



# European Bureau for Conscientious Objection

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## European Bureau for Conscientious Objection and War Resisters' International support Greek conscientious objectors' boycott of the Conscience Examination Committee

Bearing in mind the scandalous fact that despite numerous appeals, Greek authorities have, for several decades, violated the human right of conscientious objection to military service, the **European Bureau for Conscientious Objection and War Resisters' International** support the renewed call for a boycott of the Conscience Examination Committee (the special advisory committee which examines applications for conscientious objector status), which has been issued by the Association of Greek Conscientious Objectors.

We also express our solidarity with those Greek conscientious objectors who have already joined the boycott or will do so in the future, including Alexandros Kokkalis who already has publicly declared that he will refuse to be examined on 30 of May 2018. In this regard we particularly stand in solidarity with conscientious objector Hristos Kokkolis who, together with two other conscientious objectors, [joined the boycott](#) in December 2016 and who recently had his application rejected by the new Deputy Minister of National Defence on the recommendation of the committee. We urge the Greek authorities to immediately grant him conscientious objector status and allow him to perform the alternative civilian service.

We would like to stress that the Greek legislation does not preclude the recognition of applicants who have not been interviewed by the committee, as the vast majority of conscientious objectors in Greece (Jehovah's Witnesses) are recognized without interview, and even if an applicant is called by the committee and fails to report, the legislation explicitly stipulates that his claim should be examined. Therefore, the participation in the boycott and the refusal to be examined by the committee cannot constitute a reason for rejection.

We also reiterate our [demand](#) for the abolition of the process of examination of applications by the special committee (also known as conscience examination committee) and an automatic application of the provisions on alternative service for all those who apply for it and all those who have been rejected so far, if their cases are still pending.

Such a position is supported by the **European Parliament** which has stated that "no court or commission can penetrate the conscience of an individual" and has argued that a declaration setting out the grounds should suffice for somebody to be recognized as a conscientious objector.<sup>1</sup>

The same position has been adopted by the **Hellenic League for Human Rights**<sup>2</sup>, the oldest Greek organization of human rights, and a permanent member of the International Federation of Human Rights (FIDH).

Even the **Greek Ombudsman** has stated that: “The personal interview as a mean to ascertain reasons of conscience is controversial *per se*, insofar it submits an internal esprit to an examination of sincerity.”<sup>3</sup>

The practice of other states of accepting claims of conscientious objection as valid without inquiry was welcomed both by the **UN Commission on Human Rights**<sup>4</sup> and its successor, the **UN Human Rights Council**.<sup>5</sup>

In any case, the current procedure in Greece, with military officers participating in the advisory committee and with the (Deputy) Minister of National Defence taking the final decision, clearly violates international law and standards—including those set in 1967 by the **Parliamentary Assembly of the Council of Europe**, requiring, *inter alia*, that the decision-taking body be entirely separate from the military authorities, and that its composition should guarantee maximum independence and impartiality.<sup>6</sup> That is why the **UN Human Rights Committee**<sup>7</sup>, the **Commissioner for Human Rights of the Council of Europe**<sup>8</sup>, and the **Special Rapporteur on freedom of religion or belief**<sup>9</sup>, have all recommended that Greece transfer the assessment of applications for conscientious objector status from the Ministry of National Defence to an independent civilian department/under the full control of civilian authorities.

For more than 50 years, Greece has failed to bring its legislation in line even with the minimum international standards about the right to conscientious objection, and especially in regard to granting conscientious objector status.

Therefore, we fully support those conscientious objectors who have decided to escalate the struggle for their rights.

We urge the Greek government to fulfill its promises, to immediately amend the relevant legislation and allow all conscientious objectors who wish so, to perform the alternative civilian service.

***European Bureau for Conscientious Objection (EBCO-BEOC)***

***War Resisters' International (WRI)***

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EBCO was founded in Brussels in 1979 as an umbrella structure for national associations of conscientious objectors in the European countries to promote the right to conscientious objection to preparations for, and participation in, war and any other type of military activity as a fundamental human right. It enjoys participatory status with the Council of Europe since 1998 and is a member of its Conference of International Non-Governmental Organisations since 2005. It provides expertise and legal opinions on behalf of the Directorate General of Human Rights and Legal Affairs of the Council of Europe. It is involved in drawing up the annual report of the Committee on Civil Liberties, Justice and Home Affairs of the European Parliament on the application by the Member States of its resolutions on conscientious objection and civilian service, as determined in the “Bandrés Molet & Bindi Resolution” of 1994. It is a full member of the European Youth Forum since 1995.

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<sup>1</sup> European Parliament, Resolution on conscientious objection, (1-546/82), [known as Macciocchi Resolution], 7 February 1983, as published in the Official Journal of the European Communities [C 68](#), 14 March 1983, para. 3 (page 15). See also European Parliament, Resolution on conscientious objection and alternative service, (A3-15/89), [known as Schmidbauer Resolution], as published in the Official Journal of the European Communities [C291](#), 13 October 1989, para. A (page 123) and para. 4 (page 124).

<sup>2</sup> Letter of the Hellenic League for Human Rights to the Ministry of National Defence, 30 January 2005, para. 6. [[available in Greek](#)]

<sup>3</sup> Ombudsman, Special Report 2013, “Combating discrimination”, p. 110. Available in Greek at <https://www.synigoros.gr/resources/docs/10-diakriseis.pdf>

<sup>4</sup> UN Commission on Human Rights, [Resolution 1998/77](#), Conscientious objection to military service, 22 April 1998, (E/CN.4/RES/1998/77), para. 2.

<sup>5</sup> UN Human Rights Council, Resolution 24/17 (A/HRC/RES/24/17), 8 October 2013, para. 7. Available at <http://undocs.org/A/HRC/RES/24/17>

<sup>6</sup> Council of Europe, Parliamentary Assembly, [Resolution 337 \(1967\)](#), Right of conscientious objection, para. b2.

<sup>7</sup> UN Human Rights Committee, Concluding observations on the second periodic report of Greece, (CCPR/C/GRC/CO/2), 3 December 2015, paras. 37-38. Available at <http://undocs.org/CCPR/C/GRC/CO/2>

UN Human Rights Committee, Concluding observations on the initial report of Greece, (CCPR/CO/83/GRC), 25 April 2005, para. 15. Available at <http://undocs.org/CCPR/CO/83/GRC>

<sup>8</sup> Report by Mr Alvaro Gil-Robles, Commissioner for Human Rights, on his visit to the Hellenic Republic, 2-5 June 2002, [CommDH\(2002\)5](#), para. 18.

<sup>9</sup> UN Economic and Social Council, Commission on human rights, Civil and political rights, including the question of religious intolerance, Addendum, Summary of cases transmitted to Governments and replies received, E/CN.4/2006/5/Add.1, 27 March 2006, para. 139. Available at: <http://undocs.org/E/CN.4/2006/5/Add.1>