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To whom it may concern

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Dear Sir or Madam,

The European Organisation of Military Associations and Trade Unions (EUROMIL) is pleased to provide the Office of the High Commissioner for Human Rights (OHCHR) with information concerning approaches and challenges with regard to application procedures for obtaining the status of conscientious objector to military service in selected European countries.

Founded in 1972, EUROMIL is an umbrella organisation composed of 34 military associations and trade unions from 22 countries. It is the main Europe-wide forum for cooperation among professional military associations on issues of common concern. EUROMIL strives to secure and advance the human rights, fundamental freedoms and socio-professional interests of military personnel of all ranks in Europe and promotes the concept of "Citizen in Uniform". As such, a soldier is entitled to the same rights and obligations as any other citizen.

In 2018, conscientious objector to military service is not considered by EUROMIL member associations as being at the core of their activities (except in Ireland). This is explained by the fact that firstly, only a limited number of countries recognize the status of conscientious objector to professional soldiers and secondly, the countries that maintain or have reintroduced conscription have clear legal frameworks and procedures to deal with conscientious objectors to military service.

Most European armed forces are nowadays composed of professional military personnel with long-term career or short-term contracts. Conscientious objection to military service was foreseen in the context of conscription. The status of conscientious objector was granted to those requesting it and alternative civilian service was usually performed with a longer duration than compulsory military service. When conscription ended, states considered that potential recruits would freely choose to join the armed forces and the concept of conscientious objection lost its relevance (e.g. Belgium, Hungary, Italy).

In countries with military conscription, procedures for obtaining the status of conscientious objector to military service are in principle regulated. Among the Council of Europe Member States, Turkey is the only country that did not legislate on conscientious objection to military service. No incident regarding the treatment



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of conscientious objectors was reported to EUROMIL. In Cyprus or Greece for instance, the procedure in the armed forces for the management of conscientious objectors are the following:

Cyprus:

When a conscript is called to military service, he has the right to plead conscience objection to avoid serving in the armed forces.

After having invoked that reason, he refers to a special 5-member committee composed of representatives of health services, legal services, armed forces and instructors, in order to demonstrate the reasons why he is unable to perform normal military service.

If the committee decides that he is truly a conscientious objector, it makes proposal to the Minister of Defense regarding the type of alternative military service the applicant may accomplish.

There are two types of alternative military service:

A. Perform the service in military units without the use of arms and without participation in military activities, but participate in various auxiliary tasks (e.g. cooking, cleaning and maintenance of vehicles);

B. Execute the service in government agencies by performing work related to the nature of the service took up.

Duration of alternative military service varies:

A. Within military installations, alternative service lasts 3-5 months more than regular service.

B. In government agencies, alternative service lasts 7-9 months more than regular service.

Greece:

When a conscript is called to military service, he has the right to plead conscience objection to avoid serving in the armed forces.

After having invoked that reason, he refers to a special committee in order to demonstrate the reasons why he is unable to perform normal military service.

If the committee decides that he is truly a conscientious objector, it makes proposal to the Minister of Defense.



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The Minister of Defense decides whether or not to accept the requests, following the opinion of the Special Committee.

Those who are recognised as conscientious objectors are required to fulfill an alternative service to public sector.

The Alternative Service is increased by 2 to 3 months in relation to the normal service.

Denmark is another country maintaining conscription, where the right to conscientious objection is recognised for conscripts but not for professional soldiers. The right to conscientious objection is legally recognised since 1917. Its present legal basis is laid down in the 2006 National Service Law and the 2006 Civil Service Act (Militærnægterloven, 226/2006)5. Art. 1 of the Civil Service Act states: "Conscripts for whom military service in any form is judged, from available information, to be incompatible with the dictates of their conscience, may (...) be exempted from military service on condition that they are engaged in other national work, which is not, however, serving any military purpose." Professional soldiers have the right to resign from their service – but male professional soldiers will still in accordance with the laws be obliged to the duties as conscripts. They must apply to be registered as conscientious objector if they want to be released for their (theoretical) obligations as conscripts. It is also mentioned that professional soldiers might repay expenses of training, if they want to resign prematurely. This is only relevant for specific educations like pilot.

In the past years, some European countries have been reintroducing conscription or thinking of doing it (e.g. France, Italy, Lithuania, Sweden). Although they did not report any problem in relation to conscientious objectors yet, issues may possibly arise in the future. For instance, Sweden is a country that recently changed its recruitment policy. There are no conscientious objectors in Sweden because the country adopted a professional army few years ago and does not recognize the status of conscientious objector to professional volunteers making part of the Swedish Armed Forces. Nevertheless, the country has recently moved towards a mixed system of volunteers and conscripts in the Armed Forces to fill up vacancies and the numbers are very small, approximately 3 % of the total population teenagers in the same age group. So far, only volunteers have been used. Conscientious objection to military service is thus not a problem in Sweden for the moment.

With the professionalization of European armed forces, recognizing the status of conscientious objector to professional soldiers is an issue deserving further attention. Having the right to change opinion after enrollment in military service or opposition to specific missions or operations should be better addressed and



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legislation and procedures clarified. Some countries like Germany or Serbia legislated on conscientious objection to professional military service.

In Germany, the right to conscientious objection is foreseen in Article 4 (3) of the Constitutional Law. It is a constitutional right, but it is regulated in detail in § 55 and 75 of the Soldiers Act (Soldiers propose to be conscientious objectors). In 2011, compulsory military service, which existed since 1956, was suspended but not abolished. From 1956 to 2011 it was the legal duty of male Germans to perform military service in the armed forces. Today it is limited to cases of tension or national defence. After suspending compulsory military service in 2011, there was a decrease of cases of conscientious objection in Germany but volunteers and professionals can still be conscientious objectors. For example, there are conscientious objectors in the medical care service. Every year, more than half of the 30 to 40 conscientious objectors are medical officers (which leads to a gap in the medical care service, therefore the internal number of study places can increase to compensate it).

Finally, in Ireland conscientious objection for professional soldiers is currently under discussion. The regulations to provide for discharge on grounds of conscientious objection should be amended. To date there has been no amendment of defence forces regulations; specifically, DFR A.10, which governs attestation, promotion and discharge of personnel from the defence forces. Provision does exist for personnel within the Irish defence forces to discharge themselves by way of purchase, and once discharge is sought on this basis, and payment made, personnel are supposed (in accordance with regulation) to be discharged with all convenient speed. However, in circumstances of emergency, discharge can be refused. Nevertheless, no regulatory provision exists for discharge on grounds of conscientious objection specifically despite the fact the Committee of Ministers of the Council of Europe recommended in CM/Rec(2010)4 on human rights of members of the armed forces that "professional members of the armed forces should be able to leave the armed forces for reasons of conscience". The difficulty with the foregoing provision could be seen as twofold - firstly is it appropriate for someone to be required to purchase their exit from the armed forces where they are discharging on grounds of conscience? Secondly, what if the person seeking discharge does not possess the funds to discharge, yet, nevertheless they object to service on grounds of conscience? Lastly, there is no provision within defence forces regulations for anyone who objects to service on grounds of conscience to be corralled or excluded from combat service i.e. placed on administrative duties pending determination of claim for release.

For further information, please do not hesitate to contact the EUROMIL Office at euromil@euromil.org or +32 2 626 06 80.