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CONSCIENTIOUS OBJECTION TO
MILITARY SERVICE IN EUROPE

Study submitted by the
Quaker Council for European Affairs (1)

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The Quaker Council for European Affairs (QCEA)

Although the European venture is a new Quaker activity it stems from a long tradition. In the 1680s George Fox and William Penn, together with others, met with members of parliament in Britain to persuade them to support religious toleration for all; a goal achieved in 1689.

In the late seventeenth century Quakers (1) already envisaged the desirability of such organisations as the League of Nations and the United Nations. It was therefore appropriate that when they eventually appeared over two hundred years later that Friends should establish centres or "embassies", firstly in Geneva and subsequently in New York. QCEA is the latest child in this stream of witness.

QCEA is governed by a council composed of representatives from national Quaker bodies in many European countries together with co-opted Quakers having especially relevant expertise. The work is supported by Quakers worldwide.

QCEA seeks to bring issues of concern to Quakers, before officials and legislators in Europe at all appropriate levels. It co-operates closely with such bodies as the Ecumenical Commission for Church and Society to the European Community, the Churches Commission for Migrant Workers and the Catholic Centre (OCIFE). In sum, it seeks to "speak truth to power".

Despite the choice of Brussels for the centre, the work and interest of QCEA is by no means limited to the European Community. Notably because of its interest in human rights, QCEA felt it essential to seek consultative status with the Council of Europe and this was granted in February 1981.

QCEA is keen to co-operate in the production of further research and action studies similar to the present one. These could be on other human rights questions; on peace, disarmament and East/West relations; or on third world issues such as the right and equitable sharing of the world's resources.

QCEA is most grateful to the Legal Committee of the Council of Europe for its interest and for undertaking the publication of the report which follows.

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(1) Members of the Religious Society of Friends.

Every attempt has been made to ensure that the information is correct but responsibility for any inaccuracies must rest upon the authors personally. They have confidence that the views expressed in the introduction are in the spirit of Quakerism but must not necessarily be regarded as representing the viewpoint of all members of the Quaker Council, or indeed of the Society of Friends.

CONSCIENTIOUS OBJECTION TO MILITARY SERVICE IN EUROPE

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FOREWORD

The following pages give the basic facts relating to the legal and practical issues of conscientious objection in Europe, listed alphabetically, country by country. The format is such that information can easily be brought up to date as necessary. Those wishing to receive supplementary information, as it becomes available, should complete the form and return it to QCEA. At the time of going to press, a debate in the European Parliament on the issue of conscientious objection and legislation reform is imminent - it is hoped to achieve a common standard in the member states of the European Community in line with Resolution 337 (1967) of the Council of Europe.

In each survey, section A outlines the conditions under which military conscription is imposed, with details of liability for and length of service and subsequent reserve obligations.

Section B introduces the existing legislation on conscientious objection; and lists the motives which are accepted in each country.

In section C, details are laid down of how this legislation is interpreted in practice and of the practical steps involved in gaining recognition as a conscientious objector (CO). This section lists the legal procedure and the rights of the individual in the process of recognition and indicates where applicants have a fair chance to express their views and the composition of the tribunal which may be military, civilian or a mixture of the two. There is also a reference to time delays to demonstrate the amount of time an applicant has to consider his feelings on conscription and the delays he may face, while proceedings are in motion and while waiting to perform alternative service.

Section D, on the availability of information, shows the variations in access to information about individual rights regarding conscription and conscientious objection.

Section E summarises the situation regarding alternative service, where this exists, including the length of service demanded, which can have considerable variations. The sub-section on the organisation of alternative service refers to the authorities responsible for the placement and supervision of COs, and whether they are independent from military jurisdiction. The following sub-section lists the variety of work available to those who choose to do alternative service. It further shows whether there is scope for persons who refuse to do military service to contribute in a positive way to the general welfare of the community at home and abroad.

The following paragraph outlines the treatment of those who reject all forms of service. This concerns particularly total objectors (such as Jehovah's Witnesses) who in several countries are imprisoned for refusing to co-operate at all, although certain provision for such objectors has been introduced in some countries.

Section G gives relevant statistics on some aspects of conscientious objection where these are available.

The project developed as the result of a concern by Quakers (the Religious Society of Friends) for more adequate and readily available information on the situation of COs in various European Countries, a need also identified by a number of other organisations. A grant from a Quaker Trust to the Quaker Council for European Affairs enabled the project to go ahead with the appointment of a volunteer research worker.

The work progressed in close co-operation with a number of individuals and organisations, particularly the War Resisters International, the International Peace Bureau and several Quaker groups. The research work was undertaken and the country texts prepared by Elizabeth Evans in co-operation with Franco Perna and in consultation with the late Hein van Wijk, Sam Biesemans, Jean Fabre, Jean van Lierde, Jean Louis van der Heyden, Gerd Greune and Myrtle Solomon to whom we give our sincere thanks.

In 1968 the War Resisters International published a world survey of military service and conscientious objection to it, edited by Tony Smythe and David Prasad, and the Council of Europe published a report on the legal position of COs in the member states of the Council of Europe, prepared by the Max Planck Institute in 1966, reprinted in 1976 and updated in 1977. There has been no more recent general updating, except for a brief report just produced by the War Resisters International.

Considerable reliance has been placed in these texts in relationship to a few countries where more up-to-date material was not readily available. However, in all such cases a draft text was sent to the relevant embassy for comments and we are grateful to those who took the trouble to reply. The final texts have all been seen and commented on by organisations in the individual countries and in as many cases as possible they have also been checked by a lawyer in the country concerned. Our special thanks go to all those who read through and corrected the texts and assisted by giving up-to-date information.

The object of the project is to provide information on the current situation in each country and not to attempt to give a historical background or a more general evaluation of the position of COs in each country. Appendix list organisations and publications at both the national and international level from which further detailed information can be obtained.

It is impossible to thank all the individuals who have assisted with this project but mention must be made of Claude Buckens and Rosalyn Edsberg for typing the manuscript and patiently dealing with the many textual amendments. We would like to thank the following organisations and embassies: Service Civil de la Jeunesse, Union Pacifiste Française, Mouvement pour une Alternative Non-Violente, OP20, Service Civil International, DFG-VK, Zentralstelle für Recht und Schutz der Kriegsdienstverweigerer, Eirene, Central Board for Conscientious Objectors, Pax Christi, Amnesty International, Quaker Peace and Service, Prisoners' Rights Organisation, Dawn, Agesco, Ministère de la Force Publique (Luxembourg), War Resisters International, Centre Martin Luther King and the embassies of Malta, Iceland, Denmark, USSR, Hungary, Finland, Portugal as well as Dr. Gerard Batliner, member of the Assembly for Liechtenstein.

Elizabeth Evans

INTRODUCTION

The survey which follows is essentially factual, but it is perhaps necessary to set it in its context and to comment briefly on the trends that emerge.

The interest of Quakers, and, hence, the interest of the supporting Trust and the Quaker Council for European Affairs, lies essentially in the long held Quaker Peace Testimony (1).

"We utterly deny all outward wars and strife, and fightings with outward weapons, for any end, or under any pretence whatever; this is our testimony to the whole world. The Spirit of Christ by which we are guided is not changeable, so as once to command us from a thing as evil, and again to move unto it; and we certainly know, and testify to the world, that the Spirit of Christ, which leads us into all truth, will never move us to fight and war against any man with outward weapons, neither for the kingdom of Christ, nor for the kingdoms of the world."

Quakers believe that the opportunity to be free from military service should be available to all who adhere to this testimony or who, from religious conviction, hold similar views. Beyond that, Quakers hold the view that it is a fundamental human right to be able to claim exemption from military conscription, a right enshrined in Resolution 337 (1967) of the Council of Europe (2).

"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 obligation to perform such service."

This resolution goes quite far, but does not include the right to political objection. It leaves aside the problem of how, for instance, an objection may be judged as philosophical, and therefore acceptable, but not be regarded as political, which is, as yet, unacceptable and would raise fundamental problems for any government. It is not our purpose to argue a case, but rather to point to essential unresolved problems underlying the simple facts.

The context in which the possibility of conscientious objection has emerged is essentially that of the recent history of Europe; a story of increasing military conflict involving ever increasing numbers of the population under arms and therefore "necessitating" conscription. In parallel, the development of democracy and ideas of individual freedom, especially within the framework of Protestantism, has led to the demand for recognition of the protest and the rights of the protester. It is useful to remember that both aspects of this pattern are virtually confined to the experience of Europe. It is even clear that looking east and south from the key areas of Protestantism in Europe, the demand for conscientious objection is weaker and more recent.

(1) Quaker peace testimony - from A Declaration from the Harmless and Innocent People of God, called Quakers, presented to Charles II, 1660.

(2) See Appendix (d) for full text.

Looking beyond Europe, there is, as might be expected, a strong support for the idea in North America. Elsewhere it has not emerged as an idea of any importance because the issue of conscription in itself has scarcely arisen. In many newly independent countries there is often a counter idea expressed as "the right to defend the nation, the right to defend the newly found freedom", which renders incomprehensible to many, the very idea of objecting to serve. This idea, once strong in Europe, tends to be weakening to the extent that the concept of the "nation state" seems to many less vital, less relevant, in the modern world. The largely third world sponsors of the United Nations Resolution 33/165 (1) affording refugee status to anyone refusing to be involved in defending apartheid on grounds of conscience freely admit that it was the opposition to apartheid that was in their minds and that conscientious objection was seen as a means to an end; they were largely unaware of its wider implications.

The context of our report is also one in which governments and people do not, in general, feel threatened by allowing the right of conscientious objection. The percentages of those conscripted who ask for CO status is very low and few see a risk that the "contagion" could spread to making the raising of an army impossible. There was, of course, the time in 1977 when in the Federal Republic of Germany it was only necessary to write a letter to obtain exemption and the numbers of objectors rapidly increased. The government was alarmed and reference of cases to a tribunal was restored and numbers decreased (although 1980 figures are well above those for 1976). Is it likely that we will see similar "alarms" in the future? It may be, on the other hand, that governments will become more and more tolerant. Again, although the total population may well be involved in any future conflict, the number of individuals necessary to have "under arms" may be much reduced, given the likely nature of a future war, hence drastically reducing the need for conscription itself.

One is led to suggest that conscientious objection to military conscription as a clear form of pacifist protest may, today, be of decreasing importance, and likely to decrease further in the future. This is in no way to detract from the courage of the individual witnessing in a generally somewhat hostile atmosphere. It is in no way to detract from the struggle for the acceptance of this right for those on whom conscription is now imposed and for the fair and balanced interpretation and operation of existing legislation in the field.

Before commenting on the legislation it is worth examining the extent to which information is available. In Belgium, for instance, about one-quarter of the page of information on a new call-up is devoted to explaining the right to conscientious objection whilst next door in France it is illegal to distribute details of the existing law. Clearly there is room for improvement. Citizens should have free and easily available information on their rights.

Turning to the legislation itself, it is remarkable how, even in western Europe, there is so much variation and we can only emphasise certain points which seem of especial significance.

(1) Resolution 33/165 of 20 December 1978; see Appendix (e).

The position and power of the military varies greatly. There is a narrow threshold for an individual between being a civilian and a conscript which, unless carefully administered and supervised, can lead to the "shy" young man finding he has "accepted" a uniform and, by protesting, becoming a "deserter" with all the possible penalties that involves, rather than simply a civilian claiming CO status. A position of "equality before the law" may be difficult to establish in such situations. Perhaps this, again, is a case where insistence on free availability of information is essential; it being left to some extent to voluntary agencies to spread the information. In Belgium for instance such voluntary agencies do receive state subsidies for their general activities.

There are, of course, considerable numbers of young men who just do not register for military service and hide away in one way or another in their own countries or elsewhere. Some evidence suggests that this happens in the eastern European as well as the western countries. It may be that in some eastern European countries this situation is connived at by officialdom on the grounds that numbers are small and that it is better that the situation does not become widely known. This approach has also been attempted by some countries of western Europe in the past, with much less success. The German Democratic Republic is the only country in eastern Europe to recognise the possibility of conscientious objection; alternative service is under military control and the individual loses certain opportunities for higher education and employment once his service is over. It is significant that a communist state can accommodate itself to the concept of conscientious objection. It is not widely known that this right was recognised by a Soviet decree in 1919 but appears to have lapsed with the introduction of the Universal Military Service Law of 1939.

Judgement of conscience is, perhaps, impossible. The attempt is made by a variety of different tribunals some of which are entirely military, others entirely civilian. We can see no case for the military being involved except perhaps to advise on whether they wish to have certain individuals in the services or not. We further believe that the individual should not only be present when his case is judged (which is not the case in some countries) but should also have the right of representation.

Once an individual claims the position of a conscientious objector he is in most countries subject to a pattern of events of greater or lesser severity which erode his position as the equal of his fellows, who accept conscription.

There may be very considerable delays before a case comes to a tribunal. During the waiting time there is not only a period of anxiety but certainly an increased difficulty in obtaining or even retaining employment. Recently, in Italy, these delays reached such proportions that cases were not coming up until after the discharge from service of conscripts of similar age and the government declared an "amnesty", exempting a group of those claiming objection from any commitment.

Once accepted we believe that the objector should be paid at least the minimum wage in his country and, in other ways, enabled to undertake the alternative service he accepts. It is difficult to equate this with the pay of the conscript, but every attempt should be made to do this.

If conscientious objection is a right, not a privilege, we see no reason why the individual should be ordered to undertake a longer period of service, of whatever variety, than if he were in the forces. In France alternative service is normally twice the length of military service. One can only salute the idealism of those who freely offer or pledge themselves to engage in, for instance, low paid or free social service for double the length of time for which they might be conscripted, as have groups recently in Spain.

We strongly suggest that, although some may find non-combatant service acceptable, there must be the opportunity of service quite outside any military jurisdiction. In large measure such service should offer the individual a wide choice. Given that the conscientious objector is sincere he is likely to have a concern for society in one way or another. This surely is something which society should take advantage of by offering him a wide range of opportunities for contributing to society, rather than wasting human and other resources by imprisoning him. We can see the case for allowing alternative service to take place outside national boundaries (whether nearby or in the third world) and would encourage such bodies as Service Civil International in their ideas for an international civilian service alternative to conscription.

This is not the place to enter into deep philosophical discussion but it is important to make clear that there may be sincere objectors, in our society (which attaches so much importance to the individual per se), who may object to serving society in any form - ie who may object to society itself. Such objection is most likely to occur just at the age when military conscription becomes operative. The instance of conscientious objection thus serves to emphasise an unresolved situation within our society. This may be best met by the offer of wide alternatives to the objector so that his contribution to the future will be the greatest possible.

In conclusion we feel one tendency must be pointed out that is probably not important except in a few individual cases, but could become so in future. One of the easiest ways for a tribunal to accept an individual as a conscientious objector is by declaring that he is "unsuitable for military service" on grounds of mental health or psychological unsuitability. The individual may well have absolutely no symptoms which would make him unsuitable for almost any form of civilian life or activity, but the very fact of his exemption being given on the stated grounds may have a strongly negative effect on his subsequent opportunities. We feel that this is a subject worthy of close study before it assumes larger proportions.

Aware as we are of the need for improvements in the legislation in many countries to establish the right of conscientious objection as one offering true equality before the law, our study shows that a legal framework cannot completely ensure this. The issue of conscientious objection illuminates much wider issues to which our societies would do well to devote more reflection.

Brian and Pat Stapleton
QCEA Representatives

ALBANIA

A. MILITARY CONSCRIPTION

1. Military service

Compulsory military service exists in Albania.

2. Liability for service

Men over the age of 18 are obliged to perform military service.

3. Length

Twenty-four to thirty-six 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 Albanian 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

Not applicable.

E. ALTERNATIVE SERVICE

No information.

F. PENALTIES

No information.

G. STATISTICS

No information.

This information was taken from the WRI survey "Conscription" published in 1968 and we have not been able to verify or update it.

AUSTRIA

A. MILITARY CONSCRIPTION

1. Military service

Compulsory military service was reintroduced in Austria by the National Defence Act of 1955 (Wehrgesetz), and is now covered by the 1978 version.

2. Liability for service

Men between the ages of 18 and 51 are obliged to perform military service.

3. Length

Six months.

4. Reserve obligations

Reserve obligations continue until the age of 51, during which time men can be recalled to do special service, especially for the reinforcement of the defence forces in the event of an emergency. Men can be recalled until the age of 35 for reserve exercises, which should not exceed 60 days.

B. CONSCIENTIOUS OBJECTION

1. Legal recognition

The right to conscientious objection is recognised in the Austrian Constitution with the coming into force of the Law on Civilian Service of 1 January 1975 (Zivildienstgesetz § 2), and the version which came into force on 1 December 1980, and in the Defence Law of 1955 (Wehrgesetz § 25). This legislation recognises conscientious objection to military service in peace and war time. It can be exploited by conscripts within the prescribed time limits and after the completion of military service before a further recall to service but not by those already engaged in military service.

2. Recognised reasons

CO status is granted to a person who objects to the use of armed force against other human beings and if he would suffer a serious conflict of conscience in performing military service. Sincere religious beliefs, humanitarian, ideological and other serious grounds are accepted for refusal to perform military service. Paragraph 25 of the Defence Act suggests that selective objection would not be possible.

C. PROCEDURE TO GAIN CO STATUS

1. Application

Application for CO status can either be made verbally or in writing to the Recruiting Commission. A documentation is then prepared on the applicant for the use of the authorities examining his claim.

2. Tribunal

There follows an investigation by the Committee for Civilian Service (Zivildienstkommission), at which the applicant is obliged to appear. This committee is appointed by the Ministry of the Interior and is composed of the following members: a judge who acts as chairman, a civil servant of the Ministry of the Interior who prepares a report on the case, two representatives of youth organisations, a representative from the Chamber of Commerce, representing economic interests and a representative from the Department of Employment (Arbeiterkammer), representing the interests of employees. This committee decides by majority whether or not to grant CO status to an applicant and it is obliged to justify its decision in writing. The committee confirms an applicant's status as a civilian conscript.

3. Rights of applicant

The applicant is allowed a companion to aid his defence. An appeal to the Constitutional Court can only be introduced by a lawyer. If the applicant cannot afford the costs of a lawyer, his services are provided free of charge.

4. Right of appeal

An appeal on the decision of the Examining Committee is possible within six weeks to the Administrative or the Constitutional Court (Verwaltungsgerichtshof or Verfassungsgerichtshof) as conscientious objection is a constitutional right. From January 1982, appeal will be possible within 14 days to the High Committee on Civilian Service (Zivildienstoberkommission) which will be set up by the Ministry of the Interior and its composition will be similar to that of the Committee on Civilian Service. Should the claim be rejected, a new application is possible after one year.

5. Time delays encountered

Application for CO status can be made up to ten days after the receipt of the call-up papers. In the case of subsequent recalls to service, the application must be made before the receipt of the call-up papers. On receipt of the objection, the applicant's call-up will automatically be suspended. A postponement of service is not allowed if the claim is rejected. The decision of the committee must be submitted within three months after the receipt of the application.

D. AVAILABILITY OF INFORMATION

A conscript must be informed of the right to release from military obligations on conscientious grounds. Information on the application procedure can be obtained from the police. In 1984, a basic training course of four to six weeks will be introduced for instruction in civil defence and special civilian service.

E. ALTERNATIVE SERVICE

1. Legislation on alternative service

A civilian service is available as provided in the Law on Civilian Service.

2. Length

Eight months.

3. Organisation and administration

The Ministry of the Interior is responsible for the organisation and assignment of COs to alternative service. The acceptance and supervision of the alternative work is the responsibility of the executive head of each province (Landeshauptmann). COs are called up for civilian service by the Committee on Civilian Service.

4. Type of work available

Possibilities of civilian service include: hospital work, rescue work, social aid, work with the handicapped, youth and refugees, epidemic work, disaster relief and civil defence, containment and regulation of water supplies and mountain torrents, avalanche protection, construction, cleaning and maintenance of highways, development and improvement, forestry, refuse disposal, boundary marking, post office and railway work, and office work in diverse organisations. It is occasionally possible to work in education, where this is allowed by the provincial government. A special exemption from national service was given to those who worked as volunteers in Italy helping earthquake victims in the winter of 1980. It is also possible to do a non-combatant service within the army.

5. Further obligations

A CO, having completed his civilian service, may be recalled for special service under § 28-6 of the Defence Act. This would be in the event of disasters and emergencies as for military conscripts.

6. Conditions of service

COs have the same rights and allowances as military conscripts including an assurance of employment. All conscripts have full civilian rights.

F. PENALTIES

Conscripts who are not recognised as COs by the committee and who consequently refuse to obey commands after their enrolment into the army, or who do not attend for enrolment, may be sentenced to three to six months' imprisonment. Such people may face repeated imprisonments. Those who leave military or civilian service prematurely can face a prison sentence of one year.

G. STATISTICS

1975-1980 14,438 conscripts recognised as COs (1)

1978 3,700 men engaged in civilian service (2)

1980 4,011 applications for CO status of which 3,188 were accepted

There are approximately 400 institutions which are entitled to employ COs. In these there are approximately 4,000 vacancies for COs.

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(1) From "En Autriche une loi décevante" by Kurt Valaster, printed in No. 11 Cahiers de la Réconciliation (MIR).

(2) From a private legal source.

BELGIUM

A. MILITARY CONSCRIPTION

1. Military service

Compulsory military service is regulated by the Military Law of 1937.

2. Liability for service

Men between the ages of 18 and 45 are obliged to perform military service. Exemptions include those with special family circumstances.

3. Length

Ten months reduced to eight months if performed in the Belgian services in Germany.

4. Reserve obligations

Reserve obligations are possible especially for officers and non-commissioned officers.

B. CONSCIENTIOUS OBJECTION

1. Legal recognition

The right to conscientious objection is recognised in the law of 3 June 1964 with its subsequent amendments of 22 January 1969, 3 July 1969, 13 February 1975, 3 July 1975, 3 July 1978. All these laws have been incorporated by the order in the Council of 20 February 1980 as defined in Moniteur Belge/Belgish Staatsblad of 19 March 1980. This right can be claimed in peace and in war time.

2. Recognised reasons

CO status is granted to a person who objects to military service on conscientious grounds and feels unable to use arms even in the case of national danger. Reasons which only tend to challenge the fundamental institutions of the state are not acceptable (Article 1).

C. PROCEDURE TO GAIN CO STATUS

1. Application

Application for CO status must be made in writing to the Ministry of the Interior, stating reasons for the claim. The ministry can request additional information on the applicant and a dossier is prepared. This is forwarded to the Council on Conscientious Objection.

2. Tribunal

The applicant appears before a civilian council. This is appointed by the Minister and the Ministry of Justice and is composed of the following members: a judge, a lawyer, and a civil servant from the Ministry of Justice. The hearing is public.

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 council is possible within 15 days to a Council of Appeal (Article 8).

5. Time delays encountered

Application for CO status can be made from 1 January of the year in which the conscript will have his eighteenth birthday until his call-up. A military conscript who has completed his basic training can apply for CO status before being recalled to service. On receipt of the application the candidate is immediately put on the provisional CO register. There may be a delay of up to two months for the dossier to be sent to the president of the Council for Conscientious Objectors.

This is how it is laid down in law but, in practice, this process can take four months. The applicant should know on the same day of his appearance before the tribunal whether his claim has been accepted. Written confirmation will follow within a fortnight.

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. Official publications also give details of this situation.

E. ALTERNATIVE SERVICE

1. Legislation on alternative service

An alternative service is available as provided in the law of 20 February 1980.

2. Length

Ten to twenty-four months, depending on the type of work (see § E4).

3. Organisation and administration

The Ministry of the Interior is responsible for the organisation of alternative service. Since January 1981, the administration of this service is the responsibility of the local authorities.

4. Type of work available

Possibilities for civilian service include: work in civil defence, emergency relief services, health institutions, centres for the handicapped: 15 months; social, cultural and religious organisations: 20 months; work in the third world for people with the appropriate skills: 24 months; non-combatant service within the army: 10 months.

5. Further obligations

A CO may be recalled for service in special circumstances until the age of 45 (Article 18).

6. Conditions of service

COs have the same rights and allowances as military conscripts; the law states that they cannot enjoy more advantageous conditions (Article 18). All conscripts have full civilian rights. COs cannot take up employment concerned with the use or production and trade of arms.

F. PENALTIES

Conscripts who refuse all forms of national service can receive a prison sentence of up to three years.

G. STATISTICS

<u>Year</u>	<u>Number of applications for CO status</u>	<u>Number of recognised claims</u>
1975	1,094	880
1976	1,193	1,053
1977	1,317	1,205
1978	1,383	not known
1979	1,762	1,287
1980	not known	1,597

On average 90% of all claims for CO status are recognised.

Statistics from Confédération du Service Civil de la Jeunesse and Mouvement International de la Réconciliation.

BULGARIA

A. MILITARY CONSCRIPTION

1. Military service

Compulsory military service is referred to in Article 91 of the 1947 Constitution of the People's Republic of Bulgaria.

2. Liability for service

Men over the age of 18 are obliged to perform military service. Exemptions can include those who do special work (see section E).

3. Length

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

4. Further obligations

Reserve obligations continue until the age of 40.

B. CONSCIENTIOUS OBJECTION

There is no provision in Bulgarian 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

Not applicable.

E. ALTERNATIVE WORK

No official alternative service exists, but it may be possible for those objecting to the bearing of arms to be assigned administratively to non-combatant duties within the army. Young men who work in the mines for three years will be considered to have fulfilled their military obligations.

F. PENALTIES

Those who refuse to do their military service can be imprisoned for up to seven years.

G. STATISTICS

There have been a few cases of COs in Bulgaria; eg Tolstoyans, Adventists and anarchists. Some COs have been ignored, some have been imprisoned and others have chosen exile, but no figures are available.

CYPRUS

A. MILITARY CONSCRIPTION

1. Military service

Compulsory military service is regulated by the National Guard Law of 1964.

2. Liability for service

Men between the ages of 18 and 50 are obliged to perform military service. Policemen and priests are exempt from conscription. The Council of Ministers has the power to exempt certain cases.

3. Length

Six months.

4. Reserve obligations

Reserve obligations continue until the age of 50.

B. CONSCIENTIOUS OBJECTION

There is no provision in Cypriot 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

Not applicable.

E. ALTERNATIVE SERVICE

None.

F. PENALTIES

A person who does not respond to his call-up into the armed forces can be sentenced to two years' imprisonment and/or a fine. Such people are considered to be deserters. Youths reaching the age of 16 may be prevented from leaving Cyprus if it is thought that they intend to avoid their military service.

G. STATISTICS

Cases of COs in Cyprus have been known; mainly Jehovah's Witnesses but no figures are available.

CZECHOSLOVAKIA

A. MILITARY CONSCRIPTION

1. Military service

Compulsory military service is mentioned in the 1960 Constitution of Czechoslovakia.

2. Liability for service

Men between the ages of 18 and 50 are obliged to perform military service. Exemptions can include those who do special work (see section E).

3. Length

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

4. Reserve obligations

Obligations for the first reserve continue for men until the age of 40. Obligations for the second reserve continue until the age of 50.

B. CONSCIENTIOUS OBJECTION

There is no provision in Czechoslovakian 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

Not applicable.

E. ALTERNATIVE SERVICE

No official alternative service exists, but it may be possible for those objecting to the use of arms to be assigned administratively to non-combatant duties within the army. Young men who work on the building of the underground network for three years will be considered to have fulfilled their military obligations.

F. PENALTIES

Those who refuse to respond to their call-up have received prison sentences ranging from two to ten years.

G. STATISTICS

In the late 1950s there were at least two cases of COs who refused to respond to their call-up. Other cases of COs have been known, particularly amongst theology students. The last known case of conscientious objection was in 1977.

Statistics from WRI: no further statistics available.

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DENMARKA. MILITARY CONSCRIPTION1. Military service

Compulsory military service is referred to in § 81 of the Danish Basic Law of 1953 (Danmarks Riges Grundlov) and is regulated by the Law on Military Service of 1953 (Lov om vaerneplikt).

2. Liability for service

Men over the age of 18 are obliged to perform military service. In practice not all men are called up for military service.

3. Length

Nine months.

4. Reserve obligations

No information.

B. CONSCIENTIOUS OBJECTION1. Legal recognition

The right to conscientious objection is recognised in § 51 of the Law No. 187 of 20 May 1933 (Lov om vaernepligtiges anvendelse til civilt arbedje) and its subsequent amendments in Law No. 289 of 10 June 1976. This legislation recognises conscientious objection to military service in peace and in war time. It can be exploited by conscripts before military service and after the completion of basic military training, but not by those already engaged in military service or civil defence except under special circumstances.

2. Recognised reasons

CO status is granted to a person who objects to military service on genuine conscientious grounds. Religious, philosophical and political reasons are acceptable.

C. PROCEDURE TO GAIN CO STATUS1. Application

Application for CO status must be made in writing to the Central Enrolment Board (Styrelsen for civil vaernepligt), stating reasons for the claim and requesting a transfer to either non-combatant service, civil defence or civilian service. This board can ask for additional information which must be presented by the CO before he is due for enrolment. The Ministry of the Interior then receives the papers and a recommendation from the enrolment board.

2. Tribunal

The final decision rests with the Minister of the Interior after consultation with the Minister of Defence.

3. Rights of applicant

The applicant does not normally have a personal hearing.

4. Right of appeal

An appeal on the decision of the Minister is possible within 14 days to the Minister of the Interior. On appeal, an applicant may defend himself and he is allowed legal aid.

5. Time delays encountered

Applications for CO status should be sent to the enrolment board within four weeks of the receipt of the call-up papers. It is not generally advised for a potential CO to apply before this unless he is likely to be away from his usual address when the call-up papers are due to be issued, as he may not be called upon to perform national service. (Directive No. 142 of 23 August 1978.) Claims are dealt with at the meetings of the board (twice a year), but the applicant will not know the decision of the board until after the enrolment sessions for the year are completed.

D. AVAILABILITY OF INFORMATION

A conscript does not automatically receive information on his rights to refuse military service. There are two official schools for recognised COs, which last four weeks and take place before the CO embarks on his civilian service. At this session, a CO will learn about his rights and obligations as a non-military conscript and will receive the appropriate introductory training.

E. ALTERNATIVE SERVICE

1. Legislation on alternative service

A civilian service is available as provided in Laws No. 187 and No. 289.

2. Length

Eight to twenty-four months, depending on the type of work (see § E4).

3. Organisation and administration

In war time, the organisation of the civil defence force would be the responsibility of the military authorities. No further information available at present.

4. Types of work available

Possibilities for civilian service include: civil defence (eight months), work in social welfare institutions for children, the elderly or the handicapped, museums and other cultural institutions and forestry (11 months), or a development service abroad for those with the appropriate skills. It is also possible to do a non-combatant service within the army - the sanitary services and medical units.

5. Further obligations

COs are subject to reserve training. COs engaged in civilian work can enrol themselves voluntarily in civil defence. In this case they may be recalled for short periods of service.

6. Conditions of service

COs have the same rights and allowances as military conscripts. They can freely choose the type of alternative service and the area in which they will perform it. In the non-combatant cleansing squad of the army, conscripts receive instruction in the use of weapons. COs engaged in civil defence can be housed in barracks separate from military barracks but do not receive instruction in the use of weapons. In certain cases, if transfer is allowed from military service or civil defence into civilian work, special conditions regarding the length of service already performed is taken into account.

F. PENALTIES

Conscripts who refuse all forms of national service can be imprisoned for a maximum of 15 months.

G. STATISTICS

<u>Year</u>	<u>No. of eligible conscripts</u>	<u>No. of applications for CO status</u>
1976	73,799	2,255

Official government statistics.

FINLAND

A. MILITARY CONSCRIPTION

1. Military service

Compulsory military service is referred to in the Finnish Constitution of 1919. It is further regulated by the Law on Military Service of 1950.

2. Liability for service

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

3. Length

Eight months - but is longer in some branches of the armed forces.

4. Further obligations

There are periods of reserve training of 40, 75 and 100 days and men may be recalled for service in the event of mobilisation.

B. CONSCIENTIOUS OBJECTION

1. Legal recognition

The right to conscientious objection is recognised in the Alternative Service Law of 1931 (reintroduced in 1945) and Law 132 of 21 February 1969 and its subsequent amendments. This right is not recognised in war time. Only those who are already enrolled can apply for CO status.

2. Recognised reasons

Co status is granted for religious or ethical reasons.

C. PROCEDURE TO GAIN CO STATUS

1. Application

Application for CO status must be made in writing to the conscript's chief officer or to the commanding officer of the conscript's unit, who will then forward this request to a special tribunal.

2. Tribunal

The tribunal is placed under the authority of the Ministry of Justice and is composed of: a jurist (chairman), an army officer, a psychiatrist, a representative of the Ministry of Justice and a member nominated by the Ministry of Justice. This committee will produce a report on the case with its decision which is forwarded to the Ministry of Defence. The Ministry of Defence is bound by the decision of the committee.

3. Rights of applicant

The applicant does not normally have a personal hearing.

4. Right of appeal

An appeal is possible to the Ministry of Justice and the decision is final.

5. Time delays encountered

Application for CO status must be made after enrolment. Those recalled for service must make their application after re-enrolment.

D. AVAILABILITY OF INFORMATION

Information on the right to refuse military service as a CO is given by the draft board.

E. ALTERNATIVE SERVICE

1. Legislation on alternative service

A civilian service is available as provided in the Alternative Service Law and its amendments.

2. Length

Civilian service is 12 months, non-combatant service is 11 months.

3. Organisation and administration

The Ministry of Defence is responsible for the assignment of those doing non-combatant military service and the Ministry of Labour is responsible for the assignment of COs to alternative service. The Ministry of Justice has to approve the type of civilian service.

4. Type of work available

Possibilities for civilian service exist in hospitals, social welfare institutions, prisons, municipal offices or state institutions, airports, fire brigades, forest work and non-combatant service within the army.

5. Further obligations

COs are subject to reserve training, but as yet no COs have been recalled for reserve service.

6. Conditions of service

COs have the same rights and allowances as military conscripts. COs engaged in civilian work can be accommodated in communal lodgings. They are not subject to military jurisdiction, but have their own penal code. Non-combatant COs are subject to military jurisdiction.

F. PENALTIES

Conscripts who refuse to recognise the decision of the committee are subject to military discipline and justice. Those who refuse all forms of service are liable to up to 12 months' imprisonment or a fine. Defaulters have been given sentences from two months to two years.

G. STATISTICS

<u>Year</u>	<u>No. of eligible conscripts</u>	<u>No. of applications for CO status</u>
1976	41,000	718

Official government statistics.

There are approximately 200 institutions which are entitled to employ COs.
In 1979 there were 1,088 COs involved in civilian service.

FRANCE

A. MILITARY CONSCRIPTION

1. Military service

Compulsory military service is regulated by the law of 31 March 1928 on the recruitment of the armed forces and the order of 7 January 1959 on the general organisation of defence.

2. Liability for service

Men between the ages of 18 and 35 are obliged to perform national service. Exemptions include those with special family circumstances.

3. Length

Twelve months.

4. Reserve obligations

Reserve obligations continue until the age of 35.

B. CONSCIENTIOUS OBJECTION

1. Legal recognition

The right to conscientious objection is recognised in Law No. 63-1255 of 21 December 1963 and Law No. 71-424 of 10 June 1971, Code du Service National, the Decree of Brégançon (7 August 1972) has been incorporated into this law. This legislation recognises conscientious objection to military service in peace and in war time. Conscripts already engaged in military service and reservists cannot take advantage of this legislation. As a result of the recent change in government there is a probability of change in this legislation and of an amnesty of certain COs who have refused to do military service.

2. Recognised reasons

CO status is granted to a person who objects to the use of arms on religious or philosophical grounds (Article L 41 of Law No. 71-424). Selective objection is not possible.

C. PROCEDURE TO GAIN STATUS

1. Application

Application for CO status must be made in writing to the Minister of Defence, justifying his claim. This is then forwarded to a Judicial Committee (Commission Juridictionelle).

2. Tribunal

There follows an investigation by the Judicial Committee at which the applicant may be obliged to appear (this is seldom the case in practice) and where other evidence can be requested; these details must be produced within one month. This committee is composed of the following members: a magistrate nominated by the Minister of Justice, three people nominated by the Prime Minister and three officers nominated by the Minister of Defence. It decides in camera whether or not to grant CO status to an applicant.

3. Rights of applicant

No information.

4. Right of appeal

An appeal on the decision of the committee is possible within one month to the Minister who will suspend enrolment. The Minister is not obliged to accept the appeal. A second appeal is possible to the State Council (Conseil d'Etat) which gives judgment only on the legal proceedings and not the case itself and if successful the case goes again before the Judicial Committee. This examination does not suspend enrolment.

5. Time delays encountered

Application for CO status must be made in the month after the call-up has been published. Delays can be met between stages of the recognition procedure.

D. AVAILABILITY OF INFORMATION

Article L 50 of the Law No. 71-424 makes it illegal to make propaganda concerning the position of COs with the sole aim of inciting someone not to carry out their military obligations. Anyone who incites a person to resist military service by the publication of information on COs, for instance, is liable to a fine of 400-10,000 FF or a prison sentence of between six months and three years. (Some municipalities do however publish details of the right to conscientious objection.)

E. ALTERNATIVE SERVICE

1. Legislation on alternative service

An alternative service is available as provided in Law No. 71-424, the Decree of Brégançon.

2. Length

Twenty-four months.

3. Organisation and administration

The Ministry of Agriculture, the Cultural Secretariat or the Office of Social Aid is responsible for the organisation of civilian service. The Ministry of Defence has to approve the organisation and administration of civilian service. The organisation wishing to employ COs must have an agreement with the ministry.

4. Types of work available

Possibilities for civilian service include: forestry work, cultural or social work in an organisation approved by the Minister. 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.

6. Conditions of service

COs have the same rights and allowances as military conscripts. Under the Decree of Brégançon, COs are not allowed to take part in political activities or to form trade unions (Article R 83). COs may be housed in communal lodgings. They have little choice of the type of work they will do and the area in which they will execute it.

F. PENALTIES

Those who refuse all forms of national service and who do not claim CO status or those whose claim has been rejected can receive a prison sentence of two to twenty-four months by military tribunal. The maximum sentence is based on two charges - refusal to register and when summoned by the military authorities refusal to enlist and wear a uniform, which results in a charge of disobedience to a military command (Article 427 of the Military Code of Justice). In practice only a small percentage (less than 10%) of defaulters are brought to trial. Recognised COs who refuse to register for civilian service and deserters who leave civilian service prematurely run the risk of imprisonment of between six months and three years and could lose civil rights for five years. This depends on civilian tribunals. Defaulters and deserters are not allowed to work for the state in later life.

G. STATISTICS

<u>Year</u>	<u>No. of applications for CO status</u>	<u>No. of applications accepted</u>
1972	829	536
1973	586	471
1978		764
1980	1,000	552

Since 1972, there have been approximately 2,500 COs, 60% of whom refused all forms of service.

Statistics from Mouvement pour une alternative nonviolente and Union Pacifiste Française.

GERMAN DEMOCRATIC REPUBLIC

A. MILITARY CONSCRIPTION

1. Military service

Compulsory military conscription was introduced into the German Democratic Republic by the law of 24 January 1962.

2. Liability for service

Men between the ages of 18 and 26 are obliged to perform military service. Students of theology are not generally called up for service.

3. Length

Eighteen months.

4. Reserve obligations

Reserve obligations continue until the age of 50, during which time men and women may be called up for service in the event of an emergency.

B. CONSCIENTIOUS OBJECTION

1. Legal recognition

The right to conscientious objection is recognised in an amendment to the Army Act, ratified on 16 September 1964 (Anordnung des Nationalen Verteidigungsrates der DDR über die Aufstellung von Baueinheiten im Bereich des Ministeriums für Nationale Verteidigung).

Conscripts can take advantage of this legal provision, but it is not possible for a serving soldier or a reservist to become a CO.

2. Recognised reasons

CO status is granted to those who object to the use of arms on "religious or similar motives".

C. PROCEDURE TO GAIN CO STATUS

1. Application

Application for CO status can be made either verbally at registration or in writing to the recruiting authorities.

2. Tribunal

The applicant is then called before the Registration Committee for a discussion of his motives for resisting military service. This committee is composed of four or five members.

3. Rights of applicant

The applicant states his own case to the committee.

4. Right of appeal

Not applicable as the right to conscientious objection has not yet been denied.

5. Time delays encountered

Application for CO status must be made before enrolment. On recognition, a CO may have to wait up to the age of 27 before being called to do his national service.

D. AVAILABILITY OF INFORMATION

A conscript does not automatically receive information on his rights to refuse military service.

E. ALTERNATIVE SERVICE

1. Legislation on alternative service

A non-combatant service is available as provided in the amendment to the Army Act.

2. Length

Eighteen months.

3. Organisation and administration

The Ministry of National Defence is responsible for the organisation of alternative work.

4. Type of work available

COs can serve in non-combatant units of the army. Their work must be for the welfare of the German Democratic Republic and could include: road building, reparation of military exercise grounds and emergency services - § 2. COs have little choice in the type of work they do.

5. Further obligations

As yet no COs have been recalled for reserve service.

6. Conditions of service

A CO has the same political rights and material benefits as a military conscript. Further remuneration is possible for COs who aid better production. COs have to wear a special uniform, but one that is distinct from that of a military conscript. They live together but not in military barracks.

Cos come under military discipline, although they are not obliged to take the normal oath of allegiance, but rather a special oath for non-combatant soldiers. Additionally they receive training in the following fields: political, military, physical exercise, unarmed military drill and first aid. It may, in certain cases, be difficult for a CO to obtain further education or advancement in his career, but this is not general. As a recognised CO, there is no obligation to do the otherwise compulsory military service in institutions of higher education.

F. PENALTIES

Conscripts who refuse to do their national service have to serve a prison sentence of up to 21 months, under Article 256 of the Penal Code (Refusal to do Military Service). In May 1978 a CO received this sentence, but was released in an amnesty in 1979 (Amnesty International Report, February 1981). A prison sentence is considered by some to be an acceptable alternative to military service.

G. STATISTICS

There have been several cases of COs since the introduction of the recognition of conscientious objection in 1964, but no official statistics are available.

FEDERAL REPUBLIC OF GERMANY

A. MILITARY CONSCRIPTION

1. Military service

Compulsory military service was introduced into the Constitution of the Federal Republic of Germany by amendments of 1954 and 1956. It is further regulated by the Law on Military Service (Wehrpflichtgesetz-WPFG) of 21 July 1956 and its revision of 8 December 1972.

2. Liability for service

Men between the ages of 18 and 28 are obliged to perform basic military service (§ 5 WPFG). Priests and those with special family circumstances are exempt from conscription (§ 11 WPFG). Conscription does not apply to inhabitants of West Berlin. Further exemptions can include those who have performed a special service (see § E4).

3. Length

Fifteen months - this can be performed in separate periods (§ 5 WPFG).

4. Reserve obligations

Reserve obligations continue until the age of 45 (60 in times of war) and until the age of 60 for officers. After the completion of basic training, men are responsible for keeping the authorities informed of any changes in their situation, which could affect this. They need permission if they wish to leave the country for more than three months (§ 24 WPFG).

B. CONSCIENTIOUS OBJECTION

1. Legal recognition

The right to conscientious objection is recognised in the 1949 Constitution of Germany in Article 4.3, and Article 12 (a) which stipulates that an alternative service should be provided for COs, which does not involve military training. Further qualifications are given in the Law on Military Service Articles 25, 26 and 27 and the Law on Civilian Service (Zivildienstgesetz-ZDG) of 13 January 1960 and its revision of 9 August 1973. This legislation has undergone several amendments and is constantly under debate. It recognises conscientious objection to military service in peace and in war time. This law can be exploited by conscripts and those already engaged in military service and by those who have completed their military service.

2. Recognised reasons

CO status is granted to a person who objects to military service on conscientious grounds. Objections should be made with reference to the relevant part of the Constitution, which states that nobody shall be forced to do an armed war service against his conscience. Selective objection is not possible.

C. PROCEDURE TO GAIN CO STATUS

1. Application

Application for CO status must be made in writing to the Regional Office of Military Administration (Kreiswehrrersatzamt), stating reasons for the claim. The applicant then appears before an Examining Committee (Prüfungsausschuss), which also studies his written arguments.

2. Tribunal

This committee is set up by the regional office and is composed of: a chairman, nominated by the military administration, a member nominated by the regional government and two honorary members. They decide in camera whether to accord CO status or not. If the decision goes against the applicant he can apply within two weeks for a hearing to the Examining Chamber (Prüfungskammer). The composition of the Examining Chamber is similar to that of the committee.

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 chamber is possible for the conscript and the military administration within four weeks to the Administrative Tribunal (Verwaltungsgericht), a body made up of three professional and two lay judges. If his case is rejected, he must pay the legal costs of about 1,000 DM. A final appeal can be made to the Federal Tribunal (Bundesverwaltungsgericht). A candidate is allowed to make a second application, provided he has collected fresh evidence for his defence.

5. Time delays encountered

Application for CO status can be made at any time. On receipt of the application, the candidate is suspended from service until it has been examined by the Examining Chamber, if the claim was made before or, in practice, during the medical examination. If the claim was introduced after the medical examination and before call-up, the applicant can be registered in the army if he has not yet been recognised as a CO. A serving soldier may have to face a delay of four weeks after the submission of his application before his case is heard by the Examining Committee. In the meantime, he can be transferred to non-combatant duties in the army. As less than 30% of the applications are recognised by the committee, the procedure can last several years.

D. AVAILABILITY OF INFORMATION

A conscript does not usually receive information on his rights to refuse military service. The military authorities do not allow the distribution of propaganda on conscientious objection within the barracks.

There is an official training session for recognised COs, which takes place at the beginning of the CO's period of alternative service. At this session a CO will receive an introduction to the civilian service and will learn of his rights and obligations as a CO.

When appearing before the committee, a CO will receive the necessary legal details of the proceedings.

E. ALTERNATIVE SERVICE

1. Legislation on alternative service

A civilian service is available as mentioned in the Constitution (§ 12(a)), and as provided in the Law on Civilian Service. Recognised COs are normally obliged to perform an alternative service (see E4).

2. Length

Sixteen months - this can be performed in separate periods.

3. Organisation and administration

The Federal Office for the Civilian Service (Bundesamt für den Zivildienst), under the Federal Minister for Employment and Social Order (Bundesminister für Arbeit und Sozialordnung), is responsible for the organisation and assignment of COs to civilian service (§ 2 ZDG). There is an additional advisory committee made up of representatives from organisations providing work for COs, the churches, the trade and employers' union and the regional government.

4. Type of work available

Possibilities for civilian service include: work in hospitals, homes for the handicapped and with charitable organisations. Those who have worked in civil defence for ten years, or have performed a service in development for two years, or have worked in the police force for three years or in border protection for two years are exempted from national service (Articles 11, 12 WPfG and 10, 11 ZDG). Recognised COs, who object to the performance of any kind of service, can be released from their obligations, if they have shown a willingness to engage themselves voluntarily for work in a health or similar institution for two and a half years (Article 15(a) ZDG). It is also possible for recognised COs to apply to do a non-combatant service within the army.

5. Further obligations

A CO may be recalled for special service in war time until the age of 60. He is responsible for keeping the authorities informed of any changes in his situation which could affect this, until the age of 35 (§ 23 ZDG). He needs permission if he wishes to leave the country for more than three months.

6. Conditions of service

COs have the same rights and allowances as military conscripts. They are not allowed to take an active part in politics whilst engaged in national service. COs can be housed in communal lodgings (§ 31 ZDG), or in a place approved by the authorities in the area to which they have been assigned.

F. PENALTIES

Refusal to respond to call-up obligations can lead to a prison sentence of up to five years (§ 53 ZDG).

G. STATISTICS

<u>Year</u>	<u>Total no. of applicants for CO status</u>	<u>No. of applications from soldiers</u>
1975	32,565	2,489
1976	40,618	
1977(1)	69,959	7,981
1978	39,720	
1979	45,515	4,500
1980	54,000	

(1) In 1977 the recognition procedure was temporarily abolished and it was sufficient for an applicant to communicate his objection to the authorities without having to undergo a hearing before the committee.

Statistics from Antimilitarismus Information No. 3 1980, Deidesheimerstr. 3/1, 1000 Berlin 33.

GREECE

A. MILITARY CONSCRIPTION

1. Military service

Compulsory military service is mentioned in Article 3 of the 1952 Constitution of Greece. It is further regulated by the Military Service Law of 1930.

2. Liability for service

Men between the ages of 20 and 40 are obliged to perform military service. Exemptions include those with special family circumstances.

3. Length

Twenty-six to thirty months.

4. Reserve obligations

Reserve obligations continue until the age of 40.

B. CONSCIENTIOUS OBJECTION

1. Legal recognition

The right to conscientious objection is recognised in Law 731/77 of October 1977. This law also granted an amnesty to those religious COs who were still imprisoned having already served a sentence of four years or more. They were discharged from military obligations on receipt of a temporary release paper. Those who had been imprisoned for less than four years were released, but remained under military jurisdiction and were recalled to perform their military or alternative service or to complete such service if they had served before. Under the circular of 24 November 1978, on reporting to their military unit, they should be discharged from military obligations, thus ending their status as a deserter.

2. Recognised reasons

A conscript could be granted CO status for religious reasons.

C. PROCEDURE TO GAIN CO STATUS

No one has yet applied for recognition as a CO as to date all Greek COs have been Jehovah's Witnesses who refuse to perform any form of national service because of their religious convictions.

D. AVAILABILITY OF INFORMATION

A conscript does not automatically receive information on his rights to refuse military service.

E. ALTERNATIVE SERVICE

1. Legislation on alternative service

A non-combatant service is available as provided in Law 720/70 (Article 6,5).

2. Length

Forty-eight months (this service could be less for fathers of families).

3. Organisation and administration

The Ministry of Defence is responsible for the organisation of non-combatant service as for the military service.

4. Type of work available

The possibility exists for a non-combatant service within the army.

5. Further obligations

No information.

6. Conditions of service

No information.

F. PENALTIES

Due to the wording of Law 731/77 a few COs have received repeated prison sentences. This concerns those who, having completed their sentence by October 1977, were released from prison and then were recalled to perform their military or alternative service; they then refused and were resentenced because earlier service counts, but earlier imprisonments do not. In addition to a prison sentence, COs can suffer five years' loss of civil rights. Law 731/77 contains no restraint on the courts to regulate the length of sentence passed. Statistics show that, generally, COs are not condemned to a period of longer than four and a half years; and this length of sentence, that has been exceeded on some occasions, has up to now always been reduced after an appeal. In practice this sentence is two and a half years in duration and two years with labour can count as a four-year sentence.

G. STATISTICS

In November 1980 there were 44 "deserters" who were serving prison sentences, of which nine had served more than four years. (In 1977-78 there were 58 COs imprisoned.)

(Statistics from official publication of Dutch Government and a private source.)

HUNGARY

A. MILITARY CONSCRIPTION

1. Military service

Compulsory military service is referred to in paragraph 60 of the 1949 Constitution of the Hungarian People's Republic.

2. Liability for service

Men over the age of 18 are obliged to perform military service. Those who do not or cannot carry out their military service are obliged to pay a military tax if they are working.

3. Length

Twenty-four to thirty-six months depending on the branch of the armed forces. Students are obliged to do twelve months military service.

4. Reserve obligations

No information.

B. CONSCIENTIOUS OBJECTION

There is no provision in Hungarian 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

Not applicable.

E. ALTERNATIVE SERVICE

No official alternative service exists, but it may be possible for those objecting to the bearing of arms to be assigned administratively to non-combatant duties within the army. The authorities are likely to deal sympathetically with someone who makes his convictions known at the time of enrolment.

F. PENALTIES

Those who refuse to do their military service can be imprisoned.

G. STATISTICS

There have been a few cases of COs in Hungary, eg Nazarenes and Jehovah's Witnesses, but no figures are available.

ICELAND

A. MILITARY CONSCRIPTION

1. Military service

There is no compulsory military service in Iceland. "Iceland has no defence establishment and hence no military service of any kind neither by conscription or voluntary means, and Iceland has never had any such establishment. The only thing that bears any semblance to such an institution is the Icelandic coast guard service, but its duties consist of police patrolling of (Iceland's) economic zone, rescue and salvage work." (1)

Hence sections B, C, D, E, F and G are not applicable.

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(1) Taken from a letter from the Icelandic Embassy in Brussels.

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END CONSCRIPTION CAMPAIGN (ECC)

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