

# The Schmidbauer Resolution

Resolution of 13 October 1989 on conscientious objection and alternative civilian service



EUROPA-PARLAMENTET  
EUROPÄISCHES PARLAMENT  
ΕΥΡΩΠΑΙΚΟ ΚΟΙΝΟΒΟΥΛΙΟ  
EUROPEAN PARLIAMENT  
PARLAMENTO EUROPEO  
PARLEMENT EUROPÉEN  
PARLAMENTO EUROPEO  
EUROPEES PARLEMENT  
PARLAMENTO EUROPEU  
EUROPEAN PARLAMENTTI  
EUROPA PARLAMENTI

The European parliament,

- having regard to Petitions Nos. 81/85, 95/86, 260/87, 349/68, 495/88, 510/88 and 519/88,
- having regard to the Macciocchi report (Doc. 1-546/82) on conscientious objection and to the fact that close on six years after adoption of the resolution of 7 February on conscientious objection (OJ No. C 68, 14.3.1983, p. 14) no initiative has been taken on these lines either by the governments of the Member States or by the Commission,
- having regard to recommendation No R(87)8 of the Committee of Ministers of the Council of Europe regarding conscientious objection to compulsory military service adopted by the Committee of Ministers on 9 April 1987 at the 406th meeting of the Ministers' Deputies,
- having regard to Written Question No. 2830/86 by Mrs. Dury and others to the Council on conscientious objection (OJ No. C 117, 4.5.1987, p. 44),
- having regard to Written Question No. 1649/66 by Mr Boesmans to the Commission on the situation of conscientious objectors in Greece (OJ No. C 133, 18.5.1987, p. 28),
- having regard to Written Question No. 1650/86 by Mr. Boesmans to the Commission on the situation of conscientious objectors in Belgium (OJ No. C 133, 18.5.1987, p. 28),
- having regard to Articles 100 (approximation of laws), 7 (prohibition of discrimination on grounds of nationality), 48(2) (free movement of persons), 50 (exchange of young workers) and 117 and 118 (common social policy) of the EEC Treaty,
- having regard to the declaration of the European Council meeting in Fontainebleau on 25 and 26 June 1984 calling for the setting-up of national committees of European volunteer development "workers to recruit young Europeans wishing to offer their services to Third World development projects,
- having regard to the recommendation of 5 March 1987 of the United Nations commission on Human Rights,
- having regard to the report of its Committee on Petitions and the opinion of the Committee on Legal Affairs and Citizens' Rights (Doc. A 2-433/88 = A 3-15/89),

A. whereas no court and no committee can examine a person's conscience,

B. whereas all conscripts must be entitled to refuse military service, whether armed or unarmed, on grounds of conscience, with full respect for the principles of freedom and equal treatment of members of society,

C. mindful that the existing inequalities and the penalties applied by some Member States to conscientious objectors - which are the result of differing geographical, social and cultural determinants - create unequal living conditions in the Member States and are thus detrimental to the process of European integration,

D. mindful that the differences and discrimination contained in the rules governing the recognition of Conscientious objection and laying down the arrangements for the performance of alternative civilian service have consequences for the entry of young people into the world of work and for freedom of movement within the Community and that they have a grave impact on the opportunities of young people in Europe in regard to vocational training, employment, social security and political and trade union rights,

E. whereas conscientious objection cannot constitute non-participation in the defence of the community but may be seen as another way of practising such participation in the light of the particular conditions and requirements in the Member States, as confirmed, *inter alia*, by the Italian Constitutional Court in Judgment No. 164 of 25 May 1985,

F. emphasizing the need to enable those performing alternative service to participate in the development of Third World countries and in the war on starvation with consequential recognition of the potential contribution from conscientious objectors to reducing the threats to our security,

G. whereas the common involvement of young people in a programme for the Third World will contribute to mutual understanding and hence encourage the process of European integration and European solidarity with the less developed regions of the world,

1. Calls for the right to be granted to all conscripts at any time to refuse military service, whether armed or unarmed, on grounds of conscience, with full respect for the principles of freedom and equal treatment for all members of society;

2. Calls for call-up papers to be accompanied, where this is not already the case, by a statement on the legal position with regard to conscientious objection;

3. Urges the Member States concerned to ensure that individuals performing alternative service are not denied their constitutional and/or civil rights and that their dignity is preserved;

4. Urges that, in order to be recognized as a conscientious objector, a declaration setting out the individual's motives should suffice in order to obtain the status of conscientious objector;

5. Urges that the length of alternative service should be allowed to exceed the duration of ordinary service only by half as much again to compensate for periods of reserve training by those performing military service;

6. Calls for persons performing alternative service to be safeguarded against exploitation and for individuals in civilian service to receive the same pay as conscripts;
7. Calls for a clear distinction to be made between civilian alternative service activities and vacancies on the job market, this to be agreed on with the trade unions;
8. Calls for the introduction of a national appeals procedure;
9. Calls for conscientious objectors who are recognized as such in the Member State of which they are nationals to be allowed, where appropriate and provided the individual concerned so requests to participate in programmes of alternative service in another Member State and for their release from alternative service in their own country as a result of such participation;
10. Urges that conscripts who perform alternative service should be given the opportunity of taking part in regular training and further vocational training, equivalent to that offered during military service;
11. Calls on the Commission and the Member States to press for the right to alternative civilian service to be incorporated in the European convention for the Protection of Human Rights and Fundamental Freedoms, as a human right;
12. Calls on the Member States to take all the necessary steps to amend their legislation to bring it into line with this resolution and the resolution of 7 February 1983;
13. Instructs the Commission to draw up a programme of development projects in the Third World in which all conscientious objectors from the Member States can, where appropriate and provided they so request, participate; such participation should release them from alternative service in their own country;
14. Believes that the Member States should recognize and support the NGOs that deal with alternative service and conscientious objectors and calls on the Commission to give similar recognition and support to the European Bureau of Conscientious Objection;
15. Instructs its President to forward this resolution to the Commission, the Council, the Foreign Ministers meeting in European Political Cooperation, the Defence Ministers and the governments and parliaments of the Member States.