



EUROMIL aisbl
(European Organisation of
Military Associations)
Rue John Waterloo Wilson 78
B-1000 Brussels
Tel: +32.2.626.06.80
E-mail: euromil@euromil.org
N° Ent.: 0538.809.759

To whom it may concern

Brussels, 13 February 2017

Dear Sir or Madam,

The European Organisation of Military Associations (EUROMIL) is pleased to answer the call for input from the OHCHR on conscientious objection to military service.

Founded in 1972, EUROMIL is an umbrella organisation composed of 33 military associations and trade unions from 21 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. EUROMIL particularly calls for recognition of the right of servicemen and -women to form and join trade unions and independent associations and for their inclusion in a regular social dialogue by the authorities.

Concerning the request for information on conscientious objection to military service, EUROMIL can provide the OHCHR with information on the situation in selected European countries.

BELGIUM: Conscientious objection was envisaged in the context of compulsory military service, for the conscripts. They could refuse to do their military service, but should instead perform civilian service, which was longer than military service. (Legislation on the status of conscientious objectors - 20 February 1980). Meanwhile Belgium adopted a professional army. Compulsory military service was not repealed but suspended on 1 March 1995 and the concept of conscientious objector was no longer necessary as potential recruits should decide by themselves to join the army or not.

CYPRUS: The procedure in the Cypriot armed forces for the treatment of conscientious objectors is the following:



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

2. 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.

3. 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.

4. 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.

5. 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.

DENMARK: Denmark still maintains conscription. The right to conscientious objection is recognised for conscripts but not for professional soldiers.

The right to conscientious objection has been 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



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mentioned that professional soldiers might repay expenses of training, if they want to resign prematurely. This is only relevant for specific educations like pilot.

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).

HUNGARY: In 2004, the conscription system, which has been a tradition for over 135 years, was suspended in peacetime. The Hungarian Defence Forces adopted a voluntary system, with professional and contractual military personnel. Conscientious objection to military service is thus not applicable in present times.

Between 1990 and 2004, the compulsory military service could be replaced by alternative (weaponless or civilian) service if a man who was liable to conscription had conscientious objection to military service. But the duration of these types of service were always longer than the duration of compulsory military service.

ITALY: There are no conscientious objectors in Italy because the country adopted a professional army few years ago. Therefore, only professional volunteers make part of the Italian armed forces.

IRELAND: 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.



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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. Nevertheless, no regulatory provision exists for discharge on grounds of conscientious objection specifically. 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.

MONTENEGRO: Article 166 of the Law on Armed Forces of Montenegro stipulates the following:

“Conscientious objection shall be allowed to persons who, due to their religious or other beliefs, are not ready to perform military duties that include use of weapons.”

Nothing else is stipulated within the law concerning "conscientious objection". It does not clearly indicate what "conscientious objection" implies, or what are the rights and obligations of the above-mentioned persons.

POLAND: In Poland, compulsory military service and military training for university graduates was suspended on 1 January 2010, but may be restored by the Minister of Defence at any time for specific cases (e.g. natural disaster).

A person subjected to military service or military training, who, due to religious or moral reasons, has objections to military service, can apply to a respective authority for sending him to alternative military service. Undergoing the alternative military service is treated as a holding of military service or military training and concludes the matter.

SERBIA: In the Republic of Serbia, Article 45 of the Constitution regulates the issue of conscientious objection. This provision is applied to the introduction of the professional military service. At the time being, there are no problems in this regard in Serbia.



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SLOVAKIA: Conscientious objector was a concept envisaged in the context of compulsory military service. Ex lege compulsory military service was terminated by act. No 365/2005 on state service of professional soldiers which replaced prior act No 370/1998 on military service. Act No 365/2005 came to effect on 1 September 2005 and since that time character of military service have changed from compulsory military service to full voluntary professional military service. Until 1 September 2005 conscripts could refuse to do their military service, but instead of it they had to perform civilian service, which was half term of military service longer than military service. Enacting full professional military service concept of conscientious objector was no longer necessary as potential recruits can decide by themselves to join the army or not.

SPAIN: At the time being, the concept of conscientious objector does not apply to Spanish soldiers since compulsory military service ended on 31 December 2001.

The concerning regulations are:

-Law 17/1999 (18 May) on the Armed Forces Personnel Rules, which in its 13th Additional Provision established that on 31 December 2002 compulsory military service would be suspended.

-Royal Decree 247/2001 (9 March) established that the suspension of compulsory military service would be anticipated to 31 December 2001.

SWEDEN: There are no conscientious objectors in Sweden because the country adopted a professional army few years ago. Therefore, only professional volunteers make part of the Swedish Armed Forces. In one or two years, Sweden will go towards a mixed system of volunteers and conscripts in the armed forces so it might probably become a problem for Sweden.

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