

Out of the margins: the right to conscientious objection to military service in Europe

An announcement of Amnesty International's forthcoming campaign and briefing for the UN Commission on Human Rights

As this briefing was going to print, Amnesty International has been informed that it is now extremely unlikely that the United Nations Commission on Human Rights will adopt a resolution on the right to conscientious objection to military service at its 53rd session - currently under way in Geneva. For the past decade, the Commission has at the very least reaffirmed its 1987 statement that conscientious objection to military service is "a legitimate exercise of freedom of thought, conscience and religion" at regular two year intervals, and was expected to do so once again in 1997. Amnesty International is deeply concerned at the failure of the Commission to renew its call on all United Nations member states to recognize the right to conscientious objection as a component of freedom of thought, conscience and religion. The organization believes that such a failure sends an unwelcome signal to precisely those governments upon whom Amnesty International is hoping to exert pressure with its forthcoming European campaign. Likewise this disturbing silence does little to support, or raise awareness of the plight of imprisoned conscientious objectors and those otherwise denied their right to conscientious objection to military service in other regions of the world.

As it prepares to launch its forthcoming Europe-wide campaign to promote and protect the rights of conscientious objectors on 15 April in Moscow, Amnesty International expresses great disappointment over the apparent absence of concern by members of the Commission about the urgent need to strengthen the protection and promotion of the right to conscientious objection with an appropriate resolution. Amnesty International believes that the matter of conscientious objection should continue to be given due consideration by the UN Human Rights Commission in future and urges the Commission to indicate its intention to deal with this matter at the earliest opportunity.

At its 15 April Moscow launch, Amnesty International will issue a 61-page document, *Out of the margins: the right to conscientious objection to military service in Europe* (AI Index: EUR 01/02/97), containing a summary of the organization's current concerns in Europe regarding the right to conscientious objection in 22 countries.

I. INTRODUCTION

The right to conscientious objection to military service is not a marginal concern outside the mainstream of international human rights protection and promotion. The right to conscientious objection is a basic component of the right to freedom of thought, conscience and religion - as articulated in the Universal Declaration on Human Rights, the International Covenant on Civil and Political Rights and the European Convention for the Protection of Human Rights and Fundamental Freedoms. It has been recognized as such in resolutions and recommendations adopted by the United Nations Commission on Human Rights, the United Nations Human Rights Committee, the Council of Europe and the European Parliament.

These bodies have all urged governments to guarantee that individuals objecting to compulsory military service because of their conscientiously held beliefs are given the opportunity to perform an alternative service. They have stated explicitly in a number of resolutions that this alternative service should be of a genuinely civilian character and of a length which cannot be considered to be a punishment. They have recommended that individuals be permitted to register as conscientious objectors at any point in time before their conscription, after call-up papers have been issued, or during military service. Likewise, the United Nations Commission on Human Rights, the Council of Europe and the European Parliament have emphasized that information about how to seek recognition as a conscientious objector should be readily available to all those facing conscription into the armed forces - as well as to those already conscripted.

Amnesty International considers a conscientious objector to be any person liable to conscription for military service or registration for conscription to military service who refuses to perform armed service or any other direct or indirect participation in wars or armed conflicts for reasons of conscience or profound conviction. Their profound conviction may arise from religious, ethical, moral, humanitarian, philosophical, political or similar motives. But regardless of the basis of their objection, the right of such individuals to refuse to carry weapons or to participate in wars or armed conflicts must be guaranteed. This right also extends to those individuals who have already been conscripted into military service, as well as to soldiers serving in professional armies who have developed a conscientious objection after joining the armed forces.

Wherever such a person is detained or imprisoned solely because they have been refused their right to register an objection or to perform a genuinely alternative service, Amnesty International will adopt that person as a prisoner of conscience. Its world-wide membership in more than 190 countries around the globe campaigns actively for the immediate and unconditional release of such imprisoned conscientious objectors. The organization also adopts as prisoners of conscience those objectors who are imprisoned or detained because of their refusal to perform an alternative service which is not of a purely civilian character, or of a length which could be considered punitive (for example, twice the length of ordinary military service).

In many societies, the number of individuals seeking recognition as a conscientious objector may be very small. But even where there are few such objectors, the issue should not be dismissed as a minor concern. The right to be recognized as a

conscientious objector and to perform an alternative to military service is part of the mainstream of international human rights protection.

Amnesty International does not question the right of governments to conscript individuals into the armed forces. Nor does the organization agree or disagree with the motives of individual conscientious objectors. But in keeping with international standards, Amnesty International insists that all those liable to conscription are given the opportunity to perform an alternative to armed service on the grounds of their conscience or profound conviction. On this basis, Amnesty International campaigns for the development of law and procedure which make adequate provision for conscientious objectors.

1. Why is Amnesty International launching a new campaign on the right to conscientious objection in Europe?

The historic developments in Europe since 1989 have brought a host of new challenges to human rights organizations. The admission of the new democracies of Central and Eastern Europe and several of the successor states of the former Soviet Union to the Council of Europe, as well as the aspirations of many of these nations to become members of the European Union and NATO, have likewise placed new responsibilities for the protection and promotion of human rights on these institutions.

Amnesty International's new campaign on the right to conscientious objection reflects the organization's concern that the human rights commitments undertaken by these young democracies upon entering the Council of Europe or other regional bodies are taken seriously - both by the individual governments themselves and by the European institutions as well. The desirability of swift integration of these states into the European human rights, security and economic systems must not be permitted to take precedence over their obligations to comply with the full range of commitments to human rights and fundamental freedoms - including conscientious objection - which are meant to be the essential criteria for membership in these bodies. Any dilution of these basic principles or standards in the interests of political or economic expediency can only result in the undermining of the integrity and legitimacy of the European institutions themselves.

As this document makes plain, the right to conscientious objection is now clearly recognized and firmly established in both United Nations and European standards. Nevertheless, as this document also illustrates, many European states continue to enjoy full membership or at least associative status in the continent's political and economic institutions while at the same time denying a range of basic human rights to at least some of their citizens - including the right to conscientious objection to military service. Amnesty International believes that this situation is entirely unacceptable, and that the respective governments must be encouraged to amend or introduce the necessary legislation guaranteeing conscientious objectors their fundamental rights without further delay. The full spectrum of Amnesty International's human rights concerns in the

member states of the various European institutions is reflected in *Concerns in Europe: July - December 1996* (AI Index: EUR 01/01/97).

The armed conflicts in Croatia and Bosnia-Herzegovina and in Chechnya in recent years have also highlighted dramatically the shortcomings or complete absence of provision for conscientious objectors to military service in the successor states of the Socialist Federal Republic of Yugoslavia and in the Russian Federation. During the war in Chechnya, for example, the lack of any form of alternative service for those opposed to all war or to that particular conflict on the basis of their conscientiously-held beliefs or profound convictions resulted in desertion from the army on a large scale. Large numbers of deserters were reportedly executed by the military authorities following their capture.

In the new republics arising out of the former Yugoslavia, most men above a certain age had already served in what had been the Yugoslav National Army. Nevertheless, many of these men have subsequently been called up for reserve duty or have been otherwise liable for conscription into the armies of their new states. However, the limited provision for conscientious objection which has been available in the new states has generally not been extended to reservists.

Many individuals in the region have not wanted to participate in a conflict taking place within the borders of what had been a single country. Yet the concept of conscientious objection was comparatively unknown or little understood by many such individuals. Partly for these reasons, few of those men who objected to participation in the conflict were able to present their objections as being grounded in conscience or profound conviction. Resolutions concerning the situation of deserters and draft resisters from the former Yugoslavia were adopted by both the European Parliament and the Council of Europe Parliamentary Assembly on 28 October 1993 and 1 July 1994 respectively.

Some countries in Western Europe, including France and Spain, have indicated their intention of phasing out compulsory military service by the early years of the 21st century. Others, such as Belgium and the Netherlands, have already ended it. However, a number of Western European states currently retain unsatisfactory legislation on conscientious objection to military service. For example, France, Italy and Spain make no provision for conscientious objection developed during military service. France, in addition, offers conscientious objectors a civilian service which, at twice the length of ordinary military service, is clearly punitive. In Austria, Amnesty International has concerns regarding the restrictive time limit for the submission of applications for alternative service. In Switzerland a genuine civilian alternative to compulsory military service only became available in October 1996.

The continuing failure of the Greek Government, although a member of the European Union and Council of Europe, to introduce a genuinely alternative service under civilian control for conscientious objectors to military service has also been a source of continuing concern to Amnesty International. This situation, resulting in hundreds of men being tried and imprisoned for their refusal to perform military service each year, has been noted in several resolutions adopted by the European Parliament.

Similarly, Turkey continues to deny conscientious objectors to military service an alternative civilian service - in spite of the country's increasingly close relationship to the European Union and its membership in the Council of Europe and NATO.

Both these states, as well as a large number of other countries participating in the **Organization on Security and Co-operation in Europe (OSCE, formerly the CSCE)**, likewise continue to fall short of that body's commitment of 1990 "...to consider introducing, where this has not been done, various forms of alternative service, which are compatible with reasons for conscientious objection, such forms of alternative service being in principle of a non-combatant or civilian nature, in the public interest and of a non-punitive nature."

Amnesty International is concerned that in spite of the OSCE's stated intention in its **1990 Copenhagen Document** to continue to consider the subject as an integral part of its "Human Dimension framework" and to facilitate an information-exchange concerning conscientious objection to military service among OSCE-participating states, the matter has all but disappeared from view in the various OSCE fora - as evidenced by the absence of any substantial reference to the right to conscientious objection in the 1994 Budapest and 1996 Lisbon Documents.

Apart from the inclusion of a brief reference to the need for OSCE participating states to "...consider introducing exemptions from or alternatives to military service" in the **Code of Conduct on Politico-Military Aspects of Security (VII, 28)**, adopted at the 1994 Budapest Summit, the right to conscientious objection to military service has not featured prominently on the OSCE's agenda in recent years. As suggested above, this situation of commitments once made and then largely ignored can only call into question the credibility of the very institutions themselves as guarantors of the human rights of individual citizens. Likewise, such a state of neglect effectively gives licence to those states eager to avoid compliance with their obligations for whatever reason.

But the articulation of international standards and the drafting of adequate legislation alone will not be sufficient to guarantee widespread recognition of conscientious objection to military service as a basic component of one of the most fundamental of all human rights - freedom of thought, conscience and religion. A substantial and creative human rights promotion initiative is required - most especially in areas of Central and Eastern Europe.

To this end, Amnesty International's current campaign also aims to raise public awareness of the issue through a series of public meetings and events held in selected European countries. In particular, Amnesty International hopes to deliver the message - that conscientious objection to military service is an internationally recognized human right - to the widest possible audience of young people of secondary school and university age. Amnesty International's intention is to promote a vigorous and informed public discussion about conscientious objection among educators, students, politicians, religious groups and the media in countries where it is most needed, or where the level of consciousness about the issue is particularly low.

II. CONSCIENTIOUS OBJECTION TO MILITARY SERVICE AND INTERNATIONAL HUMAN RIGHTS STANDARDS

1. *Why is conscientious objection to military service considered to be a human right?*

The right to refuse to perform military service for reasons of conscience is inherent in the notion of freedom of thought, conscience and religion as recognized in **Article 18** of the **Universal Declaration of Human Rights**. This freedom is also articulated in **Article 18** of the **International Covenant on Civil and Political Rights** and **Article 9** of the **European Convention for the Protection of Human Rights and Fundamental Freedoms**.

The past decade has seen the definition of this right at both the international and regional level. In 1987, the **United Nations Commission on Human Rights** adopted **Resolution 1987/46**, which explicitly defines conscientious objection to military service as “a legitimate exercise of freedom of thought, conscience and religion.” This definition has been reaffirmed in subsequent resolutions adopted by the Commission in 1989, 1993, and 1995. The **Commission’s 1995 Resolution (1995/83)** appeals to all UN member states “...if they have not already done so, to enact legislation and to take measures aimed at exemption from military service on the basis of a genuinely held conscientious objection to armed service.” The matter of conscientious objection to military service will again be considered by the Commission at its 53rd session in 1997.

In its **General Comment Number 22 (48)** concerning **Article 18 of the International Covenant on Civil and Political Rights**, adopted by the **United Nations Human Rights Committee** in July 1993, the Committee concurred with the Commission’s view and stated its belief “...that such a right can be derived from article 18, inasmuch as the obligation to use lethal force may seriously conflict with the freedom of conscience and the right to manifest one’s religion or belief.”

At the European level, the **Committee of Ministers of the Council of Europe** have also supported this definition in their **Recommendation No. R (87) 8** to all member states - issued in April 1987. This text underlines the basic principle that “anyone liable to conscription for military service who, for compelling reasons of conscience, refuses to be involved in the use of arms, shall have the right to be released from the obligation to perform such service...” The 1987 Recommendation also urges that “...the governments

of members states, insofar as they have not already done so, bring their national law and practice into line..." with this basic principle.

A series of resolutions adopted by the **European Parliament** likewise support the conclusions of the two United Nations bodies. In a Resolution of 13 October 1989, the European Parliament "calls for the right to be granted to all conscripts to refuse military service, whether armed or unarmed, on grounds of conscience, with full respect for the principles of freedom and equal treatment for all members of society." A Resolution adopted on 11 March 1993 makes plain that the European Parliament "considers that the right of conscientious objection, as recognized by Resolution 89/59 of the UN Commission on Human Rights on conscientious objection against military service, should be incorporated as a fundamental right in the legal systems of the Member States."

The Parliament's subsequent Resolution on the subject, adopted on 18 January 1994, states that "...conscientious objection to military service is inherent in the concept of freedom of thought, conscience and religion, as recognized in Article 9 of the European Convention for the Protection of Human Rights and Fundamental Freedoms." This 1994 Resolution also re-emphasizes that the Parliament "considers conscientious objection to be a real subjective right, as recognized by resolution 1989/59 of the United Nations Commission on Human Rights..."

Finally, the 1994 Resolution makes clear that the European Parliament "is convinced that the right of conscientious objection derives from the human rights and fundamental freedoms which the [European] Union undertakes to respect pursuant to Article F(2) of the EU Treaty and, therefore, that the harmonization of legislation in this field falls within the competence of the European Community."

Completing this battery of European standards on conscientious objection as a human right, the **Document of the 1990 Copenhagen Meeting of the Conference on the Human Dimension of the Organization for Security and Co-operation in Europe (since 1994, the OSCE; then the CSCE)** records that OSCE participating states "note that the United Nations Commission on Human Rights has recognized the right of everyone to have conscientious objections to military service."

2. Who should be recognized as a conscientious objector to military service?

In its 1995 Resolution (1995/83) on the subject of conscientious objection, the United Nations Commission on Human Rights "draws attention to the right of everyone to have conscientious objections to military service as a legitimate exercise of the right to freedom of thought, conscience and religion..." The Resolution reiterates "...that conscientious objection to military service derives from principles and reasons of conscience, including profound convictions, arising from religious, ethical, humanitarian or similar motives."

The European Parliament's Resolution of 18 January 1994 stated the view "...that 'conscientious objector' should be taken to mean someone who, faced with an obligation to perform military service, refuses to do so on religious, ethical or philosophical grounds or for reasons of conscience and calls on all Member States to adopt this definition."

The 1995 Resolution of the UN Human Rights Commission also "urges States in their law and practice not to differentiate between conscientious objectors on the basis of the nature of their particular beliefs nor to discriminate against recognized conscientious objectors for failure to perform military service." Likewise, in addressing the matter of conscientious objection to military service, the 1993 General Comment of the UN Human Rights Committee concurs that "when this right is recognized by law or practice, there shall be no differentiation among conscientious objectors on the basis of the nature of their particular beliefs; likewise, there shall be no discrimination against conscientious objectors because they have failed to perform military service."

It should be noted here that Amnesty International's mandate also includes the categories of "moral" and "political" objections to military service as acceptable bases for recognition as a conscientious objector. The organization believes that an individual need not be an absolute pacifist or express opposition to all armed conflict in order to warrant recognition as a conscientious objector to military service. Accordingly, what might be described as a "selective" objection to military service in a particular conflict or military operation, for reasons of conscience or profound conviction, should also be recognized as legitimate grounds for exemption from military duties and the provision of an alternative form of service.

On this basis, Amnesty International has in the past adopted as prisoners of conscience individuals whose conscience or profound convictions resulted in their objection to military service in the Vietnam War, the Gulf War, or in a force which was integrated into NATO's nuclear defence strategy. The organization therefore encourages governments to recognize the selective objections of those who might otherwise be prepared to defend their country, but feel that they cannot participate in a specific military operation as a result of their profound conviction.

Amnesty International consequently takes up the cases of individual objectors imprisoned because the recognition of conscientious objection in their country is so restricted that only some and not all of the above-mentioned grounds of conscience or profound conviction are acceptable to the authorities.

3. *How should a government determine who is entitled to recognition as a conscientious objector to military service?*

Apart from guarantees of fairness, Amnesty International takes no position on the merits or otherwise of particular procedures established by governments for examining or evaluating the claims of an individual seeking recognition as a conscientious objector. However, it should be noted that the organization will **not** adopt as a prisoner of

conscience an imprisoned individual who is not willing to state to the decision-making authorities the reason for his or her conscientious objection, where this is required by the law of the country, unless the reason can be inferred by all the circumstances of the case.

Nevertheless, relevant United Nations and European standards do include specific recommendations on this matter. The 1995 Resolution of the UN Human Rights Commission, for example, “recognizes that some States accept claims of conscientious objection as valid without inquiry, and appeals to Member States that do not have such a system to establish, within the framework of their national legal system, independent and impartial decision-making bodies with the task of determining whether a conscientious objection is valid in a specific case.”

The 1987 Council of Europe Committee of Ministers’ Recommendation accepts that “states may lay down a suitable procedure for the examination of applications for conscientious objector status or accept a declaration giving reasons by the person concerned.” But the Recommendation maintains that “the examination of all applications shall include all the necessary guarantees for a fair procedure,” and that “an applicant shall have the right to appeal against the decision at first instance.” The Recommendations also suggests that “the appeal authority shall be separate from the military administration and composed so as to ensure its independence.”

In its 13 October 1989 Resolution, the European Parliament merely “urges that, in order to be recognized as a conscientious objector, a declaration setting out the individual’s motives should suffice in order to obtain the status of conscientious objector.” In calling for “common principles to be defined with a view to eliminating discrimination between European citizens with respect to military service”, the European Parliament’s Resolution of 11 March 1993 urges that as one of several minimum guarantees to be included in these principles “an effective means of appeal is made available should the conscientious objector status be refused.”

4. *What kind of alternative service are governments encouraged to provide for conscientious objectors to military service?*

Amnesty International also takes no position on the precise nature or content of the alternative service which a state offers to conscientious objectors to military service. However, the organization will adopt as a prisoner of conscience an individual conscientious objector imprisoned when there is not a right to alternative service which is of purely civilian character and under civilian control, or where the length of alternative service can be considered as a punishment.

This requirement is determined on the basis of all relevant factors including: 1) whether the authorities have indicated that the length of alternative service as compared with military service is intended to be punitive; 2) whether the authorities have failed to offer adequate justification as to the non-punitive nature of any period of time by which alternative service exceeds that of military service; and 3) whether the time spent in

alternative service exceeds the total amount of time spent in military service including basic training and active reserve duty.

It is important to stress that Amnesty International will **not** consider an individual objector to be a prisoner of conscience if he or she is offered and refuses alternative service which is of purely civilian character and under civilian control, and which meets the above requirements concerning length.

The 1995 Resolution of the UN Human Rights Commission “emphasizes that such forms of alternative service should be of a non-combatant or civilian character, in the public interest and not of a punitive nature.” These definitions are similar to those contained in the 1987 Council of Europe Committee of Ministers’ Recommendation, which underlines the requirement that the duration of alternative service “...shall, in comparison to that of military service, remain within reasonable limits.” However, the Recommendation does concede that “...in addition to civilian service, the state may also provide for unarmed military service, assigning to it only those conscientious objectors whose objections are restricted to the personal use of arms.”

The Recommendation includes the additional comment that “conscientious objectors performing alternative service shall not have less social and financial rights than persons performing military service. Legislative provisions or regulations which relate to the taking into account of military service for employment, career or pension purposes shall apply to alternative service.”

The European Parliament’s Resolution of 13 October 1989 “urges that the length of alternative service should be allowed to exceed the duration of ordinary service only by half as much again to compensate for periods of reserve training by those performing military service.” This Resolution also “calls for persons performing alternative service to be safeguarded against exploitation and for individuals in civilian service to receive the same pay as conscripts.” Likewise, the Resolution “urges that conscripts who perform alternative service should be given the opportunity of taking part in regular training and further vocational training, equivalent to that offered during military service.”

Expanding the possibilities for alternative service, the same Resolution “calls for conscientious objectors who are recognized as such in the Member State of which they are nationals to be allowed, where appropriate and provided the individual concerned so requests, to participate in programmes of alternative service in another Member State and for their release from alternative service in their own country as a result of such participation.” Therefore, the Parliament “instructs the [European] Commission to draw up a programme of development projects in the Third World in which all conscientious objectors from the Member States can, where appropriate and provided they so request, participate; such participation should release them from alternative service in their own country.”

The European Parliament’s subsequent Resolution of 18 January 1994 goes even further in this regard - calling on the Commission to submit a proposal to the Parliament “...for the establishment of a European civilian service open to both conscientious objectors and volunteers from the Member States,” as well as for “an exchange

programme allowing those engaged in alternative civilian service to choose to perform it in another Member State or in a developing country as part of a cooperation programme.”

The Resolution also “considers that this service should also be able to be performed with organizations in other Member States, without the need for reciprocity and even when there is no conscription in the country concerned.”

Finally, the January 1994 Resolution included a recommendation to the EU Member States “...to ensure that compulsory military service and civilian service performed at institutions which do not come under the supervision of the Defence Ministry are of the same length...”

5. When should an individual be permitted to apply for recognition as a conscientious objector to military service?

The 1987 Council of Europe Committee of Ministers’ Recommendation asserts that “applications for conscientious objector status shall be made in ways and within time limits to be determined having due regard to the requirement that the procedure for the examination of an application should, as a rule, be completed before the individual concerned is actually enlisted in the forces.”

However, the Recommendation also states that “the law may also provide for the possibility of applying for and obtaining conscientious objector status in cases where the requisite conditions for conscientious objection appear during military service or periods of military training after initial service.”

Similarly, Paragraph 26 of the Explanatory Report to the 1987 Recommendation states that “to prescribe an absolute time-limit in the rules to which applications are subject could be considered as contrary to the very purpose of the Recommendation. If refusal to perform military service is acknowledged as being based on a conflict of conscience, it follows that this conflict might occur at any moment in a person's life.”

The UN Human Rights Commission’s 1995 Resolution similarly “affirms that persons performing military service should not be excluded from the right to have conscientious objections to military service.” The Resolution acknowledges “...that persons performing military service may develop conscientious objections...” Likewise, the European Parliament’s Resolution of 11 March 1993 calls for EU Member States to guarantee that “conscientious objector status can be applied for at any time, including military service...”

Amnesty International will adopt as a prisoner of conscience any individual objector imprisoned because his or her country does not allow the right to recognition as a conscientious objector on grounds of a conscientiously held belief or profound conviction developed **after** conscription into the armed forces.

6. *Are governments obliged to inform prospective conscripts and serving soldiers about their right to conscientious objection to military service?*

The UN Human Rights Commission's 1995 Resolution "affirms the importance of the availability of information about the right to conscientious objection to military service, and the means of acquiring conscientious objector status, to all relevant persons affected by military service." The 1995 Resolution also requests that the UN Secretary-General "...include the right of conscientious objection to military service in the public information activities of the United Nations, including the United Nations Decade for Human Rights Education."

The 1987 Council of Europe Committee of Ministers' Recommendation emphasizes that "...persons liable to conscription shall be informed in advance of their rights. For this purpose, the state shall provide them with all relevant information directly or allow private organisations concerned to furnish that information." The 1990 Copenhagen Document of the OSCE likewise instructs OSCE-participating states to "...make available to the public information on this issue."

The 13 October 1989 Resolution of the European Parliament "calls for call-up papers to be accompanied, where this is not already the case, by a statement on the legal position with regard to conscientious objection." The importance of access to "sufficient information" about the right to conscientious objection was reiterated in the Parliament's subsequent Resolution of 11 March 1993.

Information about the individual right to recognition as a conscientious objector should also be accompanied by information about existing procedures for obtaining that recognition - including procedures available to serving soldiers. Amnesty International will adopt as a prisoner of conscience any individual objector imprisoned as a consequence of his or her leaving the armed forces without authorization for reasons of conscience developed after conscription into the armed forces - if he or she has taken such reasonable steps to secure his or her release by lawful means as might grant him or her release from military obligations on the grounds of conscience; or if he or she did not use those means because he or she has been deprived of reasonable access to the knowledge of such procedures.

III. THE FUTURE OF CONSCIENTIOUS OBJECTION IN EUROPE

1. *How can the right to conscientious objection in Europe be extended and better protected?*

A number of new initiatives from both non-governmental organizations (NGOs) and European inter-governmental institutions are under way which could have a significant impact on the protection and promotion of the right to conscientious objection in Europe.

A draft Protocol to the European Convention for the Protection of Human Rights and

Fundamental Freedoms, specifically recognizing the right to conscientious objection to military service, has been in circulation since 1984. In its Resolution of 13 October 1989, the European Parliament expressed its explicit support for the Protocol - a position which was then reiterated in a subsequent Resolution adopted by the Parliament on 18 January 1994.

Fresh support for the incorporation of this Protocol into the Convention has recently come from the grouping of NGOs which have consultative status at the Council of Europe (including Amnesty International). On 25 September 1996, the grouping approved unanimously a resolution on the recognition of the right to conscientious objection proposed by the Quaker Council for European Affairs. Co-sponsors of the Resolution included the European Ecumenical Commission for Church and Society (EECCS) and the Conference of European Churches (CEC).

The Resolution expressed concern that "...although the principles set out in Recommendation R(87)8 of the Committee of Ministers (see above) represent only minimum standards the situation in several Member States fall short of those principles." The Resolution also called on the Committee of Ministers to instruct the Steering Committee on Human Rights (CDDH) to request a report from each member state of the Council of Europe on action taken in response to the 1987 Recommendation. It also asked the Parliamentary Assembly of the Council of Europe and its Committee on Legal Affairs and Human Rights to reconsider the Draft Protocol on the right to conscientious objection, and to report back to the NGO grouping in time for their next meeting in September 1998.

In response to a written question put to them by a member of the Council of Europe Parliamentary Assembly on the subject of conscientious objectors in Greece, the Committee of Ministers replied in October 1996 that they had noted:

...a number of developments in recent years in several member States as regard conscription and/or conscientious objection to military service. At the same time, the membership of the Organisation has expanded considerably since the time the Committee adopted its Recommendation No. R(87) 8. For these reasons, the Committee of Ministers believes it would be helpful to have at its disposal a comparative review of member States' legislation and practice in the field. The Committee of Ministers...has instructed the Steering Committee for Human Rights (CDDH) to conduct such a review and to assess the implementation of Recommendation No. R (87) 8 with a view to identifying what further action might be called for at a European level.

The Steering Committee for Human Rights (CDDH) is currently carrying out this review, with an aim to completing the work by the end of 1997. The comparative study requested is currently scheduled to be presented to a meeting of the Steering Committee for Human Rights in June 1997.

Complementing these developments at the Council of Europe, Amnesty International also urges European Union member states, through an appropriate resolution adopted by the European Parliament, to make clear that recognition of the right to conscientious objection to military service and the introduction of an alternative civilian service of non-punitive length will be included among the criteria for the admission of new members to the European Union in future.

Concern about the need for applicant states to the EU to comply with international instruments on the right to conscientious objection was the impetus for the preparation of a recent report by Dr Christof Tannert, a German Member of the European Parliament. Dr Tannert's study, *Military Service and Conscientious Objection in Central and Eastern Europe in View of the Extension of the European Union towards the East*, was conducted in cooperation with the European Bureau for Conscientious Objection (EBCO) and completed in 1996.

Amnesty International also reiterates its call for all member states of the European Union and the Council of Europe to re-examine their own legislation on conscientious objection to military service in the light of current international resolutions and recommendations.

2. What other international NGOs in addition to Amnesty International are working to support the right to conscientious objection in Europe?

Amnesty International works together with a number of well-established NGOs committed to raising awareness about the right to conscientious objection and protecting the rights of individual objectors:

European Bureau for Conscientious Objection

Amnesty International's current campaign on the right to conscientious objection in Europe has been planned and carried out in close cooperation with the European Bureau for Conscientious Objection (EBCO), founded in 1979 and based in Brussels. Through its network of constituent organizations throughout Europe, EBCO works to promote the right to conscientious objection as a fundamental human right on both the national and international levels. In recent years, EBCO has published important studies on *The Right to Conscientious Objection and the European Parliament* (1994) and on *Conscientious Objectors, Draft Evaders and Deserters from former Yugoslavia* (1995). In November 1996, EBCO held a conference on *The Balkans and The Right to Refuse to Kill* in Budapest, with the cooperation of the Council of Europe. In May 1997, EBCO will host a meeting of conscientious objectors and deserters from Nazi Germany with conscientious objectors and deserters from the former Yugoslavia in Linz, Austria. For further information about EBCO, contact:

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War Resisters' International

Founded in 1921, War Resisters' International (WRI) has national sections, associate organizations, and members in over 40 countries. Among their activities, WRI supports campaigns for the rights of conscientious objectors around the globe - presently focussing on the situation in Turkey and in Latin America. WRI have also been active on the issue of asylum for draft resisters and deserters from the former Yugoslavia. Each year on Prisoners for Peace Day, 1 December, WRI produces an Honour Roll "...to gather international support for those imprisoned for conscientious objection or nonviolent resistance to war preparations." For further information about WRI, contact:

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Quaker Council for European Affairs

The Quaker Council for European Affairs (QCEA) was founded in 1979 to promote the values of the Religious Society of Friends (Quakers) in the European context, and to "...express a Quaker vision in matters of peace, human rights, and the right sharing of world resources." Based in Brussels, QCEA works closely with other NGOs, such as EBCO, and other church organizations who share its concerns. QCEA seeks to raise awareness of and encourage action on a range of human rights, peace and social justice issues within the Council of Europe and the European Union.

Given the historic pacifism of Quakers (dating back to their seventeenth century origins), not surprisingly the right to conscientious objection is one of the primary concerns of QCEA in the above European fora. Similar work on the issue is done at the level of the United Nations by the Quaker United Nations Office (QUNO) in Geneva. For further information about QCEA, contact:

Quaker Council for European Affairs (QCEA)
Square Ambiorix 50
B-1000 Brussels
BELGIUM
TEL: +32 2 230 4935
FAX: +32 2 230 6370
E-MAIL: qcea@gn.apc.org

European Council of Conscripts Organisations

The European Council of Conscripts Organisations (ECCO) was founded in 1979 as “...an international platform by which experiences and information of conscripts could be exchanged.” Based in Utrecht in The Netherlands, ECCO is an umbrella organization composed of conscripts’ organizations in many European countries - including the Czech Republic, the Slovak Republic, Hungary, and Georgia among others . ECCO works for the promotion and protection of the human rights of conscripts - including the right of serving soldiers to apply for recognition as conscientious objectors. ECCO also issues reports on the torture and ill-treatment of conscripts - an issue of increasing concern to Amnesty International.

In September 1996, the member organizations of ECCO adopted a *European Charter on the Rights of Conscripts*. Recent ECCO publications include *The Guide Book for Creating a Representation System for Conscripts* (1993 - also available in Russian), a general survey on *Compulsory Military Service in Central and Eastern Europe* (1996) and a *Black Book on Rights of Conscripts in Central and Eastern Europe* (1996). ECCO has consultative status at the Council of Europe, and has also received project funding from the Phare and Tacis Democracy Programme of the European Union. For further information about ECCO, contact:

European Council of Conscripts Organisations (ECCO)
Postbus 2384
3500 GJ Utrecht
The Netherlands

TEL: +31 30 244 3425
FAX: +31 30 242 2195

European Congress for Peace and Conscientious Objectors

Commemorating the 350th anniversary of the Peace of Westphalia which ended the Thirty Years' War in Europe, a major international conference is scheduled to be held in Osnabrück, Germany in May 1998 - the **European Congress for Peace and Conscientious Objectors**. The Congress is being organized by a consortium of over 30 organizations (including EBCO and Amnesty International) and a long list of distinguished religious leaders, scholars and human rights advocates from across Europe. "Conscientious Objection as a Human Right" will be one of the featured topics of the Congress, and it is hoped that the Congress will draw up imaginative and effective strategies for education and action on this issue for the next few years. Amnesty International will be working closely together with the organizers of the Congress to devise a range of programs for awareness-raising and recognition of the right to conscientious objection in the run-up to the Congress itself - particularly in Central and Eastern Europe. For further information about the Congress (also available in Russian), contact:

Peace Congress '98
Postfach 4124
D-49031 Osnabrück
GERMANY

TEL: +49 541 26 06 50
FAX: +49 541 26 06 80

IV. AMNESTY INTERNATIONAL'S RECOMMENDATIONS

- ❑ Amnesty International calls for the immediate and unconditional release of all persons detained or imprisoned solely because they have been refused their right to register their conscientious objection to military service or to perform a genuinely alternative service of non-punitive length and of a purely civilian character.
- ❑ Amnesty International calls on all members states of the European Union and the Council of Europe to re-examine their legislation on conscientious objection to military service in the light of current international resolutions and recommendations.
- ❑ Amnesty International urges member states of the European Union, through an appropriate resolution adopted by the European Parliament, to make clear that recognition of the right to conscientious objection to military service and the introduction of an alternative civilian service of a non-punitive length will be included among the criteria for the admission of new members to the European Union in future.
- ❑ Amnesty International calls on the Parliamentary Assembly of the Council of Europe to seek the opinion of the Committee on Legal Affairs on the Draft Protocol to the European Convention for the Protection of Human Rights and Fundamental Freedoms concerning conscientious objection to military service, in line with the unanimous resolution of the grouping of NGOs with consultative status at the Council of Europe (adopted on 25 September 1996).
- ❑ Amnesty International urges the member states of the Council of Europe to ensure effective implementation of the recommendations included in the review of member states' compliance with Recommendation No. R (87) 8. This review is currently being carried out by the Steering Committee for Human Rights (CDDH) and is scheduled to be completed by the end of 1997.