

IRELAND

A. MILITARY CONSCRIPTION

1. Military service

There is no compulsory military service in the Republic of Ireland. Universal compulsory military service can be introduced under Irish law, if the government declares a state of national emergency (Constitution Article 28 § 23, and the Defence Act of 1954 § 4 (1)).

Ireland maintains professional armed forces which serve in Ireland and perform United Nations peace-keeping duties in Lebanon and Cyprus.

The remaining sections relate to servicemen in the professional army.

2. Liability for service

Volunteers over the age of 18 can join the armed forces.

3. Length

Volunteers sign up for a certain period of time which they determine themselves.

4. Reserve obligations

Not applicable.

B. CONSCIENTIOUS OBJECTION

1. Legal recognition

There is no official legal provision for volunteers who develop a conscientious objection to service in the armed forces.

2. Recognised reasons

Not applicable.

C. PROCEDURE TO GAIN CO STATUS

1. Application

A soldier could request a discharge from the army, should he develop a conscientious objection to the role of the army after enrolment, by informing the authorities of his position.

2, 3, 4 and 5 not applicable.

D, E and F not applicable.

G. STATISTICS

There have been no known cases of COs among the volunteer forces of Ireland.

ITALY

A. MILITARY CONSCRIPTION

1. Military service

Compulsory military service is referred to in the Italian Constitution. It is further regulated by the Military Code of 1936.

2. Liability for service

Men between the ages of 18 and 30 are obliged to perform military service. Exemptions can include those who have performed a special service (see § E4).

3. Length

Twelve months.

4. Reserve obligations

Reserve obligations continue until the age of 30.

B. CONSCIENTIOUS OBJECTION

1. Legal recognition

The right to conscientious objection is recognised in Law No. 772 of 15 December 1972 and its amendment of 19 December 1974 (Legge Marcora). Further legislation includes the Presidential Decree of 28 November 1977 No. 1139. This law can be exploited by those of conscript age within the prescribed time limits and by conscripts already engaged in military service by special application to the Ministry of Defence, but not by those in possession of an arms licence or those who have been charged for abuse of carrying arms.

Several new bills are at this moment (spring 1981) being presented to parliament including a special one allowing potential COs from the area recently stricken by earthquakes to do an alternative service of twelve months linked with the reconstruction of the area.

2. Recognised reasons

CO status is granted to a person who is opposed to the use of arms in all circumstances through profound conscientious motives. Profound religious, philosophical or moral convictions are accepted for refusal to perform military service (Article 1 Legge Marcora).

C. PROCEDURE TO GAIN CO STATUS

1. Application

Application for CO status must be made in writing to the authorities responsible for recruitment, stating reasons for the claim and requesting a transfer to either non-combatant military service or civilian service. The evidence is forwarded to the Ministry of Defence which decides with the advice of a committee whether to accord the claim or not.

2. Tribunal

The committee is set up by ministerial decree and is composed of the following members: a judge, a general or admiral nominated by the Ministry of Defence, a university professor nominated by the Ministry of Education, a magistrate and a psychologist both nominated by the Council of Ministers (Consiglio dei Ministri). The Ministry of Defence has the power to nominate several committees.

3. Rights of applicant

The applicant does not normally have a personal hearing.

4. Right of appeal

An appeal on the decision of the Ministry of Defence is possible to the Regional Administrative Tribunal (Tribunale Amministrativo Regionale).

5. Time delays encountered

Application for CO status can be made within 60 days of the call-up for service, or between 31 December of the preceding year and the call-up to service if the service has been postponed. On receipt of the application the candidate is suspended from service until it has been examined (Article 3). The Minister of Defence is expected to deliver his decision within six months of the submission of the application, but this period has been exceeded on many occasions and the ministry had to issue a special circular exempting from all service those applicants who had been waiting for more than 26 months.

D. AVAILABILITY OF INFORMATION

A conscript does not automatically receive information on his rights to refuse military service. There is a special training session for COs lasting one month, which takes place at the beginning of the CO's period of alternative service. Here they receive general information on their functions, rights and obligations.

E. ALTERNATIVE SERVICE

1. Legislation on alternative service

A civilian service is available as provided in the Law No. 772 of 15 December 1972 and subsequent amendments.

2. Length

Twenty months.

3. Organisation and administration

Various organisations, including local authorities, are responsible for the organisation of civilian service, following a written agreement with the Ministry of Defence.

4. Type of work available

Possibilities for civilian service include: work in civil defence, forestry, education and social institutions. Those who have worked in official voluntary service in developing countries may be considered to have performed their national service. It is also possible to do a non-combatant service within the army.

5. Further obligations

A CO may be recalled for service in special circumstances and will be assigned to non-combatant duties of a dangerous nature (Article 6).

6. Conditions of service

COs have the same rights and allowances as military conscripts. They are not able to hold public or private office, or to undertake professional activities whilst engaged in national service. Failure to comply with this regulation can result in one year's imprisonment (Article 7). COs cannot take up employment connected with the use of arms.

F. PENALTIES

Conscripts who refuse all forms of national service can be imprisoned for two to four years (Article 8). Recognised COs can lose their status for failing to report for alternative status or for behaving inconsistently with their status.

G. STATISTICS

<u>Year</u>	<u>No. of eligible conscripts</u>	<u>No. of applications for CO status</u>
1976	535,314	628

Official government statistics.

LIECHTENSTEIN

A. MILITARY CONSCRIPTION

Article 44 of the Constitution of the Principality of Liechtenstein reads as follows:

"Every man fit to bear arms shall be liable, up to the completion of his sixtieth year, to service in the defence of his country in the event of emergency.

Apart from this contingency, no armed units may be organised or maintained, except so far as may be necessary for the provision of the police service and the preservation of internal order. Detailed regulations regarding this matter shall be laid down by law."

The army was abolished in 1868 and there has therefore been no need for compulsory military service. Hence sections B, C, D, E, F and G are not applicable.

LUXEMBOURG

A. MILITARY CONSCRIPTION

1. Military service

There has been no compulsory military service in Luxembourg since 1967. The right to conscientious objection was first introduced in 1963, whereby those refusing to perform their military service were obliged to perform an alternative service. Luxembourg maintains a battalion of volunteer soldiers to satisfy its obligations to NATO. The legislation governing this army is the Military Law (Loi Militaire) of 3 July 1952.

The remaining sections relate to servicemen in the professional army.

2. Liability for service

Volunteers between the ages of 17 and 25 can join the armed forces.

3. Length

Volunteers sign up for three years.

4. Reserve obligations

Not applicable.

B. CONSCIENTIOUS OBJECTION

1. Legal recognition

There is no official legal provision for volunteers who develop a conscientious objection to service in the armed forces.

2. Recognised reasons

Not applicable.

C. PROCEDURE TO GAIN CO STATUS

1. Application

A soldier could request a discharge from the army, should he develop a conscientious objection to the role of the army after enrolment, by informing the authorities of his position.

2, 3, 4 and 5 not applicable.

D. AVAILABILITY OF INFORMATION

Not applicable.

E. ALTERNATIVE SERVICE

Not applicable.

F. PENALTIES

Not applicable.

G. STATISTICS

There were two trials of COs between 1945 and 1963 and there were about five cases of COs between 1963 and 1967 in the conscripted army. There have been no known cases of COs among the volunteer army in Luxembourg since 1967.

MALTA

A. MILITARY CONSCRIPTION

There is no compulsory military service in the Republic of Malta.

B. CONSCIENTIOUS OBJECTION

Should conscription be introduced, eg in the case of war or an emergency, the Constitution (Article 36 (2) (c)) would envisage an alternative service for people refusing military obligations.

Further information is not available at present.

NETHERLANDS

A. MILITARY CONSCRIPTION

1. Military service

Compulsory military service is regulated by the law of 1912.

2. Liability for service

Men between the ages of 18 and 35 (40 for non-commissioned officers and 45 for commissioned officers) are obliged to perform military service. Exemptions include: principle breadwinners, "indispensable men", those with two or more brothers who have performed their military service, others with special situations or who have performed a special service (see section E).

3. Length

Fourteen months.

4. Reserve obligations

Reserve obligations continue until the age of 45.

B. CONSCIENTIOUS OBJECTION

1. Legal recognition

The right to conscientious objection is recognised in the Dutch Constitution of 1922 (Article 196) and in the laws of 13 July 1923 (Stbl 1923 357) and of 27 September 1962 (Stbl 1962 370) and the amendment of 24 November 1978 (Stbl 1978 694). This law can be exploited in peace time and war time by those of conscript age and those already engaged in military service.

2. Recognised reasons

CO status is granted to a person who objects to military service on "genuine reasons of conscience" (1922 Constitution). Selective objection may be possible (eg to the use of nuclear weapons) and COs would be invited to use the law on conscientious objection to military service. (In 1980 a soldier refused to guard a depot of nuclear arms. He was condemned to six weeks' conditional military detention. This provoked parliamentary debates on the issue of selective service.)

C. PROCEDURE TO GAIN CO STATUS

1. Application

Application for CO status must be made in writing to the Minister of Defence, stating reasons for the claim. A report is then made and passed on to the Advisory Committee (Commissie van Advies).

2. Tribunal

The applicant appears before one person from this committee appointed by the Ministry of Justice. If his claim is not recognised at this stage, he has another hearing with three members of the Advisory Committee also nominated by the Ministry of Justice. Their decision reached by a majority, along with the reasons behind this and the ministerial decision, are communicated to the applicant. He also has to appear before a psychologist.

3. Rights of applicant

The applicant is allowed legal counsel and witnesses to aid his defence.

4. Right of appeal

An appeal on the decision of the committee is possible within 30 days to the queen. There follows a public hearing by the Council of State (Raad van State). The decision is communicated in the form of a royal decree.

5. Time delays encountered

Application for CO status can be made at any time after the receipt of the call-up papers. On receipt of the application the call to service is suspended. The applicant is informed by post after a delay of a few weeks of the decision of the Advisory Committee. There are often considerable time delays (on average about six months) for the applicant if his claim is not accepted at the first interview with the committee.

D. AVAILABILITY OF INFORMATION

A conscript has easy access to information on his rights to refuse military service as a CO, as these are defined in his call-up papers. He will receive details of his legal rights and how to make an appeal, should his claim be unsuccessful.

E. ALTERNATIVE SERVICE

1. Legislation on alternative service

An alternative service is available as provided in the 1978 law on conscientious objection to military service (Wet gewetensbezwaren militaire dienst Stb 1978 694).

2. Length

Eighteen months.

3. Organisation and administration

The Ministry for Social Affairs is responsible for the delegation of COs to alternative service in organisations which it has approved. The CO is invited for interview with an official from this ministry to discuss his placement in alternative service. Since January 1975, the administration of this service is the responsibility of the Ministry for Social Affairs.

4. Type of work available

Possibilities for civilian service include: work in social, cultural, health or welfare institutions, administrative posts, environmental protection or peace work. The possibility for a development service abroad is being considered. Those who have already completed such a service may be considered as having performed their national service. It is not possible to do a non-combatant service within the army.

5. Further obligations

A CO may be recalled for service in special circumstances until the age of 35.

6. Conditions of service

COs have the same rights and allowances as military conscripts. All conscripts have full civilian rights. It is possible for alternative service to be performed in separate periods.

F. PENALTIES

Conscripts who refuse all forms of national service can receive a prison sentence of up to two years. In practice, this is generally commuted to one year.

G. STATISTICS

<u>Year</u>	<u>No. of eligible conscripts</u>	<u>No. of applications for CO status</u>	<u>No. of recognised applications</u>
1975	117,912	2,117(1)	1,265 (17)
1976	122,121	2,227	1,327 (54)
1977	120,188	1,999	1,178 (135)
1978	121,822	2,432	624 (1,321)
1979	122,324	3,091	36 (2,873)

- (1) Of these, 743 withdrew their application, 70 recognised non-combatant service, 547 were engaged in alternative service (cf 959 in 1979) and 92 claims were not recognised. The figures in brackets indicate the number of cases upon which no decision had been reached as on 1 January 1980.

Official government statistics.

NORWAY

A. MILITARY CONSCRIPTION

1. Military service

Compulsory military service is mentioned in paragraph 109 of the 1914 Constitution of Norway. It is further regulated by the General Compulsory Service Act of 1866 and 1953.

2. Liability for service

Men between the ages of 18 and 44 are obliged to perform military service.

3. Length

Twelve to fifteen months depending on the branch of the armed forces.

4. Reserve obligations

Reserve obligations continue until the age of 44. In war time and mobilisation, obligations for reserve service continue until the age of 55.

B. CONSCIENTIOUS OBJECTION

1. Legal recognition

The right to conscientious objection is recognised in an amendment to the Military Penal Code of 1922 (after provisional arrangements in 1900 and 1902). The most recent legislation on this subject is the law of 19 March 1965 on exemption from military service for conscientious grounds and the Royal Order of 3 June 1966. Conscripts and those already engaged in service can take advantage of this legislation. The authorities can also take advantage of these laws on behalf of the conscript.

There is a possibility of change in this legislation as a result of the report NOU 1979:51 Verneplikt and the forthcoming elections (autumn 1981).

2. Recognised reasons

Serious grounds of conviction are accepted for refusal to perform military service. Selective objection is not generally accepted.

C. PROCEDURE TO GAIN CO STATUS (as defined in paragraphs 2-9 of the law of 1965)

1. Application

Application for CO status must be made in writing to the military unit, the enrolment board or the War Commissioner's Office. A statement from the district bailiff and supporting statements from

persons and organisations testifying to the pacifist behaviour of the applicant should accompany this application. The documents are passed from the War Department to the Chief Police Officer with its opinion on the merits of the case. Evidence is then forwarded to the Ministry of Justice which is responsible for the applications for CO status. If the application was successful, the conscript will be informed by the War Commissioner's Office and he is subsequently inscribed on the civil register.

2. Tribunal

There is no tribunal as such before appeal.

3. Rights of applicant

The applicant is called for interview with the Chief Police Officer.

4. Right of appeal

An appeal on the decision of the Chief Police Officer is possible to three courts (Herredsrett, Lagmannsrett, Høyesterett). The state will initiate the proceedings for an appeal if the conscript does not take up his military service within three weeks of a negative decision being communicated to him by the Chief Police Officer. A case can be reopened on the production of new facts.

5. Time delays encountered

Application for CO status can be made at any time prior to induction or during military training.

D. AVAILABILITY OF INFORMATION

A conscript is informed of his right to refuse military service when called up for enrolment. There is an official school being set up after a period of experiments for recognised COs which lasts two months. Details of how to proceed and appeal in the case of non-recognition is given by the Chief Police Officer.

E. ALTERNATIVE SERVICE

1. Legislation on alternative service

A civilian service is available as provided in the law of 1965, the Royal Decree of 3 June 1966 and instructions from the Ministry of Justice in 1968.

2. Length

Sixteen months. (This period would be less if the CO had already performed any military service before submitting his application.)

3. Organisation and administration

All aspects of the civilian service are under civilian control administered by the Ministry of Justice. The Minister of Justice is responsible for the civilian register of COs.

4. Type of work available

Possibilities for civilian service include: land reclamation and drainage for agriculture, forestry research, road building, civil defence, humanitarian work, health work and social work. Profits for such work go to the state, which donates this to UNICEF. There is no non-combatant service within the Norwegian army; paragraph 10 law on exemption from military service.

5. Further obligations

A CO, having completed his alternative service, may be recalled for refresher courses in civil defence corresponding to the reserve exercises of military conscripts. They are sometimes requested to do this during their alternative service, but conscripts asking not to do this are exempted from such tasks.

6. Conditions of service

COs have the same rights and allowances as military conscripts. The Office of Ombudsman for Conscripted Civilian Workers (seven members) was instituted in 1956 to protect the rights of COs and to officiate in matters concerning their welfare. (This corresponds to a similar office founded in 1952 to protect the interests of military conscripts.) COs are not allowed to travel abroad, to engage in foreign trade or emigrate until their service is completed once they have enrolled.

F. PENALTIES

Conscripts who refuse all forms of national service are sentenced to three months' imprisonment. If they still refuse after having served their prison sentence, they may be sentenced to twelve months' imprisonment; three months unconditionally and nine months conditionally. It is also possible for such objectors to be assigned to performing their civilian service in prison.

G. STATISTICS

<u>Year</u>	<u>No. of applications for transfer to civilian service</u>	<u>No. of recognised claims</u>
1975	c. 2,600	c. 2,436
1976	c. 2,100	c. 2,360
1977	c. 2,130	c. 1,970
1978	c. 2,000	c. 1,860

Statistics from Norges Offentlige Utredninger, NOU 1979:51 Verneplikt.

POLAND

A. MILITARY CONSCRIPTION

1. Military service

Compulsory military service is regulated in Poland by the Universal Military Service Law of 28 February 1950.

2. Liability for service

Men between the ages of 18 and 50 are obliged to perform military service. Women between the ages of 18 and 40 may be called to perform an auxiliary service. Priests, farm-workers who cannot be replaced and mothers of families are exempt from conscription.

3. Length

Twenty-four to thirty-six months depending on the branch of the armed services.

4. Reserve obligations

Reserve obligations continue for men until the age of 50 and for women until the age of 40.

B. CONSCIENTIOUS OBJECTION

1. Legal recognition

There is no provision in Polish law for the person who refuses to perform his military service as such, but a CO would probably be invited to take advantage of the law on civilian service as an alternative to military service.

2. Recognised reasons

Not applicable.

C. PROCEDURE TO GAIN CO STATUS

There is no official procedure to gain CO status, as the right in itself does not exist.

D. AVAILABILITY OF INFORMATION

No information.

E. ALTERNATIVE SERVICE

1. Legislation on alternative service

A civilian service is provided under the law of June 1969.

2. Length

Twenty-four months.

3. Organisation and administration

The Ministry of Employment is responsible for the organisation of the civilian service. Social and financial affairs are regulated by the Ministry of National Defence.

4. Types of work available

Those engaged in civilian service could be employed in the following services: hospitals, social and public institutions, emergency work and conservation work. COs may also be assigned to non-combatant duties within the army.

5. Further obligations

After completing the civilian service, a person will be registered in the reserve.

6. Conditions of service

Those engaged in the civilian service have the same material advantages as military conscripts. These people may be housed in barracks.

F. PENALTIES

Conscripts who refuse to register for national service can be imprisoned or fined. Persistent refusal to register could lead to a prison sentence of three to five years. Those who do not complete their military training may face discrimination as service papers are needed before a person is able to register for a job. He can also suffer loss of civil rights if he does not complete his national service. A notable exception to this ruling is the religious sect, Jehovah's Witnesses, although this sect is officially banned in Poland. A director of the Religious Affairs Ministry stated that Jehovah's Witnesses will no longer be imprisoned for refusing military service (January 1980).

G. STATISTICS

There have been cases of COs in Poland, including Jehovah's Witnesses and Tolstoyans, but no official statistics are available.

PORTUGAL

A. MILITARY CONSCRIPTION

1. Military service

Compulsory military service is regulated by the Recruitment Law No. 2084 of 1956.

2. Liability for service

Men between the ages of 21 and 45 are obliged to perform military service. They can be called up at the age of 18 in war time. Those with special family circumstances are exempt from conscription.

3. Length

Eighteen months.

4. Reserve obligations

Reserve obligations continue until the age of 45 in peace time.

B. CONSCIENTIOUS OBJECTION

1. Legal recognition

The right to conscientious objection is recognised in the Portuguese Constitution of 1976 Article 41 § 5. As yet (spring 1981) there is no law to implement this right. In January 1979 a petition was signed by 1,000 people demanding legal recognition for COs. This question has still to be discussed by parliament. A draft law on conscientious objection will come before the parliament shortly.

2. Recognised reasons

The Constitution does not stipulate reasons which would be accepted for granting CO status.

C. PROCEDURE TO GAIN CO STATUS

Little is known of this process as it has not yet been properly defined by law.

D. AVAILABILITY OF INFORMATION

Not applicable.

E. ALTERNATIVE SERVICE

The Constitution states that COs must accomplish unarmed service of the same duration as compulsory military service. In practice no one has yet performed an alternative service and it is not known what sort of civilian activity is offered to those who refuse military service. It is possible for those objecting to the bearing of arms to be assigned administratively to non-combatant duties within the army.

F. PENALTIES

Conscripts who refuse to perform their military service have to serve a prison sentence. A case has been known where the conscript has faced repeated imprisonments for his refusal to bear arms. His ultimate sentence was three and a half years' imprisonment for desertion (1).

G. STATISTICS

The number of COs in Portugal is estimated to be, at present, about 20. Some COs boycott their military aptitude tests; others resort to exile, but no official statistics are available.

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(1) Case made public by Associação Livre a Paz/Resistantes a Guerra.

RUMANIA

A. MILITARY CONSCRIPTION

1. Military service

Compulsory military service is mentioned in Article 36 of the Constitution of Rumania.

2. Liability for service

Men over the age of 18 are obliged to perform military service. Those with special family circumstances, priests and some doctors are exempt from conscription.

3. Length

Thirty months.

4. Reserve obligations

Reserve obligations continue until the age of 40.

B. CONSCIENTIOUS OBJECTION

There is no provision in Rumanian law for the person who refuses to perform his military service.

C. PROCEDURE TO GAIN CO STATUS

There is no official procedure to gain CO status.

D. AVAILABILITY OF INFORMATION

Not applicable.

E. ALTERNATIVE SERVICE

No information.

F. PENALTIES

A person who does not respond to his call-up into the armed forces could receive repeated prison sentences.

G. STATISTICS

Some religious groups such as the Nazarenes have been known to refuse military service but no figures of COs are available.

SPAIN

A. MILITARY CONSCRIPTION

1. Military service

Compulsory military service is regulated by the General Law on Military Service of 1968 (No. 5500/1968).

2. Liability for service

Men between the ages of 20 and 38 are obliged to perform military service. Priests, members of religious sects and those with special family circumstances are exempt from conscription.

3. Length

Fifteen to eighteen months depending on the branch of the armed forces.

4. Reserve obligations

Reserve obligations continue until the age of 38.

B. CONSCIENTIOUS OBJECTION

1. Legal recognition

Conscientious objection is recognised as a ground for exemption from military service under Article 30, § 2 of the Spanish Constitution. Under the order of the Ministry of Defence of November 1977, a conscript who claims to have a conscientious objection to performing military service can be considered in a state of "deferred call-up", until legislation is passed on this subject. The government has elaborated a new bill which was approved by the Council of Ministers on 7 November 1980, but it has not yet been made law. Legislation on conscientious objection to military service in times of peace is still under debate.

The remaining sections relate to the situation provided for in the projected law.

2. Recognised reasons

A conscript could be granted CO status for religious or ethical reasons.

C. PROCEDURE TO GAIN CO STATUS

1. Application

Application for CO status would have to be made in writing to the National Committee.

2. Tribunal

There follows an investigation by the National Committee at which the applicant may be obliged to appear. The committee may request reports and witnesses when examining the claim. This committee would be appointed by governmental decree.

3. Rights of applicant

No information.

4. Right of appeal

No information.

5. Time delays encountered

Application for CO status must be made within the established time limits. Further time delays depend on the committee examining the claim.

D. AVAILABILITY OF INFORMATION

A conscript does not automatically receive information on his rights to refuse military service. Although the propagation of information on this subject is not expressly forbidden, there have been cases of people being arrested and imprisoned for the distribution of leaflets encouraging conscripts to disregard their call-up papers.

E. ALTERNATIVE SERVICE

1. Legislation on alternative service

An alternative service would be available as provided in the projected law on conscientious objection.

2. Length

Twenty-seven months.

3. Organisation and administration

The National Committee would be responsible for the organisation and supervision of the alternative service and for the placement of COs.

4. Type of work available

Possibilities for civilian service would include work for the public welfare in environmental protection, rural improvements, protection of natural resources, social and sanitary services and other jobs considered by the committee to be in the national interest (Article 2).

5. Further obligations

In times of war a CO will not be obliged to use arms, but will be required to perform duties of equal danger to that of armed service (Article 2 § 3).

6. Conditions of service

COs would have the same rights and allowances as military conscripts. They would not have the right to take part in political or trade union activities (Article 4).

F. PENALTIES

Conscripts who refuse to perform their military service can be sentenced to up to three years' imprisonment under Article 383 of the Military Penal Code. Those who refuse to perform the alternative service can be sentenced to prison.

G. STATISTICS

There have been several cases of COs who refuse to do their military service and of people who return their papers to the military after having completed their military service on account of conscientious objection, but no official statistics are available.

SWEDEN

A. MILITARY CONSCRIPTION

1. Military service

Compulsory military service is regulated by the law of 1892.

2. Liability for service

Men between the ages of 18 and 47 are obliged to perform military service.

3. Length

Military service is nine to thirteen months in duration. This can be performed in separate periods after the basic training.

4. Reserve obligations

Reserve obligations continue until the age of 47. Some men and women over the age of 47 are required for enrolment in the civilian defence.

B. CONSCIENTIOUS OBJECTION

1. Legal recognition

The right to conscientious objection was first recognised in Sweden in 1920. The most recent legislation on this subject is the Law on Weapon-Free Service (Lagen om Vapenfritjänst 1978), which came into force on 1 July 1978. This legislation recognises conscientious objection to military service in peace and in war time, if the objector performs an alternative service. This right can be claimed by men before their registration for national service and by conscripts already engaged in military service.

2. Recognised reasons

CO status is granted to a person who can prove his serious conviction in objecting to the use of armed force against another human being (section 1 of the Law on Weapon-Free Service). Sincere religious beliefs are acceptable for exemption from military service and Jehovah's Witnesses are exempted from all service. Selective objection is not possible; an objector must be opposed to all forms of violence. Objection on political grounds is not recognised.

C. PROCEDURE TO GAIN CO STATUS

1. Application

Application for CO status must be made in writing to the Alternative Service Commission (Vapenfrinämnden). The applicant is then called before an investigator chosen by the Alternative Service Commission, who examines the claim and writes a report with a proposal to the Alternative Service Commission.

2. Tribunal

The Commission on Alternative Service receives the report and reaches a decision on the case. An applicant may be obliged to appear before this commission.

3. Rights of applicant

The applicant has the right to restate his case to the commission regardless of the investigator's report.

4. Right of appeal

An appeal on the decision of the commission is possible to the king.

5. Time delays encountered

A conscript can apply for CO status before or during military service, or before a period of military service. Service is postponed until a decision is made on the application. The procedure for obtaining CO status can take between six and ten months.

D. AVAILABILITY OF INFORMATION

There is a pamphlet distributed to conscripts before registration giving details of the opportunities to do an alternative service. In his summons for registration, a conscript is also informed of the circumstances under which he can obtain permission to do non-combatant service. The investigator informs an applicant on legislation regarding COs and alternative service.

E. ALTERNATIVE SERVICE

1. Legislation on alternative service

A civilian service is available as provided in section 2 of the Law on Weapon-Free Service.

2. Length

Thirteen to fifteen months.

3. Organisation and administration

The Department of Employment (Arbetsmarknadsstyrelsen) is responsible for finding a suitable employment for recognised COs and for their training. The wishes of a CO will be given consideration by the department. A CO can appeal to the Military Service Commission (Varnpliktanämnden) against the decision of the department on alternative work, but this decision cannot be appealed. The Department of Employment is also responsible for the supervision of this work.

4. Types of work available

Possibilities for civilian service exist in areas relevant to society under mobilisation or war (section 2 of the Law on Weapon-Free Service) eg civil defence, state railways, waterworks, telecommunications, health and hospital care, farming, fire and rescue services at airports, social work with state or local authorities, clerical work with the state or local authorities and non-governmental groups, environmental work with state authorities. As from 1981, there has been the possibility for service in developing countries. It is also possible to do a non-combatant service within the army.

5. Further obligations

A CO may be called up for reserve service in the event of a national emergency.

6. Conditions of service

COs have the same rights and allowances as military conscripts. Those who have not done a military training will not be accepted for employment in the police force.

F. PENALTIES

Conscripts who refuse to recognise the decision of the commission, or COs who refuse to do any form of service, are prosecuted for disobeying a military order. A CO may be subsequently fined or imprisoned. For a first offence, the CO is usually fined and a second offence results in a prison sentence of four months. Trial and eventual prosecution are carried out in civilian courts. Normally a CO is not recalled for service after two offences.

G. STATISTICS

<u>Year</u>	<u>No. of eligible conscripts</u>	<u>No. of applications for CO status</u>	<u>No. of conscripts refusing all forms of service (1)</u>
1975	63,528	2,203	968
1976	60,532	2,243	1,018
1977			720
1978			616
1979			1,289
1980		3,836 (2)	

(1) These figures include soldiers going absent without leave. It is estimated that 50% of these refused all forms of service.

(2) Of the 3,531 cases examined, 2,961 were accepted.

Official government statistics (Vapenfrinämnden).

SWITZERLAND

A. MILITARY CONSCRIPTION

1. Military service

Compulsory military service is mentioned in Article 18 § 1 of the 1874 Constitution of Switzerland. It is further regulated by the law on the military organisation of the Swiss Confederation of 12 April 1907.

2. Liability for service

Men between the ages of 20 and 50 are obliged to perform military service. Exemptions include members of the Swiss Federal Council, the Chancellor of the Swiss Confederation, chaplains, prison officers and essential hospital staff. Different conditions and exemptions apply after the completion of basic training and in war time. Those who do not or cannot carry out their military service are obliged to pay a military tax.

3. Length

Basic military training is four months.

4. Reserve obligations

Reserve obligations continue until the age of 50 and until the age of 60 for officers. After basic military training, soldiers must take eight training courses of 20 days each before reaching the age of 32, then three courses of 13 days each before reaching the age of 42, and finally a course of three days. Officers have longer periods of training. In between these periods, soldiers and officers are subject to shooting practice and inspection.

B. CONSCIENTIOUS OBJECTION

1. Legal recognition

There is no provision in Swiss law for the person who refuses to perform his military service. The Military Penal Code includes a limited provision for the recognition of the refusal to perform military service. The proposed draft Constitution drawn up by a committee of experts for the preparation of a total revision of the Federal Constitution (1877) recognises conscientious objection to military service in Chapter 6 Article 37 on the condition that an alternative civilian service is performed.

2. Recognised reasons

Limited recognition of the refusal to perform military service is given for religious, ethical and conscientious grounds.

The remaining sections relate to the limited recognition of conscientious objectors.

C. PROCEDURE TO GAIN CO STATUS

1. Application

A potential CO should reply to his call-up papers with a letter stating his reasons for his refusal to do military service. The army replies to this with a warning of the difficulties this will incur. After the date of enrolment has passed, the conscript is summoned to military justice, where a file is prepared on him.

2. Tribunal

There follows a trial where the judge cross-questions the defendant. The person who prepared the report on the conscript puts his case forward, as does the defence. Witnesses can be called. The presenter of the report suggests a sentence to the tribunal and the defence makes his plea. The defendant is allowed to speak at this point before the jury makes its decision in camera. The tribunal is composed of the following members: a judge (president of the tribunal), four other judges, three officers and two lower officers or soldiers.

3. Rights of applicant

The applicant has the right to defend himself and to take a lawyer, either from the army or a private lawyer for whose fees he is responsible.

4. Right of appeal

An appeal is possible to a tribunal of similar composition to the first tribunal. A further appeal is possible to a higher tribunal (Tribunal de Cassation). A final appeal can be made to the Federal Council.

5. Time delays encountered

A conscript would have to wait between six and twelve months after receiving his call-up papers before his appearance at the military tribunal. There is an average delay of four to six months after the expedition of the objection before the conscript is called to the judge who must prepare the file.

D. AVAILABILITY OF INFORMATION

The objector is informed of his right to appeal against the verdict of the military tribunal.

E. ALTERNATIVE SERVICE

1. Legislation on alternative service

No official alternative service exists, despite numerous attempts to introduce such a service. A popular Federal initiative proposed a text for an additional paragraph to the draft Constitution (§ 18) which included provision for an alternative service of one and a half times the duration of military service aiming to promote peace. The Federal Council is due to propose rules on unarmed service this summer (1981).

2. Length

Not applicable.

3. Organisation and administration

Not applicable.

4. Type of work available

If a conscript is recognised by the tribunal to have deep religious convictions which forbid him to perform a military service, it is possible for him to work in a medical or social services institution while sleeping in a remand house and spending the rest of his free time there. This arrangement is possible for those who have a sentence of three months or less. It is occasionally possible for a CO to make an administrative arrangement and to undertake service in the medical unit of the armed forces.

5. Further obligations

Not applicable.

6. Conditions of service

Not applicable.

F. PENALTIES

Conscripts who refuse to do their military service can receive prison sentences of between three days and three years under the Military Penal Code. Those who refuse on religious or moral grounds may receive more lenient sentences of up to six months in the form of a suspended sentence. Those with recognised conscientious objection to military service must live in remand centres whilst doing some form of alternative service. Those with unrecognised reasons for refusing to do military service are liable to repeated imprisonments, if they refuse to fulfil their reserve obligations.

G. STATISTICS

Number of declared COs appearing before tribunals:

1975	520 (1)
1976	367 (1)
1977	345 (2)
1978	391 (2)
1979	340 (2)
1980	354

(1) From *Domaine Public* 10 November 1977.

(2) From daily newspapers 1978, 1979 and 1980.

TURKEY

A. MILITARY CONSCRIPTION

1. Military service

Compulsory military service is mentioned in Article 60 of the 1961 Constitution of Turkey. It is further regulated by Law No. 1111 of 21 June 1927.

2. Liability for service

Men over the age of 20 are obliged to perform military service.

3. Length

Military service is normally 20 months in duration, but those who are not physically fit to perform the full service are obliged to serve for six months.

4. Reserve obligations

Reserve obligations include recalls to service during war time, for training in the use of new weapons and in special circumstances as necessary.

B. CONSCIENTIOUS OBJECTION

There is no provision in Turkish law for the person who refuses to perform his military service.

C. PROCEDURE TO GAIN CO STATUS

There is no official procedure to obtain CO status.

D. AVAILABILITY OF INFORMATION

Under Article 135 of the General Penal Code (Law 765 of 1 March 1926), it is illegal to incite people to resist their military service. Offenders against this law can be imprisoned for up to two years and heavily fined.

E. ALTERNATIVE SERVICE

None.

F. PENALTIES

A person who does not enter his name on the enrolment register on reaching the age for conscription can be fined under Article 83 of Law No. 1111. Refusal to register in time of war could lead to the deprivation of liberty or the death penalty (Article 33 of the Military Penal Code, Law No. 1075 of 16 June 1927).

G. STATISTICS

No information.

UNITED KINGDOM

A. MILITARY CONSCRIPTION

1. Military service

There has been no compulsory military service in the United Kingdom since 1960. The right to conscientious objection was first introduced in 1916 under the Military Service Act, whereby those refusing to perform their military service either did an alternative service or were granted total exemption from service. The United Kingdom maintains professional armed forces.

The remaining sections relate to servicemen in the professional army.

2. Liability for service

Volunteers between the ages of 16 and 35 may join the armed forces.

3. Length

Volunteers sign up for a certain period of time which they determine themselves (the longer their contract, the higher their starting pay).

4. Reserve obligations

Not applicable.

B. CONSCIENTIOUS OBJECTION

1. Legal recognition

The possibility exists for volunteers who develop a conscientious objection to service in the armed forces to apply for a discharge.

2. Recognised reasons

A serviceman can be discharged from the armed forces on grounds of incompatibility, compassion or conscientious objection.

C. PROCEDURE TO GAIN CO STATUS

1. Application

Application for CO status must be made to the serviceman's commanding officer, who, with the aid of the chaplain, will examine the candidate's sincerity. Their judgement is then communicated to the Personnel Board of the Ministry of Defence.

2. Tribunal

The Personnel Board of the Ministry of Defence receives the report and reaches its decision on this evidence.

3. Rights of applicant

The applicant is not normally present at the investigation of the board.

4. Right of appeal

An appeal is possible to an Advisory Committee on the submission of a form by the applicant, which must give the reasons for his request to be discharged from the army. He will appear and have to put his case before the Advisory Committee (a civilian body) which will pass on its decision to the Ministry of Defence. If his application is again refused, a serviceman is allowed to make an unlimited number of further applications through his commanding officer, provided he has collected fresh evidence for his defence. The appearance before the Advisory Committee is a public trial. The serviceman is allowed legal counsel and representation and is free to call witnesses to aid his defence.

5. Time delays encountered

The procedure for obtaining CO status can take between three months and one year, depending to some extent on the commanding officer's first approach to the ministry. If rejected, the whole procedure of appeal has to be re-initiated and the time delays depend on the next meeting of the Advisory Committee.

D. AVAILABILITY OF INFORMATION

A serviceman does not automatically receive information on the possibility of breaking his contract with the armed forces on grounds of conscientious objection.

E. ALTERNATIVE SERVICE

Not applicable.

F. PENALTIES

A serviceman is still subject to military discipline if he disobeys an order or is absent without leave, albeit for reasons of conscience and even while his application is being considered.

G. STATISTICS

There have been some cases of servicemen wishing to leave the armed forces on grounds of conscientious objection. One such case occurred in May 1979, when a captain was discharged from the army as a conscientious objector by an appeal tribunal.

USSR

A. MILITARY CONSCRIPTION

1. Military service

Compulsory military service is mentioned in the Constitution of 7 October 1977, Articles 31 and 63. The most recent legislation on this subject was passed in October 1967.

2. Liability for service

Men between the ages of 18 and 27 are obliged to perform military service. Women can also be called up from a military register. Those with special family circumstances or those offered work (see section E) are exempt from conscription. Deferment is granted to students and those with special family circumstances; if, at the age of 27, a conscript still has the right of deferment, he is freed from his military obligations in times of peace. Students are obliged to do military training in establishments of higher education whilst those who are not doing full-time studies will take military education at special centres.

3. Length

Military service is 24-36 months in duration, depending on the branch of the armed forces.

4. Reserve obligations

Reserve obligations continue until the age of 40.

B. CONSCIENTIOUS OBJECTION

There is now no provision in Soviet law for the person who refuses to perform his national service, although conscientious objection was recognised by special decree in 1919. This appears to have lapsed with the introduction of the Universal Military Service Law of 1939.

C. PROCEDURE TO GAIN CO STATUS

There is no official procedure to obtain CO status.

D. AVAILABILITY OF INFORMATION

Not applicable.

E. ALTERNATIVE SERVICE

No official alternative service exists as such, but a person may be assigned to non-combatant duties or offered volunteer work, in which case he will be exempted from military obligations.

F. PENALTIES

Those who object to military service are usually treated on an ad hoc basis, although refusal of conscription is a punishable offence under Article 80 of the Criminal Code. Some objectors have received prison sentences of up to six years. Objectors may suffer from loss of civil rights.

G. STATISTICS

There have been several cases of conscripts who refuse to perform their military service, but no official statistics are available.

YUGOSLAVIA

A. MILITARY CONSCRIPTION

1. Military service

Compulsory military service is mentioned in Article 34 of the Constitution of Yugoslavia of 1946. Details of this service are regulated by the Law of National Defence of 1955.

2. Liability for service

Men over the age of 18 are obliged to perform military service. Those with special family circumstances are exempt from conscription.

3. Length

Eighteen to twenty-four months, depending on the branch of the armed forces.

4. Reserve obligations

Reserve obligations continue until the age of 40.

B. CONSCIENTIOUS OBJECTION

There is no provision in Yugoslav law for the person who refuses to perform his military service.

C. PROCEDURE TO GAIN CO STATUS

There is no official procedure to gain CO status.

D. AVAILABILITY OF INFORMATION

Not applicable.

E. ALTERNATIVE SERVICE

No information.

F. PENALTIES

A person who refuses to register for military service or who intends to avoid military service can face a prison service of one to ten years. Article 327 of the Criminal Code (in effect since 1960) makes it a criminal offence to disobey military orders; this includes the refusal to bear arms. This offence can lead to a prison sentence of up to ten years. Some COs have been known to suffer repeated imprisonments for refusing to register after being released from prison for their first refusal. The punishments could be more severe in times of national emergency.

G. STATISTICS

There have been a few known cases of Nazarenes who were imprisoned in military prisons for refusal to perform a military service. Their cases are almost entirely in the hands of the military authorities and no official statistics are available.

Country	Min. length of basic military training	Min. length of alternative service	Type of service available (replacing military service)		N° of men liable for conscription	N° of applicants for CO status	% of COs cf. military conscripts	Year in which statistics taken
			within army	outside army				
Albania	24 months	none provided	n.a.	n.a.	n.k.	n.k.	n.k.	-
Austria	6 months	8 months	✓	✓	n.k.	4,011	n.k.	1980 ⁺
Belgium	10 months	15 months	✓	✓	42,000	1,317	3.1%	1977 ^{°°}
Bulgaria	24 months	none provided [°]	n.a.	n.a.	n.k.	n.k.	n.k.	-
Cyprus	6 months	none provided	n.a.	n.a.	n.k.	n.k.	n.k.	-
CSSR	24 months	none provided [°]	n.a.	n.a.	n.k.	n.k.	n.k.	-
Denmark	9 months	11 months	✓	✓	73,799	2,255	3%	1976 ^{°°}
Finland	8 months	12 months	✓	✓	41,000	718	1.75%	1976 ^{°°}
France	12 months	24 months	✓	✓	n.k.	n.k.	c.0.3%	a.n.a. ⁺
GDR	18 months	18 months	✓	✗	n.k.	n.k.	n.k.	-
FRG	15 months	16 months	✓	✓		54,000		1980
Greece	26 months	48 months	✓	✗	n.k.	none	n.a.	-
Hungary	24 months	none provided [°]	n.a.	n.a.	n.k.	n.k.	n.k.	-
Iceland	no conscription - n.a.		n.a.	n.a.	n.a.	n.a.	n.a.	-
Ireland	no conscription - n.a.		n.a.	n.a.	n.a.	none	n.a.	-
Italy	12 months	20 months	✓	✓	535,314	628	0.1%	1976 ^{°°}
Luxembourg	no conscription - n.a.		n.a.	n.a.	n.a.	none	n.a.	-
Malta	no conscription - n.a.		n.a.	n.a.	n.a.	n.k.	n.a.	-
Netherlands	14 months	18 months	✗	✓	122,324	3,091	2.5%	1979 ^{°°}
Norway	12 months	16 months	✗	✓	n.k.	2,000	n.k.	1978 ^{°°}
Poland	24 months	none provided [°]	n.a.	n.a.	n.k.	n.k.	n.k.	-
Portugal	18 months	none provided	n.a.	n.a.	n.k.	c.20	n.k.	1980 ⁺
Rumania	30 months	none provided	n.a.	n.a.	n.k.	n.k.	n.k.	-
Spain	15 months	(36 months)	(✓)	(✓)	n.k.	n.k.	n.k.	-
Sweden	9 months	13 months	✓	✓	60,532	2,243	2.7%	1976 ^{°°}
Switzerland	4 months	none provided	n.a.	n.a.	n.k.	354	n.k.	1980 ⁺
Turkey	20 months	none provided	n.a.	n.a.	n.k.	n.k.	n.k.	-
UK	no conscription - n.a.		n.a.	n.a.	n.a.	n.k.	n.a.	-
USSR	24 months	none provided	n.a.	n.a.	n.k.	n.k.	n.k.	-
Yugoslavia	18 months	none provided	n.a.	n.a.	n.k.	n.k.	n.k.	-

KEY

n.a. = not applicable

n.k. = not known

[°] = no official alternative service provided, although another form of work may be accepted as an alternative, or cases where administrative arrangements to serve in non-combatant units of the armed forces have been possible.

⁺ = statistics taken from organisations or private sources

^{°°} = official government statistics

a.n.a. = annual national average

Characters in brackets indicate conditions of projected law.

A P P E N D I X B

USEFUL ADDRESSES AND PUBLICATIONS

i. National

A comprehensive list of national peace organisations is available in Housmans Peace Diary, issued annually. The addresses included below are those of organisations with whom we have been in touch over this publication, or are known by us to be active.

Austria: Arbeitsgemeinschaft für Zivildienst, soziale Verteidigung und Gewaltfreiheit, Schottengasse 30/1/58, 1010 Wien.
Publication: Zivildienst Zeitschrift für Antimilitaristen und Zivildienstler pp. 16.

Belgium: Burgerdienst voor de Jeugd, Van Elewyck straat 35, 1050 Brussel. Publication: Zo weiger je legerdienst Handboek voor de gewetensbezwaarde.

Confédération du Service Civil de la Jeunesse, address as above. Publication: Les objecteurs de conscience guide de l'objection de conscience et du service civil en Belgique et dans le monde pp. 160.

Ministère de l'Intérieur, Service de l'objection de conscience, rue de Louvain 1, 1000 Bruxelles.

Denmark: Militaernaegterforeningen, Thorsgade 79, 2200 København N.

Finland: Union of Conscientious Objectors, 11 Linja, 00550 Helsinki 53.

France: COC, 6 impasse Popincourt, 75011 Paris.

Comités de Lutte des Objecteurs, BP 103, 75522 Paris Cedex 11.
Publications: Guide de l'objecteur pp. 54; Objections fortnightly journal.

Fédo, BP 842, 54011 Nancy Cedex. Publication: L'Objection, guide pratique de l'objection de conscience; réflexions sur la militarisation en France, pp. 95.

MIR, 5 rue Thorel, 75002 Paris.

OP20, BP 33, 13170 La Gavotte.

Service Civil International, 129 rue Faubourg Poissonnière, 755009 Paris.

Union Pacifiste Française, 4 rue Lazare Hoche, 92100 Boulogne.

- German Democratic Republic: Publications: German Democratic Republic (GDR), Amnesty International Briefing 1981; Die Verweigerung des Waffendienstes in der DDR by Klemens Richter published Bonn-Bad Godesberg 1979, pp. 107.
- Federal Republic of Germany: Arbeitstelle Kath. Seelsorge für Zivildienstleistende, Königstr. 3, 5 Köln 1. Publication: ZDL Information.
- Beauftragter für ZDL und KDV der Ev. Landeskirche Württemberg, Vogelsangstr. 60, 7000 Stuttgart. Publication: Was uns betrifft.
- DFG - VK, Rellinghauserstr. 214, 43 Essen. Publications: Zivilcourage; Handbuch für Kriegsdienstverweigerer published by Pahl-Rugenstein Verlag, Köln, pp. 160.
- Eirene, Internat. Christ. Friedensdienst eV, Engerser Str. 74B, D-5450 Neuwied I.
- Zentralstelle für Recht and Schutz der Kriegsdienstverweigerer, Donand Str. 4, 2800 Bremen. Publication: Wenn sie Dich holen, eine Information für Kriegsdienstverweigerer bei der Bundeswehr, pp. 43.
- Ireland: DAWN, 168 Rathgar Road, Dublin 6. Publication: Dawn, an Irish journal of non-violence, pp. 12.
- Italy: Agesci, Piazza Pasquale Paoli 18, 00100 Roma.
- Casa della Pace, Via Venaria 85/8, 10148 Torino. Publication: Satyagraha.
- MIR, Via Delle Alpi 20, Roma 00918. Publication: Notizario MIR.
- Movimento Nonviolento, CP 201, 06100 Perugia. Publication: Azione Nonviolenta.
- Noi per la pace, Via Rattazzi 24, 00185 Roma.
- Luxembourg: Ammesty International, BP 1914, Luxembourg.
- Ministère de la Force Publique, Plateau du St. Esprit, Luxembourg.
- Netherlands: Vereniging Dienstweigeraars, PB 4802, Minahassastr. 1, 1009 AV Amsterdam.
- Kerk en Vrede, Utrechtsweg 159, 3818 ED Amersfoort. Publication: Militia Christi, monthly journal. Publication: Dienstplicht Weigerplicht, feiten en motieven rond dienstweigering, published by De Horstink, PB 400, 3800 AK Amersfoort, pp. 128.

- Norway: Folkereising mot Krig, Göteborggt. 8, Oslo 5.
Publication: Ikkevold, 10 issues a year on non-violence.

Kristent Fredslag, Postboks 1760, Vika, Oslo 1.

Sivilarbeidernes Hovedsekretariat, Pottmakervn. 4,
Kaldbakken, Oslo 9. Publication: Militaernekteren, 60
monthly journal.
- Portugal: Associação livre para a paz - Resistentes à guerra, Rue
Bento Gonçalves 2-2^o Baixa da Banheira, 28 30 Barreiro.

Cristaos Para a Paz, Alvaiazere, Almoster.

Movimento Libertario Portugues, Avenida Alvares Cabral 27,
Lisbao.
- Spain: Bakearon Etxea Carniceria Vieja 9-4, Bilbao.

Casal de la Pau, Bruch 26/2 Barcelona. Publication:
Newsletter, regular issues on non-violence, pp. 36.

Justizia Y Paz, Ferrer del Rio, Madrid 1.
- Sweden: Arbetsmarknadsstyrelsens vapenfrigrupp, 171 00 Solna
(alternative service).

Kristna Fredsrörelsen, Duvgatan 1b, Källarv, 532 49
Jönköping.

Svenska Freds och Skiljedomsföreningen, Kungsgatan 55,
11122 Stockholm.

Vapenfriföreningen, address as above.
- Switzerland: Centre Martin Luther King, Bethusy 56, 1012 Lausanne.
Publications: Objection Votre Honneur, 1979; Rebrousse Poil,
periodical.

Comité d'initiative pour un authentique service civil,
CP 141, 1701 Fribourg. Publications: Bulletin d'information;
Pour un authentique service civil, pp. 28.

Internationale der Kriegsdienstverweigerer, Postfach 2721,
8023 Zürich. Publication: Virus, antimilitaristisches
Monatsmagazin, pp. 24.

Pazifistische Gruppe Nordwestschweiz, Postfach 527,
4003 Basel. Publication: ABC der Militärdienstverweigerung
in der Schweiz, pp. 70.

Quaker UN Office, 13 av. du Mervelet, 1209 Genève.

Service Civil International, PB 888 Terreaux 6, CH-2301
La Chaux-de-fonds. Publications: Proposition pour un
service civil; Du Service Militaire au Service Civil by
René Bovard, 1949; Objection à l'Armée, published by
Coordination helvétique des objecteurs de conscience 1977.

United Kingdom: Central Board for Conscientious Objectors, 6 Endsleigh Street, London WC1.

At Ease, c/o Release, 1 Elgin Avenue, London W9 3PR
(counselling for service personnel).

ii. International

Amnesty International, 10 Southampton Street, London WC2E 7HF. Publication: Amnesty International Report.

International Fellowship of Reconciliation, Hof van Sonoy, Veerstraat 1, 1811 LD Alkmaar. Publications: IFOR report; Cahiers de la Réconciliation, pp. 36.

International Peace Bureau, rue de Zürich 41, CH-1201 Genève.

International Youth and Student Movement for the United Nations, c/o Palais des Nations, 1211 Genève 10.

Nonviolent Alternatives Int. Service Network, Kerkstr. 150, B-2000 Antwerpen. Publication: Peace Action News, pp. 12, quarterly.

Quaker Peace and Service, Friends House, Euston Road, London NW1 2BJ. Publication: Quaker Peace & Service, pp. 8, quarterly.

Service Civil International, 13 Wincheap, Canterbury CT1 3TB. Publication: Action, pp. 2, quarterly.

War Resisters' International, 55 Dawes Street, London SE17 1EL. Publication: WRI newsletter, pp. 40, bi-monthly.

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- Alles over dienstweigeren, Pax Christi Netherlands, Den Haag, the Netherlands 1980, pp. 43.
- Conscription, a world survey. Compulsory military service and resistance to it. Devi Prasad and Tony Smythe (ed.), London, United Kingdom 1968, pp. 167.
- Conscription and Conscientious Objection, War Resisters International, London, March 1981, pp. 34.
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SPECIAL PAPERS AND REPORTS

The Promotion of Human Rights and Conscientious Objection, Report of the Secretary General, UN Commission on Human Rights, Geneva, November 1980.

The Human Right to Liberty of Conscience as regards Objection to War and Military Service, Dorothea Woods, Quaker House, Geneva, October 1977.

Imprisonment of COs in Member States of the Council of Europe, Amnesty International, London, May 1979.

The European Parliament and the Right to Conscientious Objection, FWCC, London, October 1978.

The Right of Conscientious Objection to Military Service, Peridier, Council of Europe, Strasbourg, September 1977.

Le Droit à l'Objection de Conscience, Hein van Wijk, SCI/WRI, Bruxelles/Luxembourg, September 1977.

A comprehensive bibliography on conscientious objection is included in the International Peace Information Service "Bibliography on Nonviolence", March 1981, obtainable from Kerkstraat 150, B-2000 Antwerpen.

Housmans Booksellers, 5 Caledonian Road, Kings Cross, London NW1, also provide regular booklists on pacifism and nonviolence.

A P P E N D I X D

CONSULTATIVE ASSEMBLY
OF THE
COUNCIL OF EUROPE

EIGHTEENTH ORDINARY SESSION

RESOLUTION 337 (1967)¹
on the right of conscientious objection

The Assembly,

Having regard to Article 9 of the European Convention on Human Rights which binds member States to respect the individual's freedom of conscience and religion,

Declares :

A. Basic Principles

1. Persons liable to conscription for military service who, for reasons of conscience or profound conviction arising from religious, ethical, moral, humanitarian, philosophical or similar motives, refuse to perform armed service shall enjoy a personal right to be released from the obligation to perform such service.

2. This right shall be regarded as deriving logically from the fundamental rights of the individual in democratic Rule of Law States which are guaranteed in Article 9 of the European Convention on Human Rights.

1. *Assembly Debate* on 26th January 1967 (22nd Sitting) (see Doc. 2170, report of the Legal Committee).

Text adopted by the Assembly on 26th January 1967 (22nd Sitting).

ASSEMBLÉE CONSULTATIVE
DU
CONSEIL DE L'EUROPE

DIX-HUITIÈME SESSION ORDINAIRE

RÉSOLUTION 337 (1967)¹
relative au droit à l'objection de conscience

L'Assemblée,

Rappelant l'article 9 de la Convention européenne des Droits de l'Homme qui fait obligation aux parties contractantes de garantir la liberté de religion et de conscience de l'individu,

Déclare :

A. Principes de base

1. Les personnes astreintes au service militaire qui, pour des motifs de conscience ou en raison d'une conviction profonde d'ordre religieux, éthique, moral, humanitaire, philosophique ou autre de même nature, refusent d'accomplir le service armé, doivent avoir un droit subjectif à être dispensées de ce service.

2. Dans les Etats démocratiques, fondés sur le principe de la prééminence du droit, ce droit est considéré comme découlant logiquement des droits fondamentaux de l'individu garantis par l'article 9 de la Convention européenne des Droits de l'Homme.

1. *Discussion par l'Assemblée* le 26 janvier 1967 (22^e séance) (voir Doc. 2170, rapport de la commission juridique).

Texte adopté par l'Assemblée le 26 janvier 1967 (22^e séance).

*Resolution 337**Résolution 337***B. Procedure**

1. Persons liable for military service should be informed, when notified of their call-up or prospective call-up, of the rights they are entitled to exercise.
2. Where the decision regarding the recognition of the right of conscientious objection is taken in the first instance by an administrative authority, the decision-taking body shall be entirely separate from the military authorities and its composition shall guarantee maximum independence and impartiality.
3. Where the decision regarding the recognition of the right of conscientious objection is taken in the first instance by an administrative authority, its decision shall be subject to control by at least one other administrative body, composed likewise in the manner prescribed above, and subsequently to the control of at least one independent judicial body.
4. The legislative authorities should investigate how the exercise of the right claimed can be made more effective by ensuring that objections and judicial appeals have the effect of suspending the armed service call-up order until the decision regarding the claim has been rendered.
5. Applicants should be granted a hearing and should also be entitled to be represented and to call relevant witnesses.

C. Alternative Service

1. The period to be served in alternative work shall be at least as long as the period of normal military service.
2. The social and financial equality of recognised conscientious objectors and

B. Procédure

1. Il est nécessaire d'informer la personne astreinte au service militaire de ses droits immédiatement après la première notification d'inscription sur les listes ou d'appel imminent sous les drapeaux.
2. Lorsque la décision relative à la reconnaissance du droit à l'objection de conscience est prise en première instance par une autorité administrative, l'organisme de décision compétent en la matière doit être séparé de l'autorité militaire et sa composition doit garantir un maximum d'indépendance et d'impartialité.
3. Lorsque la décision relative à la reconnaissance du droit à l'objection de conscience est prise en première instance par une autorité administrative, cette décision doit pouvoir être contrôlée par au moins une autorité administrative supplémentaire instituée elle aussi dans le respect du principe exposé à l'alinéa précédent; en outre, au moins un organe judiciaire indépendant doit pouvoir exercer un droit de contrôle.
4. Les organes compétents en matière de législation devraient examiner de quelle manière il convient d'augmenter l'efficacité du droit en cause pour que, par le jeu des procédures d'appel et de recours, l'incorporation dans le service armé soit retardée jusqu'au prononcé de la décision.
5. Il conviendrait également d'assurer l'audition du demandeur et de garantir son droit à se faire assister d'un avocat et à désigner des témoins utiles pour l'affaire.

C. Service de remplacement

1. Le service de remplacement à accomplir au lieu du service militaire doit avoir au moins la même durée que le service militaire normal.
2. Il faut assurer l'égalité, tant sur le plan du droit social que sur le plan financier,

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ordinary conscripts shall be guaranteed.

3. The Governments concerned shall ensure that conscientious objectors are employed in social work or other work of national importance - having regard also to the manifold needs of the developing countries.

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de l'objecteur de conscience reconnu et du soldat qui assure le service militaire normal.

3. Les gouvernements intéressés doivent veiller à ce que les objecteurs de conscience soient employés à des tâches utiles à la société ou à la collectivité - sans oublier les besoins multiples des pays en voie de développement.

A P P E N D I X EResolution adopted by the General Assembly
of the United Nations on the status of persons refusing
service in military or police forces used to enforce apartheid

Date: 20 December 1978
Adopted without a vote

The General Assembly,

Mindful that the Charter of the United Nations sets forth, as one of the purposes of the organisation, the achievement of international co-operation in promoting and encouraging respect for human rights and for fundamental freedoms for all without distinction as to race, sex, language or religion,

Recalling Article 18 of the Universal Declaration of Human Rights (1) which states that everyone has the right to freedom of thought, conscience and religion,

Conscious that the Proclamation of Teheran (2), the Lagos Declaration for Action against Apartheid (3) and other United Nations declarations, conventions and resolutions have condemned apartheid as a crime against the conscience and dignity of mankind,

Having regard to section II, paragraph 11, of the Lagos Declaration, which proclaims that the United Nations and the international community have a special responsibility towards those imprisoned, restricted or exiled for their struggle against apartheid,

Taking note of the report of the Special Committee against Apartheid (4),

1. Recognises the right of all persons to refuse service in military or police forces which are used to enforce apartheid;
2. Calls upon member states to grant asylum or safe transit to another state in the spirit of the Declaration on Territorial Asylum (5) 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;
3. Urges member states to consider favourably the granting to such persons of all the rights and benefits accorded to refugees under existing legal instruments;
4. Calls upon appropriate United Nations bodies, including the United Nations High Commissioner for Refugees, the specialised agencies and non-governmental organisations to provide all necessary assistance to such persons.

(1) Resolution 217 A (III).

(2) See Final Act of the International Conference on Human Rights (United Nations publication, Sales No. E.68.XIV.2).

(3) A/CONF.91/9 (United Nations publication, Sales No. E.77.XIV.2) sect X.

(4) Official Records of the General Assembly, Thirty-third Session, Supplement No. 22 (A/33/22).

(5) Resolution 2312 (XXII), annex.

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