

A P P E N D I X HRESOLUTION of the EUROPEAN PARLIAMENTon CONSCIENTIOUS OBJECTION

Adopted: 7 February 1983

Vote: 112 in favour, 15 against, 35 abstained

The European Parliament,

- having regard to Article 9 of the European Convention on Human Rights which guarantees the right to freedom of thought, conscience, and religion,
 - having regard to Resolution 337 (1967) and Recommendation 816 (1977) of the Consultative Assembly of the Council of Europe on the right to conscientious objection,
 - having regard to the laws of the Member States of the European Community concerning the right to conscientious objection,
 - having regard to the case law of the Court of Justice of the European Communities and the Joint Declaration of the Parliament, Council and Commission^o in which these institutions stressed the prime importance they attach to the protection of fundamental rights as derived in particular from the European Human Rights Convention,
 - having regard to motions for resolutions Doc. 1-796/80, Doc. 1-803/79 and Doc. 1-244/80,
 - having regard to Petitions Nos 14/80, 19/80, 26/80 and 42/80,
 - having regard to the report of the Legal Affairs Committee and the opinion of the Political Affairs Committee (Doc. 1-546/82),
1. Recalls that the right to freedom of thought, conscience and religion is a fundamental right;
 2. Notes that protection of freedom of conscience implies the right to refuse to carry out armed military service and to withdraw from such a service on grounds of conscience;
 3. Points out that no court or commission can penetrate the conscience of an individual and that a declaration setting out the individual's motives must therefore suffice in the vast majority of cases to secure the status of conscientious objector;

4. Stresses that the performance of alternative service as provided for in Resolution No. 337 (1967) of the Consultative Assembly of the Council of Europe may not be regarded as a sanction and must therefore be organized in such a way as to respect the dignity of the person concerned and benefit the community, particularly in the social field and in the field of aid and development cooperation;
5. Considers that the duration of such alternative service when carried out within a civil administration or organization should not exceed the period of normal military service including military exercises following the period of basic military training;
6. Emphasizes the need to approximate the legislation of the Member States of the Community governing the right to conscientious objection, the status of conscientious objector, the procedure to be applied and the alternative forms of service;
7. Stresses the need for the procedure to be designed in such a way that they involve no additional waiting period and administrative complications as it is often the case at present;
8. Calls on the governments and parliaments of the Member States of the Community to examine their respective legislation in this field;
9. Supports efforts to include a right of conscientious objection in the Convention on Human Rights;
10. Instructs its President to forward this resolution to the Commission, the governments and parliaments of the Member States, and the Parliamentary Assembly of the Council of Europe.

° : OJ No. C 103, 27.4.1977, p.1

P.S. Copies of this Resolution are available in English, French, German, Italian, Danish, Greek and Dutch.

Collection Number: AG1977

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PUBLISHER:

Publisher:- Historical Papers Research Archive

Location:- Johannesburg

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