

# Greece

## Issues

- Greece maintains conscription. However, the implementation of the right to conscientious objection for conscripts does not conform to international standards.
- Greece does not recognise the right to conscientious objection for professional soldiers.



## Military recruitment

### Conscription

Conscription is enshrined in Article 4 paragraph 6 of the Greek constitution from 1975, which reads: “*Every Greek capable of bearing arms is obliged to contribute to the defence of the Fatherland as provided by law*”<sup>1</sup>. The relevant law is Law 3421/2005<sup>2</sup>. According to this law, all Greek males are obliged to serve in the Armed Forces, from 1<sup>st</sup> January of their 19<sup>th</sup> year until the 31<sup>st</sup> December of the 45<sup>th</sup> year<sup>3</sup>. The duration of service is quite complex to calculate, as there are a range of rules about reduction of service time. Since 1 January 2004, the starting point for the calculation of those reduction is a service time of 17 months for Reserve Officers and 12 months for regular soldiers<sup>4</sup>.

Although conscription is supposed to be universal, only about one third of those called up for military service do actually serve. The majority is able to obtain deferments or some form of exemption, mostly for health reasons<sup>5</sup>.

### Professional soldiers

Although the Greek Armed Forces still rely heavily on conscripts, the Greek military too aims to attract an increasing number of voluntary professional soldiers. According to reports, about 50% of the strength of the Greek army are made up of professional soldiers<sup>6</sup>.

The Greek military promotes a career in the Armed Forces through recruitment adverts on TV, but also through its presence during so-called “professional orientation” lessons during the last year of high school. It is believed that the Greek Armed Forces mostly achieve their recruitment targets for professional soldiers<sup>7</sup>.

## Conscientious objection

### Conscientious objection for conscripts

The right to conscientious objection was first recognised in 1997 with Law 2510/1997<sup>8</sup>. This law came into

1 <http://www.ministryofjustice.gr/eu2003/constitution.pdf>, accessed 8 April 2008

2 <http://www.stratologia.gr/N.342105.pdf>, in Greek only, accessed 8 April 2008

3 Greek Consulate Sidney: Military Service Information, <http://www.greekconsulate.org.au/catalog.php?id=183>, accessed 8 April 2008; similar information is also available on the websites of other Greek consulates.

4 <http://www.greekconsulate.org.au/catalog.php?id=183>, accessed 8 April 2008

5 An ailing military draft system, Kathimerini, English edition, 18 August 2005, <http://www.ekathimerini.com/4dcgi/news/content.asp?aid=59751>, accessed 8 April 2008; Conscripts failing to sign up, Kathimerini, English edition, 16 August 2005, <http://www.ekathimerini.com/4dcgi/news/content.asp?aid=59653>, accessed 8 April 2008

6 Southeast European Times: Greece to Increase Professional Army, Reduce Length of Compulsory Service, 3 January 2003, [http://www.setimes.com/cocoon/setimes/xhtml/en\\_GB/features/setimes/newsbriefs/2003/01/030103-WMI-007](http://www.setimes.com/cocoon/setimes/xhtml/en_GB/features/setimes/newsbriefs/2003/01/030103-WMI-007), accessed 8 April 2008

7 Email Alexia Tsouni to War Resisters' International, 28 February 2008.

8 War Resisters' International: Conscientious objection to military service in Greece: Human Rights shortfalls, February 2005, <http://wri-irg.org/news/2005/greece05a-en.htm>, accessed 8 April 2008

effect on 1 January 1998. Presently, this right is regulated by Law 3421/2005. Both religious and non-religious grounds for conscientious objection are legally recognised. According to Article 59 paragraph 1 of the Law 3421/2005, CO status may be granted to *"those who invoke their religious or ideological convictions in order not to fulfil their draft obligations for reasons of conscience"*. Article 59 paragraph 2 stipulates that the reasons of conscience *"are considered to be related to a general perception of life, based on conscientious religious, philosophical or moral convictions, which are inviolably applied by the person and are expressed by a corresponding behaviour"*.

There is a strict time limit for submitting CO applications. Applications can only be made before starting military service, at the latest on the day before enlistment into the armed forces.

According to Article 59 paragraph 3(a) of Law 3421/2005: *"those who have carried arms for whatever length of time in the Greek or foreign armed forces or in the security forces"* cannot be considered as conscientious objectors. CO applications can thus not be made by serving conscripts or reservists.

### **Procedure**

CO applications must be made to the Ministry of Defence. The application must include a copy of the applicant's criminal record and documents proving that the applicant does not have a gun licence or a licence for hunting (Law 3421/2005, Article 59.3(c) and 59.3(b)).

Applications are considered by a committee, which falls under the authority of the Ministry of Defence. The committee consists of a legal expert, two university professors who are specialised in philosophy, psychology or social-political sciences, and two military officers. Applicants may be ordered for a personal interview with the committee, during which they need to prove their *"general perception of life, based on conscious religious, philosophical or moral convictions, implemented infrangibly by the person and expressed by holding a respective attitude"*, as laid down in Article 59 paragraph 2 of Law 3421/2005.

The committee makes a consultative decision, which needs to be confirmed by the Ministry of Defence. The Ministry of Defence usually accepts the consultative decisions of the committee.

If the application is rejected, there is a right of appeal to the civil court within five days of receiving the decision.

### **Substitute service**

The length of substitute service is 23 months, which is almost twice the length of military service. In some cases, due to family reasons, COs are allowed to perform a shorter service of at least 15 months.

### **Conscientious objection for professional soldiers**

Greece does not recognise the right to conscientious objection for professional soldiers.

The regulations for leaving the Armed Forces prematurely are presently not known.

### **Draft evasion and desertion**

According to Articles 51 to 54 of Law No. 3421 of 12 December 2005, unofficially translated as "Military Service for the Greeks," those who evade compulsory military service will face several consequences, including the following:

- They will not receive a military certificate showing that they served in the army, which is a prerequisite for obtaining certain jobs;
- They cannot vote or be elected;
- If they pursue a professional career that requires a licence (such as medicine, law, etc.), they cannot get this licence; if they already possess such a licence, it will be revoked;
- They cannot be employed as civil servants;
- They cannot leave the country or work on a ship that sails outside Greek waters;
- They cannot obtain a passport; if they already have one, it cannot be extended;
- If they eventually decide to complete their military service, they must serve six months in addition to the time normally required;

Once they complete their military service, the previously mentioned consequences are void and their record is

cleared<sup>9</sup>.

Conscripts who respond the call-up and enlist in the armed forces but refuse to don uniform or bear arms, are ordered to perform unarmed military service. If they refuse to do so they are tried before a military court for 'disobedience'. Because such refusal is no longer considered a felony the conscript is not imprisoned, but must remain in the military camp until trial. Art. 53 of the Military Penal Code prescribes the penalties for disobeying orders. The penalty is imprisonment for double the duration of military service, that is for 4 years<sup>10</sup>.

According to art. 33 of the new Military Penal Code desertion is punishable

- in peacetime by one year's imprisonment;
- in wartime by death or life imprisonment;
- in periods of general mobilisation by a minimum of two years' imprisonment.

According to art. 36, desertion and fleeing abroad is punishable

- in peacetime by one to 10 years' imprisonment;
- in wartime by death or life imprisonment.

Deserters are treated very harsh. They receive heavy sentences and then are still required to serve in the armed forces. Most of them have fled abroad and are unable to return.

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9 Research Directorate, Immigration and Refugee Board of Canada, Ottawa: Greece: Consequences of evading military service (January 2003 - March 2006), 2 March 2006, <http://www.irb-cisr.gc.ca/en/research/rir/?action=record.viewrec&gotorec=449934>, accessed 8 April 2008

10 Greek Association of CO's, 1995. The legal dimension for COs in Greece. Athens; Amnesty International, 1993. 5,000 years of prison: conscientious objectors in Greece. AI, London.