



OFFICE OF THE HIGH COMMISSIONER FOR HUMAN RIGHTS



Conscientious objection to military service

Commission on Human Rights resolution 1993/84

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,

Recalling its resolution 1989/59 of 8 March 1989, in which it recognized the right of everyone to have conscientious objections to military service as a legitimate exercise of the right of freedom of thought, conscience and religion,

Bearing in mind 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 grounds of conscience,

Noting the important role of youth in the promotion of international peace and cooperation 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 solely because of a conscientious objection to assisting in the enforcement of apartheid through service in military or police forces,

Recalling the comprehensive report on the question of conscientious objection to military service, containing conclusions and recommendations, submitted to the Sub-Commission on Prevention of Discrimination and Protection of Minorities at its thirty-sixth session by Mr. Asbjorn Eide and Mr. C.L.C. Mubanga-Chipoya (United Nations publication, Sales No. E.85.XIV.1), which reflects the relevant international norms and standards embodied in various human rights instruments and describes State practice concerning voluntary or compulsory performance of military service, and the report of the Secretary-General (E/CN.4/1985/25 and Add.1-4) containing the comments of Governments, United Nations bodies and non-governmental organizations on that report,

Noting the developments concerning conscientious objection to military service on a regional level,

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 alternative civilian service,

Recalling its resolution 1991/65 of 6 March 1991, in which it requested the Secretary-General to report to the Commission on the matter at its forty-ninth session,

Having considered the report of the Secretary-General (E/CN.4/1993/68 and Add.1-3), and thanking those Governments that provided comments to the Secretary-General,

Noting the final report on human rights and youth submitted by the Special Rapporteur of the Sub-Commission (E/CN.4/Sub.2/1992/36), which draws attention to the continuing need for provision for conscientious objection to military service in many countries,

Aware that persons performing military service may develop conscientious objections,

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

1. 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 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. Affirms that persons performing compulsory military service should not be excluded from the right to have conscientious objections to military service;
3. Recognizes the fact that there exists various domestic legislation concerning conscientious objection to military service;
4. Appeals to 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;
5. Reminds States with a system of compulsory military service where such provision has not already been made of its recommendation 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 conscientious objectors to imprisonment;
6. 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;
7. Appeals to Member States, if they have not already done so, 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;
8. 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;
9. Requests the Secretary-General to transmit the text of the present resolution to all States Members of the United Nations and to include the right of conscientious objection to military service in the public information activities of the United Nations;
10. Also requests the Secretary-General to report to the Commission at its fifty-first session on the question of conscientious objection to military service, taking into account the comments provided by Governments and further information received by him;
11. Decides to consider this matter further at its fifty-first 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".

[Adopted without a vote. .]