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ENGLISH only

*PERMANENT MISSION OF GREECE TO THE OSCE*

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**VERBAL NOTE**

The Permanent Mission of Greece to the Organization for Security and Cooperation in Europe (OSCE) presents its compliments to the Permanent Missions and Delegations of all participating States and to the Conflict Prevention Center (CPC) and has the honour to provide, attached herewith, Greece's response to the Questionnaire on the Code of Conduct on Politico-Military Aspects of Security for 2013.

The Permanent Mission of Greece to the OSCE avails itself of this opportunity to renew to the Permanent Missions and Delegations of all participating States to the OSCE and to the Conflict Prevention Center (CPC) the assurances of its highest consideration

Vienna, 10 April 2013

To: - All Permanent Missions and Delegations  
of all OSCE participating States  
- The Conflict Prevention Center

*In Town*

**G R E E C E**

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**Information Exchange on the Code of Conduct on  
Politico-Military Aspects of Security****Section I: Inter- State Elements****1. Account of measures to prevent and combat terrorism.****1.1 To which agreements and arrangements (universal, regional, sub-regional and bilateral) related to preventing and combating terrorism is your State a party?**

For prevention and suppression of terrorism, Greece follows the procedures determined by the E.U. strategy on the fight against terrorism, within the framework of work and decisions of the Council of JHA Ministers. Also, Greece participates and cooperates with the U.N., INTERPOL, EUROPOL, SIRENE National Bureau of E.U. Member States, SECI (South Eastern Cooperation Initiative), SEECF (South Eastern Cooperation Process), BSEC (Black Sea Economic Cooperation) and Adriatic-Ionian Initiative. Furthermore, for the same purpose, Greece has concluded bilateral Police Cooperation Agreements with (20) countries (EGYPT, ALBANIA, ARMENIA, BOSNIA-HERZEGOVINA, BULGARIA, ISRAEL, ITALY, CHINA, CROATIA, CYPRUS, LITHUANIA, MALTA, UKRAINE, HUNGARY, PAKISTAN, POLAND, ROMANIA, RUSSIA, SLOVENIA and TURKEY).

**1.2 What national legislation has been adopted in your State to Implement the above-mentioned agreements and arrangements?**

Implementation of the above Agreements is always done through confirmatory Acts passed by the Greek Parliament (e.g. South Eastern Cooperation Initiative-2865/2000 Act, BSEC-2925/2001 Act), while further arrangements and enforcing protocols are put in force after respective Presidential Decrees, as provided by the relevant confirmatory Act (e.g. Implementation of the Decision SA 1671/2006 through the P.C. 87/2007).

**1.3 What are the roles and missions of military, paramilitary and security forces and the police in preventing and combating terrorism in your State?**

The Hellenic Armed Forces do not have counter terrorism powers or jurisdiction. Hellenic internal legislation reserves this role for the police and the internal security forces. More specifically in Greece, the competent agency for the prevention and suppression of terrorism is the Hellenic Police, having jurisdiction throughout Greek territory. The Hellenic Police have special services for the above purpose, at strategic (State Security Division) and operational (Special Violent Crimes Division/ Counter-terrorism Service) levels, whose work is supervised by an independent Special Public Prosecutor, who is also the National Coordinator on matters concerning the fight against terrorism.

The Hellenic Police cooperate with the Port Police, having respective competences for sea areas, while the Armed Forces of the country play a supporting role mainly regarding the provision of information and resources, if necessary.

It goes without saying that any relevant information gathered by armed forces services is forwarded to the National Intelligence Agency (EYP in Greek). EYP comes directly under the "Minister of Public Order and Citizen Protection". Nevertheless, the Hellenic Armed Forces, following a decision by the Government Council for Foreign and Defence Affairs (GCFDA), may participate in a counter terrorism mission outside Greek territory, e.g. when participating in multinational operations, based on the mandates of the UN or other International Organizations.

#### **1.4 Provide any additional relevant Information on national efforts to prevent and combat terrorism, e.g., those pertaining Inter alia to:**

- **Financing of terrorism.**
- **Border controls.**
- **Travel document security.**
- **Container and supply chain security.**
- **Security of radioactive sources.**
- **Use of the internet and other Information networks for terrorist purposes.**
- **Legal co-operation including extradition.**
- **Safe havens and shelter to terrorists and terrorist organizations.**

- **Financing of terrorism**

The Hellenic Police, in the context of countering the financing of terrorism, as one of its main priorities, collects information and carries out investigations in cooperation with the **Authority for Anti-Money Laundering, Counter-Terrorist Financing and Investigation of the Source of Funds' Declarations**, following the renaming of the «Committee on Anti-Money Laundering and Counter-Terrorist Financing» in accordance with the Law 3932/2011, by which the Law 3691/2008 has been amended.

The afore mentioned Authority is the national unit on Anti-Money Laundering, Counter-Terrorist Financing and the Investigation of the Source of Funds' Declarations and contributes to the security and stability of the fiscal and economic policy. The Authority's work is, according to Law 3691/2008, as amended by the Law 3932/2011, to collect, analyze, investigate and elaborate on the reports for suspect transactions, which are conveyed to it by the obligated legal and natural persons as well as on any other information sent to the authority regarding the offences of money laundering, terrorist financing and the investigation of the source of funds' declarations.

The Authority's operation, issues, composition and competencies are set out by article 7, 7A, 7B, 7G, 49 & 49A of Law 3691/2008, as amended by Law 3932/2011. The Authority is expressly provided by the above provisions that is absolutely independent.

The Authority has been restructured in the following three (3) Units:

- Unit A for Financial Intelligence Investigation. The Unit shall be composed of the President and seven members (7) of the Authority.
- Unit B for Financial Sanctions against Terrorism Suspects. The Unit shall be composed of the President and two members (2) of the Authority.
- Unit C for the Investigation of the Source of Funds' Declarations. The Unit shall be composed of the President and two members (2) of the Authority (the Declaration of the Source of Funds of the obligated entities shall be submitted to Unit C according to the above mentioned laws).

Unit B or «Financial Sanctions Unit», shall be responsible for taking the actions described in the legislation hereof, in respect of the implementation of the measure concerning the freezing of assets imposed by UN Security Council Decisions and EU Regulations, and therefore it informs on the same day the obligated persons as of article 5, Law 3691/2008, by posting on the internet the respective Regulations. Simultaneously, Unit B shall be responsible for designating the natural or legal persons or entities, which are related to terrorism, and the freezing of their assets. Specifically, the Unit shall be responsible to designate, as related to terrorism, natural or legal persons or entities activities who reside, are based, hold or control assets in Greece, and who committed or commit or attempt to commit terrorist acts, participate or in any way facilitate the commitment of such acts, according to accurate information or evidence submitted by other authorities. Furthermore, the Unit shall compile and observe a list of names of designated natural and legal persons or entities related to terrorism, accompanied by sufficient supplementary identification data.

It is interesting to stress out that by the recent amendment of article 187A of the Penal Code the definition of financing of terrorism is expanded and specifically as set out in par. 6 of the above mentioned article:

1. "Whoever provides any kind of assets, tangible or intangible, movable or immovable or any kind of financial instruments, regardless of their mode of acquisition, to a terrorist organization or an individual terrorist or for setting up a terrorist organization or for someone to become a terrorist or whoever receives, collects or manages any such assets or instruments with reference to the above, irrespective of the commission of any of the offenses referred to in paragraph 1, shall be punished with incarceration of up to ten years. With the same penalty is also punished whoever provides substantial information, with knowledge of such information being used in the future, to facilitate or support the commission by a terrorist organization or an individual terrorist of any of the felonies referred to in par. 1"

2. The significant and especially important element of the above legal provision derives from the fact that punishable behavior is not only the financing by any means of a terrorist organization or of an individual terrorist (defined as such) but also providing any kind of assets etc. in order for "someone to become a terrorist". Such provision includes:

- a) the provocation (even non public) for commission of a terrorist crime,
- b) the recruitment of terrorists
- c) the training of terrorists
- d) the entrapment-hatching-slippage-manipulation of someone, even beyond his knowledge, in order to become a terrorist.

3. The above-mentioned under par. 2 a), b) and c) behaviors are included in the Decision-Framework 2008/919/JHA as well as in the Warsaw Treaty of 2005. The criminal's (financier's) pursuit to make someone a terrorist through the financing, without this behavior to constitute abetting in committing a terrorist act or in participating in a terrorist organization, imprints the Greek experience of confronting a specific terrorist organization ("17 November").

4. Practical meaning of the above provision:

- a) by implementing the above "intentional crime", the PRE - preventive suppression of the financing of terrorism is achieved.

b) the punishable of the financing becomes independent from the commission of a terrorist crime.

c) The provocation of risk for the Public Order, is not a condition for the punishable, therefore there is jurisdiction for the prosecution of this crime (financing of terrorism) independently of the country in which the designed terrorist crime will take place.

– In the context of the European Union, the Hellenic Police have developed direct operation with EUROPOL, via the National Unit, both for exchange of information and operational level (investigations). Also, it develops cooperation with EU Member States in the context of the relevant Action Plan for the fight against financing of terrorism.

– Furthermore, the Hellenic Police participates in Police Missions of the European Union in the Balkans (Kosovo and BiH), while the selecting procedure for the Mission in Afghanistan, is pending. Also, the Hellenic Police regularly attends international meetings where different projects are carried out, related to international terrorism and organized crime.

– Finally, the Hellenic Police implement methodically the relevant Resolutions of the UN Security Council (1267/1999, 1333/2000, 1373/2001, 1930/2002, 1526/2004), putting into force the measures against Osama Bin Laden, Taliban, AL-QAIDA Network, and other persons, groups or entities connected with them.

– It should be noted that the National Legislation has taken into account UNSC Resolution 1373/2001, as well as the International Convention on suppression of financing of terrorism, and the Directive 2001/97 E.G. of the European Parliament and the Council, for the prevention of the use of the financial system for the legitimation of proceeds coming from criminal activities.

## **- Border Controls**

- Being the competent service for border controls in the country, the Hellenic Police concentrate on specific actions aiming at the prevention of the legal or illegal entry of persons who may be connected to terrorism. In particular, important efforts are made, both during procedures of entry and exit, for:

- Identification of travel documents which have been registered in the database of the Schengen Information System (S.I.S.)

- Identification of travel documents which have been registered in the national database and may relate, in any manner, to terrorist activity

- Further examination and investigation for forged travel documents identified during entry control

### **- Safety of traveling documents**

- **Travel document security**

“Under Act 3103/2003, the supervision and control of passport issuance was assigned to the Hellenic Police, which set up a special Service in charge of these tasks.

#### **- *Implementation of relevant international standards.***

In order to plan the organization and operation of the Passports Division, we took into consideration the Council Regulation (EC) No. 2252/2004 on standards for

security features and biometrics in the passports and the travel documents of the Member States as well as the guidance contained in ICAO's Doc 9303.

- ***Changes to the institutional framework.***

In 2011, there have been no changes to the institutional framework concerning passports.

- ***Introduction of electronic passports.***

The printing of Greek electronic passports started on 26-8-2006.

- ***Participation in the ICAO Public Key Directory.***

Our country does not participate in the Public Key Directory of the International Civil Aviation Organization (ICAO PKD), but it will reconsider the possibility of participation when the annual membership fee decreases, as it is expected to happen with the participation of further countries.

- ***Use of new biometric technologies (face, fingerprint, iris etc.).***

The Greek passports include, apart from the holder's photo (for all citizens), the fingerprints of the two digits (for all citizens age 12 and above).

- ***Reporting of lost and stolen travel documents to the relevant INTERPOL database (SLTD).***

Once a (new type) Greek passport is reported as lost/stolen to the competent authorities, the transmission of data to the Passports Division is carried out in accordance with the relevant legislation either immediately or, in exceptional case where this not possible, within three (3) hours. Subsequently, the competent/authorized personnel of our Division invalidate the lost/stolen document by entering it in the relevant records kept on our Service's computer system as well as in the national database and the Schengen database. The entry of lost/stolen passports data in Interpol's General Secretariat database is carried out by authorized police officers of the 4<sup>th</sup> Department of International Organizations – Interpol/ International Police Cooperation Division / Hellenic Police Headquarters, who draw the requested data out of the national database and enter them in Interpol's General Secretariat database using a specific automated procedure.

- ***Vigilance and transmission of information on detected counterfeit travel documents to the National Authorities.***

The Passports Division of the Hellenic Police provides immediately, through the International Police Cooperation Division, all necessary information on the legality/authenticity of the passports in circulation.

- ***International cooperation/ technical assistance activities.***

The Passports Division of the Hellenic Police participates with its representatives in various European Union working groups specialized in the study and elaboration of technical specifications for travel documents.

- The issuing of the modern type of new travel documents and the high quality of new passports (biometrical) have facilitated American Authorities in applying the visa waiver procedure for Greek citizens.

- ***Safety of containers and equipment chain***

- In cooperation with Customs and Port Police, common operations are held aiming at identifying activities or items which may relate to activities (support etc.) concerning terrorism. Similar operations are held with the cooperation of Member States and co-responsible organizations (e.g. EUROPOL) of EU.

- Safety of radioactive sources
- The competent agency for the controlling the acquisition, disposal and management of radioactive sources is the Hellenic Atomic Energy Committee. This body, in ensuring the safety from radioactive sources, uses technologies for detection of radiation as in the form of fixed facilities as portable detectors at major transit points (International airport of Athens, Port of Piraeus (commercial and passenger terminal), land borders, coastline, e.t.c.). In addition, the illegal trafficking of radioactive sources are dealt with as an offence by the Hellenic Legislation. The said Committee helps the competent Services of the country which are responsible for the operational field dealing with incidents with radioactive material (e.g. Fire Brigade).

#### **- Use of Internet and other Information networks for terrorist purposes**

The Hellenic Police, considering that this is a very important issue, of permanent public interest, follows regularly every relevant activity, and is informed in the context of E.U. and international meetings (e.g. OSCE) for any relevant development and the international best practices.

Since 2006, a Special Office exists at the Counter-terrorist Service, whose exclusive duty is to monitor the Internet for purposes of terrorist propaganda and recruitment. For the same purpose, in the context of the European project "Check the Web", it cooperates with EUROPOL and the participating countries in a common effort to deal with this phenomenon. No cases of misuse of Internet for terrorist purposes have been detected so far.

#### **- Legal cooperation. Including extraditions**

- The 1957 European Convention on Extradition was incorporated in the Hellenic legislation in 1961 and applies since then with any improvement of amendments (Ratification of the Convention on extradition between E.U. Member States - Dublin Convention 1996, which was incorporated, on 26/5/1999, in the national law). Also, Greece has signed trans-national agreements (see ques. 1.1) which include extradition matters. In case of any relevant arisen matter concerning a country which has not concluded such an agreement, the extraditions are carried out in the context of mutuality, as international law provides for.

#### **- Safe areas and shelters for the terrorists and terrorist organizations**

- Greece, with respect to the international law and the relevant Resolutions of the U.N. Security Council, imposes the relevant sanctions, so that individuals, groups or entities involved in terrorist activities do not consider our country as a favourable and attractive field for pursuing their activities.

- At the same time, our country, as an E.U. Member State, participates in the "Working Group on Implementation of the Common Position 2001/931/CP on implementation of special measures for the fight against terrorism".

Also, all necessary procedures are implemented during entry of aliens in the country, as well as strict security controls before the issue of a residence permit.

## **2. Stationing of armed forces on foreign territory.**

### **2.1 Provide Information on stationing of your States aimed forces on the territory of other participating States in accordance with freely negotiated agreements as well as in accordance with international law.**

This subject is a responsibility of the Ministry of National Defence. However, Greek Police officers who have been seconded at peace-keeping missions with non-military resources in the EU context (LEX-EU), have been previously informed on a series of matters, such as prevention, and they are able to perform any relevant duty in the context of their mission.

The GCFDA decides the assignment of national forces, including the stationing of armed forces, in other countries on the basis of international commitments.

The Minister of National Defence implements the military aspects of Government policy with regard to international organizations, and also implements the decisions of the Government concerning the participation of Hellenic forces in exercises conducted in the context of the Alliance or other intra-state agreements.

The status of the personnel of the Hellenic Armed Forces stationed abroad is determined, as regards their general duties in terms of international law, by the UN Charter and by the specific legal foundation of the Mission in which they participate, established by UNSC resolutions, by NATO or EU decisions, by other international agreements or mandates of international Organizations.

Greece is a Party to the Agreement between the Parties to the North Atlantic Treaty regarding the Status of their Forces (NATO SOFA, signed in London on June 19, 1951), as well as to the Agreement between NATO and PfP countries regarding the status of their Forces (PfP SOFA, signed in Brussels on June 19, 1995), as well as to the Agreement between the Member States of the EU concerning the status of their Military and Civilian Staff (EU SOFA, signed in Brussels on November 17, 2003).

## **3. Implementation of other international commitments related to the Code of Conduct**

### **3.1 Provide Information on how your State ensures that commitments in the field of arms control, disarmament and confidence-and security-building as an element of indivisible security are implemented in good faith.**

Greece as party to the arms control agreements, such as the CFE Treaty, Vienna Document 2011, Open Skies Treaty e.t.c, implements all the obligations set forth in the aforementioned documents, in good faith.

In this context, our country carries out annually a number of inspection and evaluation missions in other States' territories and provides the foreseen military information to all OSCE member States.

In addition, Greece receives inspection and evaluation missions and corresponds to the actions that have been agreed upon by the Organization.

Regarding the competences of the Hellenic Police, Greece responds, on a multi-dimensional level, to its obligations stemming from the signing of trans-national



bilateral cooperation agreements with neighbouring countries and from its participation in international and regional Organizations. The Hellenic Police carry out systematic controls on persons and transport means entering our country via authorized entry points (land and sea), investigate in depth the cases at hand in order to identify and disband networks. The Hellenic Police actively suppress illegal activities in areas presenting intense problems of trafficking, possession and use of weapons in cooperation with local agencies.

### **3.2 Provide Information on how your State pursues arms control, disarmament and confidence-and security-building measures with a view to enhancing security and stability in the OSCE area.**

Greece contributes to the enforcement of stability, security and cooperation among the participating States of the OSCE aiming to eliminate the tensions in the concerned areas.

Greece, as a participating State of the OSCE, attributes a special importance to the role that the OSCE participating in its initiatives with a view to enhancing the OSCE's strength and utilizing its possibilities in crisis prevention and management.

In order to promote and ensure confidence and security in the OSCE area, our country steadily supports the initiatives of the Organization implementing a number of confidence and security building measures in the arms control field.

The Hellenic Police, in the context of its counter criminal policy, have - as a first priority - increased the number of confiscation concerning illegally possessed firearms, concentrating its efforts on the control of the legal trafficking of weapons during all stages and on the control of illegal trafficking in general. In this direction, a data base has been set up for reliable - timely exchange of information and detection of weapons. In addition, our country has begun the procedure to amend the national legislation on weapons, in order to develop the ability to respond to the modern forms of crime and to be fully harmonized with the European acquis.

Also, all competent enforcement authorities, of our country are in direct and constant cooperation with each other as well as with the respective authorities of the countries from which the imported or transferred weapons come, in order to prevent and suppress cases of illegal trafficking of weapons from country to country.

## **Section II: Intra-State elements**

### **1. National planning and decision-making process.**

#### **1.1 What is the national planning and decision-making process in determining/approving military posture and defence expenditures in your State?**

The Government determines the national defence policy and commands the Armed Forces through the GCFDA.

The GCFDA is a decision-making Governmental Body dealing with foreign and defence affairs. It formulates defence policy, approves long-term programming concerning defense capabilities, including major procurement programs of the Armed

Forces, and evaluates crisis situations. It is chaired by the Prime Minister, and its members are, among others, the Ministers of Foreign Affairs, National Defence, National Economy, the Chief of the Hellenic National Defence General Staff (HNDGS) and other Ministers, depending on the case or issue under discussion.

The Ministry of National Defence under whose purview the Greek Armed Forces are placed, implements the national defence strategy based on the defence policy set out by the GCFDA.

The Parliament passes defence laws and other legislation concerning the Armed Forces and approves the defence budget.

Greek Armed Forces carry out, on annual basis, a 15-year long term and a 3-year medium term, defence procurement plan. The Defence Budget is part of the overall State budget and is approved on an annual basis by the Hellenic Parliament.

## **1.2 How does your State ensure that its military capabilities take into account the legitimate security concerns of other States as well as the need to contribute to international security and stability?**

Greece as stipulated in the 2<sup>nd</sup> Article of the Constitution, abiding by the generally recognised rules of International Law, aims to consolidate peace and justice as well as develop friendly relations between peoples and states. It undertakes the general obligations arising from the UN Charter and from its participation in other international security organisations concerning the taking of collective measures, among which the use of military forces for the preservation of international peace and security is included. The legal status for the presence of a UN force in a country arises from articles 104 and 105 of the UN Charter, which provide legal cover, immunity and the required privileges for the mission's execution. In relation to the possible case of participation of the Hellenic Armed Forces in multinational operations in a legal framework which contravenes the Greek legislation, the following apply:

In case a decision is made for a country's forces to take part in a multinational operation, governed by agreements which include provisions which contravene the Greek legislation or for which the issued rules of engagement include provisions which contravene the said legislation, then these texts in order to be applied by our side will have to first be validated by law through the Greek parliament.

## **2. Existing structures and processes.**

### **2.1 What are the constitutionally established procedures for ensuring democratic political control of military, paramilitary and internal security forces, intelligence services and the police?**

The Greek Armed Forces are at all times subject to democratic control. The Government is accountable to Parliament for the defence of the country and is responsible for the administration of, and the control over, the Armed Forces.

The GCFDA which is a governmental and political body formulates the defence policy, appoints the Chiefs of Staff and makes decisions on all important foreign and defence matters.

The Minister of National Defence makes recommendations to the GCFDA and implements the decisions of the latter.

The Parliament is entitled to have access to information and clarification on every action taken by the Government on defence issues, and exercises parliamentary control (exercise of "the right to know"), through the Parliamentary Committee on Defence and Foreign Policy Issues).

The internal security forces are subject to the same civilian control procedures as the Armed Forces, The Government is responsible for the internal security and stability of the country. It appoints the Heads of the internal security forces. The law (legislation passed by the Parliament) determines in detail their functions.

The National Intelligence Service of Greece (GRC NIS-EYP) operates under the direction of the "Minister of Public Order and Citizen Protection", to whom it is directly answerable. The Police, the Fire Brigade and the Coast Guard come under the direction and command of the Ministry for the Protection of the Citizen, to which they are answerable.

## **2.2 How the fulfillment of these procedures ensured and which is constitutionally established authorities/institutions are responsible for exercising these procedures?**

The Parliament is entitled to information and detailed accounts on every action taken by the Government on defence issues, and exercises parliamentary control (exercise of "the right to know"), through the Parliamentary Committee on Defence and Foreign Policy Issues).

The Constitution of Greece provides that the President of the Hellenic Republic is the Commander of the Armed Forces. However, this is an honorary provision. The actual Commander of the Hellenic Armed Forces (by specific Constitutional provision as well) is the Government (Cabinet Council and the GCFDA). As already stated above, the Minister of National Defence makes recommendations to the Cabinet and the GCFDA and implements the decisions of the Government.

## **2.3 What are the roles and missions of military, paramilitary and security forces, and how does your State control that such forces are solely within the constitutional framework?**

The concept of National Defence includes a number of functions and activities developed and monitored by the State with a view to protecting the territorial integrity, the national independence and sovereignty of Greece.

The detailed role and the missions of the Armed Forces are elaborated in the law (Parliament act No 2292/1995 "On the Organization and Function of the Ministry of National Defence and the Command and Control of the Armed Forces" as amended by Parliament Act No 3883/2010), and they are particularized accordingly by the Military Regulations of the Army, the Navy, and the Air Force. The Parliament has a

"right to know" (Parliamentary Committee on Defence and Foreign Policy Issues, Parliamentary Committee on Internal Issues of the State).

The security forces aim at the maintenance of internal stability in the country and the protection of the security and life of Greek and foreign citizens in Greek territory. Their mission is determined in detail by the legislation passed by the Parliament.

### **3. Procedures related to different forces personnel.**

#### **3.1 What kind of procedures for recruitment and call-up of personnel for service in your military, paramilitary and internal security forces does your State have?**

The Constitution of Greece stipulates (art. 4, para. 6) that "every Greek able to bear arms is obliged to contribute to the defence of the Fatherland, in accordance with the provisions of the law".

All Greek men aged 18 years and above, are subject to military conscription on a compulsory basis, in accordance with the rules set out in the "Military Conscription Act". The rules for the recruitment of women for service in times of general mobilization or war are set out in another Parliament Act.

Deferment of service is granted to the conscripts who are entitled to it; they join the Armed Forces at the end of the deferral period granted to them.

Selection of personnel for service in the internal security forces is made on the basis of requirements determined by the specific duties and missions of those forces as indicated above. Service at the security forces is a job and it is paid for.

#### **3.2 What kind of exemptions or alternatives to military service does your State have?**

Greece has enacted legislation providing the possibility for those who, for ideological or religious reasons, refuse to bear arms, to be recognized as conscientious objectors. Those who object to military service have to carry out their civilian/social service in the public sector.

Provisions concerning exceptions from military service (granted to specific categories of conscripts) are included in the "Military Conscription Act".

#### **3.3 What are the legal and administrative procedures to protect the rights of all forces personnel as well as conscripts?**

The rights of all military personnel, including those who serve time limited obligatory duty, are protected by the Constitution. A few exceptions are accepted by the Constitution itself, due to the special legal status of the military as this is defined by their mission: for example, military personnel do not have the right to strike, or to be elected with a political party, or to participate in political activities during their active duty, etc. Apart from that, the legislation that provides for civil, political and social

rights is fully applicable to all kinds of military personnel. All active members of the Armed Forces and the Coast Guard —irrespective of their rank, station, duties, etc— come under the jurisdiction of the Military Judicial System, for any criminal offence they commit, be it an offence of the ordinary Penal Code or of the Military Penal Code or of the general penal legislation (drug offences, weapons related offences, traffic offences, etc). Civilians can never, under any circumstances whatsoever, be tried before a Military Court (to that end there is a specific Constitutional rule). A limited number of specifically described criminal offences are excluded (e.g. offences against police officers while on duty, criminal offences according to the legislation on elections, customs related crimes, etc). The legal status of the members of the Judicial Corps of the Armed Forces is dual, that of a judge and an officer at the same time. The Hellenic Judicial Corps of the Armed Forces is independent in its function and comes directly under the Minister of National Defence from the administrative perspective. The governing body of the Judicial Corps is the «Supreme Judicial Council of the Military Justice Corps». The High Command of the Armed Forces is not allowed to interfere in any way whatsoever with the jurisdictional and administrative issues concerning the Judicial Corps of the Armed Forces.

#### **4. Implementation of other political norms, principles, decisions and international humanitarian law.**

##### **4.1 How does your State ensure that International Humanitarian Law and Law of War are made widely available, e.g., through military training programs and regulations?**

The respect of the individual and the stipulated management of human workforce, are taught at every level of command during the career of officers and non-commissioned officers. The above elements constitute the daily routine of the military personnel from the first moment of their enlistment to the Hellenic Army.

The human factor constitutes a force multiplier and the system's backbone, not only during operations, but also in the daily military life. Military values, military regulations, Military and Common Penal Code in concert with the required attributes and abilities of the leader, create that structure, in which human rights are protected, a fact which constitutes one of the main and foremost aims of the Hellenic Army.

The improvement of personnel's knowledge concerning human rights and the law of war, is achieved through courses of International Law conducted at the Hellenic Military Academy (Evelpidon) and the Non Commissioned Officers Academy (SMY), as well as during the attendance at the Command and General Staff College and the Supreme Joint War College as well as the National Defence College, through lectures and seminars.

Furthermore, the training syllabus of the Hellenic Army's Units, includes educational lectures relevant to the UN's issues as well as issues of Humanitarian Law in general, aiming to keep the personnel up to date on these matters.

A more analytical and detailed programme is conducted as part of "training before deployment", which is attended by personnel participating in the various missions abroad. The said training includes, among others, subjects of Dealing with Violence Escalation and Minimising Collateral Damage (Analysis of the Law for Armed Conflict, National Rules of Engagement and corresponding caveats).

Furthermore, the military and civilian personnel of the Army attends courses at the Multinational Centre of Operations for Peace Support, in relation to human rights, such as:

Children's rights and method of approach by the UN forces.

Treatment – management of women during conduct of operation.

#### **4.2 What has been done to ensure that armed forces personnel are aware of being individually accountable under national and international law for their actions?**

The personnel is informed that it is individually accountable for its actions based on national and international law, on one hand through the cycle of educational – training programmes, courses, lectures and seminars mentioned above and on the other hand through military regulations, directives – guidelines and orders.

#### **4.3 How does your State ensure that armed forces are not used to limit the peaceful and lawful exercise of human and civil rights by persons as individuals or as representatives of groups nor to deprive them of national, religious, cultural, linguistic or ethnic Identity?**

The relevant legislation is fully applicable to the Armed Forces personnel also. Any member of the Armed Forces or any third party who finds that his human, civil, national, religious, cultural, linguistic and ethnic identity rights are violated by acts of the various officials or bodies of the Armed Forces may file a complaint before the competent court authority or tribunal, without prior notification or approval. The national, EU and international (ratified by the Parliament) legislation on the protection of national, religious, cultural, linguistic and ethnic identities and particularities is fully applicable in the domain of the Armed Forces as well.

#### **4.4 What has been done to provide for the individual service member's exercise of his or her civil rights and how does your State ensure that the country's armed forces are politically neutral?**

The rights of all military personnel, including those who serve limited obligatory duty, are protected by the Constitution. Apart from that, the legislation that provides for civil, political and social rights is fully applicable to military personnel of every category. Due to the special legal status of the military as is defined by their mission, military personnel do not have the right to strike, or to be elected with a political party, or to participate in political activities during their active duty, etc.

Gender equality is fully respected by the Hellenic Armed Forces. The equality of the two sexes is constitutionally guaranteed. To this end, the Hellenic Constitution comprises a specially drafted provision By Act of Parliament 3304/2005, EU Directives 2000/43 of June 29 2000 and 2000/78 of November 27 2000 were incorporated in the internal Hellenic legislation. These Directives regulate the issues of equality irrespective of race, religion, nationality, personal beliefs, age, sexual orientation e.t.c, Act 3304/2005 and the Directives are fully applicable to the Armed Forces.

There is also a dedicated Government Authority called General Secretariat for the Equality of Sexes whose directives and regulations are also fully applicable to the Armed Forces.

There is also an Independent Authority the Ombudsman ("Sinigoros tou Politi" in Greek). It was founded in October 1998 and operates under the provisions of Law 3094/1993 as amended by law 3304/2005. The Ombudsman provides its services to the public free of charge. It has also the right to investigate cases which have to do with the infringement of rights stemming from acts or omissions of bodies or officials of the Armed Forces. Any citizen or any member of the Armed Forces may file a complaint with the Ombudsman without prior permission or notification.

#### **4.5 How does your State ensure that its defence policy and doctrine are consistent with international law?**

By specific constitutional provision, both customary and treaty, international law becomes internal Hellenic legislation, and is thus binding upon the government and the GCFDA.

### **Section III: Public access and contact Information**

#### **1. Public access.**

##### **1.1 How is the public informed about the provisions of the Code of Conduct?**

The Ministry of National Defence is actively pursuing a policy of openness and accountability toward the public and the Parliament.

The public has access to information pertaining to the Armed Forces in the following ways:

- By attending relevant sessions in Parliament (either live or on the Parliament TV-channel).

- By exercising its right to access to Government documents. Every citizen has the right to demand a copy of every document prepared by the MoD or the Armed Forces, except documents which contain information the disclosure of which may harm or prejudice national security (normally documents classified "secret" and above, thus, in such a case, a written denial is needed by the competent authority of the Armed Forces). The requesting citizen may bring the case before an administrative tribunal in case he deems that the aforementioned denial constitutes an abuse of authority.

- On the internet, at the Greek MoD and Armed Forces sites.

- At the Armed Forces Public-Information Offices.

- Through the MoD Information Directorate and the Press and Information Offices of the Chief of the HNDGS and the Chiefs of the General Staffs.

- Through the mass media.
- By attending, upon invitation, exercises, demonstrations and seminars organized by the Armed Forces.
- At Armed Forces Conscription and Recruiting Stations.

**1.2 What additional information related to the Code of Conduct, e.g, replies to the Questionnaire on the Code of Conduct, Is made publicly available in your State?**

No information available.

**1.3 How does your State ensure public access to Information related to your State's armed forces?**

See above the answer to question of para 1.1. In addition, there is also the White Book which is compiled by the MoD and is widely accessible to the public.

**2. Contact information.**

**2.1 Provide information on the national point of contact for the implementation of the Code of Conduct.**

The national point of contact for the implementation of the Code of Conduct is **LtCol Panagiotopoulos Christos**, military advisor at the Permanent Mission of Greece to the OSCE (tel.: 0043 150 3393062 fax: 0043 150 33924).



## G R E E C E

### INTERPRETATIVE STATEMENT

#### Relevant information regarding women, peace and security to be provided in the Questionnaire on the OSCE Code of Conduct

##### I: Prevention

#### **1. Measures to increase armed forces personnel understanding of the special needs and contributions of women in conflict.**

**a.** Inclusion of specific matters related to the protection of women's and girl's rights in the basic education of armed forces.

(1) The dimension of gender has been incorporated in the academic programme of the armed forces academies, in order to influence the culture of the working environment of the officers as soon as possible, and with a view to changing attitudes, perceptions and behaviours.

(2) During the basic training of Armed Forces personnel (Military Academies - Training Centres - Specialisation Centres) the following modules are taught regarding matters of social gender:

- (3)
- (a) Psychology of the two genders.
  - (b) Human relationships and prerequisites.
  - (c) Army sociology.  
1/ The Army as a social group. 2/ Military sociology.
  - (d) Consequences of discrimination and racism.
  - (e) Social Exclusion and minorities.

**b.** Availability of specialised in-service training for armed forces personnel on the protection of women's and girl's rights

Raising awareness lectures are given in Military Academies and Training Centres by specialised personnel regarding female hygiene, as well as matters regarding the handling of problems directly related to the military profession (relationships between men and women-equality of the two genders).

**c.** Inclusion of specific matters related to the protection of women's and girl's rights in the pre-deployment training for international peacekeeping missions.

In the Multinational Peace Support Operations Training Center (MPSOTC) in Kilkis Greece, in the basic and advanced officers training, is provided, among others, an adequate pre-deployment training related to the protection of women's and girls' rights. Specifically, they are trained on the following:

- 1/ Gender, Ethics and Human Rights
- 2/ Gender roles and responsibilities

- 3/ Gender discrimination
- 4/ Gender implications of own actions

**d.** Availability of plans to address and gather information from local women populations in areas at risk of conflicts.

Regarding the existence of plans on the dealing with and collection of intelligence from female local populations, the responsibility belongs to the National Intelligence Centres (NIC) established in areas where Hellenic Peace Support Forces have been deployed.

**e.** Inclusion of systematic gender analysis of areas at risk of conflicts, including gender-disaggregated socio-economic indicators and power over resources and decision making.

There are no available data.

## **2. Measures to address the violation of the rights of women and girls, in line with international standards.**

**a.** Number and percentage of military manuals, guidelines, national security policy frameworks, codes of conduct and standard operating procedures/protocols of national security forces that include measures to protect women's and girl's human rights.

**b.** Number and percentage of directives for peacekeepers issued by head of military components and standard operating procedures that include measures to protect women's and girl's human rights.

All Commanders in peace support operations have issued either guidelines or orders aiming to distribute missions and tasks in the fairest way possible between male and female personnel of the missions, always depending on the relevant job descriptions. The exact number of the aforementioned guidelines cannot be defined, since it varies greatly depending on the mission and the composition of the personnel.

## **II: Participation**

### **1. Measures to increase the number of women in general and in decision making positions in the armed forces and the ministry of defence.**

**a.** Number and percentage of women applying to be part of the military forces.

Approximately in 2012 35-40% of the total number of candidates applying to be part of the military forces were women.

**b.** Establishment of policies to attract female candidates (Targeted campaigns, review of accession tests, etc).

There is no particular action to attract more female candidate students to the Military Academies, given the equal opportunities provided to both male and female Greeks for their admission to higher education. Their interest is sufficient.

**c. Establishment, promotion, maintenance and use of specialised rosters of female profiles in the military fields.**

There are no available data.

**d. Number and percentage of women in the military forces disaggregated by rank.**

	Total % of Female military personnel	% of Female OF-6 and higher	% of Female OF-3 to OF-5	% of Female OF-1 to OF-2	% of Female OR-5 to OR-9	% Female of OR-1 to OR-4
Army	13,40%	0,70%	7,59%	17,43%	9,79%	26,42%
Air Force	14,27%	1,23%	6,33%	16,10%	15,57%	8,95%
Nany	16,35%	0,01%	0,86%	3,52%	10,48%	1,47%
Others	100%	-	21,57%	53,28%	100%	26,04%

**e. Number and percentage of discrimination and sexual harassment complaints that are referred, investigated and acted upon.**

No incident of sexual harassment has been reported in 2011.

**f. Development of regular analysis of retention and promotion practices for men and women in the forces.**

The promotion system is identical for both female and male military personnel and it is based on seniority and professional skills.

**2. Measures to increase the number of women in peacekeeping forces.**

**a. Number and percentage of women in peacekeeping forces disaggregated by rank.**

	Total % of Female military personnel	% of Female OF-6 and higher	% of Female OF-3 to OF-5	% of Female OF-1 to OF-2	% of Female OR-5 to OR-9	% Female of OR-1 to OR-4
Army	0,1%	-	-	0,1%	0,24%	-
Air Force	5,00%	-	-	12,50%	-	-
Navy	-	-	-	-	-	-
Others	-	-	-	-	-	-

**b. Number and percentage of international missions where gender advisors were appointed.**

(1) No national advisor on Gender issues has participated in international missions.

(2) In all military missions abroad the commanders of the candidates provide the general guidelines on Gender issues.

**c. Number and percentage of participating State's international missions that address specific issues affecting women and girls in their terms of reference and the mission report.**

There are no available data.

**III: Protection**

**Increased access to justice for women whose rights are violated.**

**Number and percentage of reported cases of exploitation and abuse allegedly perpetrated by uniformed peacekeepers that are referred, investigated and acted upon.**

There are no reported cases of exploitation or abuse by uniformed peacekeepers.

**IV: Other Information**

**1. Information on the development, implementation and evaluation of a National Action Plan to implement UNSCR 1325.**

There is no National Action Plan regarding women, peace and security for the time being. It is part of our national priorities to establish such a plan in the near future.

**2. Information on best practices and lessons learned.**

Instructions have been sent to the competent preparatory formations, in order to inform the personnel before their deployment in missions abroad, under the title United Nations Security Council Resolution 1325 on Women, Peace and Security (UNSCR 1325), regarding matters of gender and behaviour – discipline.

**3. Any other relevant information.**

None