

**DECISION ON ADMISSIBILITY**

**COMPLAINT No. 8/2000**

By the Quaker Council for European Affairs (QCEA)  
against Greece

The European Committee of Social Rights, committee of independent experts established under Article 25 of the European Social Charter (hereafter referred to as "the Committee"), during its 170<sup>th</sup> session attended by:

Messrs    Matti MIKKOLA, President  
              Rolf BIRK, First Vice-President  
              Stein EVJU, Second Vice-President  
              Konrad GRILLBERGER  
              Alfredo BRUTO DA COSTA  
Ms            Micheline JAMOULLE  
Messrs    Nikitas ALIPRANTIS  
              Tekin AKILLIOĞLU

Assisted by Mr Régis BRILLAT, Executive Secretary of the European Social Charter

In the presence of Ms Anna-Juliette POUYAT, observer from the International Labour Organisation

Having regard to the complaint registered as number 8/2000, lodged on 10 March 2000 by the Quaker Council for European Affairs (hereafter referred to as "the QCEA"), represented by Mr Richard Seebohm, requesting that the Committee find that Greece fails to apply in a satisfactory manner Article 1 para. 2 (prohibition of forced labour) of the European Social Charter ("the Charter");

Having regard to the documents appended to the complaint;

Having regard to the observations presented on 8 June 2000 by the Greek Government;

Having regard to the Charter and in particular Article 1 para. 2 which reads as follows:

## **Part II**

### **Article 1 – The right to work**

“With a view to ensuring the effective exercise of the right to work, the Contracting Parties undertake:

[...]

2. to protect effectively the right of the worker to earn his living in an occupation freely entered upon;

[...]”

Having regard to the Additional Protocol to the European Social Charter providing for a system of collective complaints;

Having regard to the rules of procedure adopted by the Committee on 9 September 1999 at its 163rd session;

After having deliberated on 28 June 2000;

Delivers the following decision, adopted on the above date:

1. The QCEA indicates that, according to its statute, its objective is to bring to the attention of the European international organisations the concerns of the European members of the Religious Society of Friends (Quakers). These concerns cover the fields of peace, human rights and economic justice.

2. It recalls that Act No. 2510/1997, which entered into force on 1 January 1998, permits conscientious objectors to perform civil service instead of military service. It alleges that the terms of this law and its application in practice are punitive. It draws attention to the conditions under which civil service is performed: a duration which exceeds the duration of normal military service by eighteen months, long working hours, denial of weekly rest period or holidays. It maintains that, carried out in these conditions, civil service amounts to forced labour and is, therefore, contrary to Article 1 para. 2 of the Charter.

3. In its observations the Greek Government does not contest that the complaint meets the admissibility conditions laid down by Articles 1 b) and 4 of the Additional Protocol.

4. However, the Greek Government maintains that the complaint is inadmissible on the following grounds:

- it is not clear from the complaint that the QCEA engages in any activity that makes it particularly qualified, within the meaning of Article 3 of the Protocol, in the field of the protection of the right to work;

- the provisions of Act No. 2510/1997, which entered into force on 1 January 1998, which provide for civil service instead of military service, do not come within the scope of Article 1 para. 2 of the Charter, which prohibits forced labour;
- the complaint is without foundation. The Government relies on several arguments and stresses in particular the fact that those who obtain the status of conscientious objector may freely choose between unarmed military service and civil service as an alternative to military service cannot, in any case, be considered a violation of Article 1 para. 2 of the Charter.

*As to the conditions of admissibility laid down by the Protocol and the rules of procedure of the Committee*

5. The Committee notes that, in accordance with Article 4 of the Protocol, which was ratified by Greece on 18 June 1998 and which entered into force in relation to Greece on 1 August 1998, the complaint has been lodged in writing and relates to Article 1 para. 2, a provision accepted by Greece on 6 June 1984 upon its ratification of the Charter.

6. It further notes that, in accordance with Article 1 b) and Article 3 of the Protocol, the QCEA is an international non-governmental organisation with consultative status with the Council of Europe. In addition, it is included on the list, established by the Governmental Committee, of international non-governmental organisations which are entitled to lodge complaints.

7. Moreover, the complaint lodged on behalf of the QCEA is signed by Mr. Richard Seeböhm, who is the organisations' representative, as attested by an extract from the *Moniteur belge*, included in the file. The Committee considers that the condition set out in Rule 20 of its Rules of Procedure is fulfilled.

*As to the plea of inadmissibility raised by the Greek Government*

8. The Committee finds confirmation in the statute of the QCEA that it is an international non-governmental organisation whose objective is to promote the traditions of the Religious Society of Friends (Quakers). To this end, its task is to bring to the attention of the European institutions the concerns of the members of this society, which relate to peace, human rights and economic justice.

9. The Committee therefore considers that the QCEA has introduced a complaint in a field in which it has particular competence within the meaning of Article 3 of the Protocol.

10. The Committee further considers that the arguments relied on by the Greek Government according to which the complaint does not come within the scope of Article 1 para. 2 and that it is without foundation in this case pertain to the merits of the complaint.

11. Therefore, the Committee considers that the pleas of inadmissibility raised by the Greek Government cannot be sustained.

12. For these reasons, the Committee, on the basis of the report presented by Mr. Tekin AKILLIOĞLU, and without prejudice to its decision on the merits of the complaint,

**DECLARES THE COMPLAINT ADMISSIBLE,**

In application of Article 7 para. 1 of the Protocol, requests the Executive Secretary to inform the Contracting Parties to the Charter and the Revised Charter that the present complaint is admissible,

Invites the Greek Government to submit in writing by 30 August 2000 all relevant explanations or information,

Invites the Contracting Parties to the Protocol to communicate to it by the same date any observations which they wish to submit,

Invites QCEA to submit in writing by a deadline which it shall fix all relevant explanations or information in response to the observations of the Greek Government,

In application of Article 7 para. 2 of the Protocol, requests the Executive Secretary to inform the international organisations of employers or workers mentioned in Article 27 para. 2 of the Charter and to invite them to submit their observations by 30 August 2000.

Tekin AKILLIOĞLU  
Rapporteur

Matti MIKKOLA  
President

Régis BRILLAT  
Executive Secretary