



OFFICE OF THE HIGH COMMISSIONER FOR HUMAN RIGHTS



Conscientious objection to military service

Commission on Human Rights resolution 1989/59

The Commission on Human Rights,

Reaffirming that all Member States have an obligation to promote and protect human rights and fundamental freedoms and to fulfil the obligations they have undertaken under the various international human rights instruments, the Charter of the United Nations and humanitarian law,

Mindful of articles 3 and 18 of the Universal Declaration of Human Rights, which proclaim the right to life, liberty and security of person and the right to freedom of thought, conscience and religion,

Bearing in mind that it is recognized in the International Covenant on Civil and Political Rights that everyone has the right to freedom of thought, conscience and religion,

Bearing in mind also General Assembly resolutions 34/151 of 17 December 1979, in which the Assembly designated 1985 as "International Youth Year: Participation, Development, Peace", 2037 (XX) of 7 December 1965, in which the Assembly stated that young people should be brought up with an understanding, and in the spirit, of peace, justice and respect for all persons, and 2447 (XXIII) of 19 December 1968,

Recalling its own resolution 40 (XXXVII) of 12 March 1981, in which it pointed to the need for a better understanding of the circumstances under which military service might be objected to on the grounds of conscience,

Noting the important role of youth in the promotion of international peace and co-operation as well as of human rights and fundamental freedoms,

Recalling General Assembly resolution 33/165 of 20 December 1978, in which the Assembly recognized the right of all persons to refuse service in military or police forces used to enforce apartheid and called upon Member States to grant asylum or safe transit to another State, in the spirit of the Declaration on Territorial Asylum, to persons compelled to leave their country of nationality solely because of a conscientious objection to assisting in the enforcement of apartheid through service in military or police forces,

Expressing its conviction that consistent and sincere efforts on the part of all States aimed at the definitive removal of the threat of war, the preservation of international peace, the realization of the right to self-determination and the development of international co-operation in accordance with the Charter of the United Nations would ultimately result in the creation of conditions under which military service would become unnecessary,

Taking into consideration its resolution 1984/33 of 12 March 1984 and Economic and Social Council resolution 1984/27 of 24 May 1984, by which it was decided to give the widest possible distribution to the report prepared by Mr. Eide and Mr. Mubanga-Chipoya for the Sub-Commission on Prevention of Discrimination and Protection of Minorities (E/CN.4/Sub.2/1983/30), with a view to receiving comments from Governments, relevant United Nations bodies and specialized agencies, other intergovernmental organizations and non-governmental organizations,

Recalling its resolution 1987/46 of 10 March 1987, in which it appealed to States to recognize that conscientious objection to military service should be considered a legitimate exercise of the right to freedom of thought, conscience and religion recognized by the Universal Declaration of Human Rights and the International Covenant on Civil and Political Rights, and recommended that States refrain from subjecting to imprisonment persons exercising this right,

Recalling the comprehensive report submitted by Mr. Eide and Mr. Mubanga-Chipoya on the question of conscientious objection to military service containing conclusions and recommendations as well as the replies

of Governments and international organizations to the Secretary-General's request for comments and observations (E/CN.4/1985/25 and Add.1-4),

Recalling the Sub-Commission's report on the question of conscientious objection to military service (E/CN.4/Sub.2/1983/30), which reflects the relevant international norms and standards embodied in various human rights instruments and describe State practice concerning voluntary or compulsory performance of military service,

Taking into consideration that, although in some States no provision is made in the domestic legislation concerning the recognition of conscientious objection to military service, in practice such States provide for non-combatant service within the military framework and sometimes for civilian alternative service,

Having considered the report of the Secretary-General (E/CN.4/1989/30),

Recognizing that conscientious objection to military service derives from principles and reasons of conscience, including profound convictions, arising from religious or similar motives,

1. Recognizes 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 as laid down in article 18 of the Universal Declaration of Human Rights as well as article 18 of the International Covenant on Civil and Political Rights;

2. Appeals to States 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;

3. Recommends to States with a system of compulsory military service, where such provision has not already been made, that they introduce for conscientious objectors various forms of alternative service which are compatible with the reasons for conscientious objection, bearing in mind the experience of some States in this respect, and that they refrain from subjecting such persons to imprisonment;

4. Emphasizes that such forms of alternative service should be in principle of a non-combatant or civilian character, in the public interest and not of a punitive nature;

5. Recommends to States Members of the United Nations, if they have not already done so, that they 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;

6. Requests the Secretary-General to transmit the text of the present resolution to all States Members of the United Nations;

7. Also requests the Secretary-General to report to the Commission at its forty-seventh session on the question of conscientious objection to military service, taking into account the comments provided by Governments and further information received by him;

8. Decides to consider this matter further at its forty-seventh session under the agenda item "The role of youth in the promotion and protection of human rights, including the question of conscientious objection to military service".

55th meeting
8 March 1989

[Adopted without a vote. See chap. XV.]