EUROPEAN COURT OF HUMAN RIGHTS
COUR EUROPÉENNE DES DROITS DE L'HOMME

THIRD SECTION

DECISION

Application no. 51957/15
Rafail TSILIGGROS
against Greece

The European Court of Human Rights (Third Section), sitting on 4 November 2025 as a Committee composed of:

Peeter Roosma*, President*,
Ioannis Ktistakis,
Lətif Hüseynov*, judges*,
and Olga Chernishova, *Deputy Section Registrar,*

Having regard to:

the application (no. 51957/15) against the Hellenic Republic lodged with the Court under Article 34 of the Convention for the Protection of Human Rights and Fundamental Freedoms ("the Convention") on 9 October 2015 by a Greek national, Mr Rafail Tsiliggros ("the applicant"), who was born in 1996 and lives in Tithorea, and was represented by Mr V. Chirdaris, a lawyer practising in Athens;

the decision to give notice of the application to the Greek Government ("the Government"), represented by their Agent, Mrs N. Marioli, President at the State Legal Council and their Agent's delegate, Dr. A. Magrippi, Law Officer of the State Legal Council;

the parties' observations;

Having deliberated, decides as follows:

SUBJECT MATTER OF THE CASE

1. The application concerns the rejection of a request by the applicant, who is a monk belonging to the religious community of the True Orthodox Christians – Old Calendarists of Lamia, to be exempted from military service.

2. On 22 December 2014 the applicant was called up for military service.

3. On 5 January 2015 he submitted a request to be exempted from military service on the ground of his capacity as a monk in the religious community

of the True Orthodox Christians – Old Calendarists (Γνήσιοι Ορθόδοξοι Χριστιανοί – Παλαιοημερολογίτες) of Lamia.

4. On 16 January 2015 the Conscription Service of Western Greece rejected his request on the grounds that, under domestic law, only monks belonging to Mount Athos were exempt from military service.

5. The applicant lodged an administrative appeal that was rejected by the Conscription Service on 6 April 2015 on the grounds that domestic law provided for universal conscription for all male Greek citizens aged between 19 and 45 years old, including religious officials, monks and novitiates of all known religions, while it exempted monks and novitiates belonging to Mount Athos.

6. Subsequently, the applicant applied to the Supreme Administrative Court to have the decision declared void. He argued that the refusal of the Conscription Service to grant him an exemption from military service had violated his freedom of religion on the ground that he had been obstructed from staying in his religious community, from abiding by its sacred laws and traditions and from fulfilling his religious duties, and that it constituted discriminatory treatment against religious officials, monks and novitiates of his community.

7. On 13 July 2015 the Supreme Administrative Court delivered judgment no. 2837/2015 rejecting the applicant's application. In particular, the Supreme Administrative Court ruled that the Greek Constitution enshrined the holy apostolic and synodal canons and the sacred traditions of the Orthodox Church of Greece only with respect to doctrinal issues, whereas purely administrative issues, such as conscription, were governed by State laws. It further ruled that universal conscription under domestic law included, in principle, all monks, that the exemption from military service for monks and novitiates belonging to Mount Athos was justified on account of the special constitutional status of Mount Athos as a sui generis monastic community, that such an exemption, regardless of its constitutionality, could not be extended to the applicant, and that Article 9 of the Convention did not dictate any particular exemption from general obligations towards the State.

8. Judgment no. 2837/2015 of the Supreme Administrative Court became final on 27 July 2015. Meanwhile, the applicant was facing criminal charges and a fine for desertion.

9. After these developments, on 6 July 2017 the applicant underwent a medical assessment, following which his conscription was postponed for health reasons for 24 months. Consequently, his fine was annulled and the criminal charges against him were dropped.

10. On 11 July 2019 the applicant was invited again for conscription. On 8 October 2019 he underwent another medical assessment and was declared unfit for service. Consequently, he was permanently exempted from military service.

11. Under Article 9 the applicant submitted that the obligation to serve in the military had interfered with his freedom of religion and the exercise of his religious duties.

12. Further relying on Article 9 in conjunction with Article 14, the applicant asserted that the exemption from military service only for monks and novitiates belonging to Mount Athos constituted favourable treatment to the monastic community of Mount Athos without objective and reasonable justification.

THE COURT'S ASSESSMENT

A. Alleged violation of Article 9 of the Convention

13. The applicant contended that the obligation to serve in the military had interfered with his freedom of religion. In that regard, he reiterated that military service would have prevented him from staying in his religious community on a continuing basis, from fulfilling his numerous religious duties and from following the sacred laws and traditions of his community and his vows as a monk, which required him to refrain from joining the military and carrying a weapon. He further contended that his conscription had not corresponded to a pressing social need and that it had not been proportional to the pursued aim of national defence and security, as there had been no hostilities, and that monks in Greece represented a negligible number of conscripts for its military.

14. The Government argued that the complaint should be rejected as manifestly ill-founded on the ground that there is no right under Article 9 of the Convention to be exempted from obligatory military service because of one's capacity as a monk of any religious community. They further argued that conscription served the legitimate and pressing aim of national defence and security and that a few months' disruption of monastic life was not a disproportionate burden and did not differ from the disruption which any person would undergo in their everyday life when fulfilling military obligations. Lastly, they submitted that the case at hand differed from the Court's case-law on conscientious objection to military service.

15. The Court reiterates the relevant principles concerning the interference with the freedom of religion in the form of conscription. These have been summarised in, among other authorities, *Bayatyan v. Armenia* ([GC] no. 23459/03, §§ 123-25, ECHR 2011) and *Avanesyan v. Armenia*, (no. 12999/15, §§ 55-56, 20 July 2021).

16. Turning to the present case, the Court takes note that the existence of an interference with the applicant's rights under Article 9 of the Convention has not been challenged. Indeed, Law no. 3421/2005 establishes the framework for universal conscription for all male Greek citizens aged between 19 and 45 years old. At the same time, Article 13 thereof provides

for a series of exceptions to military service. These mostly reflect social considerations and arrangements for certain categories of vulnerable persons (for example, persons unfit for service on account of health reasons, fathers of three or more living children and an eldest son with minor siblings whose parents are deceased) so that the obligation to serve in the military is shared in an equitable manner. The applicant made use of the exception for health reasons, as his conscription was initially postponed after a medical assessment, only for him to be eventually found unfit for military service following another assessment.

17. In addition, Articles 59-65 of Law no. 3421/2005 provide for a system of alternative service for conscientious objectors to military service, including for reasons relating to religious beliefs. However, although the applicant's submissions further touched upon the issue of conscientious objection, he did not seek to avail himself of that option under national law.

18. Taking into account the circumstances of the present case, the Court considers that in refusing to grant the applicant an exemption from military service on the grounds that he was a monk in the religious community of the True Orthodox Christians – Old Calendarists the national authorities did not overstep their margin of appreciation and managed to strike a fair balance between the interests of society as a whole and those of the individual.

19. The complaint is therefore manifestly ill-founded and must be rejected in accordance with Article 35 §§ 3 (a) and 4 of the Convention.

B. Alleged violation of Article 14 of the Convention taken in conjunction with Article 9

20. The applicant referred to previous legislative amendments abolishing the exemption from military service for religious officials, monks and novitiates of all known religions in general, while keeping intact the specific exemption for monks and novitiates belonging to Mount Athos. He argued that those amendments constituted favourable treatment to the monastic community of Mount Athos without objective and reasonable justification. To that end, he further contended that there were no substantial differences in his situation, as the religious community of the True Orthodox Christians -Old Calendarists followed the doctrine of the Eastern Orthodox Church, despite not being dependent on the Church of Greece, and it even observed the same calendar as the monastic community of Mount Athos, and that monasticism in the Eastern Orthodox Church was uniform and indivisible. Moreover, he submitted that the overriding provisions of the Greek Constitution and of the Constitutional Charter of Mount Athos on the latter's self-government did not include the personal situation of its monks, and especially of its novitiates, who could abandon the monastic life before completing their probationary period.

21. Lastly, the applicant submitted, solely in his observations, a new fact relating to a recently introduced exemption from military service which had entered into force after his application had been lodged with the Court. In particular, Law no. 407/2016 extended the exemption from military service to monks and novitiates belonging to the Patriarchate of Jerusalem. The applicant argued that this subsequent legislative amendment revealed that the instituted exemptions had not been justified on the basis of the special legal status of Mount Athos but rather constituted special privileges to certain religious communities.

22. The Government raised an objection of non-exhaustion of domestic remedies with respect to the applicant's final argument submitted with his observations. In particular, they argued that, since the applicant had again been invited for conscription after his application had been lodged with the Court, he could have raised that argument in a fresh request for exemption from service.

23. Having regard to all the material in its possession, the Court upholds the Government's objection. It follows that this part of the applicant's complaint must be rejected under Article 35 §§ 1 and 4 of the Convention for non-exhaustion of domestic remedies.

24. As regards the remainder of the applicant´s complaint, the Government argued that it should be rejected as manifestly ill-founded and, alternatively, they requested that the Court not find a violation. To that end, they submitted that the geopolitical location of the Hellenic Republic combined with its demographic decline, European Union (EU) law and constitutional considerations, and the need to protect conscripts belonging to vulnerable social groups required the abolition of the general exemption from military service for religious officials, monks and novitiates of all known religions. They further referred to the *sui generis* and privileged legal status of Mount Athos, which was a historical and self-governed monastic community under the overriding provisions of its Constitutional Charter, recognised by the Constitution of the Hellenic Republic and by EU and international law. In particular, they submitted that Mount Athos operated through its own institutions, except in relation to issues relating to public order and security and to criminal prosecution of misdemeanours and felonies. Moreover, they emphasised that the monastic community of Mount Athos was exempt from several fundamental obligations pertaining to the relationship between a State and its citizens, such as taxation, conscription and electoral and jury obligations.

25. The Court recalls that application of Article 14 does not necessarily presuppose the violation of one of the substantive rights guaranteed by the Convention; it is sufficient for the facts of the case to fall "within the ambit" of one or more of the Convention Articles (see *Carson and Others v. the United Kingdom* [GC], no. 42184/05, § 63, ECHR 2010). It reiterates the relevant principles concerning the establishment of discrimination. These

have been summarised in, among other authorities *Savickis and Others v. Latvia* ([GC], no. 49270/11, §§ 181-83, 187, 9 June 2022).

26. Turning to the present case, the Court considers that the material in its possession does not support the assertion that the applicable legislative provisions on the exemptions from military service were based on grounds of a religious nature. On the contrary, the Court is of the view that the national legislative authorities, in Article 13 of Law no. 3421/2005, intended to ensure equal treatment of religious officials, monks and novitiates of all known religions and equate them with the general population as regards conscription. The only exception was made in respect of the persons subject to the monastic rules of the Constitutional Charter of Mount Athos. This exception was due to the special legal status of Mount Athos within the Hellenic Republic, which extends to the relationship between the State and the persons belonging to its monastic community in a series of matters that form part of the core of public-authority prerogatives. Therefore, the circumstances of persons subject to the monastic rules of the Constitutional Charter of Mount Athos and of those not subject to them are not similar (see, *mutatis mutandis*, *Liamberi and Others v. Greece*, no. 18312/12, §§ 81-87, 8 October 2020). In the absence of such special rules applying to any other religious community of the Hellenic Republic, the applicant cannot claim that he was in a similar situation.

27. Thus, the remaining part of the applicant's complaint under Article 14 of the Convention taken in conjunction with Article 9 is manifestly ill-founded and must be rejected in accordance with Article 35 §§ 3 (a) and 4 of the Convention.

28. Consequently, the Court considers that, in the light of all the material in its possession, these complaints do not meet the admissibility criteria set out in Articles 34 and 35 of the Convention.

For these reasons, the Court, unanimously,

Declares the application inadmissible.

Done in English and notified in writing on 27 November 2025.

Olga Chernishova Deputy Registrar	Peeter Roosma President