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PUBLIC STATEMENT

Spain

Amnesty International criticizes draft legislation on conscientious objection to military service

A new draft law on conscientious objection, which makes no provision for conscientious objection developed during military service, undermines the basic right to freedom of conscience, Amnesty International said today.

Tomorrow, the Senate Constitutional Commission will be examining the new draft law and Amnesty International has written to the Commission's members to express the organization's dismay that the text, like the legislation currently in force, makes no provision for conscientious objection developed during military service.

"Conscientious objectors to military service are exercising a most fundamental human right - and they should have the right to claim conscientious objector status and to perform an alternative civilian service at whatever point in time they develop their objections, whether before or during their military service," the organization said.

Under current legislation, repeatedly criticized by Amnesty International since its entry into force in 1985, more than a dozen cases of Spanish conscripts imprisoned as a result of their refusal to complete their military service, on grounds of conscience developed after joining the armed forces, have come to the organization's attention.

In its letter Amnesty International has pointed out that international standards relating to conscientious objection to military service, developed by the United Nations and the Council of Europe, also support the right to conscientious objection during military service.

In 1996, following its examination of the Spanish Government's implementation of the International Covenant on Civil and Political Rights, the United Nations (UN) Human Rights Committee stated that it was "*greatly concerned*" that individuals had no right to claim conscientious objector status after entering the armed forces as this did "*not seem to be consistent with the requirements of article 18 of the Covenant*" - relating to freedom of thought, conscience and religion. The Committee urged Spain "*to amend its legislation on conscientious objection so that any individual who wishes to claim the status of conscientious objector may do so at any time, either before or after entering the armed forces*".

In the year that the world is celebrating the 50th anniversary of the Universal Declaration of Human Rights, Amnesty International is calling on the Senate Constitutional Commission to do

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everything in its power to ensure that Spain responds positively to the UN Human Rights Committee by incorporating into the text of the new draft law the right for conscripts who develop conscientious objections to military service after incorporation into the armed forces to apply for conscientious objector status and alternative civilian service.

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