



Resolution on the right to conscientious objection to military service in Europe

ADOPTED BY THE GENERAL ASSEMBLY
NOVI SAD, SERBIA, 22-24 NOVEMBER 2018

Overview

Conscientious objection to military service “derives from principles and reasons of conscience, including profound convictions, arising from religious, moral, ethical, humanitarian or similar motives.”¹

In particular, the nonviolent struggle that has been and continues to be carried out by the European Bureau for Conscientious Objection and other European peace organisations has at its core the legal recognition of the youth right to conscientious objection to military service on the ground of a moral and/or religious opposition to war and its preparation.

Despite the increasing international and regional recognition of the human right to conscientious objection to military service, young people seeking to exercise this right continue to face violations of this and other rights due to non-recognition of the right or a failure to fully implement it.

In the Council of Europe area, military service remains obligatory in Armenia, Austria, Azerbaijan, Belarus, Cyprus, Denmark, Estonia, Finland, Georgia, Greece, Lithuania, Moldova, Norway, Russia, Switzerland, Turkey and Ukraine.

With the solitary exception of Turkey, all these States have over the course of the years either explicitly recognised conscientious objection to military service or at least indicated the intention of making a civilian alternative service available.

Such recognition does not however imply full acceptance of the currently agreed international standards. Constitutional provisions, for example, in Bulgaria, Russian Federation and Belarus were not implemented in legislation for many years. In many cases the initial legislation applied only to very narrowly-defined groups, or merely made an unarmed military service available.

The persecution of conscientious objectors often persisted – and in some places still persists – long after legislation.²

¹ UN Commission on Human Rights, Resolution 1998/77, “Conscientious Objection to Military Service”, E/CN.4/RES/1998/77, 22 April 1998.

² See, inter alia, the following documents and statements: UN Human Rights Committee, Concluding observations on the second report of Greece, (CCPR/C/GRC/CO/2, paras. 37-38); War Resisters’ International (WRI), Press release “Finland: Appeal court repealed total objector’s sentence” (available here www.wri-irg.org/en/story/2018/finland-appeal-court-repealed-total-objectors-sentence); UN Human Rights Council, Report of the Working Group on the Universal Periodic Review, Finland (A/HRC/36/8, para. 100.84); Forum18, Press release “Russia: Property sell-offs, alternative service denials follow Jehovah’s Witness ban” (available here www.forum18.org/archive.php?article_id=2344). For an overview on the situation of conscientious objectors in Europe during the years, see EBCO annual reports (available here www.ebco-beoc.org/reports).

This resolution seeks to draw attention to the rights violations faced by young conscientious objectors to military service and to contribute to ending these violations by calling on all European States to review their policies to ensure they are in line with the rights covered in the resolution.

Moreover, some European countries are considering the idea of reintroducing obligatory military training for young people. In this resolution we would like to remind those countries of the need to respect the right of conscientious objection in their legislation.

Finally, the resolution seeks to honour the worthy and useful contribution that the conscientious objectors performing an alternative unarmed and nonviolent civilian service bring to the well-being of vulnerable groups and to the entire social fabric, and more in general as a young contribution to peace processes and conflict prevention and resolution.³

³ See also the *Independent Progress Study on Youth, Peace and Security*, www.youth4peace.info/ProgressStudy

THE EUROPEAN YOUTH FORUM,

Bearing in mind that young people are entitled to all the rights and freedoms set forth in the UN Universal Declaration of Human Rights without distinction of any kind, such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status,

Reaffirming that it is recognised in the UN Universal Declaration of Human Rights and the International Covenant on Civil and Political Rights that everyone has the right to life, liberty and security of person, as well as the right to freedom of thought, conscience and religion,

Reaffirming that the UN Universal Declaration of Human Rights recognises a right for everyone to equal protection against any discrimination in violation of this Declaration and against any incitement to such discrimination,

Takes note with appreciation of the UN analytical report on Youth and Human Rights which underlines that some States do not recognise or fully implement the right to conscientious objection to military service;⁴

Takes note also of the UNSCR 2250 Youth, Peace and Security and the following UNSCR 2419, that reaffirm the important role that youth and youth organisations should be meaningfully included in processes for the prevention and resolution of conflicts and as a key aspect of the sustainability, inclusiveness and success of peacekeeping and peacebuilding efforts,

Recalling article 12 of the Ibero-American Youth Convention which explicitly recognises the right to conscientious objection as a youth right,

Recalling article 10.2 of the Charter of Fundamental Rights of the European Union which recognises the right to conscientious objection,

Recalling article 9 of the European Convention on Human Rights of the Council of Europe on Freedom of thought, conscience and religion; which does not explicitly refer to a right to conscientious objection, but – starting from Bayatyan v. Armenia case⁵ – it has been considered by the European Court of Human Rights to fall within the ambit of that provision,

Recalling also the European Parliament Resolution of 13 October 1989 on conscientious objection and alternative civilian service,

⁴ Analytical Report of the UN OHCHR adopted by the UN Human Rights Council at its 39th session (September 2018), Resolution n. A/HRC/39/33, 28th June 2018, para. 56.

⁵ Bayatyan v. Armenia, Application No. 23459/03, Grand Chamber judgment of 7 July 2011.

Bearing also in mind its Policy paper on youth rights of 2012; which lists the right to Freedom of thought, conscience and religion or belief, including the right of conscientious objection to military service as a youth right,⁶

Emphasising that differences and discrimination contained in the rules governing the recognition of conscientious objection and laying down the arrangements for the performance of alternative civilian service have a grave impact on the opportunities of young people in regard to vocational training, employment, social security, political and economic rights,

Urges States with a system of compulsory military service to excuse conscientious objectors from military service with no further action required from such persons; or - secondly – to provide an alternative service that is compatible with the reasons for conscientious objection, of a non-combatant, nonviolent or civilian character, in the public interest and not of a punitive nature, such as longer duration, unreasonable placement or monetary discrimination,

Urges also States to respect the freedom of expression of those who promote the protection of the rights of conscientious objectors or who advocate for the right of conscientious objection to military service,

Recommends that States reduce the length of alternative civilian service to the length of the shorter military service available in their countries,

Recommends also that a declaration setting out the individual's motives should suffice in order to obtain the status of conscientious objector, *or in second place*,

Calls upon States to establish independent and impartial decision-making bodies, which are entirely separate from the military authorities, with the task of determining whether a conscientious objection to military service is genuinely held in a specific case, taking account of the requirement not to discriminate between conscientious objectors on the basis of the nature of their particular beliefs,

Affirms that after any decision on conscientious objector status there should always be a right to review by a competent, independent and impartial tribunal established by law,

Emphasises that States should take the necessary measures to refrain from subjecting individuals to imprisonment solely on the basis of their conscientious objection and to repeated punishment for refusing to perform military and alternative services,

Emphasises also the important role that young people performing alternative service can play in public services, charities and associations – especially if volunteer and/or youth-led – supporting their activities in favour of vulnerable groups and for a more peaceful society,

⁶ POLICY PAPER ON YOUTH RIGHTS GA 0527-12-FINAL, adopted by the European Youth Forum General Assembly (Slovenia, 22-25 November 2012), p. 10.

Reaffirms the importance of the availability information about the right to conscientious objection to military service, and that those information can be written and delivered in a youth-friendly way;

Invites States to consider including in their national reports, to be submitted under the UN Universal Periodic Review mechanism and to the UN treaty bodies, information on national provisions related to the right to conscientious objection to military service.

Calls upon the European Youth Forum and its Member Organisations to promote the right to conscientious objection as a youth right, including through the submission of information regarding this right when engaging with human rights mechanisms and processes.