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Greece
Individual submission by the Association of Greek Conscientious Objectors (AGCO) to
the UN Universal Periodic Review
11th session of the UPR Working Group, May 2011

In this submission, the Association of Greek Conscientious Objectors provides information under sections A, B and C as stipulated in the *General Guidelines for the Preparation of Information under the Universal Periodic Review*.¹

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A. Description of the methodology

(1) The present text is based on reports from conscientious objectors; “alternative” and “total” ones, members of the Association of Greek COs, who have experienced the inexistence of the law in practice and whose applications for civilian service have been rejected without any adequate explanation, as well as, from COs who have managed to commence or fulfil civilian service, after a long time of waiting and bureaucratic harassment.

B. Normative and institutional framework of the State

(2) Greece is among the very few countries in Europe that still have a compulsory military service for men. In 1997, the Greek Parliament passed - lagging seriously behind the rest of Europe - Law 2510 of 27/6/1997 that introduced a form of civilian service as a substitute to the compulsory military service. Nonetheless, even after the Constitutional Review of 2001 and the adoption of the new Law 3883/2010,¹ the operation of civilian service has been riddled with problems. It is still considered more as a political gesture of goodwill from the Ministry of Defence, rather than a human right.

(3) The operation of compulsory military service in Greece has been traditionally fraught with corruption, political favouritism, and bleak conditions for conscripts. Large numbers of young men would use any loophole in the law to avoid conscription, move and settle permanently abroad, or chose simply to “vanish” and face serious consequences in their lives, rather than enlist. A significant percentage (steady throughout the years) chooses to pursuit a so-called “I5” exception, which refers to an exemption on the grounds of mental or psychological reasons. Further, it is estimated that around 28.000 to 30.000 men of Greek birth who live permanently abroad and in Greece are classified as “draft dodgers”.

¹ Contained in Human Rights Council Decision 6/102, Follow-up to Human Rights Council resolution 5/1, section I adopted 27 September 2007.

The right to Conscientious Objection in Greece

(4) Law 2510 of 1997, the first law introducing civilian service, was the result of European and UN pressure, but the majority of its provisions had a punitive and discriminatory character for conscientious objectors. In 2005, the law was reformed (Law 3421/2005), but with no substantial changes. In September 2010 a new Law (3883/2010) was introduced. According to this law, the duration of civilian service is double than the military one, which is obviously punitive in nature. The duration may be decreased by decision of the Minister of Defence, but must be equal to the maximum duration of the military service increased by at least two months. Currently this would equal 14 months, because the military service in the naval and air forces lasts 12 months. So again it would be punitive because the military service in the land forces lasts nine months and it's this that the vast majority of the conscripts serve.

(5) According to the law, conscientious objectors need first to apply to be recognised as such by a special advisory committee, under the jurisdiction of the Ministry of Defence; informally known as "conscience control committee." This committee assesses the "truthfulness" and "validity" of the conscientious objector's claim, based on a written application from the objector and an interview that may (but not always) follow. Formally, the role of the committee is to advise the Minister of Defence on the acceptance of a conscientious objector's application. In case of rejection, no adequate justification is given and no immediate and effective appeal is provided, thus, leaving the conscientious objector with the stark choice to join the army against his will, or hide and be labelled as a "draft dodger".

(6) Furthermore, this law extended the right to a conscientious objection to those who have already served and may be called up for reserve duty. Greece still doesn't recognise the right to conscientious objection for professional members of the armed forces and it's unclear whether it is recognised for those already carrying out their military service. Professional members are judged by military courts as deserters and jailed. In May 2003, during the war in Iraq, Georgios Monastiriotis declared his conscientious objection and refused to go to the Persian Gulf as a sailor of the frigate "Navarino". For this choice he was jailed twice as a deserter.

C. Promotion and protection of human rights on the ground (implementation etc)

(7) The right to serve civilian service is not mentioned in the information documents sent to future conscripts especially during their enlistment (at the age of 17 years old). In spite of the various commitments we have received from the Ministry of Defense, the Greek state still does not inform conscripts for their right to conscientious objection. Most information and recruitment centers still ignore or have not been informed about this fundamental right.

(8) Furthermore, the law requires a time-consuming procedure for the application and the accompanied documentation to be lodged with the aforementioned committee. The applicant has to wait at least 7 months for his application to be reviewed and – potentially – be called for an interview, while conscripts may begin their military service at a known date, in three-month intervals, throughout the year. Moreover, documents that need to be collected are in practice very difficult to acquire. Conscientious objectors are routinely subjected to

discriminatory and offensive treatment by public authorities - born both out of ignorance and prejudice – when they apply for the required documents. It is essential to mention that the application for civilian service is not accepted if there is a pending prosecution for crime related to use of guns, ammunition or illegal violence, in violation of the presumption of innocence.

(9) If all goes well, and the conscientious objector is, eventually, called for an interview by the special advisory committee, he is again more likely to be subjected to another round of discriminatory and offensive treatment. The committee is compiled by two military officers (one with the specialty of Psychiatrist), two university professors, and one representative from the Legal Council of the State. Meetings are taking place inside the main building of the Ministry of Defense. During the interview no official minutes are kept. Committee members would routinely ask personal, prejudicial, racist, sexist and offensive questions. Even worse, the members of the committee have never so far introduced themselves, even when repeatedly are requested to do so by the interviewee (they would simply ignore such requests as in the case of Mr. Angelos Nikolopoulos). After the interview the members have to vote for if the applicant is recognized as a C.O. It is unacceptable that two out of five votes are from military officers since it is an oxymoron two militants to be called in order to judge a person as an antimilitarist. In September 2010, the Association of Greek Conscientious Objectors petitioned the office of the Greek Ombudsman asking for an investigation into the constitutional legitimacy of this committee.

(10) Among the questions that have been asked are:

- Which political party do you support? Are you a leftist? Are you an anarchist?
- Do you participate in demonstrations?
- If someone punches you on the street would you stand and accept the punch? (Demanded, by the military psychiatrist, member of the committee, to be answered strictly by a yes or no, yelling at the objector).
- If the Turks attack and rape your mother or your sister what would you do?
- What is your opinion about the demonstrations and the riots which emerged after the killing of Alexandros Grigoropoulos by the police on 6th of December 2008?
- So far all primary school teachers have joined the army with no demands for a civilian service. Why do you believe that we should behave to you in a different way? (Asked to a primary school teacher).

(11) According to the answers on these unacceptable questions the C.O.'s application is judged. It is important to mention that in case of rejection there is no adequate explanation for the reasons for which the committee rejects the C.O.'s application. In the eyes of the committee, the applicant is a potential "liar" and has to prove his convictions. During the interview there is no official secretary present and no written minutes are being kept for what is said. This fact creates a state of opacity and raises questions whether all this procedure is legal. Moreover, the above process applies mostly to ideological conscientious objectors; religious objectors (Jehovah's Witnesses in their vast majority), would only hand in an official certification from their church and are not called by this committee.

(12) Up to this day, the committee has rejected around 50% of the interviewees it has examined, without providing any adequate justification. In one case (of Mr Dimitrios Dimas)

the objector appealed against his rejection to The Council of State, won his case, and was subsequently sent back to the same committee to re-examine his application. The committee, composed by the same members as before, rejected him, again without any adequate justification. Applicants for civilian service who have been rejected are in hiding and face continuous trials for the same offense (“insubordination”), until they reached the age of 45.

(13) Thus, taking into consideration the provisions of the law and how these have been implemented, the right to conscientious objection in practice does not exist in Greece. Even the small number of young men who are aware of this right hesitate to use it. The barriers placed by the Ministry of Defense void any attempt to declare, apply for, and be accepted for a civilian service.

The Civilian Service

(14) In the cases that the applicant is accepted for civilian service, the objector is given a period of two months to appear to the public sector organisation where he will work. In the past, managers of organisations have misinterpreted the law and have obliged objectors to work for 24 hours a day, or have violated their labour rights. After the intervention of the Greek Ombudsman and the Greek General Confederation of Labour the situation has changed but still problems exist. During the last 13 years of the existence of the civilian service, participation on strikes and industrial action has been prohibited. Until now participation in strike had as result the forfeit of the right to fulfil civilian service. According to the new law one day of strike is punishable with one more day of civilian service. Still C.O.s have no right to be members of the worker’s union of the organisation they are working.

(15) Furthermore, the time spent away from the main place of residence for the civilian service is not in proportion with the time for conscripts. Placement in a civilian service position is in most cases without consideration of the educational professional, marital, family, and especially the financial situation of the objector. The financial needs of the conscientious objectors are not covered. They have to survive with around 260 Euros per month and pay themselves for rent, food and all expenses, while, on the other hand, those performing a military service receive food, clothes, and more importantly free transportation (including airfare, if the distance of their main home is more than 500 km). Objectors need to resort to extra work (which is illegal) to supplement their income, since they cannot be financially supported by their families. It is clear that under these circumstances the right to civilian service applies only to people who can be financed by their families.

The Total Objection

(16) Total objectors would declare publicly their conscientious objection to serve the army or fulfil civilian service. In some cases, their refusal derives from an ideological position that there is no obligation to any state or country which needs to be fulfilled. Others declare that they have made this choice because of the punitive character of the civilian service and the barriers placed by the Ministry of Defence.

Prosecutions

(17) Conscientious objectors whose applications for civilian service have been rejected and conscientious objectors who started serving civilian service but had their status revoked are called up for military service and since they don't go to serve in the army, they are charged with insubordination. The same applies for the total objectors. This may happen repeatedly until they reached the age of 45, and every time they refuse to serve in the army a new prosecution may be brought against them on grounds of insubordination for the same reason. This is in violation of Article 14, paragraph 7 of the International Covenant on Civil and Political Rights, according to which: "No one shall be liable to be tried or punished again for an offence for which he has been finally convicted or acquitted in accordance with the law and penal procedure of each country." The frequency under which objectors are prosecuted and sentenced is unknown. There have been cases of objectors who have been sentenced only once and other cases where a person has been arrested, prosecuted, and imprisoned several times for the same reason (case of Mr. Lazaros Petromelidis who was imprisoned three times and was called for military court trials 16 times).

(18) What is more, they face military trials, even though they are civilians and have never joined the armed forces and acquired military status. The Greek state, 36 years after the end of the military dictatorship of 1967-1974, still has not stopped bringing civilians before military courts. In several cases, they are judged in absentia without even knowing that they had to appear to a military court.

(19) Finally, Greece has also penalised any verbal criticism against the armed forces and the position of those who wish to inform future conscripts of their right to a civilian service can be precarious. According to the article 202 of the Greek Penal Code: "(1) Whoever in whatever way induces or incites on purpose upon a person serving in the army, to disobey duty of service shall be sentenced to imprisonment for a term of up to three years. (2) The same sentenced is imposed on whoever induces or incites on purpose a person who has duty to enlist to disobey the call-up to military service."

Conclusion

(20) Therefore, taking into consideration the provisions of the law and how these have been implemented so far, the right to conscientious objection in practice is not respected in Greece. Even though a law for the right to conscientious objection exists in paper, in practice conscientious objectors face severe difficulties, barriers and discriminatory behaviour that discourage young men from declaring publicly their objection. The vast majority has never been informed, about the right to conscientious objection and the option of a civilian service. The few who make this choice have to deal with and confront the military apparatus, the "conscience control committee," the ignorance and discriminatory behaviour from public authorities, who all together have converted this human right into a partiality.

(21) The Association of Greek Conscientious Objectors would like through this report to draw to the attention of the OHCHR and the UN these sensitive and important issues. We have provided a summary of the main issues and remain at your disposal for any details, analysis and further information.