



**EUROMIL aisbl**

*(European Organisation of  
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## **EUROMIL Contribution to the UPR, 25<sup>th</sup> Session, Greece**

*The European Organisation of Military Associations (EUROMIL), which was established in 1972, is an umbrella organisation composed of 40 military associations and trade unions from 25 countries. It is the main Europe-wide forum for cooperation among professional military associations on issues of common concern. EUROMIL strives to secure and advance the human rights, fundamental freedoms and socio-professional interests of military personnel of all ranks in Europe and promotes the concept of "Citizen in Uniform". As such, a soldier is entitled to the same rights and obligations as any other citizen.*

In the current dramatic scenario where Greece is struggling to solve its economic problems, it is important to stress how important are the fundamental rights and freedoms denied to the military personnel of the country. There are indeed real military threats (Turkey) and irredentist aspirations of smaller neighboring countries - mainly FYROM. Beyond this, any responsible country must be prepared in time even for potential future threats, as a result of change of geopolitical developments, since the creation of the armed forces requires great time and systematic corresponding expenditure.

EUROMIL recognizes the following concerns in Greece:

### **1. Freedom of association and union membership**

Freedom of association for peaceful purposes and the right to establish and participate in trade unions to defend workers' interests, are fundamental human rights of a person explicitly mentioned in Art. 20 and 23 of the Universal Declaration of Human Rights. Collective actions may involve public demonstrations or public statements that represent interests of members of the armed forces through military associations. The modus operandi of the trade unions was seen for many years as a competitive pole of power in the chain of military command within the armed forces. Although the Greek legislation provides for the establishment of professional associations for active members of the police, there is no similar provision for active members of the military, despite the fact that the Greek Constitution protects the exercise of freedom of association for all Greek citizens and for the military personnel, with unique restriction as for its right of strike. The issue of freedom of the military to set up military unions was finally recognized mandatory in 2012 by the Plenum of the Supreme Court of Greece. It considered that members of the armed forces should fully enjoy freedom of association, when the army is not in military operations and their members do not perform the duties of their service. However, the decision has not been fully incorporated in the Greek legislation, making impossible to define scopes and structures.

There are many cases where members of military associations have been discriminated against and come into disfavor by their superiors in the form of administrative sanctions, punitive transfers and low efficiency ratings. All these



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measures were aimed at intimidating and discouraging participation of the military in unions. The reduction of the right to collective expression and representation of the military is contrary to what provides the Universal Declaration of Human Rights, which in art. 23, paragraph 4, state that **"Everybody has the right to form and to join trade unions for the protection of his interests."** In order to eliminate these effects and enable the Greek military personnel to freely enjoy the fundamental right of association, should the state proceed in relative lawmaking that will protect their rights.

## **2. The right to freedom of opinion and expression**

Art. 19 of the Universal Declaration states: **"Everyone has the right to freedom of opinion and expression; this right includes freedom to hold opinions without interference and to seek, receive and impart information and ideas through any media and regardless of frontiers."** The staff of the Armed Forces, according to the Military Disciplinary Regulation, is not allowed to fully exercise their rights of freedom of speech. The staff of the Armed Forces is prevented from speaking about themselves or expressing their concern about certain violations of human rights. Sometimes soldiers were prosecuted disciplinarily because they publicly expressed ideas and views on issues that concern their sector and tried to defend their democratic rights. It is therefore necessary for the government to ensure the protection of the right to freedom of expression opinion to the Armed Forces, too. It is mandatory to reconsider the anachronistic military laws and regulations, which pose serious constraints on the exercise of these rights, even in cases not related to national security and the protection of confidential information.

## **3. Right to just and favorable remuneration**

Since May 2010, when Greece was subjected to brutal fiscal adjustment program, the remuneration of Greek military has undergone dramatic reductions. The wage grid of executives of the Armed Forces which is faced by the state as "special" in relation to other public sector employees, was designed in a way that ensured the military personnel and their families a decent minimum living, because of their demanding lifestyles and extremely difficult working conditions. It should be noted that, on average, weekly working hours of the military throughout the year exceed 60 hours. And of course, without receiving compensation for their overtime work contrary to what is applicable to other employees of the public sector and the security corps. Furthermore, the economic situation of the military is getting worse every 2-3 years, due to the obligation to move - transfer with their families to services that are in locations distant from the place of their interests, without the provided housing and any form of financial compensation.

The reductions in recent years were disproportionately great in number and in relation to other social groups. The specific social role of the military was completely ignored. The state did not take any kind of compensatory measures to smooth, at least partially, the serious impact the reductions had on living



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standards. The losses in wages of the military were of 40% and led, according to the research, the 2/3 of military families to living conditions below the poverty line.

The above mentioned is completely contrary to Art. 23, paragraph 3 of the Universal Declaration of Human Rights, according to which **"every worker has the right to just and favorable remuneration ensuring for himself and his family an existence worthy of human dignity."** The remuneration level of the military has been examined by the Supreme Court of Greece in January 2015. The plenary of the Court of Justice has made the decision that the latest cuts imposed since 1.8.2012 on the salaries of the military are unconstitutional. It also appealed to the commanding staff to restore earnings to the previous levels. Since then and till now the State has not complied with the final decision of the Supreme Court, so the military personnel continue to face serious welfare problems.

#### **4. Right to family protection**

The family is the foundation of the social structure of a state. Its dominant role in socioeconomic development, personality development and emotional integration of the person has been recognized by the international community. It is considered, in fact, to be a fundamental human right which is protected both by international and by national law of all democratic states. The paragraph 3 of article 16 of the Universal Declaration of Human Rights states that: **"The family is the natural and fundamental group unit of society and is entitled to protection by society and the State"**. The Greek State in accordance with the provisions of paragraph 1 of article 21 of the Constitution **"Guarantees the protection of family, motherhood and the child"** making it mandatory for the legislature to take the protection measures, either through the creation of specific structures and services, or by providing financial assistance and social benefits. The adoption of protective measures is reinforced in the case of large families under the provisions of par. 2 of Art. 21 of the Constitution, as it can be reasonably assumed that the upbringing of many children inflates family expenses.

The military constitute a particular social group. This group complies with a strict set of rules and restrictions, due to the nature of this profession as a component of the basic core of the state function. However, these restrictions shall in no case be prejudicial to fundamental rights such as the right to protection of the family by the state. The state should treat the military equally with other citizens, being aware of the particularities of the profession and to establish a specific framework that ensures the protection of their families.

The state with the Law N.3883/2010, wanted to solve some of the problems faced by the families of the military because of frequent transfers. The compulsory settle is in the plans as for the place preference of military – three children's parents, of parents of large families or the families with one parent, etc. In many cases, however, the provisions of this Law are not taken into consideration by the administration, which issues orders of transfers that are



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contrary to the law and refer the cases to the administrative courts where staff has being wronged. The process, however, of appeal cases to the administrative courts is prohibitive because of high economic cost for most executives. It is also considered meaningless, because it takes years to finally bring the case to the room of these Courts. From the above mentioned it might be concluded that, basically, the military administration has an option to ignore the protection spirit for the family supported by the law, whenever necessary. This is because a strong service society control mechanism is absent for cases, where the administration intentionally commit any acts that violate beneficial legal provisions for the staff.

The transfers scheduling of the military personnel should take into account not only the needs of the service, but also social parameters that they affect, like consistency and mental health of family members. This transfers system being applied, result in frequent surprise of executives and the sudden overthrow of their family planning. Their transfers are announced just three weeks before the obligatory presentation to their new position (places). This process has adverse consequences to the functioning of the family and to the emotional support of the children, because of frequent and unannounced school environment change, which usually happens in the mid-summer season. Our federation, P.F.A.F.U., with a view to preserving the cohesion and strengthening of the family institution, has proposed the adoption of a new human-centered system of planning and execution of transfers. This will include, inter alia:

- The obligation of transfers' notification at least one year prior to their implementation,
- Fixing the maximum limit of six transfers of any military,
- The mandatory retention of a military for at least 6 years in a place of his choice,
- Permanent service on his request in the place according to his desire, after 25 years of service until his retirement.

## **5. Right to equality in front of the law without any discrimination.**

Art. 4, par. 1 of the Greek Constitution states that: «**Greek citizens are equal in front of the law.**» This constitutional establishment of the principle of equality, as it explicitly mentioned in art. 7 of the Universal Declaration of Human Rights, binds the legislature itself and in the event of non-compliance should be tested in court. This equality refers to citizens in front of the law and the equality of the law to its citizens. Moreover, the European Union law precludes the setting of similar situations in dissimilar manner and vice versa. The military administration therefore commits itself to the whole of the action of the principle of equality, which is not only typical but also essential background.

The military are often subjected to restrictions and discrimination regarding their rights over other employees, in violation of what is stated by the



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Greek Constitution, European Community directives and the Universal Declaration of Human Rights. Examples demonstrating the unequal treatment are referred to below as follows:

a. By Law 4075/2012 at the Community directive, it was incorporated into the Greek law the right to unpaid parental leave while a parent is raising a child, if it is desired, until the child reaches 6 years old. Moreover, in cases where the child suffers from a disease that requires blood transfusions and derivatives or hemodialysis, or from neoplastic disease requiring transplant, a parent is entitled to 10 days paid leave apart from the annual leave, until the completion of the 18th year of the child. The law applies to all private and public sector except military personnel.

b. The law 4210/2013 provides that husband whose wives do not work have the right to be granted a child-care leave. The above law is targeted at all employees in the public sector and the Security Forces. The military, as opposed to other employees, are deprived of the beneficial provisions of this Act.

c. The Law 3528/2007 regulates the conditions and the way of administration of the 9-month child-care leave to parents working in the public sector. According to the law the parent is entitled to the above authorization if desired, until the child reaches the 6th year of age. For the military, the granting is limited until the child reaches 2.5 years instead of 6 that applies to other employees.

d. Civil servants who are transferred to the problematic areas are entitled to one-off amount compensation after two years in accordance with the provisions of the Law 2606/1998. The military do not receive compensation, opposite to other civil servants or other privileges, as a compensation for the transfer to difficult and remote areas.

e. The Law 3852/2010 which applies to civil servants and to those serving in the security forces, determines that those elected to regional, municipal - community councils remain mandatorily at their election place for the duration of their term. The above right is denied to non-commissioned officers who are elected in accordance with the law, in these councils.

f. The military personnel with specializations listed in difficult and hazardous occupations do not enjoy favorable conditions for retirement, according to the law, by analogy with what applies to other civil servants belonging to the same disciplines.

These are a part of all the problems faced by the military personnel. The state should treat the military as citizens in uniform, with the same rights and obligations as other citizens of the state and recognize that the choice of the military to serve in the Armed Forces cannot imply arbitrarily the limiting of their fundamental rights.