

SUBMISSION
TO THE 39th SESSION OF THE UNIVERSAL PERIODIC REVIEW

GREECE

1. This submission was prepared in March 2021, including the latest information available. It focuses on the right to conscientious objection to military service and on the human rights violations of conscientious objectors.

BASIC INFORMATION ON GREECE

Population: 10,752,626ⁱ

Military recruitment: obligatory for males

Minimum age: 18

Length of (full) military service: 12 months

Right to conscientious objection to military service: provisions introduced in 1997; entry in force in 1998.

Length of (full) alternative service: 15 months

INTRODUCTION

2. Greece has a longstanding record of violations of the right to conscientious objection to military service and other human rights of conscientious objectors. Since 2015, violations and failures to comply with international human rights law and standards have been highlighted by at least six UN and European human rights bodies.ⁱⁱ

Despite some positive steps in 2019, amendments of certain legislative provisions for conscientious objectors in the context of a new lawⁱⁱⁱ and subsequent Ministerial Decisions, serious violations of human rights of conscientious objectors and Greece's obligations towards them remain unaddressed, as it has been also reported by Amnesty International.^{iv} The failure of the new legislation to recognize the right to conscientious objection to military service in accordance with international human rights standards has been pointed out by the Special Rapporteur on freedom of religion or belief, in a communication to the new elected Greek authorities on 11 July 2019.^v

3. Most importantly, the new Greek government, instead of responding to the concerns of the Special Rapporteur by implementing the recommendations of the Human Rights Committee, has moved towards annulling recent positive amendments about conscientious objectors, such as the reduction of the length of alternative civilian service by the previous government.

MAIN VIOLATIONS OF THE RIGHT TO CONSCIENTIOUS OBJECTION TO MILITARY SERVICE

▪ Punitive and discriminatory alternative civilian service

Insufficient benefits or/and salary

4. The Human Rights Committee, has requested Greece to review the legislation in order for the alternative service in Greece not to be punitive and discriminatory, referring *inter alia* to the cost of the service.^{vi}

According to the legislation^{vii}, conscientious objectors performing alternative service are either entitled food and housing, without any salary whatsoever, or otherwise receive a monthly salary set since 2005 to € 223.53, but it is prohibited by law to be paid any other amount of money for any reason. Worth noting also that conscripts receive certain personal items, while conscientious objectors do not.

5. In 2015, when the minimum salary was less than the current one, namely € 586.08 or € 510.95 for workers under 25 years of age,^{viii} the Committee on Economic, Social and Cultural Rights had raised concerns that it was not sufficient to provide workers and their families with a decent living in line

with article 7 of the ICESCR.^{ix} Accordingly, the € 223.53 for conscientious objectors are absolutely insufficient to provide them with an adequate standard of living in terms of Articles 7 and 11 of the Covenant.

Discrimination as of the location of service

6. The alternative service consists in the provision of services of public benefit in areas other than the place of residence, which in 2016^x was further extended to the entire region of residence. There is no such explicit restriction for conscripts serving in the armed forces who might be able to perform part of their service in the region of their residence.

According to the Human Rights Committee, “the requirement to perform such services away from places of permanent residence” can be one of the factors rendering the conditions of alternative service in a country “punitive in nature”.^{xi} In the case of Greece, the Human Rights Committee, indeed referred also to the nature of the service.^{xii}

7. The Greek National Commission for Human Rights has consistently stated that the geographical criterion for the completion of the alternative social service should be in conformity with the same rules that apply to regular armed military service.^{xiii} Currently conscientious objectors are not allowed to serve in the region of their residence, a restriction which does not apply to conscripts serving in the armed forces.^{xiv}

Punitive and discriminatory length

8. Following international recommendations, in June 2019, a Ministerial Decision by the then Alternate Minister of National Defence reduced the length of the full alternative service from 15 to 12 months and the length of the three categories of reduced alternative service to (almost) the same length as for the reduced military service. However, in contravention of international and regional human rights standards and the recommendations of the Human Rights Committee^{xv} and the Special Rapporteur on freedom of religion or belief,^{xvi} this Ministerial Decision was annulled in October 2019 by the Joint Decision of the new Deputy Ministers of Finance and National Defence, which reinstated the previous length for all categories.^{xvii}

9. In February 2021, a Joint Decision of the same Ministers increased the length of the full military service in the Army, where the vast majority of conscripts serve, from 9 to 12 months, making it equal to that in the Navy and Air Force.^{xviii}

However, the length of the full alternative civilian service continues to be significantly and unjustifiably longer (15 months). According to the UN standards “Any duration longer than that of military service is permissible only if the additional time for alternative service is based on reasonable and

objective criteria. Equalizing the duration of alternative service with military service should be considered a good practice.”^{xxix}

10. Furthermore, the European Parliament has repeatedly asked for the length of alternative service to be equal with that of military service, both in general,^{xx} as well specifically in the case of Greece.^{xxi} Worth noting also that the length of the third category of reduced alternative civilian service, which concerns persons of an especially vulnerable family status, is 67% longer compared to the equivalent category of reduced military service (5 months compared to 3).

▪ **Inadequate procedure of examination of applications for conscientious objector status**

11. The decision on applications for recognition of conscientious objectors is taken by the Minister of National Defence after a recommendation by a five-membered special committee with military participation. The Human Rights Committee has expressed concerns about “the composition of the Special Committee and its reported lack of independence and impartiality” and “reports indicating discrimination on the basis of different grounds of objection”, referring to religious and non-religious grounds. Consequently, the Human Rights Committee reiterated its recommendation to Greece to “consider placing the assessment of applications for conscientious objector status under the full control of civilian authorities”^{xxii}

12. Following a judgement of the European Court of Human Rights in 2016,^{xxiii} an amendment of the legislation in 2019 reduced the number of military officers in the committee from two to one.^{xxiv} While this is a step in the right direction, the amended provision continues to be in contravention of the recommendations of the Human Rights Committee by not requiring the new Special Committee to be wholly civilian and ensuring that the decision of granting conscientious objector status is not made by the Minister of National Defence. As a result, the amended legislation still fails to place the assessment of applications for conscientious objector status under the full control of civilian authorities.

▪ **Punishment of certain categories of conscientious objectors**

Categories of conscientious objectors who are punished

13. Certain categories of conscientious objectors in Greece, who, for one reason or the other, do not perform the punitive and discriminatory alternative civilian service face punishment as “insubordinate”. Such categories are the following:

- Those whose applications for conscientious objector (CO) status have been unfairly rejected because of the problematic procedure of examination. In this case they are required to perform military service and if they insist in their conscientious objection, they are declared

insubordinate and face the relevant punishment (see below).

- Those who are granted CO status, but because of the punitive conditions (cost, location of service, duration), they find themselves unable to complete the service. In that case, their CO status is revoked and they are required to perform certain months of military service and if they insist in their conscientious objection, they are declared insubordinate and face the relevant punishment.
- Those who commit a disciplinary offence during their alternative service, which results in their CO status being revoked. In that case, they are required to perform months of military service and if they insist in their conscientious objection, they are declared insubordinate and face the relevant punishment.
- Most often, those who refuse to perform the (punitive and discriminatory) alternative civilian service, including, but not limited to, those self-identified as “total objectors”. They are also declared insubordinate and face the relevant punishment. As it has been made known by groups of total objectors and media reports,^{xxv} in February 2019 alone, at least three total objectors have been sentenced by the Military Court of Athens to (suspended) sentences of 12 and 18 months’ imprisonment, respectively. In March 2019, the trial of another total objector, who is being repeatedly prosecuted, has been postponed. In May 2019, the trial of another total objector who is being repeatedly prosecuted, has been also postponed.

14. Taking into consideration the punitive and discriminatory character of the alternative civilian service as well the inadequate procedures of examination for CO status, as they have been pointed out by international and regional human rights bodies, none of the aforementioned categories of conscientious objectors should be punished.

The punishment for insubordination

15. Being declared as “insubordinate” entails risk of arrest at any given moment. In recent years, the arrest and detention in these circumstances, as documented by Amnesty International,^{xxvi} last from some hours to a couple of days, until either the “insubordinate” is brought before a military court for a trial, or –more often – his trial is scheduled for a later date and he is released.

16. The punishment for each period of insubordination includes in all cases:

- An administrative fine of 6,000 euros, which is increased as long it remains unpaid, and can result also to confiscation of property.
- A prison sentence up to 2 years. It is often, but not always, a suspended sentence, depending on the criminal record. Furthermore, it is usually eligible to be converted to a financial penalty of several thousands of euros – which is different from the administrative fine cited above.
- Further sanctions, such as: deprivations of the right to be employed in the public sector, and

for those who have been irrevocably convicted for insubordination or desertion, the deprivation of the right to exercise a profession which requires a special permission by the authority and of the right to vote and to be elected. The “insubordinate” or deserters are prohibited from migrating abroad or from being employed in ships travelling abroad, and from having a passport issued or renewed, except for the insubordinate residing in foreign countries.

VIOLATIONS OF FUNDAMENTAL PRINCIPLES OF INTERNATIONAL LAW IN THE CASE OF CONSCIENTIOUS OBJECTORS IN GREECE

▪ Repeated punishment of conscientious objectors in violation of *ne bis in idem*

17. Punishment for insubordination does not entail exemption from military duties, (unless someone has actually served a prison sentence equal or greater than the length of alternative service he would have been required to perform if he had been recognised as a conscientious objector,^{xxvii} which nowadays does not occur in practice). Consequently, the conscientious objectors are repeatedly called-up, and repeatedly punished. In theory, such a repeated punishment is unlimited as of the number of sentences and fines, and in practice IFOR is aware of cases of conscientious objectors who have been punished (at least) 5 times (e.g. the case of Lazaros Petromelidis, see further below).

18. Such a repeated punishment is in violation of the *ne bis in idem* principle (Article 14.7 of ICCPR), as it has been found by the Human Rights Committee^{xxviii} in its concluding observations on Greece, a position highlighted also by the current and previous Special Rapporteurs on freedom of religion or belief.^{xxix}

The WGAD, besides the violation of Article 14.7 of ICCPR^{xxx}, has also found that “repeated incarceration in cases of conscientious objectors is directed towards changing their conviction and opinion, under threat of penalty”,^{xxxi} and thus it contravenes also Article 18, paragraph 2 of the ICCPR, which prohibits “coercion which would impair his freedom to have or to adopt a religion or belief of his choice”.

▪ Failure to provide access to an effective remedy including adequate reparations

19. Despite consecutive amendments of the relevant legislation, Greece has always failed to recognize the violations of the right to freedom of thought, conscience and religion and of other human rights, committed to this day against conscientious objectors and provide effective remedy. This includes those who had declared their conscientious objection before the establishment of the alternative civilian service in 1998.

Despite a legislative provision of 2016^{xxxii} which ended pending cases of prosecution against those who had declared their conscientious objection before 1998, by which it was implicitly admitted that they should have not been prosecuted, nevertheless, Greece has failed to address the cases of those already sentenced and punished and provide them adequate reparations.

20. An illustrative case is that of Lazaros Petromelidis, who had declared his conscientious objection since 1992, and until 2014 he has been sentenced for five different periods of insubordination (merged in three cases before military courts), has been deprived of his liberty at least four times (87 days in total), has paid two financial penalties instead of imprisonment (corresponding to four sentences) and has faced multiple violations of his human rights, including the right to leave his country, for many years. Lazaros Petromelidis has been repeatedly declared a prisoner of conscience by Amnesty International^{xxxiii}. Greece continues to fail to recognise the human rights violations committed against Mr. Petromelidis and provide him with adequate reparations.

21. Furthermore, the legislative provision of 2016 fails to recognise that the violations of the rights of conscientious objectors continued also for those who have declared their conscientious objection after 1998 and till today.

RECOMMENDATIONS CONCERNING CONSCIENTIOUS OBJECTION TO MILITARY SERVICE DURING THE PREVIOUS (2ND) CYCLE OF THE UPR

22. In the context of the 2nd cycle of UPR, there have been two recommendations about conscientious objectors,^{xxxiv} which were not accepted by Greece:^{xxxv}

- “136.15 Review the current legislation with a view to recognizing an alternative to military service, which is accessible to all conscientious objectors and is not punitive or discriminatory (Uruguay);”

Apart from the issue of punitive and discriminatory alternative service, the phrase “accessible to all conscientious objectors” referred to problems as for the procedure of examination and discrimination based on different grounds of conscientious objection. However, neither of these two issues has been adequately addressed.

- “136.16 Consider changes in legislation and practice in order to ensure that individuals who express conscientious objection to compulsory military service on the grounds of freedom of thought, conscience, disability, and/or religion do not face harassment or prosecution, and that they have the opportunity to perform civilian service of equal length to the one of military service (Slovenia);”

23. This recommendation raised the issue of punishment of conscientious objectors. Furthermore, the

phrase “have the opportunity to perform” appears referring to the issue of the procedures. Finally, this recommendation refers to alternative civilian service of equal length to the one of military service, following the standard of the European Parliament.^{xxxvi} None of these issues has been adequately addressed.

SUGGESTED RECOMMENDATIONS FOR THE 3rd CYCLE OF THE UPR:

1) “Consider changes in legislation and practice in order to ensure that all individuals who express conscientious objection to compulsory military service on the grounds of conscience, and/or religion do not face harassment or prosecution, and that they all have the opportunity, without discrimination, to perform civilian service of equal length to the one of military service;”

Explanatory Note: this recommendation is based on the previous recommendation of Slovenia, but it is emphasised that it should concern all conscientious objectors without discrimination.

2) “Take measures to review legislation with a view to recognizing the right to conscientious objection to military service, encompassing an alternative to military service that is accessible to all conscientious objectors and not punitive or discriminatory in terms of its nature, cost or duration. Avoid punishment, especially repetitive one in violation of the *ne bis in idem* principle, and consider placing the assessment of applications for conscientious objector status under the full control of civilian authorities.”

Explanatory Note: this recommendation is based on the concluding observations of the Human Rights Committee, echoed by successive Special Rapporteurs on freedom of religion or belief.

3) “Bring legislation and practice concerning conscientious objectors in line with international and regional human rights standards, and provide effective remedy, including adequate reparations, to all conscientious objectors who have suffered violations of human rights until such legislative reform takes place.”

Explanatory Note: this recommendation emphasises that any legislative reform is not sufficient unless it is accompanied by effective remedy, including reparations, for the previous human rights violations.

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- ⁱ International Institute for Strategic Studies, *The Military Balance 2020*, p. 111.
- ⁱⁱ UN Human Rights Committee, Concluding observations on the second periodic report of Greece, (CCPR/C/GRC/CO/2), 3 December 2015, paras. 37-38; UN Human Rights Council, Report of the Working Group on the Universal Periodic Review, Greece, (A/HRC/33/7), 8 July 2016, recommendation 136.15 (Uruguay), 136.16 (Slovenia); ECtHR, *CASE OF PAPAVALAKIS v. GREECE*, Application No 66899/14, 15.9.2016; UN Special Rapporteur on freedom of religion or belief, *Communication GRC 3/2016*, 31 October 2016; ECSR, *Conclusions XXI-1 - Greece - Article 1-2*, para. 3. Other aspects of the right to earn one's living in an occupation freely entered upon. Service alternative to military service; OHCHR, *Conscientious objection to military service*, Analytical report of the Office of the United Nations High Commissioner for Human Rights, (A/HRC/35/4), 1 May 2017, paras. 18 (note 29), 51, 53, 54 (note 77); OHCHR, *Approaches and challenges with regard to application procedures for obtaining the status of conscientious objector to military service in accordance with human rights standards*, (A/HRC/41/23), 24 May 2019, paras. 7, 24, 29, 34, 36 (note 47), 38 (note 49), 41, 46-47; UN Special Rapporteur on freedom of religion or belief, *Communication GRC 3/2019*, 11 July 2019.
- ⁱⁱⁱ Law 4609/2019, especially Articles 22-23, available at: <https://www.e-nomothesia.gr/kat-enoples-dynameis/nomos-4609-2019-phek-67a-3-5-2019.html> (in Greek).
- ^{iv} Unprecedented, Unacceptable and Contrary to International Law, the increase of alternative service for conscientious objectors, Amnesty International, Greek Section, Press Release of 16 October 2019, available at: <https://www.amnesty.gr/news/articles/article/22571/protofanis-aparadekti-kai-antitheti-sto-diethnes-dikaio-i-ayxisi-tis>; Government must uphold its commitments to conscientious objectors, Amnesty International, Greek Section, 15 May 2019, available at <https://www.amnesty.gr/news/press/article/22170/i-kyvernisi-na-tirisei-tis-desmeyseis-tis-pros-toys-antirrisies-syneidisis>;
- Greece: Observations on the Right to Conscientious Objection, Serious Violations of Greece's Obligation towards Conscientious Objectors Remain Unaddressed in Proposed Bill despite Some Positive Steps, 20 March 2019, Index number: EUR 25/0088/2019, available at: <https://www.amnesty.org/en/documents/eur25/0088/2019/en/>.
- ^v UN Special Rapporteur on freedom of religion or belief, *Communication GRC 3/2019*, 11 July 2019.
- ^{vi} UN Human Rights Committee, Concluding observations on the second periodic report of Greece, (CCPR/C/GRC/CO/2), 3 December 2015, para. 38.
- ^{vii} Law 3883/2010, article 78, passage k [ια], which has amended the sub-paragraph d of the renumbered paragraph 2 of article 64 of the law 3421/2005. Joint ministerial decision 2/24407/0022/09-06-2005 (Official Journal Vol. B. 858) titled "Definition of monthly compensation of conscientious objectors".
- ^{viii} Replies of Greece to the list of issues, (E/C.12/GRC/Q/2/Add.1), 6 August 2015, para. 54. Available at: <http://www.undocs.org/E/C.12/GRC/Q/2/Add.1>
- ^{ix} UN Committee on Economic, Social and Cultural Rights, Concluding observations on the second periodic report of Greece, (E/C.12/GRC/CO/2), 27 October 2015, paras. 19-20. Available at: <http://www.undocs.org/E/C.12/GRC/CO/2>
- ^x Law 4361/2016, Article 12, para. 9.
- ^{xi} UN Human Rights Committee, Concluding observations on the sixth periodic report of the Russian Federation, (CCPR/C/RUS/CO/6), 24 November 2009, para. 23. Available at <http://undocs.org/CCPR/C/RUS/CO/6>
- ^{xii} UN Human Rights Committee, Concluding observations on the second periodic report of Greece, (CCPR/C/GRC/CO/2), 3 December 2015, para. 38. Available at <http://undocs.org/CCPR/C/GRC/CO/2>
- ^{xiii} GNCHR, Recommendations regarding Conscientious Objectors and the Scheme of Alternative Civil-Social Service, 10.6.2004, recommendation h. Available at: http://www.nchr.gr/images/English_Site/ANTIRRISIES/Conscientious_of_objectors_2004.pdf
- ^{xiv} Submission of the GNCHR to the quadrennial analytical report 2017 on conscientious objection to military service of the UN High Commissioner of Human Rights, p. 10. Available at: <https://www.nchr.gr/en/decisions-positions/68-conscientious-objectors/324-submission-of-the-gnchr-to-the-quadrennial-analytical-report-2017-on-conscientious-objection-to-military-service-of-the-un-high-commissioner-of-human-rights.html>
- ^{xv} UN Human Rights Committee, Concluding observations on the second periodic report of Greece, (CCPR/C/GRC/CO/2), 3 December 2015, paras. 37-38
- ^{xvi} UN Special Rapporteur on freedom of religion or belief, *Communication GRC 3/2016*, 31 October 2016. UN Special Rapporteur on freedom of religion or belief, *Communication GRC 3/2019*, 11 July 2019.
- ^{xvii} Joint Decision of the Deputy Minister of Finance and the Deputy Minister of National Defence Φ.421.4/7/228631/Σ.6400/24-09-2019 (Official Journal vol. B 3697/4-10-2019).
- ^{xviii} Joint Decision of the Alternate Minister of Finance and the Deputy Minister of National Defence Φ.421.4/1/322490/Σ.1493/26-02-2021 (Official Journal vol. B 853/4-3-2021).
- ^{xix} OHCHR, *Approaches and challenges with regard to application procedures for obtaining the status of conscientious objector to military service in accordance with human rights standards*, (A/HRC/41/23), 24 May 2019, para. 60, criterion (l).
- ^{xx} European Parliament, Resolution on respect for human rights in the European Community (annual report of the

European Parliament), (A3-0025/93), 11 March 1993, para. 51, as it has been published in the Official Journal of the European Communities C 115, 26 April 1993, [Minutes of the sitting of Thursday, 11 March 1993](#), page 183. Resolution on conscientious objection in the Member States of the Community, (A3-0411/93), 19 January 1994, para. 9, as it has been published in the Official Journal of the European Communities C 44, 14 February 1994, [Minutes of the sitting of Wednesday, 19 January 1994](#), page 105.

^{xxi} Resolution on the situation concerning basic rights in the European Union (2001) (2001/2014(INI)), para 42, text adopted on 15 January 2003, available at: <http://www.europarl.europa.eu/sides/getDoc.do?pubRef=-//EP//TEXT+TA+P5-TA-2003-0012+0+DOC+XML+V0//EN>

^{xxii} UN Human Rights Committee, Concluding observations on the second periodic report of Greece, (CCPR/C/GRC/CO/2), 3 December 2015, paras. 37-38.

^{xxiii} ECtHR, [CASE OF PAPAVALAKIS v. GREECE](#), Application No 66899/14, 15.9.2016

^{xxiv} Article 23 para. 2 of Law 4609/2019 (in Greek).

^{xxv} https://www.efsyn.gr/ellada/koinonia/186788_meteores-diataxeis-gia-antirrisies-syneidisis

^{xxvi} See for example, Amnesty International, “Greece: Stop arbitrary prosecutions and arrests of conscientious objectors”, 4 November 2013, Index number: EUR 25/017/2013. <https://www.amnesty.org/en/documents/eur25/017/2013/en/>
Amnesty International, Annual Report 2017/2018, Greece. <https://www.amnesty.org/en/countries/europe-and-central-asia/greece/report-greece/>

^{xxvii} Law 3421/2005, article 65, para. 1.

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

^{xxix} UN Special Rapporteur on freedom of religion or belief, [Communication GRC 3/2016](#), 31 October 2016. UN Special Rapporteur on freedom of religion or belief, [Communication GRC 3/2019](#), 11 July 2019.

^{xxx} Working Group on Arbitrary Detention, Opinion 16/2008 (Turkey), para. 39. Available at <http://undocs.org/A/HRC/10/21/Add.1> (p. 139). And previously:

Opinion No. 24/2003 (Israel), para. 30-31. Available at <http://undocs.org/E/CN.4/2005/6/Add.1> (p. 18)

Opinion No. 36/1999 (Turkey) para. 10. Available at <http://undocs.org/E/Cn.4/2001/14/add.1> (p. 53)

^{xxxi} United Nations, Economic and Social Council, Commission on Human Rights, Report of the Working Group on Arbitrary Detention “Civil and political rights, including the question of torture and detention”, ([E/CN.4/2000/4](#)), (Recommendation 2: detention of conscientious objectors), paras. 91-94.

^{xxxii} Law 4361/2016, Article 12, para. 8.

^{xxxiii} Amnesty International, “Greece: conscientious objectors must not be penalized”, 05/06/2001, AI Index EUR 25/002/2001. Available at: <https://www.amnesty.org/en/documents/EUR25/002/2001/en/>

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^{xxxiv} UN Human Rights Council, Report of the Working Group on the Universal Periodic Review, Greece, ([A/HRC/33/7](#)), 8 July 2016, recommendation 136.15 (Uruguay), 136.16 (Slovenia).

^{xxxv} UN Human Rights Council, Report of the Working Group on the Universal Periodic Review, Greece, Addendum, Views on conclusions and/or recommendations, voluntary commitments and replies presented by the State under review, ([A/HRC/33/7/Add.1](#)), 2 September 2016, p. 3.

^{xxxvi} European Parliament, Resolution on respect for human rights in the European Community (annual report of the European Parliament), (A3-0025/93), 11 March 1993, para. 51, as it has been published in the Official Journal of the European Communities C 115, 26 April 1993, [Minutes of the sitting of Thursday, 11 March 1993](#), page 183. Resolution on conscientious objection in the Member States of the Community, (A3-0411/93), 19 January 1994, para. 9, as it has been published in the Official Journal of the European Communities C 44, 14 February 1994, [Minutes of the sitting of Wednesday, 19 January 1994](#), page 105. Resolution on the situation concerning basic rights in the European Union (2001) (2001/2014(INI)), para 42, text adopted on 15 January 2003, available at:

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