designed:  
1) to promote access to housing of an adequate standard;  
[...]  
3) to make the price of housing accessible to those without adequate resources.
- 83) In addition, according to the Committee: “Housing is deemed to be affordable when the household can pay the initial costs (deposit, advance rent), the current rent and/or other costs (utility, maintenance and management charges) on a long-term basis and still be able to maintain a minimum standard of living, as defined by the society in which the household is located (Conclusions 2003, Sweden, p.

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<sup>140</sup> ECSR, Conclusions 2013 - Statement of interpretation - Article 30, (2013\_163\_06/Ob/EN), 2013.  
Available at: [https://hudoc.esc.coe.int/?i=2013\\_163\\_06/Ob/EN](https://hudoc.esc.coe.int/?i=2013_163_06/Ob/EN)

<sup>141</sup> Ibid.

655).”<sup>142</sup>

- 84) Additionally, according to the Committee: “under Article 31§1, “adequate housing” means a dwelling which is safe from a sanitary and health point of view, i.e. it must possess all basic amenities, such as water, heating, waste disposal, sanitation facilities and electricity and must also be structurally secure, not overcrowded and with secure tenure supported by the law (see Conclusions 2003, France and Defence for Children International (DCI) v. the Netherlands, Complaint No. 47/2008, decision on the merits of 20 October 2009, § 43)”<sup>143</sup>.
- 85) Furthermore, according to the Preamble of the Revised Charter, “the member States of the Council of Europe agreed to secure to their populations the social rights specified therein in order to improve their *standard of living* and their social well-being”. According to the Committee: “the United Nations Covenant on Economic, Social and Cultural Rights is a key source of interpretation. Article 11 recognises the right to housing as one element of the right to an adequate *standard of living*:  
“Article 11  
1. The States Parties to the present Covenant recognize the right of everyone to an adequate standard of living for himself and his family, including adequate food, clothing and housing, and to the continuous improvement of living conditions. The States Parties will take appropriate steps to ensure the realization of this right, recognizing to this effect the essential importance of international co-operation based on free consent.””<sup>144</sup>
- 86) **Article 16** of the Revised Charter – The right of the family to social, legal and economic protection, reads:  
“With a view to ensuring the necessary conditions for the full development of the family, which is a fundamental unit of society, the Parties undertake to promote the economic, legal and social protection of family life by such means as social and family benefits, fiscal arrangements, provision of family housing, benefits for the newly married and other appropriate means”.
- 87) **Article E** – Non-discrimination, stipulates:  
“The enjoyment of the rights set forth in this Charter shall be secured without discrimination on any ground such as race, colour, sex, language, *religion, political or other opinion*, national extraction or social origin, health, association with a national minority, birth or other status.” (emphasis added).
- 88) Other international legal instruments also reinforce the prohibitions against discrimination. Article 2, paragraph 2, of the International Covenant on Economic, Social and Cultural Rights obliges each State party “to guarantee that the rights enunciated in the present Covenant will be exercised without discrimination of any kind as to race, colour, sex, language, religion, political or other opinion,

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<sup>142</sup> ECSR, Decision on the merits: International Movement ATD Fourth World v. France, Collective Complaint No. 33/2006, (cc-33-2006-dmerits-en), 05 December 2007, para. 94. Available at: <https://hudoc.esc.coe.int/?i=cc-33-2006-dmerits-en>

<sup>143</sup> European Committee of Social Rights, Conclusions 2019, Greece, March 2020, p. 62. Available at: <https://rm.coe.int/rapport-grc-en/16809cfda6>

<sup>144</sup> ECSR, Decision on the merits: International Movement ATD Fourth World v. France, Collective Complaint No. 33/2006, (cc-33-2006-dmerits-en), 05 December 2007, para. 70. Available at: <https://hudoc.esc.coe.int/?i=cc-33-2006-dmerits-en>

national or social origin, property, birth or other status”. In General Comment 20, the Committee on Economic, Social and Cultural rights reaffirmed that “Non-discrimination is an immediate and cross-cutting obligation in the Covenant [...] States parties must therefore immediately adopt the necessary measures to prevent, diminish and eliminate the conditions and attitudes which cause or perpetuate substantive or de facto discrimination”.<sup>145</sup>

- 89) Judicial or other equivalent bodies competent to monitor the implementation of human rights treaties have traditionally used, *inter alia*, the relevant provisions prohibiting discrimination in order to address violations of human rights of conscientious objectors. For example, the UN Human Rights Committee has traditionally invoked article 26 of the International Covenant on Civil and Political Rights, both when examining individual communications,<sup>146</sup> as well as in the context of examining periodic reports of State parties.<sup>147</sup> Equivalently, the European Court of Human Rights has invoked article 14 of the ECHR, in a case of a conscientious objector from Greece.<sup>148</sup>

## **4.2 Further international human rights standards concerning non-discrimination for conscientious objectors as for their economic and social rights and for a non-punitive and non-discriminatory alternative civilian service**

- 90) Both the Committee of Ministers of the Council of Europe, as well as UN and regional human rights bodies have clearly set the standards against discrimination

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<sup>145</sup> Committee on Economic, Social and Cultural rights, General Comment 20: Non-discrimination in economic, social and cultural rights, (E/C.12/GC/20), 2 July 2009. Available at:

<https://undocs.org/E/C.12/GC/20>

<sup>146</sup> Human Rights Committee, Views on Communication No. 666/1995, Frédéric Foin V France, (CCPR/C/67/D/666/1995), 9 November 1999. Available at:

<https://undocs.org/CCPR/C/67/D/666/1995>

Human Rights Committee, Views on Communications No. 690/1996 & 691/1996, Marc Venier and Paul Nicolas v. France, (CCPR/C/69/D/690/1996 & 691/1996). Available at:

<https://www.refworld.org/jurisprudence/caselaw/hrc/2000/en/89601>

<sup>147</sup> See for example:

Human Rights Committee, Concluding observations on the second periodic report of Estonia, (CCPR/CO/77/EST), 15 April 2003, para. 15. Available at: <https://undocs.org/CCPR/CO/77/EST>

Human Rights Committee, Concluding observations on the fifth periodic report of the Russian Federation, (CCPR/CO/79/RUS), 1 December 2003, para. 17. Available at:

<https://undocs.org/CCPR/CO/79/RUS>

Human Rights Committee, Concluding observations on the fifth periodic report of Finland, (CCPR/CO/82/FIN), 2 December 2004, para. 14. Available at: <https://undocs.org/CCPR/CO/82/FIN>

Human Rights Committee, Concluding observations on the fifth periodic report of Poland, (CCPR/CO/82/POL), 2 December 2004, para. 15. Available at: <https://undocs.org/CCPR/CO/82/POL>

Human Rights Committee, Concluding observations on the fifth periodic report of Austria, (CCPR/C/AUT/CO/5), 3 December 2015, paras. 33-34. Available at:

<https://undocs.org/CCPR/C/AUT/CO/5>

<sup>148</sup> ECtHR, *Thlimmenos v. Greece*, (Application no. 34369/97), Judgement of Grand Chamber, 6 April 2000, para. 49. Available at: <https://hudoc.echr.coe.int/eng?i=001-58561>

in terms of the social and economic rights of conscientious objectors and against a punitive and discriminatory alternative civilian service.

- 91) The Committee of Ministers of the Council of Europe has stated that:  
“Conscientious objectors performing alternative service shall not have less social and financial rights than persons performing military service”.<sup>149</sup>
- 92) The UN Commission on Human Rights had reiterated that “States, in their law and practice, must not discriminate against conscientious objectors in relation to their terms or conditions of service, or any economic, social, cultural, civil or political rights”.<sup>150</sup>
- 93) Its successor, the UN Human Rights Council, has also reiterated that “States, in their law and in practice, must not discriminate against conscientious objectors in relation to their terms or conditions of service, or any economic, social, cultural, civil or political rights”.<sup>151</sup>
- 94) Similarly, the Office for Democratic Institutions and Human Rights (ODIHR) of the Organization for Security and Co-operation in Europe (OSCE) has stated that “There should be no discrimination against conscientious objectors in relation to their terms or conditions of service, or any economic, social, cultural, civil, or political rights”.<sup>152</sup>
- 95) The Human Rights Committee has stated that “the receipt of low salaries, which are below the subsistence level for those who are assigned to work in social organizations” can be one of the factors rendering the conditions of alternative service in a country “punitive in nature”.<sup>153</sup>
- 96) In the case of Greece, the Human Rights Committee, in its more recent (2015) concluding observations has stated that “The State party should take measures to review its legislation with a view to recognizing the right to conscientious objection to military service, encompassing an alternative to military service that is [...] not punitive or discriminatory in terms of its nature, cost or duration”.<sup>154</sup>

## 5. CONCLUSION

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<sup>149</sup> Council of Europe, Committee of Ministers, Recommendation No. R(87)8, 9 April 1987, para. 11.

Available at: <https://www.refworld.org/legal/resolution/coeministers/1987/en/88968>

<sup>150</sup> UN Commission on Human Rights, Resolution 1998/77, Conscientious objection to military service, 22 April 1998, (E/CN.4/RES/1998/77), para. 6. Available at:

[https://www.ohchr.org/sites/default/files/E-CN\\_4-RES-1998-77.pdf](https://www.ohchr.org/sites/default/files/E-CN_4-RES-1998-77.pdf)

<sup>151</sup> UN Human Rights Council, Resolution 24/17 (A/HRC/RES/24/17), 8 October 2013, para. 12.

Available at: <https://undocs.org/A/HRC/RES/24/17>

<sup>152</sup> OSCE, ODIHR, *Handbook on Human Rights and Fundamental Freedoms of Armed Forces Personnel, 2008*, Chapter 10 Conscientious Objection to Military Conscription and Service, 4. Best Practices and Recommendations, p. 85 [fifth point]. Available at

<https://www.osce.org/odihr/31393?download=true>

<sup>153</sup> UN Human Rights Committee, Concluding observations on the sixth periodic report of the Russian Federation, (CCPR/C/RUS/CO/6), 24 November 2009, para. 23.

Available at <http://undocs.org/CCPR/C/RUS/CO/6>

<sup>154</sup> UN Human Rights Committee, Concluding observations on the second periodic report of Greece, (CCPR/C/GRC/CO/2), 3 December 2015, para. 38.

Available at <http://undocs.org/CCPR/C/GRC/CO/2>

- 97) This collective complaint has set out comprehensive evidence of the multiple violations of the Revised Charter, both in the case of those conscientious objectors provided only food and housing, without any amount of money, as well as in the case of those provided a “wage” of €223.53, (well below the poverty level), instead of food and housing. This complainant submits that Greece is in violation of **Article 30** (The right to protection against poverty and social exclusion) and **Article 31** (The right to housing), insofar conscientious objectors performing alternative civilian service are not provided with adequate resources and housing, as well as **Article 16** (The right of the family to social, legal and economic protection), insofar the families of conscientious objectors are also affected and not adequately protected. The complainant submits that Greece is in violation of the above articles in themselves, as well as in conjunction with **Article E** (Non-discrimination), insofar the legal provisions for conscientious objectors performing alternative civilian service, and their families, provide less protection in comparison to the protection provided to conscripts performing military service, and their families. The discrimination faced by the conscientious objector is on the grounds of “religion” (as for those conscientious objectors citing religious grounds for their conscientious objection), and “political or other opinion” (as for those conscientious objectors citing ideological grounds for their conscientious objection), which are both covered in the definition of discrimination in Article E. In certain cases, the above violations are in conjunction with violations of other articles, such as **Article 1.2**, as for the length of alternative service for a specific category of reduced service, and **Article 11**, as for providing housing inside hospitals, which increases health risks.
- 98) For these reasons, the European Bureau for Conscientious Objection respectfully invites the European Committee of Social Rights to declare this collective complaint admissible and find violations of **Articles 30, 31, 16**, (in specific cases, in conjunction with Articles **1.2** and **11**), in themselves, as well as in conjunction with article **E**.

Signed by  
Alexia Tsouni  
President of the European Bureau for Conscientious Objection  
Theodoros Diamantidis  
Secretary of the European Bureau for Conscientious Objection

