

Human Rights Council, 33rd Session

21st September 2016

Agenda Item 6 – Adoption of the UPR Report on **GREECE**

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Sadly, frequent indicators of the human rights challenges faced by a particular State are the UPR recommendations which *do not* enjoy its support. For Greece, these included recommendations from Uruguay and Slovenia<sup>1</sup> that it should make alternative service of a nature which was neither punitive nor discriminatory available to all conscientious objectors to military service.

Greece's sole argument is that “The duration of alternative service is within reasonable limits and proportionate, not of excessive character in comparison to military service.”<sup>2</sup>

This is not the view of the Human Rights Committee, which last October examined the Second Periodic Report of Greece under the ICCPR. The Committee found that the nature, cost and duration of alternative service was currently punitive and discriminatory in comparison with military service, and indicated also that it was disturbed by reports that there was “discrimination on the basis of different grounds of objection to service”, and “repeated punishment of conscientious objectors, in violation of the principle of *ne bis in idem*”.<sup>3</sup>

Moreover, last week the ECtHR found a violation of Article 9 of the European Convention (freedom of thought, conscience and religion) in the case of conscientious objector Leonidas Papavasiliakis,<sup>4</sup> because the tribunal which turned down his application to perform alternative service was not impartial, having met in the absence of two civilian members and thus with a majority of military officers. Moreover the domestic court to which the decision had been appealed had not examined the facts of the case; the tribunal had claimed that Papavasiliakis' could not be a conscientious objector as he was not a baptised Jehovah's Witness, even though he had been brought up in that faith. Such a decision is not compatible with making alternative service available to all conscientious objectors.

IFOR calls upon Greece to reconsider its arrangements for conscientious objectors to

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1 A/HRC/33/7, paras 136.15 and 136.16

2 A/HRC/33/7/Add.1

3 CCPR/C/GRE/CO/2, paras 37 and 38.

4 Papavasiliakis v Greece, Paapplication no 66899/14, Judgment of 15th September 2016.

military service in order to bring these into line with international standards.