

GREECE

No satisfaction: the failures of alternative civilian service

On 1 January 1998 Law 2510/97 on conscription, which had been passed by the Greek Parliament in June 1997, entered into force. For the first time, the law included a provision for alternative civilian service, a move which Amnesty International welcomed after years of campaigning for the release of conscientious objectors who were until then serving sentences of up to four years' imprisonment for insubordination.

Law 2510/97 states that conscientious objector status and civilian alternative service or unarmed military service are available to conscripts declaring themselves opposed to the personal use of arms for fundamental reasons of conscience based on religious, philosophical, ideological or moral convictions (Article 18, paragraphs 1, 2 and 3). However, Amnesty International is concerned not only that some of its provisions still fall short of international standards, but also that its application remains unsatisfactory or even clearly discriminatory against conscientious objectors.

International Standards on Conscientious Objection

Recommendation No. R (87) 8 of the Committee of Ministers to Member States of the Council of Europe Regarding Conscientious Objection to Compulsory Military Service of 9 April 1987 recommends that “[a]lternative service shall not be of a punitive nature. Its duration shall, in comparison to that of military service, remain within reasonable limits” (§10).

The 1987 Recommendation of the Council of Europe Committee of Minister asserts that “applications for conscientious objector status shall be made in ways and within time limits to be determined having due regard to the requirement that the procedure for the examination of an application should, as a rule, be completed before the individual concerned is actually enlisted in the forces”. However, the Recommendation also states that “the law may also provide for the possibility of applying for and obtaining conscientious objector status in cases where the requisite conditions for conscientious objection appear during military service or periods of military training after initial service”.

On 11 March 1993 the European Parliament adopted a resolution on respect for human rights in the European Community. In the section on conscientious objection, it called upon Member States to guarantee that “conscientious objector status can be applied for at any time, including military service...”.

In theory: the shortcomings of Law 2510/97

This law states that alternative civilian service (Article 19, paragraph 1) will be 18 months longer than military service. For example, a conscientious objector will be required to serve 36 months of civilian service, as opposed to 18 months of military service in the Territorial Army.

According to Article 24, paragraph 2 of the law, in case of war the dispositions established for alternative service can be suspended upon decision from the Ministry of Defence. Conscientious objectors performing alternative civilian service will then be incorporated into the compulsory unarmed military service. Although this law also recognizes the right of conscientious objectors to switch from alternative civilian service at any time to military service - the minimum length of which is six months (Article 21 paragraphs 7 and 8), it contains no specific provision for conscientious objection developed during military service. Article 18, paragraph 4 (a) states that: "*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.

Moreover, according to Article 21, paragraph 2, of the law, conscientious objectors applying for alternative civilian service have to report to undertake their [alternative] service within the time-frame of a period which is determined [as starting] from the date a convocation for alternative service is sent to them by the relevant military authorities of the Ministry of National Defence, otherwise they face being charged with insubordination. However, the period of time given to conscientious objectors to report for alternative service is not specified by the law and could therefore be open to any interpretation.

According to Paragraph 5 (d) of the same article, conscientious objectors who carry out trade unionist activities or participate in a strike during the period of their alternative service will have their right to alternative civilian service or unarmed military service revoked, and therefore, according to Paragraph 6 of the article, will have to serve the remaining part of their military obligations in the army.

Amnesty International is also concerned that the Minister of Defence decides on initial applications for conscientious objector status on the advice of a committee composed of civilian and military members (Article 20 paragraph 1). Moreover, Article 21, paragraph 3 (b) considers "those who serve an alternative civil social service [...] as quasi enlisted in the armed forces.

Discrimination in practice

Amnesty International has also received reports that the application of Law 2510/97 remains unsatisfactory or clearly discriminatory against conscientious objectors. In at least 25 cases, conscientious objectors who performed civilian alternative service in health institutions throughout Greece (such as in Rethymnon, Siderokastro/Serres, Nigrita/Serres, Drama, Avlida/Evoia, Mytilini) were subjected to punitive measures which include working hours not comparable with those imposed during military service (they are obliged to work seven days a week with a total of up to 56 to 68 working hours); no right of leave and threats of punitive measures being taken against them including the revocation of their right to alternative civilian service if they refuse to comply with such hours.

Applicants are given a very short delay to gather all the documents they are requested to submit to the authorities for their recognition of conscientious objector status. For example, Dimitris Pakkidis' application for conscientious objection was rejected on the grounds that he had not respected the deadline (seven days from the time of his application on 23 March 1998, that is on 31 March 1998) given to him to produce all necessary documents to support his request. These documents include: a formal application in which they list their civil status, usual address, education and professional qualifications and indicate the type of service they wish to perform (unarmed or alternative civilian service); a personal statement in which they express the reasons for their objection to military service; a certificate issued by the relevant police and forestry authorities (both from their place of birth and their place of residence) that they are not holding a gun or a hunting licence, nor have they ever applied to get such licences; provide a certificate issued by the relevant prosecutor's office that they were not involved in any crime related to the use of weapons, amunitions or illegal violence; a copy of their police record.

The documents also required (on a consultative basis only i.e., not submitting them is not a reason for refusal of conscientious objector status) for conscientious objectors who apply on grounds of religious beliefs include a certified copy of their identity card; a certification from the church or other relevant authority stating the candidate's religion and where possible the date of their conversion to that religion; a similar certification for the other members of his family if they follow the same religion as the applicant; certification of education from the secondary school or lycée where they have studied, mentioning their participation in or exemption from religious education; certificate of military status for the other male members of the applicant's family when they were exempted from enlistment in the armed forces on the grounds of their religious beliefs).

Amnesty International is concerned about reports that at least six applications brought by conscientious objectors for alternative civilian service were rejected on

grounds which may have been arbitrarily discriminatory against the applicants. All are now charged with insubordination. Decisions from the Council of State are pending in at least three cases where the applicants alleged they were unable to submit their documents in time because of the lack of cooperation from the relevant authorities, which refused to provide them with the certificate requested. In another case, conscientious objector, Christos Kiourktsidis, lost his status as a result of an administrative error. When Christos Kiourktsidis reported for alternative civilian service in Avlida (Evoia) on 20 August 1998 as he was requested, he was told by a civil servant to come back four days later, as the manager of the institution was on vacation and she did not know what to do with him. However, when the manager returned from holidays the following day and saw that the conscientious objector was not on his position on the exact day of his presentation, he informed the conscription office at Serres. Christos Kiourktsidis has appealed to the Council of State against the decision revoking his status as conscientious objector, and a decision has yet to be made.

One conscientious objector, Yannis Farkonas is currently serving a 4 years and 20 days' sentence charged with draft evasion for failing to respond to military orders. He was absent at the time his call-up papers were sent to his parents' address and had not had time to prepare all the documents required for his application for alternative civilian service upon his return (four days before the deadline he had been given expired). Michail Kouvardas was also sentenced to four years' imprisonment for draft evasion on grounds that he did not report to the health commission on the appointed day.

Moreover, although the law states clearly in its Article 21, paragraph 3(d) that a monthly salary should be paid to conscientious objectors who opt for alternative civilian service when the institution is unable to offer them food and housing, there are reports that some institutions (in Iannena, Karditsa, Mytilini, Avlida/Evoia, Siderokastro/Serres, Nigrita/Serres and Kerkyra) refuse to pay the agreed monthly salary of 58,000 drachms. Housing of conscientious objectors also remains inadequate in some instances. For example, in his letter to the Ombudsman, dated 18 May 1999, conscientious objector Stergios Tselepis complained of having been obliged to stay in a 12 square meters room (shared with another conscientious objector) which contained only one bed and a small wardrobe. On 19 July 1999, twenty-two conscientious objectors who are performing alternative civilian service at the Centre for the Care of Children in Karditsa wrote to the ombudsman complaining about poor housing conditions for 6 of them who, on the grounds of economic restrictions, are housed in two dormitories (35 and 30 square meters respectively) sharing all facilities together with about 150 children suffering from serious mental illnesses.

Amnesty International's recommendations to the Greek authorities

- Amnesty International is concerned about the punitive length of the alternative civilian service (18 months longer than military service). Amnesty International urges the Greek authorities to review the length of the alternative civilian service with a view to bringing it into line with international standards and recommendations.
- Amnesty International considers that the right to perform alternative civilian service should never be derogated from, even in time of war or public emergency, and calls on the authorities to amend Article 24, paragraph 2 of the law accordingly.
- With regard to the time limit for registering conscientious objection (Article 21, paragraph 2), Amnesty International believes that conscientious objectors should have the right to claim conscientious objector status at any time, both up to and after entering the armed forces and calls upon the authorities to review this article of the law.
- Amnesty International believes that alternative civilian service should be strictly under civilian authority, including in the examination of a candidate's application for recognition of his status as conscientious objector. The organization therefore urges the Greek authorities to review Articles 20, paragraph 1 and 21, paragraph 3 (d) of Law 2510/97, both of which *de facto* put alternative civilian service under military authority.
- Amnesty International also urges the Greek authorities to immediately and unconditionally release Michail Kourvardas and Yannis Farkonas, conscientious objectors currently serving sentences of up to four years' imprisonment. Amnesty International considers them to be prisoners of conscience.
- The organization urges the Greek authorities to take all necessary steps to ensure that all discriminatory measures against conscientious objectors who opted to perform alternative civilian service are put to an immediate end.