



EUROMIL Contribution to the UPR
39th session, Greece
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About EUROMIL

Founded in 1972, the European Organisation of Military Associations and Trade Unions (EUROMIL) is an umbrella organisation composed of 32 military associations and trade unions from 21 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. The organisation is an ECOSOC-accredited NGO.

Human rights of members of the armed forces in Greece

1. While reviewing the fulfillment of the human rights obligations and commitments of Greece, EUROMIL would like to draw the attention of the UPR Working Group on the following issues affecting the service members of the Greek armed forces:

A. The right for just and favourable working conditions – Compensation for occupational and work-related accidents or disease

2. UDHR Art. 23 and ICESCR Art. 7 provide for just and favourable working conditions and ICESCR Art.12 foresees prevention, treatment and control of occupational disease. Unfortunately, Greek military personnel are unfairly treated as regards compensation and reintegration following an occupational or work-related accident or disease compared to other members of the security forces. This particular concerns Laws 3554/2007 and 3938/2011 which stipulated that:

“(…) Police, border guards and special guards, coast guards and firefighters who are transferred to office service, due to an accident / illness during the execution of an ordered service and due to it, are granted a monthly allowance of three hundred (300) Euros. The same personal allowance at the time of his resignation, as a result of his injury, during the performance of an ordered service and as a result thereof, from the day of his illness. by joint decision of the Ministers of Economy and Finance and of Public Order (…).”

3. EUROMIL’s Greek member association, the “Panhellenic Federation of Armed Forces Unions” (PFEARFU), highlights that there is a deficit in the law which does not include the personnel of the armed forces who are transferred to the office service according to ΝΔ 1400 /73, where it clearly creates disharmony and a feeling of injustice. Recommendation would thus be to amend to law as to include members of the armed forces.



B. The right to rest - Compensation for overtime and night work

4. The right to rest and leisure, including reasonable limitation of working hours is foreseen in UDHR Art. 24, ICESCR Art. 7 and ILO conventions. This right is however not fully respected in the Greek armed forces, where the issue of compensation for night work is particularly problematic.

5. According to the relevant Law (L.4472/2017) and specifically Art. 127 paragraph Δβ, the Hellenic Parliament passed the granting of night work compensation for the armed forces officers, in the amount of 2.77 euros / hour. Despite the lapse of 1 year from the enactment of this law, the corresponding Joint Ministerial Decision between the Ministries of National Defence and Finance has not been issued yet. Consequently, no night employment compensation is paid to the armed forces.

6. Additionally, armed forces personnel, in the absence of an established overtime compensation scheme, are required to:

- work in remote outposts in Greece for up to 7 consecutive days away from their family;
- cover staffing gaps of their Units;
- arrive in Camps at any time of the day or night, in the context of their recall control due to the operational readiness of the Units they serve;
- participate as obligatory envoys to ceremonial events, parades and receptions during non-working hours and holidays.

7. PFEARFU, through EUROMIL, is therefore calling on the Greek state:

- to settle the whole issue immediately, with the provision of compensation for all hours of night work;
- to respect the fair treatment of the armed forces personnel, rewarding their efforts and respecting the sacrifices made by their families;
- to examine the overtime work of the Greek Military by drafting a comprehensive overtime compensation plan, including the corresponding compensations that apply in the wider public sector (according to paragraph 3 of Art. 20 of (b) relevant Law);
- to grant compensations to the staff of armed forces taking into account the continuous reductions in their salaries;
- to pay the allowance of increased readiness according to the provisions of the relevant law until the issuance of the Joint Ministerial Decision, for the compensation of the night work.

C. The right to adequate housing – Housing issue for military personnel

8. The right to adequate housing is a human right recognized as part of the right to an adequate standard of living provided in the UDHR Art. 25 and ICESCR Art. 11. However, the whole system of military housing in Greece has been founded outdated and inappropriate to meet the needs of service personnel.

9. PFEARFU, through EUROMIL, raises for discussion and further consultation the issue of amending the regulations of the General Staffs that determine the housing framework of the



Military.

10. With the current situation, serious issues of moral order are raised, because the armed forces are perhaps the only public body that does not include in the staff scoring parameters, as a basic criterion, the annual family income (per capita), which is a completely objective social criterion. In addition, the exceptional treatment and service in matters of housing in military residences, of various categories of personnel, as it operates to this day, creates unfavorable discrimination and favoritism. In this way, every notion of good governance and equality is catalyzed. Therefore, the protection of the socially weak is a common intention and desire, but through an inviolable and weighted scoring process, where all variables will be counted. Any benefits must be given in absolute proportionality, through the scoring process, without exceptions of certain categories due to the occupied administrative position, status or marital status. It is necessary to take into account all the parameters that govern the issue (current and new to be adopted) and the weighted evaluation of all the desired executives with a single procedure, without any exceptions. Those with the most ranking points will be satisfied as a matter of priority, with absolute transparency. In order to optimize the selection process of the beneficiaries, which differs between the Branches, it is necessary to make some changes in the institutional framework.

11. Furthermore, to address the housing problem of the military personnel, PFEARFU submitted a plan as follow:

- The areas of the camps that are not in operation to be given to construction companies for the creation of military buildings in this area or in another area of Greece depending on the needs of the military personnel;
- Personnel serving in an area where there are no military residences or in an area where they do not have their own residence should be considered for the possibility of granting a rent allowance;
- The empty and unfinished buildings that exist in many military Units could be converted in military residences;

And finally, the establishment of a working group consisting of staff of the Ministry of National Defence, General Staffs and representatives of PFEARFU, for the elaboration of these proposals and the submission of a complete plan for dealing with the issue.

D. The right to family life – Respect for caring support

12. The right to family life is enshrined in UDHR Art. 16, ICCPR Art. 23 and ICESCR Art. 10. Work-life balance is however still a major issue in the military. In Greece, the issue of caring for children with disabilities has particularly been found difficult in recent years.

13. According to paragraph 2 of Art. 5 of law 3883/2010 (A167), personnel who either take care of a child with a disability or who have been assigned the custody of a person with disability rate of at least 67% by a court decision, serve compulsorily in the place of their preference. Moreover, in the armed forces, a number of members are identified, paired with an individual, who have in their custody, a disabled child from a previous marriage. Such a member, without being the biological parent of persons with disabilities, is immediately taxed and covered through his/her insurance institution, the health care of all his/her family members without the judicial supervision of the children with disabilities, as under the current



legislation it is given to the biological father or mother and in this case to the private spouse with whom the staff member lives. Therefore, in the absence of custody of a disabled child by a court decision, the member of the armed forces cannot legally benefit from the following elements:

- a. Conditions of special transferability based on paragraph 2 of Art. 5 of Law 3883/2010;
- b. Granting of special leave with remuneration, lasting 30 days a year, based on article 21 of the JMC Φ.400 / 34/292616 / Σ4753 / 2016 Government Gazette 2808 / B / 6-9-2016;
- c. Reduction of working hours by one hour per day, according to paragraphs 4 and 5 of Art. 16 of Law 2527/1997 as it was replaced by paragraph 8 of Art. 30 of the respective Law 3731/2008 as well as Art. 27 of L.4305 / 2014;
- d. Granting exemption from the execution of services that require overnight stay based on paragraph 3 of Art. 2 of YA Φ.400 / 32/82424 / Σ.343 / 2015 ΦΕΚ 1139 / B / 3-6-2011.

14. It was also found by PFEARFU that several members of the armed forces who are in charge of people with disabilities are forced to move from their area of service-interests in order to perform the necessary time of administration or special service as a qualification for promotion to the next rank. This is the case even when a family is experiencing more than one acute social problem at the same time. The potential movement disrupts the household and creates additional problems (e.g. long distance from specialized doctors). In particular, a parent of a disabled child who is at the same time a single-parent family cannot meet the increased demands of his/her child, in fact being in constant confusion between the business work he/she is called to perform.

15. PFEARFU, through EUROMIL, therefore requests from the military and political leadership of the Ministry of National Defence the following:

- a. Initiation of useful actions to amend the above laws, so that the helpful social benefits are also given to the staff member of whom the spouse has custody with a court decision of a disabled child with a disability rate of at least 67%;
- b. Possibility of examination by the health committee of children with disabilities of the staff members who are not biological parents;
- c. Submission and control of the supporting documents by the competent Army Funds of the monthly expenses of Physiotherapy - Occupational Therapy, of those in charge of persons with special care needs, which should be prioritized with the payment of the financial compensation within a month.

16. In order to reconcile the working life of the demanding military life and the existing social problems of the above-mentioned personnel, PFEARFU requests the placement of such personnel in position of lower operational readiness in the place of their choice. Other obligations, such as Management Time or Special Service can be achieved, by placement-transfer of the concerned staff, regardless of specialty according to the article 3 of Law 3883/2010, with a parallel provision for the expansion of the existing framework as follows: (The personnel of par. 2 of Art. 5 of Law 3883/2010 (A '167), as it was replaced by Art. 25 of Law 4407/2016, who are going through acute social problems and as a result of which they serve in a place of their preference, to be placed in positions of Units of the municipality of their preference which are considered as time of Administration or Special Service regardless of specialty and branch according to the Art. 3 of Law 3883/2010).



E. The right to freedom of association – Trade union rights in the military

17. The right to freedom of association is provided by the UDHR Art.20 and Art.23 (4), ICCPR Art.22, ICESR Art. 8 as well as by ILO Conventions. The right to freedom of association was granted to military personnel in Greece. However, some aspects of this right still need to be improved in practice.

18. PFEARFU, through EUROMIL, expresses its strong dissatisfaction with the exclusion of its participation in the Social Problems Committee of the Greek armed forces, despite the fact that it is the legally established institution for the representation of the military personnel in these matters. Specifically, according to Art. 3 of the relevant Ministerial Decision, the above Committee with the competence to examine appeals, on requests for military participation in the categories of those of staff members facing acute social problems and described in Art. 2, consists of members of the military leadership. The exclusion from the above committee is a deprivation of the inalienable right of the members of the armed forces to be represented by the elected institution and to silence a point of view that will contribute to a comprehensive understanding of the aspects of each case in order to find the most appropriate solution.

19. Given that the current Ministerial Decision takes them away from their common goal which is to find solutions to the problems of the armed forces, PFEARFU, through EUROMIL, requests the immediate amendment of Art. 3 with the participation of a representative of PFEARFU to the above-mentioned Committee, as an obvious right but also a legal obligation. In the meantime, until the amendment is implemented, its calls on the political leadership to proceed with the immediate appointment of a representative of the PFEARFU as an advisory member to the above Committee.

F. Women's rights - Gender equality in the armed forces

20. The principles of equality and non-discrimination are recognized in international legislation. Equal rights for men and women are enshrined in the UDHR, major human rights treaties, CEDAW and ILO conventions. The right to work and the right to just and favourable working conditions are provided in the ICESCR Art. 6 and Art. 7. Moreover, international law recognizes the right to right to work free from harassment and violence (ILO convention 190). Unfortunately, workplace discrimination is an issue in the Greek armed forces, where women continue to face not only discrimination, but also harassment, abuse and violence.

21. In order to improve women's rights, representation and participation in the Greek armed forces, PFEARFU established a Secretariat for Gender Equality within its structure. However, in 2020, EUROMIL expressed deep concerns about the immoral and sexist attacks against the newly appointed Secretary was the victim of. Indeed, EUROMIL was informed that the Secretary had been the victim of sexist attacks, defamation, psychological violence and incitement to suicide, by certain individuals after posting on a specific website. It seems that these incidents were caused by general rejection of trade unionism in the armed forces on the one hand and non-recognition of gender equality principles on the other. Both are deeply troubling and, in the view of EUROMIL, need to be countered decisively.



22. EUROMIL therefore called on the Greek authorities to take a clear stance against discrimination as well as for gender equality and actively cooperate with military trade unions on these matters in the Greek armed forces.