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Annual Report

Conscientious Objection to Military Service in Europe 2021



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Foreword by Alexia Tsouni, EBCO President

The **human right to conscientious objection to military service** was not high in the European agenda in 2021, although conscription is still enforced in 18 Council of Europe (CoE) Member States. They are: **Armenia, Austria, Azerbaijan, Cyprus, Denmark, Estonia, Finland, Georgia** (reintroduced in 2017), **Greece, Lithuania** (reintroduced in 2015), **Moldova, Norway, Russia, Sweden** (reintroduced in 2018), **Switzerland, Turkey, Ukraine** (reintroduced in 2014), and **Belarus** (candidate).

In 2021 Europe was not a safe place for many conscientious objectors in several countries who faced prosecution, arrests, trials by military courts, imprisonments, fines, intimidation, attacks, death threats, and discrimination. These countries include **Turkey** (the only CoE Member State who has not yet recognised the right to conscientious objection), and consequently the Turkish-occupied **northern part of Cyprus** (the self-styled “Turkish Republic of North Cyprus”), **Azerbaijan** (where there is still no law on alternative service), **Armenia, Russia, Ukraine, Greece, the Republic of Cyprus, Georgia, Finland, Austria, Switzerland, Estonia, Lithuania, and Belarus** (candidate).

At the same time **refugees** are not always granted international protection as they should. However; in **Germany**, the asylum application of Beran Mehmet İşçi (from Turkey and of Kurdish origin) was accepted in September 2021 and he was granted the refugee status.

As for the minimum conscription age, although the **Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict** encourages states to end all recruitment of persons below the age of 18, a disturbing number of European states continues to do this. Worse, some breach the absolute prohibitions in the Optional Protocol by placing servicemen aged under 18 at risk of active deployment, or by allowing conscripts to enlist before their 18th birthday.

The Press Unit of the **European Court of Human Rights** (ECtHR) published an updated version of its factsheet on conscientious objection in October 2021. A more comprehensive study “Guide on Article 9 of the European Convention on Human Rights” was updated on 31 August 2021. Meanwhile three cases are pending before the ECtHR against **Turkey**, concerning COs from the **northern part of Cyprus**: the case of Halil Karapasaoglu, Haluk Selam Tufanli and Murat Kanatli, who is an EBCO Board Member.

On 24 November 2021 the **CoE Committee of Ministers** specified the terms of reference of the Steering Committee for Human Rights (CDDH) valid from 2022–2025, which includes “Workshop, conference, or dialogue on human rights of members of the armed forces, with attention to issues concerning conscientious objection to compulsory military service”. Since several years EBCO has been involved in the work of the CDDH on conscientious objection.

The Turkey 2021 Report of the **European Commission** underlines: “Several ECtHR judgements regarding conscientious objection are yet to be implemented.” However; once again the right to conscientious objection to military service is not mentioned at all in the latest **European Union** Annual Report on Human Rights and Democracy in the World nor in the corresponding motion for a **European Parliament** resolution.

At the **United Nations Human Rights Council** level, the **Special Rapporteur on Freedom of Religion or Belief** published a report on “Freedom of Thought” on October 5th 2021, which then presented to the 76th Session of the UN General Assembly on October 19th 2021. The Report examines the theoretical scope and potential violations of the first right in article 18 (1) of the International Covenant on Civil and Political Rights. It is worth highlighting that, according to the jurisprudence of the UN Human Rights Committee, the right to conscientious objection to military service inheres in the right of article 18.



Exceptionally, although not during 2021 which is the scope of this report, a special reference needs to be made to the **Russian invasion in Ukraine** on February 24th 2022. On the same day EBCO strongly condemned the invasion and called all parties to strictly adhere to international humanitarian law and international human rights law, including the right to conscientious objection to military service, and to protect civilians, including internally displaced persons and refugees. EBCO urged to end the war with an immediate ceasefire leaving space for negotiation and diplomacy. EBCO stands in solidarity with the pacifist movements in Russia and Ukraine, and shares their statements for peace, non-violence, and conscientious objection, which are indeed **a source of hope and inspiration**:¹

Statement by the Movement of Conscientious Objectors to Military Service in **Russia**:²

What is happening in Ukraine is a war unleashed by Russia. The Conscientious Objectors Movement condemns the Russian military aggression. And calls on Russia to stop the war. The Conscientious Objectors Movement calls on the Russian soldiers not to participate in hostilities. Do not become war criminals. The Conscientious Objectors Movement calls on all recruits to refuse military service: apply for alternative civilian service, be exempted on medical grounds.

Statement by the Ukrainian Pacifist Movement in **Ukraine**:³

The Ukrainian Pacifist Movement condemns all military actions by the sides of Russia and Ukraine in the context of the current conflict. We call the leadership of both states and military forces to step back and sit at the negotiation table. Peace in Ukraine and around the world can be achieved only in a non-violent way. War is a crime against humanity. Therefore, we are determined not to support any kind of war and to strive for the removal of all causes of war.

Given the **ongoing war** and the **anti-war protests**, on March 15th 2022 EBCO expressed its respect for and solidarity with all the courageous conscientious objectors, anti-war activists and civilians from all parties to the war and called on Europe to provide them with concrete support. EBCO strongly condemns the Russian invasion of Ukraine as well as NATO's expansion to the east. EBCO calls on the soldiers not to participate in hostilities and on all recruits to refuse military service.⁴

In **Ukraine** there was expansion of the mandatory military service and enforcement of conscription without exceptions for conscientious objectors in 2021. The situation deteriorated after the Russian invasion and martial law, with travel ban for almost all men and aggressive military recruitment of foreign students. EBCO regrets about the decision of the Ukrainian government, enforcing total military mobilization, to prohibit all men aged from 18 to 60 to leave the country, which led to discrimination against conscientious objectors to military service, who were deprived of their right to seek refuge abroad.

¹ Available at: <https://www.ebco-beoc.org/node/519>

² 24/02/2022, available at: <https://www.facebook.com/stoparmy/posts/2883903101907717>

³ 24/02/2022, available at: <https://www.facebook.com/peaceukraine/posts/693464492022473>

⁴ Available at: <https://www.ebco-beoc.org/node/523>



Table of Contents

1. DEVELOPMENTS DURING 2021	7
1.1 INTERNATIONAL AND REGIONAL ORGANISATIONS AND MECHANISMS	7
1.1.1 COUNCIL OF EUROPE	7
1.1.1.1 European Court of Human Rights (ECtHR)	7
1.1.1.2 Committee of Ministers	8
1.1.1.3 European Committee of Social Rights	9
1.1.2 EUROPEAN UNION	11
1.1.2.1 European Parliament.....	11
1.1.3 UNITED NATIONS.....	12
1.1.3.1 Treaty Bodies – Human Rights Committee.....	12
1.1.3.2 Human Rights Council.....	16
1.1.4 INTER-AMERICAN COMMISSION ON HUMAN RIGHTS	20
1.2 DEVELOPMENTS WITHIN COUNCIL OF EUROPE MEMBER STATES	21
1.2.1 ALBANIA.....	21
1.2.2 ANDORRA	22
1.2.3 ARMENIA.....	22
1.2.4 AUSTRIA	23
1.2.5 AZERBAIJAN.....	23
1.2.6 BELGIUM.....	24
1.2.7 BOSNIA AND HERZEGOVINA	24
1.2.8 BULGARIA	25
1.2.9 CROATIA.....	25
1.2.10 CYPRUS.....	26
1.2.11 CZECH REPUBLIC.....	27
1.2.12 DENMARK.....	28
1.2.13 ESTONIA.....	29
1.2.14 FINLAND	30
1.2.15 FRANCE.....	34
1.2.16 GEORGIA.....	34
1.2.17 GERMANY	34
1.2.18 GREECE.....	36
1.2.19 HUNGARY	40
1.2.20 ICELAND.....	41
1.2.21 IRELAND.....	41
1.2.22 ITALY	42
1.2.23 LATVIA	42
1.2.24 LIECHTENSTEIN	43
1.2.25 LITHUANIA	43
1.2.26 LUXEMBOURG	44
1.2.27 MALTA	45
1.2.28 MOLDOVA	45
1.2.29 MONACO.....	46
1.2.30 MONTENEGRO.....	46
1.2.31 NETHERLANDS.....	47
1.2.32 NORTH MACEDONIA	48
1.2.33 NORWAY.....	48
1.2.34 POLAND	50
1.2.35 PORTUGAL.....	50
1.2.36 ROMANIA	51
1.2.37 RUSSIAN FEDERATION.....	52



1.2.38 SAN MARINO	54
1.2.39 SERBIA.....	54
1.2.40 SLOVAK REPUBLIC	55
1.2.41 SLOVENIA	56
1.2.42 SPAIN	57
1.2.43 SWEDEN	57
1.2.44 SWITZERLAND	59
1.2.45 TURKEY.....	60
1.2.46 UKRAINE	62
1.2.47 UNITED KINGDOM.....	68
1.2.48 BELARUS (candidate member state).....	69
2. OVERVIEW OF NATIONAL PROVISIONS.....	70
2.1 CONSCRIPTION	70
2.2 CONSCRIPTS AND CONTRACT OR PROFESSIONAL SOLDIERS	73
2.3 RECOGNITION OF CONSCIENTIOUS OBJECTION.....	76
2.4 COMPULSORY MILITARY SERVICE AND CIVILIAN SERVICE	79
2.5 MILITARY EXPENDITURE	82
2.6 RECRUITMENT AGES	85
2.7 SERVING MEMBERS OF THE MILITARY	89
3. NEW PUBLICATIONS.....	90
4. RECOMMENDATIONS.....	91
5. THANKS.....	92



1. DEVELOPMENTS DURING 2021

1.1 INTERNATIONAL AND REGIONAL ORGANISATIONS AND MECHANISMS

1.1.1 COUNCIL OF EUROPE

COUNCIL OF EUROPE



CONSEIL DE L'EUROPE

1.1.1.1 European Court of Human Rights (ECtHR)



Developments during 2021:



Armenia: In a judgement of 20 July 2021, the ECtHR found a violation of Article 9 (the right to freedom of thought, conscience and religion) of the European Convention of Human Rights, in the case of an Armenian conscientious objector Artur Avanesyan, a Jehovah's Witness, who had been arrested by Armenian police and handed out to de-facto authorities of non-recognised "Nagorno Karabakh Republic" (NKR), that sentenced him to two years and six months' imprisonment for draft evasion. His appeal to Armenian Alternative Service Act was disregarded as non-applicable in the "NKR."⁵



Azerbaijan: In 2021, the ECtHR in a decision indicated acknowledgment of the government of Azerbaijan that it had violated human rights to freedom of conscience and religion of two Jehovah's Witness young men, Emil Mehdiyev and Vahid Abilov, who had been convicted to one-year suspended prison term for refusing compulsory military service on grounds of conscience; the objectors accepted government's offer to pay a compensation⁶. Saadat Novruzova, an adviser in the Presidential Administration's Human Rights Protection Unit, declined to discuss the ECtHR's decision in the cases of Mehdiyev and Abilov with Forum 18 on 3 November 2021; reminded of Azerbaijan's commitment to introduce a civilian alternative to military service by January 2003 and asked about whether any law is being prepared nearly two decades later, she responded: "At the moment this is not under discussion." She then put the phone down⁷.

Pending cases:

⁵ <https://wri-irg.org/en/story/2021/ecthr-rules-favour-armenian-conscientious-objector-nagorno-karabakh>

⁶ <https://hudoc.echr.coe.int/eng?i=001-213032>

⁷ <https://wri-irg.org/en/story/2021/ecthr-azerbaijan-violated-conscientious-objectors-human-rights>



Turkey: The following three cases are pending against Turkey, concerning COs from the northern, Turkish-occupied, part of Cyprus (the self-styled "Turkish Republic of North Cyprus"):

1. Halil Karapasaoglu v. Turkey (case number 40627/19), accepted by the ECtHR on 10/01/2020.
2. Haluk Selam Tufanli v. Turkey (case number 29367/15 ⁸).
3. Murat Kanatli v. Turkey (case number 18382/15 ⁹).

You can find more information in the section 1.2.10 on Cyprus below.

In October 2021 the Press Unit of the European Court of Human Rights published an updated version of its factsheet on Conscientious objection ¹⁰. A more comprehensive study "Guide on Article 9 of the European Convention on Human Rights" was updated on 31 August 2021 ¹¹. Both ECtHR texts refer extensively in an undifferentiated assertive way to the controversial restrictive judgement pronounced in the case of *Dyagilev v. Russia* (2020) with a slim majority of four votes to three. [Cf. EBCO Annual Report 2020 p. 43 ff. ¹²].

1.1.1.2 Committee of Ministers



Turkey: On 20/04/2020 the Association for Conscientious Objection, Freedom of Belief Initiative in Turkey, Norwegian Helsinki Committee, War Resisters' International, The European Bureau for Conscientious Objection, and Connection e.V. jointly submitted to the Committee of Ministers a Rule 9.2 Submission on the implementation of the judgments under the Ülke Group of Cases against Turkey. ¹³ The Committee of Ministers' Deputies on its 1377th meeting on 4 June 2020 urged Turkey to stop prosecuting conscientious objectors and take the necessary measures to address the judgements of the European Court of Human Rights. Reminding Turkey of the lack of any progress in law, in its recent decision, the Committee of Ministers asked Turkey to submit an action plan with concrete steps addressing the ECHR findings before 21st June 2021. ¹⁴

On 03/11/2021 the above-mentioned organisations jointly submitted to the Committee of Ministers another Rule 9.2 Submission on the implementation of the judgments under the Ülke Group of Cases against Turkey ¹⁵, noting that: "The Government submitted its latest Action Plan to the Committee of Ministers on 5 August 2021. The Action Plan solely covers

⁸ Available at: <http://hudoc.echr.coe.int/eng?i=001-208228>

⁹ Available at: <http://hudoc.echr.coe.int/eng?i=001-184213>

¹⁰ Available at: https://www.echr.coe.int/Documents/FS_Conscientious_objection_ENG.pdf

¹¹ Available at: https://www.echr.coe.int/Documents/Guide_Art_9_ENG.pdf

¹² Available at: https://ebco-beoc.org/sites/ebco-beoc.org/files/attachments/2021-02-15-EBCO_Annual_Report_2020.pdf

¹³ Available at: https://wri-irg.org/sites/default/files/public_files/2020-06/cm_submission_on_the_implementation_of_ulke_group_of_cases-2_0.pdf

¹⁴ Available at: https://search.coe.int/cm/Pages/result_details.aspx?ObjectId=09000016809e8f6e

¹⁵ Available at: https://en.connection-ev.org/pdfs/2021-11-03_SubmissionTR-en.pdf



'legislative amendments' and 'strategy papers, projects and awareness raising activities' in which all the information provided is exactly the same as in the Action Plan submitted to the CM on 31 March 2020. The only paragraph that differs from the Action Plan is the one titled 'B.2.Human Rights Action Plan', which does not include any measures to recognize the right to conscientious objection or improve the situation of conscientious objectors in Turkey. The Government did not provide any information regarding the actual situation of the applicants. Since the government did not submit any new arguments other than B.2 in its Action Plan, we regret that we have to reiterate the points that we have already made in our previous submission."

The Ülke group of cases pertain to violations of Article 3, the prohibition of torture, inhuman and degrading treatment; Article 9, the right to freedom of thought, conscience and religion and Article 6 the right to fair trial enshrined in the European Convention on Human Rights, stemming from the applicants' repetitive convictions and prosecutions for having refused, on account of their religious beliefs or convictions as pacifists and conscientious objectors, to carry out compulsory military service. There are a total of seven cases in the Ülke group under the enhanced supervision of the Committee of Ministers (CM). The judgment on the first case, Ülke v. Turkey, became final on 24 April 2006.

You can find more information in the section 1.2.45 on Turkey below.

Steering Committee for Human Rights (CDDH)

On 24 November 2021 the Committee of Ministers at Deputy level specified the terms of reference of the Steering Committee for Human Rights (CDDH) valid from 2022–2025. As No 12 of its main deliverables the CDDH is instructed to complete under the authority of the Committee of Ministers, the following project has been determined: "Workshop, conference, or dialogue on human rights of members of the armed forces (CM/Rec(2010)4), with attention to issues concerning conscientious objection to compulsory military service" (deadline 31/12/2023) ¹⁶. Since several years EBCO has been involved in the work of the CDDH on conscientious objection ¹⁷.

1.1.1.3 European Committee of Social Rights



European
Social
Charter

Charte
sociale
européenne



COUNCIL OF EUROPE

CONSEIL DE L'EUROPE



Ireland: European Organisation of Military Associations and Trade Unions (EUROMIL) v. Ireland, Complaint No.164/2018

On 18 March 2021, the European Committee of Social Rights (ECSR) has published its decision on the merits on the case of EUROMIL vs Ireland.¹⁸ The case was opened in 2018 by the European Organisation of Military Associations and Trade Unions (EUROMIL), which

¹⁶ Available at: <https://rm.coe.int/native/0900001680a4a71e>

¹⁷ Available at: <https://rm.coe.int/steering-committee-for-human-rights-cddh-possible-work-of-the-cddh-on-/1680a05b26>

¹⁸ European Committee of Social Rights, DECISION ON THE MERITS, 18 March 2021, European Organisation of Military Associations and Trade Unions (EUROMIL) v. Ireland, Complaint No.164/2018. Available at: <https://hudoc.esc.coe.int/eng/?i=cc-164-2018-dmerits-en>



lodged Complaint N° 164/2018 against Ireland at the ECSR, alleging the violation of Articles 1§2 (on the right of the worker to earn his living in an occupation freely entered upon) and 26§2 (on the right to dignity at work) of the European Social Charter (ESC), because there is no provision in Irish law enabling members of the Irish Defence Forces to discharge from the armed forces on grounds of conscientious objection and to have their voluntary discharge registered.

The ECSR decided, on the one hand, that the contested situation does not fall within the scope of Article 26§2 and, on the other hand, concluded that there is no violation of Article 1§2 of the ESC.

This decision does not preclude the ECSR from finding a violation of the right of the worker to earn his living in an occupation freely entered upon, in the case of professional members of the armed forces in other countries, as it has done in the past.¹⁹

Neither affects the right to conscientious objection to military service for professional members of the armed forces, in any country, including Ireland.

The decision concerns specifically the case of Ireland, and the ECSR took into consideration the particular circumstances in this country, such as the possibility of discharge by purchase (except in periods of emergency), its cost (varying from €50 to €6,345 depending on training and service) and the maximum possible period before the discharge becomes effective (90 days). Nothing precludes ECSR from deciding differently as of a violation of Article 1§2 in equivalent cases in other countries under different circumstances.

But most importantly, the decision does not concern the right to conscientious objection to military service, as this is not enshrined as such in the European Social Charter and specifically Article 1§2. The right to conscientious objection is recognised in international law as inherent in the right to freedom of thought, conscience and religion, enshrined in Article 18 of the Universal Declaration of Human Rights, as well as Article 18 of the International Covenant on Civil and Political Rights. Worth noting that under ICCPR Article 4 (2), there can be no derogation, *inter alia*, from article 18 in time of public emergency.

Furthermore, the right to conscientious objection specifically for professional members of the armed forces has been explicitly recognised by Council of Europe bodies such as the **Parliamentary Assembly of the Council of Europe (PACE)**²⁰ and the **Committee of Ministers of the Council of Europe**.²¹ This has also been supported by the **OSCE Office for Democratic Institutions and Human Rights (ODIHR)** and the **Geneva Centre for Security Sector Governance (DCAF)**.²² Most importantly, the **UN Office of the High**

¹⁹ International Federation of Human Rights Leagues (FIDH) v. Greece, Complaint No. 7/2000, decision on the merits of 5 December 2000. Available at: <https://hudoc.esc.coe.int/eng/?i=cc-07-2000-dmerits-en>

²⁰ Council of Europe, Parliamentary Assembly, Recommendation 1518 (2001), para. 5.2. Available at: https://assembly.coe.int/nw/xml/XRef/Xref-XML2HTML-EN.asp?fileid=16909&lang=en#_blank
Council of Europe, Parliamentary Assembly, Recommendation 1742 (2006), Human rights of members of the armed forces, para. 9.7, 11 April 2006. Available at: <http://assembly.coe.int/nw/xml/XRef/Xref-XML2HTML-en.asp?fileid=17424&lang=en>

²¹ Council of Europe, Committee of Ministers, Recommendation CM/Rec(2010)4 of the Committee of Ministers to member states on human rights of members of the armed forces, Section H, paras 42-46, 24 February 2010. Available at: https://search.coe.int/cm/Pages/result_details.aspx?ObjectID=09000016805cf8ef

²² OSCE, ODIHR, DCAF, *Handbook on Human Rights and Fundamental Freedoms of Armed Forces Personnel*, 2008, Chapter 10 Conscientious Objection to Military Conscription and Service, 4. Best Practices and Recommendations, p. 85 [second point]. Available at: <https://www.osce.org/odihr/31393?download=true>



Commissioner for Human Rights (OHCHR) has explicitly included the right to conscientious objection for professional members of the armed forces among the minimum criteria in order to be in line with international human rights norms and standards.²³

Therefore, the fact that the ECSR has not found a violation of Article 1§2 of the ESC, does not mean that in the case of Ireland there is no violation of the right to conscientious objection to military service, e.g. under Article 18(1) of the ICCPR.

1.1.2 EUROPEAN UNION



1.1.2.1 European Parliament



Concerning the right to conscientious objection to military service in Turkey MEP Dietmar Köster (S&D) submitted a parliamentary question for written answer to the Commission on 8 September 2021²⁴:

"Turkey is the only Member State of the Council of Europe that has not recognised the right to conscientious objection to military service. Conscientious objectors face persecution, a vicious circle of arrest, criminal proceedings and re-enlistment, and in particular civil death.

- 1. Does the Commission engage in a regular dialogue with the Turkish government about introducing the right to conscientious objection?*
- 2. Has the Commission been provided with statistics about the number of conscientious objectors and draft evaders by the Turkish government?*
- 3. How does the Commission plan to convince the Turkish government to guarantee the right to conscientious objection, and what kind of support could the Commission provide to the Committee of Ministers of the Council of Europe to persuade the Turkish government to implement the decisions of the European Court of Human Rights and the recommendations and resolutions of the Committee of Ministers?"*

The answer given by Mr Várhelyi on behalf of the European Commission on 7 December 2021²⁵ is confined to some general remarks: *"The Commission examines in detail the matter of*

See also: *Compendium of Standards, Good Practices and Recommendations on Human Rights of Armed Forces Personnel* published by the OSCE Office for Democratic Institutions and Human Rights (ODIHR) and the Geneva Centre for Security Sector Governance (DCAF), 2021, Chapter 8, part Conscientious objection for members of regular armed forces, p. 139. Available at: https://www.osce.org/files/f/documents/6/5/480143_0.pdf

²³ OHCHR, Approaches and challenges with regard to application procedures for obtaining the status of conscientious objector to military service in accordance with human rights standards, 24 May 2019, A/HRC/41/23, para. 60(c). Available at: <https://undocs.org/A/HRC/41/23>

²⁴. Available at: https://www.europarl.europa.eu/doceo/document/E-9-2021-004123_EN.html

²⁵. Available at: https://www.europarl.europa.eu/doceo/document/E-9-2021-004123-ASW_EN.html



freedom of thought, conscience and religion in the framework of the annual country report on Turkey. The 2021 Turkey Report points out that several European Court of Human Rights (ECtHR) judgments regarding conscientious objection are yet to be implemented. The Commission systematically raises with the Turkish authorities the need to swiftly implement the rulings of the ECtHR. The respect for the rule of law and fundamental rights in Turkey remains a key concern. The Commission raises related issues in all relevant contacts with the Turkish authorities, including in the context of the Sub-Committee covering the judiciary, fundamental rights and freedoms, home affairs, taxation, customs and financial control established under the EU-Turkey Association Agreement."

The Turkey 2021 Report of the European Commission ²⁶ underlines: "Several ECtHR judgements regarding conscientious objection are yet to be implemented." To understand the enormous challenge emanating from this statement, it might be useful to take a look at its context: In January 2021, the total number of Turkish applications pending before the ECtHR was 13 491. [Turkey 2021 Report p. 28] Given an inconceivable multitude and variety of human rights violations it remains a matter of vital importance to raise the awareness of fundamental rights like the right to conscientious objection and its significance.

Unfortunately once again the right to conscientious objection to military service is not mentioned at all in the latest European Union Annual Report on Human Rights and Democracy in the World nor in the corresponding motion for a European Parliament resolution.

1.1.3 UNITED NATIONS



UNITED NATIONS

1.1.3.1 Treaty Bodies – Human Rights Committee



Armenia

During the review of Armenia at the 133rd session of the Human Rights Committee, the Committee expressed concerns regarding the alternative service and its Concluding Observations on the third periodic report of Armenia ²⁷ recommended to the State to "take all measures necessary to ensure that the civilian alternative to the military service is not discriminatory in duration by comparison with the military service".

The issue has been addressed in civil society submissions such as CPTI's ²⁸.



Finland

The UN Human Rights Committee examined Finland's seventh periodic report on the International Covenant on Civil and Political Rights on its 131st session which was held in

²⁶. Available at: https://ec.europa.eu/neighbourhood-enlargement/turkey-report-2021_en, p.32

²⁷ CCPR/C/ARM/CO/3.

²⁸ Available at:

https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=INT%2fCCPR%2fCSS%2fARM%2f46906&Lang=en



March 2021 (see relevant section above) and issued the following concluding observations relating to conscientious objection to military service ²⁹:

“The Committee is concerned that the Act Repealing the Act on the Exemption of Jehovah’s Witnesses from Military Service in Certain Cases (330/2019) has removed the exemption from military and civilian service accorded to Jehovah’s Witnesses, in contrast to the Committee’s previous recommendations to extend such exemption to other groups of conscientious objectors (CCPR/C/FIN/CO/6, para. 14). It also notes with concern that the regular duration of alternative non-military service amounts to the longest period of military service and that, while such alternative service is under the direction of the Ministry of Employment and the Economy, military personnel still take part in relevant working groups and committees determining the nature and duration of alternative service. It is also concerned about the insufficient dissemination of information about the right to conscientious objection and alternatives to military service (art. 18).

The State party should: (a) ensure that alternatives to military service are not punitive or discriminatory in terms of their nature or duration and remain of a civilian nature, outside military command; (b) halt all prosecutions of individuals who refuse to perform military service on grounds of conscience and release those who are currently serving related prison sentences; and (c) intensify its efforts to raise awareness among the public about the right to conscientious objection and the availability of alternatives to military service.”

The review of Finland included contributions on conscientious objection from civil society organizations such as Union of Conscienceitous Objectors-AKL ³⁰ and IFOR ³¹.



Greece

Human Rights Committee – List of issues prior to reporting:

The UN Human Rights Committee, the body monitoring compliance with the International Covenant on Civil and Political Rights (ICCPR), has included once again conscientious objectors in the list of issues in the context of the 3rd periodic report of Greece³²:

“Freedom of conscience and religious belief (arts. 2, 18 and 26)

20. With reference to the Committee’s previous concluding observations (para. 38), please report on the measures taken to provide all conscientious objectors with an alternative to military service that is not punitive or discriminatory in terms of its nature, cost or duration. Please provide information on measures taken to ensure respect for the *ne bis in idem* principle and avoid inflicting repetitive punishments on conscientious objectors. Please provide information on the impact of Law No. 4361/2016, which ended prosecutions against those who had declared their conscientious objection before 1998, and indicate if the State party intends to provide adequate compensation to those who have already been sentenced and punished.”

²⁹ Available at:

https://tbinternet.ohchr.org/Treaties/CCPR/Shared%20Documents/FIN/CCPR_C_FIN_CO_7_44648_E.pdf

³⁰ Available at:

https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=INT%2fCCPR_R%2fCSS%2fFIN%2f44417&Lang=en

³¹ Available at:

https://tbinternet.ohchr.org/Treaties/CCPR/Shared%20Documents/FIN/INT_CCPR_CSS_FIN_44423_E.pdf

³² UN Human Rights Committee, List of issues prior to the submission of the third periodic report of Greece, (CCPR/C/GRC/QPR/3), 2 December 2021, para. 20.



This reference was preceded by submissions of civil society organisations, such as [IFOR](#) and [Amnesty International](#) (see pp. 8-10), as well the [Greek National Commission for Human Rights \(GNCHR\)](#) (see paras. 90-92), highlighting Greece's violations of ICCPR in the case of COs.

Views concerning communication No. 3065/2017:

On December 6th, 2021, the UN Human Rights Committee announced their decision on the case of conscientious objector Lazaros Petromelidis. The Committee found violations of the articles 9(1), 12(2), 14(7), and 18(1) of the International Covenant on Civil and Political Rights (ICCPR) and asked Greece to take necessary measures addressing these violations. In January 2022 EBCO has issued a [joint press release](#) on this decision together with Connection e.V., International Fellowship of Reconciliation (IFOR) and War Resisters' International (WRI).

This decision of the UN Human Rights Committee³³ in this longstanding case of a Greek conscientious objector advances relevant jurisprudence and could be significant for conscientious objectors in other countries too.

Lazaros Petromelidis had refused on ideological grounds to enlist for military service in 1992, when there was no provision for alternative civilian service in Greece. Subsequently he was prosecuted for insubordination, he was prohibited from exiting the country and an arrest warrant was issued. In 1998, after the entry in force of the first law on alternative civilian service, his first application was rejected, and he was officially recognized as a conscientious objector only after his first arrest. However, he was initially required to perform 39 months of alternative service, while as a conscript of the same age and family status he could serve only 4 months of military service and buy out another 8. After his failure to report for such a punitive and discriminatory alternative service, his conscientious objector status was revoked, and a series of repeated call-ups for military service, arrests and sentences by military courts begun.

Overall, from 1992 until 2014, Lazaros Petromelidis has been convicted 5 times for insubordination, found himself in custody at least 4 times, and paid 2 financial penalties instead of imprisonment.

While it is not the first time that the Committee has examined a case involving a punitive and discriminatory alternative service,³⁴ this is the first case where the conscientious objector has not reported for such service at all. Furthermore, contrary to older cases, this time it was examined under, and was found to be a violation of, **article 18(1)** of the International Covenant on Civil and Political Rights (ICCPR), about freedom of thought, conscience and religion, instead of article 26 about discrimination – although in an interesting partly dissenting opinion a member of the Committee opined that the case should have been also examined under article 26 and the Committee should have found an additional violation.

Worth noting also that the Committee found for the **first time a violation of article 12(2) in a case of a conscientious objector** who was prohibited from leaving his country, not only because of "the excessive duration of the impugned interference but also the fact that it has been imposed on the author for having legitimately exercised his right to freedom of conscience". This indicates that there might be further unexplored violations of human rights in cases of conscientious objectors.

The Committee applied its jurisprudence as of the ***ne bis in idem* principle** finding again a violation of **art. 14(7)** for the repeated punishment for the same offence, concerning a

³³ [CCPR/C/132/D/3065/2017](#)

³⁴ See Frédéric Foin v. France ([CCPR/C/67/D/666/1995](#)); Marc Venier and Paul Nicolas v. France ([CCPR/C/69/D/690/1996](#)).



conscientious objector not obeying a renewed order to serve in the military for the same reasons of conscience. It is significant though that the Committee rejected the Greek government's arguments that this was the result of refusal to perform alternative service, noting that the convictions "were again based on his refusal to be drafted in the military".

The Committee also consolidated its jurisprudence as of the violation of **art. 9(1)** about **arbitrary detention** as punishment for legitimate exercise of freedom of religion and conscience. This also means that Petromelidis should have not been detained in the first place.

In terms of admissibility, it is noteworthy that the Committee accepted to examine the case as a whole, despite some of the court proceedings been ended many years ago, as they were all connected to the same obligation to perform compulsory service and the conscientious objection to it. It is also important that the Committee applied its jurisprudence "that it is only remedies that are both available and effective in a State party that must be exhausted" in a case of a conscientious objector. The Committee found that Petromelidis was "not obliged to exhaust domestic remedies" for his last set of prosecutions, insofar the Court of Cassation had already ruled in his case in previous proceedings against him. It therefore appears that a conscientious objector repeatedly punished does not need to exhaust domestic remedies for each and every conviction.

According to the Committee's decision, Greece is obliged to make full reparation to Petromelidis, and therefore, *inter alia*, to expunge the author's criminal record, to reimburse all sums paid as fines (i.e., financial penalties instead of imprisonment) and to provide adequate compensation. Greece is also under an obligation to take all steps necessary to prevent similar violations from occurring in the future. It means that, according to the Committee, Greece "should review its legislation with a view to ensuring the effective guarantee of the right to conscientious objection under article 18 (1) of the Covenant, for instance, by providing for the possibility to undertake alternative civilian service that is not punitive and discriminatory in nature".



Turkey

During the 132nd session of the Human Rights Committee it has been adopted the List of Issues Prior to the submission ³⁵ of the second periodic review of Turkey and item 21, concerning art. 18 of the Covenant, explicitly refers to the right to conscientious objection and requests to the Turkish government to report on the issue and "*describe any steps taken within the reporting period, to recognize and regulate conscientious objection to compulsory military service. Please elaborate on the compatibility of article 318 of the Criminal Code, which criminalizes "alienating the public from military service"*".

The issue of conscientious objections has been raised in civil society submissions such as Vicdani Ret Derneği's (Association For Conscientious Objection) ³⁶ and IFOR's ³⁷.



Ukraine

³⁵ CCPR/C/TUR/QPR/2.

³⁶

https://tbinternet.ohchr.org/Treaties/CCPR/Shared%20Documents/TUR/INT_CCPR_IC_S_TUR_44902_E.pdf

³⁷

https://tbinternet.ohchr.org/Treaties/CCPR/Shared%20Documents/TUR/INT_CCPR_IC_S_TUR_44947_E.pdf



During the 133rd session of the Human Rights Committee the Committee expressed concerns about the arbitrary detention of conscripts and objectors who are also hunted down and about the lack of accountability and in its Concluding Observations on the eighth periodic report of Ukraine ³⁸ stated "30. *The Committee reiterates its previous recommendation 6 and stresses that alternatives to military service should be available to all conscientious objectors without discrimination as to the nature of their beliefs justifying the objection (be they religious beliefs or non-religious beliefs grounded in conscience), and should be neither punitive nor discriminatory in nature or duration by comparison with military service. The State party should ensure that cases of abduction and arbitrary detention of conscripts are promptly, thoroughly and independently investigated, that perpetrators are prosecuted and punished and that victims are provided with effective remedies, including adequate compensation.*"

Contributions on the issues has been submitted by civil society organizations such as IFOR ³⁹ which collaborated together with the Ukrainian Union of Pacifist.



Belarus

In December 2021, the United Nations Human Rights Committee asked Belarus to respond in the case of 33-year-old Jehovah's Witness conscientious objector Dmitry Mozol. In February 2021, a court in Pinsk fined him four months' wages for refusing call-up to reservist military training on grounds of conscience ⁴⁰.

1.1.3.2 Human Rights Council

a) Special Procedures

Although not in the context of Europe, worth noting that on 10th December, 2020, the Special Rapporteur on Freedom of Religion and Belief, supported by four other mandates (Arbitrary Detention, Freedom of Expression, and Minority Issues) addressed a communication to Turkmenistan "concerning the detention of Messrs. Sanjarbek Saburov and Elder Saburov, two members of the Jehovah's Witness religious minority, who were convicted in August 2020 for the second time for their conscientious objection to perform the mandatory military service in Turkmenistan". The special procedures regretted Turkmenistan's criminalisation of conscientious objection and the absence of alternatives to military service, and noted with concern that the brothers had been twice tried and sentenced for the same "offence", in breach of the principle of *ne bis in idem*. "Replies to communications" received by 31st July 2021 have been made public. They did not include one from Turkmenistan, but all imprisoned conscientious objectors were released in May 2021⁴¹.

On October 5th, 2021, the Special Rapporteur on Freedom of Religion or Belief published a report on "*Freedom of Thought*"⁴² which then presented to the 76th Session of the UN General Assembly on October 19th 2021. The Report examines the theoretical scope and potential violations of the first right in article 18 (1) of the *International Covenant on Civil and Political Rights*. It is worth highlighting that, according to the jurisprudence of the UN Human Rights

³⁸ CCPR/C/UKR/CO/8.

³⁹

https://tbinternet.ohchr.org/Treaties/CCPR/Shared%20Documents/UKR/INT_CCPR_CSS_UKR_46684_E.pdf

⁴⁰ <https://wri-irg.org/en/story/2022/belarus-un-appeal-fined-conscientious-objector>

⁴¹ <https://wri-irg.org/en/story/2021/turkmenistan-16-conscientious-objectors-freed>

⁴² <https://undocs.org/A/76/380>



Committee, the right to conscientious objection to military service inheres in the right of article 18.⁴³

b) Universal Periodic Review



Austria

On January 22nd 2021 [Austria](#) had its [third cycle of its Universal Periodic Review](#) at the Human Rights Council. The last one took place in [2015](#).

During the review Austria received a recommendation from Croatia related to military service which stated “141.63 Increase the minimum age for voluntary recruitment to 18 in line with the recommendation of the Committee on the Rights of the Child (Croatia)”⁴⁴. Austria did not support the recommendation and noted it.

IFOR has submitted a report to the UPR highlighting as possible recommendations: “1. that it eliminates the punitive and discriminatory conditions of substitute civilian service for conscientious objectors. 2. that it extends to serving and recent members of the armed forces the right to apply for release from their duties and/or reserve obligations in the event that they develop objections of conscience to military service. 3. that it raises the minimum age for military recruitment to eighteen years in all circumstances.”⁴⁵



Georgia

During the same UPR session mentioned above, on January 26th 2021 [Georgia](#) had its [Universal Periodic Review](#) at the Human Rights Council. The last one took place in [2015](#).

No recommendation on conscientious objection or related issues have been made⁴⁶, although civil society raised concerns on this issue, such as “the discrepancy between the duration of alternative service and that of military service, and about the independence of the bodies which assess conscientious objector claims and the subjection of children of school age to military, including firearms, training.”⁴⁷



Greece

In the context of the 3rd Cycle of Universal Periodic Review under the auspices of the UN Human Rights Council, Greece has received two recommendations, from Panama and Croatia, concerning conscientious objectors to military service⁴⁸:

130.76 Revise its national legislation with a view to recognizing the right to conscientious objection to military service, envisaging an alternative service to military service to which all conscientious objectors have access to and that is not punitive or discriminatory in its nature, cost or duration (Panama)

⁴³ <https://quno.org/timeline/2021/2/international-standards-conscientious-objection-military-service>

⁴⁴ A/HRC/47/12.

⁴⁵ https://www.upr-info.org/sites/default/files/document/austria/session_37_-_january_2021/ifor_upr37_aut_e_main.pdf

⁴⁶ A/HRC/47/15.

⁴⁷ https://www.upr-info.org/sites/default/files/document/georgia/session_37_-_january_2021/ifor_upr37_geo_e_main.pdf

⁴⁸ UN Human Rights Council, Draft Report of the Working Group on the Universal Periodic Review, Greece, ([A/HRC/WG.6/39/L.1](#)), 9 November 2021, recommendations 6.76 (Panama), 6.88 (Croatia).



130.88 Consider amending the legislation in order for conscientious objectors to be able to perform alternative civilian service in their place of residence (Croatia)

These recommendations followed several submissions by civil society organisations, including by the [EBCO, together](#) with the Association of Greek Conscientious Objectors (AGCO) highlighting violations of human rights of conscientious objectors (COs) in Greece. Other submissions on COs have been made by [War Resisters' International \(WRI\)](#), and the [International Fellowship for Reconciliation \(IFOR\)](#), while issues of conscientious objectors have been raised also in the submissions of the [Humanist Union of Greece \(HUG\)](#) (see paras. 18-19) and the [Greek National Commission for Human Rights \(GNCHR\)](#) (see para.19). As a result, issues of conscientious objectors in Greece were cited in the [Summary of Stakeholders Submission for Greece](#) (paras. 6 and 35).

In an unprecedented move, Greece has accepted recommendation 130.76 of Panama about a revision of the legislation⁴⁹ which is yet to be implemented.

On the contrary, Greece has noted recommendation 130.88 of Croatia and stated that: "According to relevant Greek Law, the specific location of the alternative service performed by conscientious objectors is being decided based upon the wider public sector Authorities' needs and requirements. However, as enlisted personnel serves outside their place of habitual residence, so is the case with conscientious objectors, meaning they are asked to perform their alternative service outside their place of habitual residence being able, in all cases, to request a transfer after five months of alternative service."⁵⁰

EBCO notes that, to its knowledge, there is no explicit prohibition of performing the military service in the region of residence equivalent to the explicit prohibition about alternative civilian service.⁵¹ Furthermore, Greece's comment in the context of UPR does not clarify whether a conscientious objector, after 5 months, may perform the rest of the alternative service in the region of residence. In an August 2019 response to the Special Rapporteur on freedom of religion or belief and OHCHR, Greece had claimed that "With the new legal framework, they can request service in another authority, including close to their place of residence, after five (5) months...".⁵²

However, EBCO has obtained a copy of a rejection of an application of a conscientious objector to be transferred to his place of residence, dated 26 August 2019 and issued by the then Deputy Minister of National Defence, explicitly stating as its rationale that according to the law, the alternative service is performed outside the place of residence of those interested.

c) Plenary Sessions

IFOR has delivered an [oral statement on conscientious objection to military service](#) at the **46th session** of the [UN Human Rights Council](#) during the Interactive Dialogue with [Mr. Ahmed Shaheed, Special Rapporteur on freedom of religion or belief](#) which was held on March

⁴⁹ Report of the Working Group on the Universal Periodic Review, Greece, Addendum, Views on conclusions and/or recommendations, voluntary commitments and replies presented by the State under review, ([A/HRC/49/5/Add.1](#)), 16 December 2021, paras. 2-3.

⁵⁰ Ibid. para. 7(c).

⁵¹ Law 3421/2005, art. 61., para. 1, as it stands today.

⁵² Permanent Mission of Greece to the Office of the United Nations and other International Organizations in Geneva, Verbal Note, 14 August 2019, Ref. No. 6175.4/AS 1237, attached response of the Hellenic National Defence General Staff, para. 1c(5). Available at: <https://spcommreports.ohchr.org/TMResultsBase/DownloadFile?gId=35128>



4th 2021. The statement referred to the need of immediate and unconditional release of all imprisoned conscientious objectors.⁵³

During the **47th session** of the Human Rights Council⁵⁴ a [statement on Ukraine](#) has been delivered by IFOR to express "concern about the militarization in the country, the increase of draftees enlisted planned for the 2021 military draft and the ongoing violations of the right to conscientious objection to military service."⁵⁵

At the **48th session** of the Human Rights Council, IFOR delivered a [statement](#) in the plenary⁵⁶ addressing the issue of conscientious objection and referring to the expected report of the Office of the High Commissioner for Human Rights on the topic "*IFOR notes with great concern that the planned report on conscientious objection could not be presented at this session. This important and meaningful work by the OHCHR and HRC has been highly anticipated. Conscientious objectors in different countries and civil societies organizations around the world are looking to it, and the consequent resolution, to use them in their efforts to support the right to conscientious objection to military service. IFOR calls on the Council and on the OHCHR to ensure that this work is finalized and can therefore be of benefit to the entire international community and all concerned individuals around the world.*"

On October 5th a [new statement on Ukraine](#) has been delivered by IFOR at the Human Rights Council⁵⁷ to express concern "about the introduction by law, last July⁵⁸, of mandatory military training of all citizens starting from the schools, without any provision for conscientious objectors to military service."

Another statement on Ukraine has been delivered by IFOR⁵⁹ in the plenary of the Council⁶⁰ on December 15th to refer "the case of the young Vladyslav Korol who expressed his conscientious objection for religious reasons and was eventually transferred to military service as a military recruit."⁶¹

⁵³ <https://www.ifor.org/news/2021/3/8/ifor-at-the-46th-session-of-the-un-human-rights-council-immediate-and-unconditional-release-of-all-imprisoned-conscientious-objectors>.

⁵⁴ During the Interactive dialogue on the oral update of the High Commissioner on Ukraine (HRC res. 41/25) and interim report of Secretary-General on the situation of human rights in Crimea (GA res. 75/192).

⁵⁵ <https://www.ifor.org/news/2021/7/13/ifor-speaks-on-refuse-to-war-and-conscientiousobjection-in-ukraine-at-the-47th-un-human-rights-council>.

⁵⁶ During the General debate on item 3.

⁵⁷ During the Interactive dialogue on the oral presentation of the High Commissioner on the situation of human rights in Ukraine.

⁵⁸ Article 6 of the Law "On the Fundamentals of National Resistance" of 16 July 2021. <https://zakon.rada.gov.ua/laws/show/1702-20#Text> para. 2, 3: "General military training of citizens of Ukraine consists in mastering basic general military knowledge, practical skills and abilities and is divided into initial and basic training. Initial training is organized by the central executive body, which ensures the formation and implementation of state policy in the field of education and science, together with the Ministry of Defence of Ukraine and is conducted in general secondary education institutions. In summer, military and patriotic training is conducted in the form of games in summer camps".

⁵⁹ <https://www.ifor.org/news/2021/12/15/ifor-expresses-concern-at-the-un-for-the-freedom-of-thought-conscience-and-religion-and-expression-in-ukraine>.

⁶⁰ During the Interactive dialogue on the oral presentation by the High Commissioner for Human Rights on the findings of the latest OHCHR periodic report on the situation of human rights in Ukraine (HRC res. 41/25).

⁶¹ <https://suspilne.media/169261-pobilsalo-porusen-zi-zdorovam-na-cerkasini-prizovniki-prohodat-medoglad/>



Another case concerns two players of the Ukrainian national handball team Ruslan Diyakon and Dmitry Kovalenko detained by representatives of the police and District Territorial Center for Recruitment and Social Support.”⁶²

d) Other Activities

In September 2021 the Human Rights Council was due to consider its now quadrennial resolution on conscientious objection. Part of the background material for this took the form of the excellent Report from the **UN Office of the High Commissioner for Human Rights (OHCHR)** on *"Approaches and challenges with regard to application procedures for obtaining the status of conscientious objector to military service in accordance with human rights standards"*,⁶³ presented to the Council in July 2019, for which EBCO submitted some of the background information. Although the expected **report by the OHCHR** has not been prepared and delivered at the 48th session of the Human Rights Council, it is expected to be finalised and presented in 2022, and indeed a communication has already been received from OHCHR inviting contributions from civil society. In all likelihood, therefore, the above-mentioned report will be submitted, and hopefully the Council's resolution on the matter will follow, as has been the practice in past quadrenniums.⁶⁴

1.1.4 INTER-AMERICAN COMMISSION ON HUMAN RIGHTS

It should be noted that on 9th June 2020 the Inter-American Commission on Human Rights ruled admissible the petition brought by Jose Ignatius Orias Calve, a conscientious objector from Bolivia.

Although Article 12 of the Inter-American Convention on Human Rights, on freedom of conscience and religion is very similar to Article 9 of the European Convention, there has been very little jurisprudence on conscientious objection in the Inter-American system. The most positive development there had hitherto been the Friendly Settlement, again involving Bolivia, reached with Alfredo Diaz Bustos, in 2005, in which the Bolivian Ministry of Defence agreed to *"Include, in accordance with international human rights law, the right to conscientious objection to military service in the preliminary draft of the amended regulations for military law currently under consideration by the Ministry of Defense and the armed forces"*; and to *"encourage together with the Deputy Ministry of Justice, congressional approval of military legislation that would include the right to conscientious objection to military service."*⁶⁵ This was however simply a voluntary commitment on the part of the State (which, incidentally, it has never honoured, hence the current case) and did not involve any finding that the recognition of conscientious objection was a treaty obligation. The only Court decision in the Inter-American system was a negative one earlier the same year in a case involving Chile⁶⁶ - predating the groundbreaking jurisprudence of the European Court

⁶² <https://news.obozrevatel.com/sport/sport/gubernator-odesskoj-oblasti-otomstil-nepokorivshimsya-emu-gandbolistam-smi.htm>

⁶³ A/HRC/41/23. Available at: https://ap.ohchr.org/documents/dpage_e.aspx?si=A/HRC/41/23

⁶⁴ <https://www.ohchr.org/EN/Issues/RuleOfLaw/Pages/ConscientiousObjection.aspx>.

⁶⁵ Inter-American Commission on Human Rights: REPORT N° 97/05; PETITION 14/04; FRIENDLY SETTLEMENT; ALFREDO DÍAZ BUSTOS v BOLIVIA October 27, 2005, para 16, I, d and e

⁶⁶ Inter-American Commission on Human Rights, Report No 43/05, Case 12.219, Vera et al v Chile, 10th March, 2005



of Human Rights and the UN Human Rights Committee in *Ulke v Turkey*,⁶⁷ *Yoon and Choi v Republic of Korea*,⁶⁸ and *Bayatyan v Armenia*.⁶⁹

Encouragingly, in this latest admissibility decision, the Inter-American Commission observes that its background report on the Bustos case, to which the Bolivian State refers, was prepared "fifteen years ago in a context in which the development of international law of human rights and own interpretative standards of the Inter American System were different. On this matter, when ruling on the present case the Commission shall take into account the current conception of the content and scope of the rights invoked by the alleged victim. Since human rights treaties are living instruments, with interpretation that must go side by side with the evolution of times and current lifestyles. Such evolutionary interpretation is consequent with the general rules of interpretation set forth in article 29 of the American Convention, as with the Vienna Convention on the Law of Treaties."⁷⁰

We await with hope the publication of a decision, which of course may not appear for another year or two, on the merits of the case.

1.2 DEVELOPMENTS WITHIN COUNCIL OF EUROPE MEMBER STATES

COUNCIL OF EUROPE



CONSEIL DE L'EUROPE

1.2.1 ALBANIA

	 Conscriptio:	No	Suspended by law no. 9047 dated 10.07.2003 "On military service in the Republic of Albania", amended by law no. 9487 dated 06.03.2006, and by law no. 9999 dated 25.09.2008 (Article 42).
 Conscientious objection:		1998	First recognised in the 1998 Constitution, Articles 166 & 167. Provisions on conscientious objection were included in law no. 9047 dated 10.07.2003 "On military service in the Republic of Albania", amended by law no. 9487 dated 06.03.2006, and by law no. 9999, dated 25.09.2008. (Article 20, point 1).
Service	Military:	-	

⁶⁷ EUROPEAN COURT OF HUMAN RIGHTS Chamber Judgement *Ülke v Turkey*, Application no. 39437/98, 24th January 2006

⁶⁸ HUMAN RIGHTS COMMITTEE (88th Session) Communications Nos. 1321/2004 and 1322/2004 (Mr. Yeo-Bum Yoon and Mr. Myung-Jin Choi v Republic of Korea) Views adopted 3rd November 2006 UN Document ref: CCPR/C/88/D/1321-1322/2004 (23rd January 2007)

⁶⁹ EUROPEAN COURT OF HUMAN RIGHTS, GRAND CHAMBER JUDGMENT. Case of *Bayatyan v Armenia* (Application no. 23459/03) 7th July 2011

⁷⁰ Inter-American Commission on Human Rights: REPORT N° 147/20; PETITION 1384-16. José Ignacius Orias Calve – Bolivia, Report on Admissibility, 9th June 2020, para11of course



	Civilian:	-	
Minimum 	Conscription:	-	No conscription.
	Voluntary enlistment:	19	18 in case of general/partial compulsory mobilization. Defined by law no. 9047 dated 10.07.2003 "On military service in the Republic of Albania", amended by law no. 9487 dated 06.03.2006, and by law no. 9999 dated 25.09.2008 (Article 9). The right to conscientious objection is recognised for the members of the Armed Forces.
More 	https://ebco-beoc.org/albania including the reply of the Ministry of Defence to the Questionnaire about EBCO's Annual Report 2021 (e-mail on 11/01/2022).		

1.2.2 ANDORRA

	 Conscription:	No	Never existed. No regular military forces. Defense is the responsibility of France and Spain.
	Conscientious objection:	-	
Service 	Military:	-	
	Civilian:	-	
Minimum 	Conscription:	-	No conscription.
	Voluntary enlistment:	-	
More 	https://ebco-beoc.org/andorra		

1.2.3 ARMENIA

	 Conscription:	Yes	
	Conscientious objection:	2003	First recognised by Law "On Alternative Service" on 17 December 2003.
Service	Military:	24	



	Civilian:	36	According to Article 5 of the Law "On Alternative Service," the term of alternative military service is 30 months, and the term alternative labor service is 36 months.
Minimum 	Conscription:	18	
	Voluntary enlistment:	17	Under 18 for military schools: 17 for cadets
More 	https://ebco-beoc.org/armenia including the reply of the Ministry of Defence to the Questionnaire about EBCO's Annual Report 2021 (e-mail on 29/12/2021).		

See also Sections 1.1.1.1 and 1.1.3.1.

The Ministry of Defense of the Republic of Armenia informed EBCO that a citizen while conducting compulsory military service cannot refuse to serve and choose alternative service.

1.2.4 AUSTRIA

	 Conscription:	Yes	
	Conscientious objection:	1955	First recognised by the National Service Act.
Service 	Military:	6	
	Civilian:	9	
Minimum 	Conscription:	18	
	Voluntary enlistment:	17	Under 18: 17 on request
More 	https://ebco-beoc.org/austria		

See also Section 1.1.3.2.

1.2.5 AZERBAIJAN

	 Conscription:	Yes	
	Conscientious objection:	1995	First recognised in Constitution, Art. 76.
Service	Military:	18	



	Civilian:	-	Not available.
Minimum 	Conscription:	18	
	Voluntary enlistment:	17	Under 18 for military schools: 17 for cadets
More 	https://ebco-beoc.org/azerbaijan		

See also Section 1.1.1.1.

Azerbaijan undertook on accession to the Council of Europe in 2001 that it would adopt a law on alternative service in compliance with European standards by January 2003. It has still not done so. To this day Azerbaijani conscientious objectors are imprisoned.

In a report "Conscientious Objection in Azerbaijan", provided to EBCO by NGO Social Rights Centre, Subhan Hasanli and Samad Rahimli stress a need for development of legislation to implement in practice constitutional right to alternative civilian service, usually violated because of absence of law on civilian service and opposition of the military to adoption of such legislation during ongoing war.

1.2.6 BELGIUM

	 Conscription:	No	Suspended in 1992 in peacetime. Conscription is only possible in wartime.
	Conscientious objection:	1964	First recognised by Law of 3 June 1964 on the status of conscientious objectors.
Service 	Military:	-	
	Civilian:	-	
Minimum 	Conscription:	-	No conscription
	Voluntary enlistment:	<18	Under 18 in peace time: On completion of compulsory education, regardless of age.
More 	https://ebco-beoc.org/belgium		

1.2.7 BOSNIA AND HERZEGOVINA

	 Conscription:	No	Suspended / abolished in 2005.
	Conscientious objection:	1996	First recognised in parallel Defence Acts in the Federation and in the Republika Srpska.



Service 	Military:	-	
	Civilian:	-	
Minimum 	Conscription:	-	No conscription
	Voluntary enlistment:	18	
More 	https://ebco-beoc.org/bosnia-herzegovina		

1.2.8 BULGARIA

	 Conscription:	No	Abolished in 2008 by amendment of the Defence and Armed Forces Act.
	Conscientious objection:	1991	First recognised in Constitution, Art. 59.2.
Service 	Military:	-	
	Civilian:	-	
Minimum 	Conscription:	-	No conscription
	Voluntary enlistment:	18	
More 	https://ebco-beoc.org/bulgaria		

1.2.9 CROATIA

	 Conscription:	No	Suspended in 2008 by a governmental decision, but remains in law.
	Conscientious objection:	1990	First recognised in Constitution, Art. 47.2.
Service 	Military:	-	
	Civilian:	-	
Minimum 	Conscription:	-	No conscription
	Voluntary enlistment:	18	



More 	https://ebco-beoc.org/croatia
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1.2.10 CYPRUS

	 Conscription:	Yes	
 Conscientious objection:		1992	First recognised by the National Guard Act, No. 2/1992, 9 th Jan.
Service 	Military:	14	
	Civilian:	19	
Minimum  AGE	Conscription:	17	
	Voluntary enlistment:	17	Under 18: 17
More 	https://ebco-beoc.org/cyprus including the reply of the Ministry of Defence of the Republic of Cyprus to the Questionnaire about EBCO's Annual Report 2021 (mail on 09/02/2022).		

Republic of Cyprus

On March 2, 2021, the Administrative Court of the Republic of Cyprus has ruled in favour of a conscientious objector whose application to perform alternative civilian service had been rejected in 2017 by the Minister of Defence, after recommendation of the Special Committee which examines the applications, on the grounds that he had not provided a document certifying that he belongs to the religious community of Jehovah's Witnesses (because he was not baptized yet according to his declaration).

In the appeal to the Administrative Court (Case No. 1117/2017) the lawyer of the conscientious objector submitted various reasons for annulment of the decision, including that he was underage by that time, and he was not informed of his right to be assisted by a lawyer during the interview by the Special Committee. Other reasons included that the evidence provided by the conscientious objector and the views he expressed during the interview were not reflected on the written record of the Committee, rendering impossible a judicial review of the decision which is vague and lacks rationale.

The court accepted one of the reasons, namely, that the written record of the interview has not been adequate. The court said that, despite the Special Committee's statement that they have taken into consideration what the applicant had declared, his declaration was not recorded and therefore a judicial review of the decision is impossible. Consequently, the court decided to annul the decision of rejection, and awarded the claimant €1,700 for legal expenses, while not considering necessary to examine some of the other reasons raised by his lawyer.

Despite not touching upon crucial issues, such as the impartiality and independence of the decision making bodies or the issue of calling up underage persons and examine them without presence of lawyer, the current decision by the Administrative Court in favour of the



applicant illustrates the arbitrary way the applications for conscientious objector status are handled under the current legislative framework.⁷¹

Northern part of Cyprus

The following three cases are pending against Turkey, concerning COs from the northern, Turkish-occupied, part of Cyprus (the self-styled “Turkish Republic of North Cyprus”):

The case of Halil Karapasaoglu v. Turkey (case number 40627/19) was accepted by the ECtHR on 10/01/2020.⁷² On 05/07/2019 Halil Karapasaoglu submitted an application to the ECtHR against Turkey for violations of articles 5, 6 and 9 of the European Convention of Human Rights: (Art. 5) Right to liberty and security, (Art. 6) Right to a fair trial, (Art. 9) Freedom of thought, conscience and religion.

Haluk Selam Tufanli v. Turkey (case number 29367/15⁷³). The application concerns the refusal of the applicant, a conscientious objector, to attend reservist service for military mobilisation training in 2011. On 02/06/2015 Haluk Selam Tufanli submitted an application to the ECtHR against Turkey for violations of articles 5 §§ 1, 4 and 5, 9 and 13 of the European Convention of Human Rights: (Art. 5) Right to liberty and security, (Art. 9) Freedom of thought, conscience and religion, (Art. 13) Right to an effective remedy.

Murat Kanatli v. Turkey (case number 18382/15⁷⁴). The application concerns the refusal of the applicant, who is a conscientious objector and an activist, to attend reservist service when called to attend training for military mobilisation in 2009. On 06/04/2015 Murat Kanatli submitted an application to the ECtHR against Turkey for violations of articles 5 §§ 1, 4 and 5, 6, 9, 13 and 14 of the European Convention of Human Rights: (Art. 5) Right to liberty and security, (Art. 6) Right to a fair trial, (Art. 9) Freedom of thought, conscience and religion, (Art. 13) Right to an effective remedy, (Art. 14) Prohibition of discrimination.

During the last couple of years, a Jehovah’s witness, who wishes to remain anonymous, faces a prison sentence due to his refusal to perform compulsory military service. He has already been sentenced to a fine in the lower court due to his refusal. He appealed the fine and his case has been brought to the Supreme Administrative Court, which adjourned the decision indefinitely.

1.2.11 CZECH REPUBLIC

	 Conscription:	No	Abolished in 2004 by amendment of the Military Act. Can be reintroduced in situation of threat or in wartime.
	Conscientious objection:	1992	First recognised by the Civilian Service Act, No.18/1992 - in Czechoslovakia.
 Service	Military:	-	
	Civilian:	-	

⁷¹ Available at: <https://wri-irg.org/en/story/2021/cyprus-administrative-courts-judgement-favour-co-whose-application-had-been-rejected?fbclid=IwAR1x-n9hsEI6bf4cX83uZdS1faJQCyUX4S-p59PP9E-f91gEkoYZVFN9Di8>

⁷² Available at: https://in-cyprus.com/echr-accepts-application-from-turkish-cypriot-conscientious-objector/?fbclid=IwAR0ybcXI50TaU8aXuKnat0EmnN4gPOTxIvFspEQniqEj0bg_a7paL_u4c

⁷³ Available at: <http://hudoc.echr.coe.int/eng?i=001-208228>

⁷⁴ Available at: <http://hudoc.echr.coe.int/eng?i=001-184213>



Minimum	Conscription:	-	No conscription
	Voluntary enlistment:	18	18 years old in all cases. Conscientious objection is not applied in the context of professional armed forces.
More 	https://ebco-beoc.org/czechia including the reply of the Ministry of Defence Chief Inspector of Human Rights to the Questionnaire about EBCO's Annual Report 2021 (e-mail on 14/01/2022).		

1.2.12 DENMARK

	 Conscription:	Yes	Highly selective conscription through a lottery. There are no plans to suspend/abolish conscription in the near future.
	Conscientious objection:	1917	First recognised by Alternative Service Act, 13 th Dec. The conscripts in Denmark have the right to refuse military service and service in the Danish Emergency Management Agency on the grounds of conscientious objection (CO), according to Article 1, Subsection 1, in the Act No. 226 of 13 th of March 2006 of announcement of law on conscientious objectors.
Service 	Military:	4	The duration of the military service normally varies from 4 months up to 12 months.
	Civilian:	4	The duration of the civilian service / conscientious objection service (CO-service) has to be equal to the duration of the military service, from which the conscript is transferred. The duration of the service normally varies from 4 months up to 12 months, so accordingly the COs have differentiated duration of service, but to most of them, the duration of the service is 4 months.
Minimum 	Conscription:	18	The legal minimum age for conscription in a time of peace and war is 18.
	Voluntary enlistment:	18	The national law on conscientious objectors applies only on the conscripts. Professional military personnel are employed on contract, which means they can be given notice (dismissal) or they can give no-tice (resignation) according to the terms stated in their respective contracts.



More 	https://ebco-beoc.org/denmark including the reply of the Ministry of Defence Personnel Agency to the Questionnaire about EBCO’s Annual Report 2021 (e-mail on 14/01/2022).
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According to the reply of Aldrig Mere Krig about EBCO’s Annual Report 2021 (e-mail on 20/01/2022):

A part of the conscripts is just "technically voluntary", since they were forced into the army by a lottery number, but then was lured into voluntary conscription to be able to have a bit of influence on date and geography for their duty.

Every male that turns 18 years has to attend the Defence Day, which is a rolling event throughout the year - earlier on it was a more compressed event.

Typically, in a year, there are 15-20 conscientious objectors; some of those become objectors during their military service.

1.2.13 ESTONIA

	 Conscription:	Yes	Selective conscription: approximately one third of males serve the military service. There are no plans to suspend or abolish conscription in the near future.
 Conscientious objection:		1992	First recognised at a referendum in 1992 where the Constitution was approved. It is paragraph 124 that states the right to conscientious objection.
Service 	Military:	8	The duration of the compulsory military service is 8 or 11 months, depending on the education and position provided by the Defence Forces to the conscript.
	Civilian:	12	The duration of alternative service is 12 months.
Minimum 	Conscription:	18	The minimum legal age for service is 18 in all cases (during peace-time and in war time).
	Voluntary enlistment:	18	When a professional member of the military has developed a conscientious objection, he or she can leave the service with a 60 days note.
More 	https://ebco-beoc.org/estonia including the reply of the Ministry of Defence Personnel Agency to the Questionnaire about EBCO’s Annual Report 2021 (e-mail on 17/12/2021).		

According to the reply of the Office of the Chancellor of Justice to the Questionnaire about EBCO’s Annual Report 2021 (e-mail on 21/01/2022):



During the last reporting period, the Chancellor of Justice was addressed once concerning the matter. However, the application was not related to compulsory military service but reservist training. The Chancellor was asked whether, after completing military service, a person may refuse to participate in reservist training for religious or moral reasons. The Chancellor of Justice explained that under the Military Service Act ⁷⁵, a person in reserve may be released from reservist training if they cannot participate in training for religious or moral reasons. A person in reserve wishing to be released from reservist training is required to submit an application and a document certifying the corresponding circumstance at least 15 days before the beginning of the reservist training (§ 76(4) Military Service Act). Consequently, a reservist expressing the relevant wish must prove their religious or moral beliefs. As a rule, it is not sufficient if the person presents a document confirming membership of a religious organisation. The applicant must justify how reservist training contradicts their beliefs. Section 58 of the Military Service Act mentions a reasoned request. The requirement to explain one's beliefs is understandable since the person's beliefs did not prevent them previously from completing military service. Whether the request is reasoned is assessed by the commander of a structural unit authorised by the Commander of the Defence Forces. If the reasoning is not considered sufficient and the request is not granted, the applicant may challenge that decision (§ 214 Military Service Act). In turn, an appeal with an administrative court may be lodged against a decision on the challenge.

In 2020 the Ministry of Defence sent a draft law to the interministerial coordination to establish a reserve alternative service, which means that, like conscripts, the state may also oblige alternative servicemen to attend further training or to serve in case of crises. Currently the reserve service is obligatory only for former military conscripts. The amendment was intended to come into force on January the 1st 2022. ⁷⁶ According to the reply of the Ministry of Defence Personnel Agency to the Questionnaire about EBCO's Annual Report 2021 (e-mail on 17/12/2021) the amendment is still in ongoing development and would be intended to come into force on January 1st 2023.

Around 3,500 people are drafted per annum and serve between eight and 11 months' national service, depending on which branch of the military they are drafted into – though the air force (Õhuvägi) does not make use of conscripts. ⁷⁷

According to media reports, the government is looking to save around €10 million in defense spending, taken from operational costs rather than defense investments, which are to remain intact. In addition to disbanding or merging the EDF orchestra, cutting the number of conscripts or even amending their status has also been suggested as possible savings measures. ⁷⁸

1.2.14 FINLAND

	 Conscription:	Yes	Approximately two thirds of males serve the military service.
	Conscientious objection:	1931	First recognised by Alternative Service Act, 4 th June.
Service	Military:	~5.5	or ~8.5 or ~11.5 (The exact service durations in the military are 165, 255 or

⁷⁵ Available at: <https://www.riigiteataja.ee/en/eli/ee/519092014003/consolide/current>

⁷⁶ <https://leht.postimees.ee/7106978/asendusteenistujad-saavad-peagi-kohustusi-lisaks>

⁷⁷ <https://news.err.ee/1608217456/defense-minister-term-conscription-could-be-reworded>

⁷⁸ <https://news.err.ee/1608216874/edf-commander-military-chaplaincy-service-could-be-disbanded>



			347 days)
	Civilian:	~11.5	(The exact service duration in the non-military service is 347 days)
Minimum 	Conscription:	18	In case of partial compulsory mobilization minimum age is 18 years. In case of general compulsory mobilization also those who are not yet served in military but turn 18 years that year can be called for service. So minimum age for general compulsory mobilization is 17 years. This includes war time.
	Voluntary enlistment:	18	
More 	https://ebco-beoc.org/finland		

See also Section 1.1.3.1.

The UN Human Rights Committee

The UN Human Rights Committee examined Finland's seventh periodic report on the International Covenant on Civil and Political Rights on its 131st session which was held in March 2021. Committees' criticism towards the situation of conscientious objectors has further increased compared to previous conclusions issued in 2013.

In April 2021 EBCO urged Finland to urgently comply with the recommendations of the UN Human Rights Committee, to stop prosecuting and imprisoning conscientious objectors, and amend the civilian service which is still extremely punitive and discriminatory.⁷⁹

The Parliamentary Committee on Development of Conscription

The Parliamentary Committee on Development of Conscription and fulfilling national defence obligation published its report on 26 November 2021.⁸⁰ As the framework conditions set for the work, the Committee's suggestions were expected to produce "operational added value to military national defence, support the maintenance and strengthening of the will to defend the country and increase equality among citizens". The government of Finland set the Committee on 5 March 2020, after the introduction by the Ministry of Defence.⁸¹ The Committee consisted of members from all parliamentary parties. The appointment decision presented by MOD also set a task to examine development needs of non-military service for the benefit of comprehensive security.

Some of the Committee's proposals might have deteriorating effects for conscientious objectors if actualized, including the goals:

-to reshape the non-military service's training period with preparedness and disruption controlling contents;

-to primarily have service positions which are liable for preparedness and are essential in comprehensive security;

⁷⁹ <https://www.ebco-beoc.org/node/501>

⁸⁰ <https://julkaisut.valtioneuvosto.fi/handle/10024/163633>

⁸¹ <https://valtioneuvosto.fi/paatokset/paatos?decisionId=0900908f806827ab>



- to serve in assisting comprehensive security tasks that support anticipation and preparedness;
- to enable non-military servicemen's mutual administrative support;
- to enable the usage of the reserve of non-military servicemen also during other times of crises than military crises;
- to launch complementary training for non-military servicemen to use in different readiness states and
- to reject recognition of already performed service days when applying to non-military service from military service.

Also from the general antimilitarist standpoint the Committee had some alarming suggestions including:

- expanding conscription call-ups to women. The aim is that the obligatory call-ups would take place in the schools;
- to increase national defence knowledge and know-how into school system;
- to increase the number of conscripts.

The Union of Conscientious Objectors (AKL) is worried that the defence regime has taken more power on the non-military service. Even the Committee's section that considered non-military service development was under The Ministry of Economic Affairs and Employment and consisted of civil servants, the basis for the development work was set by The Ministry of Defence. AKL is disappointed that the human rights expertise or The Union of Conscientious Objectors were not included in the section's work outside hearings. As a result, the Committee highlights the defensive functions of alternative service and partly overtakes human rights based approach to it.

AKL has criticized deepening attachment of non-military service to the needs of comprehensive security as ideological rather than need-based. AKL sees that the goal to link the non-military service more closely to the comprehensive security approach and preparedness in society might endanger the conviction based nature of the alternative service when focusing solely at crisis time instead of proactive peace building. On the other hand, it is positive that the report mentions a couple of times that the service should be in line with a person's conviction. Also, the authorities have implied that service positions would not be diminished from the prevailing state.⁸²

The proposal to reject recognition of already performed service days when applying to non-military service from military service means that those who develop conscientious objections during the military service would need to perform a full 347 days of non-military service no matter how many service days they have already performed. The proposal would make non-military service even more punitive than it is today in terms of its duration.

At the moment the already performed military service days are compensated by using certain coefficients. According to the Committee, the reason for the change would be equality. At the moment, those servicemen who have already started performing non-military service cannot anymore be accepted to military service. The Committee also pleads that the compensation when changing from military service to non-military service is not appropriate because the increasing comprehensive security content will make the non-military service more demanding.

⁸² <https://akl-web.fi/fi/posts/asevelvollisuuskomitea-julisti-maahan-militarisoinnin-mustan-perjantain>



AKL has been criticizing the proposal as an attempt to deteriorate the right of conscientious objection and to diminish switching from military service to non-military service. AKL sees that the Committee's task to add operational value to military defence is the real reason for the goal. At the moment almost half of the non-military servicemen have served in the army before choosing the non-military service.

The Committee's report mentions some of the Human Rights Committee's recommendations but they are not taken into account in the proposals or goals. It is notable that the report does not mention at all the recommendation to halt all prosecutions of individuals who refuse to perform military service on grounds of conscience and release those who are currently serving related prison sentences.

The committee does not propose changes for the length of non-military service. One of the arguments they use is that the shortening of non-military service might diminish the number of those who choose to serve in the military service. The development of conscription call-ups gets a lot of attention in the report, but, what is not taken into account, is the Human Rights Committee's recommendation to intensify efforts to raise awareness among the public about the right to conscientious objection and the availability of alternatives to military service.

The Committee's member Jari Myllykoski from the Left Alliance left a dissenting opinion to the report. He criticized that the committee did not propose shortening of the non-military service into the length that meets the human rights standards, demanded abandoning of the imprisonments of total objectors, highlighted the need to keep non-military service suitable for the conviction of conscientious objectors and mentioned that even indirect linking of non-military service to military preparedness is against the conviction of many conscientious objectors. He also criticized the proposals to add national defence knowledge into the school system, and its attempt to militarize the society in general.

The Committee's proposals which require legislation change will not probably happen before the next electoral term which should start in 2023. Smaller changes might happen earlier.

Other progressions linked to conscientious objection

On June 28 the Supreme Court deserted the prosecutor's application in the case of so-called second time total objector and the earlier acquitting sentence of the Court of Appeal remained. This became a preliminary ruling for dozens of total objectors who announced their objection between 23 February 2018 and 1 April 2019. At that time their adjudication was seen discriminatory compared to Jehovah's Witnesses but they were later called again to perform their services and sentenced to imprisonments when objecting again.

In December 16, the sections from the Conscription Act and Non-Military Service Act that obliged the authorities to call those who have refused to perform military or non-military service but have not been sentenced to imprisonment to be called again to serve their service were changed to be in line with the *ne bis in idem* principle. The law changes came into force on January 1 2022.

In 2021, there were 1991 applications to non-military service. In addition, 433 reservists declared the conscientious objection and were ordered to supplementary service under the command of the Non-military service centre. There were 34 prosecutions because of refusal to perform non-military service in 2021 (total objectors). The number of prosecutions because of refusing military service (another way to total objection) is not known yet.



1.2.15 FRANCE

	 Conscription:	No	Suspended under law 97-1019 of 1997. However a new "Universal National Service" programme for 15 and 16 year-olds of both sexes was introduced in June 2019 (See EBCO Report 2019).
 Conscientious objection:		1963	First recognised by Act No. 1255/63, 21 st December.
Service 	Military:	-	
	Civilian:	-	
Minimum 	Conscription:	-	No conscription
	Voluntary enlistment:	16	Under 18: 17, 16 for Technical School
More 	https://ebco-beoc.org/france		

1.2.16 GEORGIA

	 Conscription:	Yes	Reintroduced in 2017.
 Conscientious objection:		1992	Military Service Act, Art. 12
Service 	Military:	12	
	Civilian:	18	
Minimum 	Conscription:	18	
	Voluntary enlistment:	18	
More 	https://ebco-beoc.org/georgia		

See also Section 1.1.3.2.

1.2.17 GERMANY

	 Conscription:	No	General conscription was suspended as of July 1, 2011 by the 2011 Act Amending the Law on Military Service (BT-Drs 17/4821). It remains in the Constitution and it can be
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			reintroduced at any time in the event of war (Article 12a of the Basic Law / Constitution).
 Conscientious objection:	1949		First recognised in principle in 1949 in the "Grundgesetz" / Basic Law / Constitution of the Federal Republic of Germany: "No one may be forced to perform military service with weapons against his conscience." (Art.4 para.3 sentence 1 GG). The first provisions in the German Democratic Republic dated from 1964.
Service 	Military:	-	
	Civilian:	-	
Minimum 	Conscription:	-	No conscription
	Voluntary enlistment:	17	Under 18: 17. One can apply for recognition as a conscientious objector at any time in writing to the responsible career center of the Bundeswehr. The application for conscientious objection (KDV application) is then forwarded to the Federal Office for Family and Civil Society Tasks (BAFzA), which decides on it.
More 	https://ebco-beoc.org/germany including the reply of the Federal Ministry of Defense Citizens' Dialogue Team to the Questionnaire about EBCO's Annual Report 2021 (e-mail on 17/12/2021).		

According to the reply of EBCO member Evangelische Arbeitsgemeinschaft für Kriegsdienstverweigerung und Frieden (EAK) about EBCO's Annual Report 2021 (e-mail on 20/01/2022):

The latest official document including statistical data on conscientious objection in Germany was published on 30 June 2020.⁸³ Accordingly in the first five months of 2020 69 members of the Bundeswehr put forward their request for discharge on grounds of conscience (compared to 126 in 2019). Only 6 of them were approved without delay. Even if a number of requests were still pending, this figure confirms the fact that the restrictive practice of the recognition procedure conscientious objectors at the army are confronted with⁸⁴ did not change in the last years.

In 2021 the German army continued recruiting 17-year-old voluntary soldiers. Since 2011 when conscription was suspended in Germany more than 15.000 minor boys and girls have been recruited by the Bundeswehr.⁸⁵ According to the latest official statistics 1.148 17-year-

⁸³ Bundestag paper 19/20480 of 30/06/2020, see <https://dserver.bundestag.de/btd/19/204/1920480.pdf>

⁸⁴ See <https://www.bafza.de/rat-und-hilfe/kriegsdienstverweigerung-zivildienst>

⁸⁵ See Campaign „Unter 18 nie“, Press release of 24 November 2021, <https://unter18nie.de/2021/11/24/keine-minderjaehrigen-mehr-bei-der-bundeswehr/>



old recruits enrolled in the army in 2020, the ratio of underage soldiers represented 7,0 % of the total number of commencements of duties (compared to 8,5 % in 2019).⁸⁶ Once more in 2020 there has been a significant number of underage recruits (190) who quitted the army during their 6 months long probationary period. Concerning minor recruits between 2018 and 2020 17 suspected cases of sexual harassment against underaged soldiers have been registered, furthermore 8 cases of personal injury and one suicide attempt.⁸⁷

After the Bundestag elections of 26 September 2021 a new government was constituted which agreed on shifting away from the hitherto existing practice of recruiting underage soldiers. In their coalition agreement 2021-2025 Social Democrats (SPD), Greens and Liberal Democrats (FDP) write down: „Training and service at arms are reserved for soldiers of full age.“⁸⁸ As to the new German government it might be interesting to be noted that Olaf Scholz, who took the official oath of Federal Chancellor on 8 December 2021, is the first German head of government whose biography includes the experience of being recognised as conscientious objector and performing alternative civilian service (in 1985/85).⁸⁹

According to the reply of [Connection e.V.](#) about EBCO’s Annual Report 2021 (e-mail on 21/02/2022):

The asylum application of Beran Mehmet İşçi (from Turkey and of Kurdish origin - Zaza) was accepted in September 2021 and he was granted the refugee status.

1.2.18 GREECE

	 Conscription:	Yes	There are no plans to suspend/abolish conscription in the near future.
 Conscientious objection:		1998	First recognised in Law No. 2510/97, and entered into force in 1998.
 Service	Military:	9 or 12	Depending on the location of the units where the conscripts fulfil their military obligations.
	Civilian:	15	
Minimum	Conscription:	19	

⁸⁶ Ministry of Defence Information of 1st February 2021, Reference number 1980034-V267, see https://unter18nie.de/wordpress/wp-content/uploads/2021/09/Antw_Verteidigungsmin_zu_SexGewalt_Suizide_Abbrecher_PsychProbleme_ua_bei_minderjaehrigen_BWSoldat.pdf

⁸⁷ See previous endnote

⁸⁸ Mehr Fortschritt wagen. Bündnis für Freiheit, Gerechtigkeit und Nachhaltigkeit, Koalitionsvertrag 2021-2025, page 149, see https://www.spd.de/fileadmin/Dokumente/Koalitionsvertrag/Koalitionsvertrag_2021-2025.pdf

⁸⁹ Moreover, in the context of this report, it might be interesting to recall the speech Olaf Scholz pronounced during his mandate as governing mayor of Hamburg in order to inaugurate the Hamburg memorial commemorating WWII deserters and victims of the NS military jurisdiction (24 November 2015). Nevertheless on 27 February 2022 Mr Scholz supported a program of massive rearmament after having condemned the Russian Invasion in Ukraine as a turning point in history. See <https://www.hamburg.de/contentblob/4642438/58bfa43bf1f35648ac900c81b6abc4ba/data/rede-bgm1-gedenkhort-fuer-deserteure.pdf>



	Voluntary enlistment:	18	<p>According to the reply of the National Defense General Staff: "The personnel of the Armed Forces (Officers, NCOs, Professional Soldiers) may resign from the Armed Forces for any reason (including reasons of belief) at any time during their career. However, according to law, Officers and NCOs graduating from Military Academies and Schools are required to serve in the Armed Forces for a mandatory period of twice the years of their studies, for Officers, and five years, for NCOs. Resigning before the end of this period is possible, however these Officers and NCOs must pay a compensation to the State. Similar provisions also apply to Military Academy and School students, as well as for personnel who have received leave for studies and/or have trained in domestic or foreign schools at the Service's cost. No minimum mandatory service period in the Armed Forces is required for Professional Soldiers; they may resign at any time without having to pay compensation."</p> <p>However, as it has been also highlighted by the Greek National Commission for Human Rights in its submission for a bill in 2019, which resulted in law 4609/2019, "The right of professional staff of the armed forces, insofar their beliefs have changed, to apply for recognition as conscientious objectors should not be confused with any other procedures of resignation which entail severe financial consequences".⁹⁰</p>
More 	https://ebco-beoc.org/greece including the reply of the National Defense General Staff to the Questionnaire about EBCO's Annual Report 2021 (e-mail on 29/12/2021).		

See also Sections 1.1.3.1, 1.1.3.2.

Scrutiny by UN institutions

Human Rights Committee – List of issues prior to reporting: Please see section 1.1.3.1 above.

Human Rights Committee – Views concerning communication No. 3065/2017: Please see section 1.1.3.1 above.

⁹⁰ GNCHR, Observations on articles 18, 21 and 22 of the Bill of the Ministry of National Defence regarding the "Arrangements for Armed Forces Personnel" [in Greek], 19 March 2019, p. 11. Available at:

https://www.nchr.gr/images/pdf/apofaseis/antirisisis_suneidisis/EEDA_paratiriseis_SxN_Antirrisies%20syneidisis_2019.pdf



Universal Periodic Review: Please see section 1.1.3.2 above.

Increase of the military service in the Army

The duration of the full military service in the Army has been increased from 9 to 12 months by a joint ministerial decision of the Ministers of National Defence and Finances, issued on the 4th of March 2021. Consequently, the duration of full military service is now equal in all three branches of the armed forces: Army, Navy and Air Force. This is the first time in decades that the military service in the Army has been increased. Considering that the vast majority of conscripts serve in the Army, this is virtually an increase of the length of military service in Greece.

As an exception, the duration of the full military service will be 9 instead of 12 months if conscripts, after the initial training, serve the entire remaining time in certain areas close to the eastern borders or in Cyprus (cited with the code name "island 'K'" in the joint ministerial decision) or in certain military units.

Furthermore, the duration of the military service in the Army for the first category of reduced service for reasons of family status has been increased from 8 to 9 months, making it again equal to that in the Navy and the Air Force. Equivalently, as an exception, the duration for this first category of reduced military service will be 8 months in the aforementioned areas and military units.

The increase of the length of the military service in the Army reduced the difference with the length of the full alternative (civilian) service, which is 15 months. However, the alternative service is still longer, contrary to the European Parliament's resolution calling Greece to introduce forms of alternative service that do not last longer than the military service.⁹¹ Furthermore, there is no equivalent reduction for those conscientious objectors serving in the areas of the eastern borders, where the provision for reduced military service is applied.

Violations of human rights of conscientious objectors continue

Serious violations of the rights of conscientious objectors to military service, including total objectors, continued. Such violations included (repeated) prosecutions, fines and arrests.

Other pressing issues are related with the arbitrary rejection of applications for conscientious objector status. Appeals to the Council of State, i.e. the Supreme Administrative Court, against such rejections were pending at the end of the year, including the case of Charis Vasileiou. Charis Vasileiou has applied in 2020 for conscientious objector status and in order to perform the (punitive) alternative civilian service. His application was based on his **ideological** pacifist beliefs originating from the fact that he has been raised in a family of Jehovah's Witnesses, although he has never become a Jehovah's Witness himself due to different views on other theoretical aspects of this belief.

His application has been rejected in March 2021 by the Deputy Minister of National Defence, after a recommendation by a special committee with military participation, on the grounds that his **religious** beliefs are not a result of a conscious choice and affiliation with the religious community of Jehovah's Witnesses.

Vasileiou's case illustrates two of the most problematic aspects of the legislation and practice concerning conscientious objectors in Greece: the lack of independence and impartiality of the procedures of examination of applications for conscientious objector status and the

⁹¹ Resolution on the situation concerning basic rights in the European Union (2001) (2001/2014(INI)), para 42, text adopted on 15 January 2003, available at <http://www.europarl.europa.eu/sides/getDoc.do?pubRef=-//EP//TEXT+TA+P5-TA-2003-0012+0+DOC+XML+V0//EN>



discrimination faced by certain groups of conscientious objectors on the basis of the nature of their beliefs.

EBCO, together with Amnesty International, Connection e.V., the International Fellowship of Reconciliation (IFOR) and War Resisters' International (WRI) have issued a [joint statement](#) on this case.

Greek National Commission for Human Rights

According to the reply of the Greek National Commission for Human Rights (GNCHR) to the Questionnaire about EBCO's Annual Report 2021 (e-mail on 31/01/2022):

GNCHR recommended to the United Nations Human Rights Committee, in its Submission with regard to the List of Issues Prior to Reporting for the Third periodic examination of Greece under the International Covenant on Civil and Political Rights, to ask the Greek Government: (a) what concrete measures has it undertaken to ensure that the alternative service is not punitive or discriminatory in terms of its nature, cost or duration, as well as to end repetitive punishment in violation of the *ne bis in idem* principle; and (b) what effective steps is it taking to place the assessment of applications for conscientious objectors *status* under the full control of civilian Authorities¹⁵. It is worth mentioning that, following among others the said GNCHR Submission, the UN Committee, included these issues in the List of Issues, requesting the Greek State to "report on the measures taken to provide all conscientious objectors with an alternative to military service that is not punitive or discriminatory in terms of its nature, cost or duration",, to "provide information on measures taken to ensure respect for the *ne bis in idem* principle and avoid inflicting repetitive punishments on conscientious objectors", as well as to "provide information on the impact of Law No 4361/2016, which ended prosecutions against those who had declared their conscientious objection before 1998, and indicate if the State party intends to provide adequate compensation to those who have already been sentenced and punished"⁹².

In addition, in this very same direction, the GNCHR formulated, in its Stakeholder Report to the UN Human Rights Council, in view of the Universal Periodic Review (UPR) of Greece, specific recommendations, urging the competent State authorities inter alia to (a) ensure that the alternative service is not punitive or discriminatory in terms of its nature, cost or duration; (b) place the assessment of applications for conscientious objectors status under the full control of civilian authorities; and (c) end repetitive punishment in violation of the *ne bis in idem* principle⁹³. Following the GNCHR Submission, Greece has received two recommendations concerning, on the one hand, the revision of its legislation with a view to recognizing the right to conscientious objection to military service, envisaging an alternative service to military service to which all conscientious objectors have access to and that is not punitive or discriminatory in its nature, cost or duration, on the other hand, the possibility of amending the legislation in order for conscientious objectors to be able to perform alternative civilian service in their place of residence⁹⁴.

In this context, on the occasion of a Press Release following the decision of the UN Human Rights Committee in the case of Lazaros Petromelidis, issued in December 2021, the GNCHR has urged, once again, the competent State authorities, to immediately harmonise the

⁹² UN Human Rights Committee, List of issues prior to the submission of the third periodic report of Greece, 2 December 2021, [CCPR/C/GRC/QPR/3](#), par. 20.

⁹³ GNCHR, [Stakeholder Report](#) to the Universal Periodic Review (UPR) of Greece, UN Human Rights Council, 39th session, March 2021, par. 19.

⁹⁴ UN Human Rights Council, [Draft report](#) of the Working Group on the Universal Periodic Review, 16 November 2021, [A/HRC/WG.6/39/L.1](#), Recommendations 130.76 (Panama), 130.88 (Croatia).



legislation on conscientious objectors with international law and international and European human rights standards ⁹⁵.

The entire set of GNCHR Observations/Recommendations on the specific thematic of Conscientious Objectors are available at the GNCHR webpage, at: <https://www.nchr.gr/2020-02-26-05-51-20/34-antirrisies-syneidisis.html>.

1.2.19 HUNGARY

	 Conscription:	No	Abolished in 2005 in peacetime by amendment of the Constitution. Can be reinstated in times of emergency.
 Conscientious objection:		1989	First recognised in Constitution, Art. 70.
Service 	Military:	-	
	Civilian:	-	
Minimum 	Conscription:	-	No conscription
	Voluntary enlistment:	18	
More 	https://ebco-beoc.org/hungary		

According to the reply of the IFOR Hungarian affiliate BOCS Global Think Tank Foundation about EBCO’s Annual Report 2021 (e-mail on 24/01/2022):

The nullification law after the 1990 regime change left out conscientious objectors, so they are still not rehabilitated. For example, time spent in prison does not count as pensionable service for them. Now that hundreds of Hungarian conscientious objectors are all pensioners or approaching retirement age, it is time to stand up against the ongoing discrimination formerly imprisoned conscientious objectors are exposed to by cutting their retirement benefits. BOCS Global Think Tank Foundation is working for rehabilitation through both political lobbying and legal action, see <https://bocs.eu/co-rehabilitacio>.

In this context it might be good to take note of a legal development to be observed in Slovakia: Jehovah's Witness (and CO) Imrich Vajda had been sentenced under the Communist Regime in 1959 and 1961. After the ECtHR Bayatyan Judgement the Constitutional Court of Slovakia acknowledged on 13 March 2014 that amnesty or restitution is a necessary legal measure for those convicted as criminals for conscientious objection to military service. Until 2018, 51 of Jehovah’s Witnesses—most of whom were sentenced from 1948 to 1989—have been completely exonerated by Slovakian courts. Since May 2017, the Supreme Court of the Czech Republic, too, annulled the verdicts for 45 Jehovah's Witnesses

⁹⁵ GNCHR, [Press Release](#) on the occasion of the decision of the UN Human Rights Committee in the case of Lazaros Petromelidis, December 2021 [in Greek].



who refused to perform military service during the Communist regime and were convicted and sentenced.^{96 97}

1.2.20 ICELAND

	 Conscription:	No	Never existed. No regular military forces. It does maintain a small paramilitary coastguard. Iceland is the only NATO member that has no standing military force; defence of Iceland remains a NATO commitment and NATO maintains an air policing presence in Icelandic airspace.
 Conscientious objection:		-	
Service 	Military:	-	
	Civilian:	-	
Minimum 	Conscription:	-	No conscription.
	Voluntary enlistment:	-	
More 	https://ebco-beoc.org/iceland		

1.2.21 IRELAND

	 Conscription:	No	Never existed. According to article 54 of the 1954 Defence Act, during emergencies it is possible to conscript men.
 Conscientious objection:		-	
Service 	Military:	-	
	Civilian:	-	
Minimum 	Conscription:	-	No conscription
	Voluntary enlistment:	18	

⁹⁶ Available at: <https://www.jw.org/en/news/jw/region/global/martin-boor-exonerated-by-slovakia/>

⁹⁷ Available at: <https://www.jw.org/en/news/jw/region/global/courts-czech-republic-slovakia-exonerate-jehovahs-witnesses/>



More 	https://ebco-beoc.org/ireland
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See also Section 1.1.1.3.

In the framework of the European Social Charter mechanism, the **European Committee of Social Rights** examined the Complaint No. 164/2018 of the European Organisation of Military Associations and Trade Unions (EUROMIL) vs Ireland.

1.2.22 ITALY

	 Conscription:	No	Suspended in 2005 by law 226 of 2004.
 Conscientious objection:		1972	First recognised by Act No. 772/1972.
Service 	Military:	-	
	Civilian:	-	
Minimum 	Conscription:	-	No conscription
	Voluntary enlistment:	18	
More 	https://ebco-beoc.org/italy		

1.2.23 LATVIA

	 Conscription:	No	Suspended / abolished in 2007. However, Latvia introduced a new kind of project, called "Total Defence" in 2017, and a National Defence Course was introduced into the secondary school system with effect from January 2021 (see EBCO Report 2020).
 Conscientious objection:		1990	First recognised by the Law on Substitute Service of the Latvian Soviet Socialist Republic.
Service 	Military:	-	
	Civilian:	-	
Minimum 	Conscription:	-	No conscription
	Voluntary enlistment:	18	



More 	https://ebco-beoc.org/latvia
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One of the priorities of the Ministry of Defense (MoD) in 2022 is related to the development of national defense training in Latvia. This lesson is already being taught in 97 schools, including almost 4,200 students in 10th grade and almost 1,200 in 11th grade. ⁹⁸

On January 13 2022, in the final reading, the Saeima adopted amendments to the Law on National Defense Training and the Youth Guard, which entitle those serving in the institutions of the Ministry of the Interior (MoI) to become teachers of national defense training. ⁹⁹

In 2024, when the national defense education is expected to be compulsory for all secondary school students, it will cover approximately 32 to 34 thousand young people; a class of around 8,000 young guards. This means that more than 40,000 young people need to be trained. To do this, at least 270 instructors are needed. More than half are currently completed. ¹⁰⁰

1.2.24 LIECHTENSTEIN

	 Conscription:	No	Never existed. No regular military forces. National Police maintain close relations with neighboring forces.
 Conscientious objection:		-	
Service 	Military:	-	
	Civilian:	-	
Minimum 	Conscription:	-	No conscription
	Voluntary enlistment:	-	
More 	https://ebco-beoc.org/liechtenstein		

1.2.25 LITHUANIA

	 Conscription:	Yes	Reintroduced in 2015 (following Russia's annexation of Crimea and the start of the war in Ukraine's Donbass; previously suspended in 2009).
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⁹⁸ https://www-lsm-lv.translate.goog/raksts/zinas/latvija/aizsardzibas-ministrija-plano-sogad-dubultot-valsts-aizsardzibas-macibu-grupu-skaitu.a439618/?utm_source=lsm&utm_medium=theme&utm_campaign=theme&x_tr_sl=auto&x_tr_tl=en&x_tr_hl=en

⁹⁹ https://www-sargs-lv.translate.goog/lv/nozares-politika/2022-01-13/valsts-aizsardzibas-macibu-lauj-pasnigt-ari-ieklietu-darbiniekam?x_tr_sl=auto&x_tr_tl=en&x_tr_hl=en

¹⁰⁰ https://www-sargs-lv.translate.goog/lv/jaunsardze/2022-01-20/jaunsardzes-centra-vaditajs-uzskats-ka-valsts-aizsardzibas-maciba-militarize?x_tr_sl=auto&x_tr_tl=en&x_tr_hl=en



			Highly selective conscription: approximately 3,800 conscripts are called annually from the pool of all the potential draftees (~30,000).
	Conscientious objection:	1990	First recognised by the Law on Substitute Service of the Lithuanian Soviet Socialist Republic.
Service 	Military:	9	
	Civilian:	10	
Minimum 	Conscription:	18	
	Voluntary enlistment:	18	
More 	https://ebco-beoc.org/lithuania		

The Ministry of Defence draws lists of people to be called for military conscription. For year 2022 the pool includes around 54,000 men aged 18-23 who are eligible for military service. The number to be conscripted to serve in various units of the Lithuanian military in 2022 will be 3,828. The lists are drawn up randomly, using a piece of computer software. ¹⁰¹

Universal military conscription for young people just out of high school could be introduced in Lithuania in 2027 or 2029, according to a feasibility study by the Defence Ministry. The cost and timeline would depend on whether servicewomen are included. ¹⁰²

1.2.26 LUXEMBOURG

	 Conscription:	No	Abolished in 1967 by law.
	Conscientious objection:	1963	First recognised by Act of 23 rd July, Art. 8.
Service 	Military:	-	
	Civilian:	-	
Minimum 	Conscription:	-	No conscription.
	Voluntary enlistment:	18	

¹⁰¹ <https://www.lrt.lt/en/news-in-english/19/1580750/lithuania-s-defence-ministry-to-draw-up-this-year-s-conscript-lists>

¹⁰² <https://www.lrt.lt/en/news-in-english/19/1584909/lithuania-could-introduce-universal-conscription-by-2029-study>



More 	https://ebco-beoc.org/luxembourg
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1.2.27 MALTA

	 Conscription:	No	Never existed.
 Conscientious objection:		-	
Service 	Military:	-	
	Civilian:	-	
Minimum 	Conscription:	-	No conscription.
	Voluntary enlistment:	18	
More 	https://ebco-beoc.org/malta		

1.2.28 MOLDOVA

	 Conscription:	Yes	The Government Decision number 601/2018 regarding the Program "Professional Army 2018-2021", which essentially stipulated for the professionalization of the National Army was approved, but due to the transition period, at the moment, it is under uncertainty.
 Conscientious objection:		1992	First recognised by the Law on Religions number. 979/1992.
Service 	Military:	12	For conscripts with high education is 3 months.
	Civilian:	12	For citizens with high education is 6 months.
Minimum 	Conscription:	18	
	Voluntary enlistment:	17	Under 18 for military schools: 17 for Military School.
More 	https://ebco-beoc.org/moldova including the reply of the Ministry of Defence to the Questionnaire about EBCO's Annual Report 2021 (e-mail on 03/01/2022).		


1.2.29 MONACO

	 Conscription:	No	Never existed. No regular military forces. Defense is the responsibility of France.
 Conscientious objection:		-	
Service 	Military:	-	
	Civilian:	-	
Minimum 	Conscription:	-	No conscription
	Voluntary enlistment:	-	
More 	https://ebco-beoc.org/monaco		

1.2.30 MONTENEGRO

	 Conscription:	No	Suspended in 2006 by decision of the President of Montenegro (30/08/2006).
 Conscientious objection:		1992	First recognised in Constitution, Article 58 (in Serbia & Montenegro times). Also recognised in the Constitution of Montenegro, Article 48, which entered into force in October 2007.
Service 	Military:	-	
	Civilian:	-	
Minimum 	Conscription:	-	No conscription
	Voluntary enlistment:	18	Theoretically, conscientious objection would violate the provisions of Article 22 of the Law on the Armed Forces of Montenegro (full and timely execution of military and other duties in the Army) and commit a disciplinary offence under Article 157 paragraph 1 of the Law (failure to execute orders or untimely and negligent performance of service or duty in the service).
More 	https://ebco-beoc.org/montenegro including the reply of the Ministry of Defence to the Questionnaire about EBCO's Annual Report 2021 (e-mail on 17/12/2021).		



1.2.31 NETHERLANDS

	 Conscription:	No	Suspended in 1997, but the law on conscription still exists. At the age of 17, all citizens receive a letter stating they have been registered for service. They can be called up in case of war.
 Conscientious objection:		1922	First recognised by Constitutional amendment.
Service 	Military:	-	
	Civilian:	-	
Minimum 	Conscription:	-	No conscription
	Voluntary enlistment:	17	Under 18: 17
More 	https://ebco-beoc.org/netherlands		

According to the reply of EBCO member Hein van Wijkstichting - Kerk en Vrede about EBCO's Annual Report 2021 (e-mail on 10/02/2022):

In the Netherlands, compulsory military service was 'suspended' in May 1997. Conscription hasn't been abolished and young Dutch may be required to serve in the military if needed. In practice, no young Dutch has been required to serve in the military since 1997. They receive a letter from the Ministry of Defence after turning 17-years-old which states that they are registered for military service but the obligation to serve has been suspended.

In October 2020, for the first time ever, girls in the Netherlands have also started receiving letters of conscription from the Ministry of Defence when they reach the age of 17. The first round of letters has been sent to roughly 100.000 Dutch girls born in 2003. ¹⁰³

The new practice is an outcome of a legislation ¹⁰⁴ voted in the Dutch Parliament in 2018 which extended conscription to girls, in addition to boys, referring to gender equality. The law was put in force in 2020, until when conscription had applied only to boys.

There are incidentally some who, after receiving a message that they are registered for military service, write back that they do not want to enter the army. But a call upon the law for conscientious objection is not possible, because they are, according to the law, not conscripted.

¹⁰³ 100,000 Dutch girls will receive letter of conscription this week — including Princess Amalia. By Sarah O'Leary, DutchReview, October 20, 2020, available at: <https://dutchreview.com/news/conscription-introduced-for-dutch-women/>

¹⁰⁴ 100, Girls to be included in military service register from next year, DutchNews, October 3, 2018, available at: <https://www.dutchnews.nl/news/2018/10/girls-to-be-included-in-military-service-register-from-next-year/>



1.2.32 NORTH MACEDONIA

	 Conscription:	No	Suspended / abolished in 2007.
 Conscientious objection:		2001	First recognised in Defence Act, Art. 8.
Service 	Military:	-	
	Civilian:	-	
Minimum 	Conscription:	-	No conscription
	Voluntary enlistment:	18	
More 	https://ebco-beoc.org/north-macedonia		

1.2.33 NORWAY

	 Conscription:	Yes	Highly selective conscription (from the pool of around 60 000 less than 10 000 are chosen annually). There are no plans to suspend/abolish conscription in the near future.
 Conscientious objection:		1922	In 1922, Norway got an amendment to the Military Penal Code on exemption from military service, and with this recognised the right to conscientious objection to military service.
Service 	Military:	12	Conscripts are required to serve up to 19 months of military service, cf. the Norwegian Act relating to conscription and service in the Armed Forces, etc. (Lov om verneplikt og tjeneste i Forsvaret m.m. (forsvarsloven)), section 18. However, basic military service are usually 12 months.
	Civilian:	-	Conscientious objectors get an exemption from service in the military. Moreover, there is no alternative civilian service for conscientious objectors (it was abolished in 2012). The process of application for conscientious objector status is described in Chapter 4, sections 36-42 of <i>forsvarsloven</i> . Applicants, who have had their applications approved, are granted exemption from serving in the Norwegian Armed Forces.



			Those who are approved may be ordered to serve in the Civil Defence (Sivilforsvaret) until the year they turn 55. They get a 3-week start up course, and then serve 2 days a year as training. If there is a crisis, they will be called in for service.
Minimum 	Conscription:	19	Norwegian citizens who are eligible for service in the military have conscription from the year they turn 19, cf. <i>forsvarsloven</i> section 6.
	Voluntary enlistment:	18	<p>There is also an extended conscription through voluntary service and training in the military, cf. <i>forsvarsloven</i> section 12. The provision covers those who voluntarily apply to serve or train in the military. The minimum age for voluntary enlistment is 18 years old. Those who receive training are, for example, vocational apprentices.</p> <p>From the age of 16 people may be admitted to the Home Guard, cf. <i>forsvarsloven</i> section 24. This currently applies to young people who are admitted to the Home Guard Youth. They may not enter into a contract that entails a duty to serve in the Home Guard until they have turned 19 years of age. In accordance with section 4 of <i>forsvarsloven</i> those under the age of 18 who serve in the military (the Home Guard Youth) shall not be given training in or participate in combat-related activities.</p> <p>When Norway is at war, in the case of imminent threat of war, or the order for general mobilization is given, those under the age of 18 are immediately released from service.</p> <p>If professional military personnel become conscientious objectors during their service, and thus wish to end their service contract, they are free to terminate their contract based on the regular rules of contract law and labour law.</p>
More 	https://ebco-beoc.org/norway including the reply of the Ministry of Defence to the Questionnaire about EBCO's Annual Report 2021 (e-mail on 21/01/2022).		



1.2.34 POLAND

	 Conscription:	No	Suspended in 2009 by amendment of the Constitution.
 Conscientious objection:		1988	First recognised in Constitution, Art. 85.
Service 	Military:	-	
	Civilian:	-	
Minimum 	Conscription:	-	No conscription
	Voluntary enlistment:	18	In accordance to the Article 58 point 1 of the law about the common military service the volunteers can report when completing 18 year of age. During mobilization and war the minimum age of conscripts is just like peacetime – 18 years. The law does not consider the human rights regarding conscientious objection for the professional member of the military.
More 	https://ebco-beoc.org/poland including the reply of the Ministry of Defence to the Questionnaire about EBCO's Annual Report 2021 (e-mail on 21/01/2022).		

1.2.35 PORTUGAL

	 Conscription:	No	Abolished in 2004 in peacetime according to Law No. 174/99 (Military Service Law).
 Conscientious objection:		1976	First recognised in Constitution, Article 41 (6).
Service 	Military:	-	
	Civilian:	-	
Minimum 	Conscription:	-	No conscription
	Voluntary enlistment:	18	According to Law No. 174/99 (Military Service Law), the minimum age for military service in peacetime is 18. According to the same Law, the period in which Portuguese citizens are subject to military obligations runs from the first day of the year in which they turn 18 years old to the last day of the



			year in which they turn 25 years old. Nevertheless, in time of war, the maximum age limit set for the military duties can be changed by law. The Constitution still maintains the right to conscientious objection, which allows voluntary military personnel to exercise this right. Article 40 of Law No. 174/99 (Military Service Law) establishes that for citizens subject by law to military service, it is grounds for exemption from military duties to be recognised as conscientious objectors.
More 	https://ebco-beoc.org/portugal including the reply of the Ministry of Defence to the Questionnaire about EBCO's Annual Report 2021 (e-mail on 13/01/2022).		

1.2.36 ROMANIA

	 Conscription:	No	Suspended in January 1 st 2007 during peacetime but not during state of siege, mobilization or war according to Art. 2 of Act 395/2005 on delay of compulsory military service in peace time and passing to voluntary based military service.
	Conscientious objection:	1996	First recognised in Art. 4 of Act No. 46/1996 on governing preparation of the population for defence.
Service 	Military:	-	
	Civilian:	-	
Minimum 	Conscription:	-	No conscription
	Voluntary enlistment:	18	During peacetime, state of mobilization and war, the minimum age for a voluntary basis recruitment is 18, for both men and women. During state of siege, mobilization and war, the minimum legal age for men's conscription is 20. The active duty military personnel may not refuse to accomplish its legal obligations by invoking the conscientious objection. According to Act. 80/1995 on the military personnel statute, exercising some rights and liberties is restricted or limited to active duty military personnel (for example, Art. 29 - point d - of this act says "Joining religious



			cults is free, except to those which, according to la law, [...] affect the pursuit of the profession”.
More 	https://ebco-beoc.org/romania including the reply of the Ministry of National Defence, Chief of the Information and Public Relations Directorate, to the Questionnaire about EBCO’s Annual Report 2021 (e-mail on 04/01/2022).		

1.2.37 RUSSIAN FEDERATION

	 Conscription:	Yes	
 Conscientious objection:		1993	First recognised in Constitution, Art. 59.3.
Service 	Military:	12	
	Civilian:	21	Or 18 months for alternative service in organizations affiliated to armed forces, such as military factories and construction departments.
Minimum 	Conscription:	18	
	Voluntary enlistment:	16	Under 18 for military schools: 16 for Military School
More 	https://ebco-beoc.org/russia		

According to The Movement of Conscientious Objectors:

Suppression of NGOs

EBCO’s member organisation in Russia Citizen.Army.Law has been declared as a foreign agent. (<https://minjust.gov.ru/ru/events/48667/>) The work of NGO Soldiers' Mothers (<https://soldiersmothers.ru>) is also under suppression. EBCO strongly condemns these grave violations of fundamental human rights from the Russian authorities.

Citizen, Army, Law has almost ceased their activities. The organisation is closely connected with the country's oldest human rights group Memorial which was ordered to be closed by the Prosecutor General's Office and the Supreme Court. (<https://www.bbc.com/news/world-europe-59808624>)

The Federal Security Service FSB published on October 1 a list of information that is not classified as secret information, but if reaching foreign states and citizens, and “can harm Russian Federation” those who collected and disseminated this information may be prosecuted. Such information includes e.g. information about the moral and psychological state in military units, information about the state of health of military personnel in military units, information about violations of the law in military units. This is exactly what The Soldiers’ Mothers have been doing until the list appeared. (<https://www.rferl.org/a/russia->



foreign-agents-topics/31487969.html, <https://www.rferl.org/a/russia-soldiers-mothers-ngo-persecution/31495904.html>)

The organization returned to the way they started in the 1990's and their work concentrates on guidance. For example, if the parents of a conscript apply, the organization's employees can suggest what applications they should write, and where. They cannot publish any more publications about violations in the army or write appeals to official structures about the violations. In Chelyabinsk there is a NGO Conscript School which does similar work as Soldiers' Mothers. (<https://netprizyvu.ru/faqs>)

Repression of Jehovah's Witnesses

In 2020 The Supreme Court of the Russian Federation recognized the activities of the "Administrative Center of Jehovah's Witnesses in Russia" as extremist and banned its work. Although the court formally emphasized that the ban concerns the work of the organization, and that there can be no persecution of people for their faith, in practice we see quite the opposite.

By the end of 2021, more than 560 Jehovah's Witnesses have been persecuted precisely for their faith.

Young people from families of Jehovah's Witnesses have always been conscientious objectors.

Until 2020, they could talk about their religion to the draft board. But after all these reparations nobody would dare to announce it. So their position is rather difficult. Of course they can say that they are against violence, against killing because of their faith in God. But they cannot say they are Jehovah's Witnesses.

Improper arranging of alternative civilian service

The law declares that alternative civilian service is a labor activity for the benefit of the whole society and education and skills should be taken into account when choosing a place for alternative civilian service (ACS). But in practice, Rostrud, the executive body that determines places for ACS, completely ignores factors such as education and qualifications.

In accordance with the law, an employer must provide an employee undergoing alternative civilian service with a free place in a hostel if the service is not in the locality where the person lives. In practice, often the employer cannot provide a place in a hostel and places people directly at work, allocating a room for this. These conditions are often not appropriate. In order to achieve a change in the conditions of service, a person has to file complaints with various authorities. Often, but not always, these complaints give a positive result, but all this takes a long time.

The EBCO report 2020 already mentioned the attempts of the military department to organize an alternative civilian service in organizations subordinate to the Ministry of Defense. There are persons doing their ASC in military hospitals as civilian personnel. We consider this contradicts the idea of civil service. There are young people who insist that working for the army, even in a hospital, is unacceptable for them. We advise conscientious objectors to write special letters on this. None of the persons who sent these letters in advance got into organizations subordinate to the Ministry of Defense.

Total objectors

The Movement of Conscientious Objectors (MCO) is trying to inform young people about the situation with the ACS and give them the opportunity to decide which strategy of resistance to conscription is more suitable for them. For some, total objection would be preferable, but not in the same form as it happens in Finland, for example.



One of the forms is to provoke by their behaviour the draft commissions to refuse the ACS in order to appeal this decision in court, and then, despite the court's refusal, submit a new application to the ACS for a new draft campaign. And so reach the end of the draft age. Of course, not every young man is ready for such a long story.

For some young men just "to hide" from the Military commissariat would be preferable. This form of draft resistance is very popular in Russia. It's not very difficult. And if you consciously approach this issue, then you can do it quite safely. The MCO materials also contain information on safe behavior with the police, etc.

The popularity of conscientious objection

NGO's cannot estimate the total number of applications for ACS and the officials don't publish this information.

According to the feelings of the MCO's coordinator, the awareness of young people about the possibility of serving the ACS instead of the military service is growing. The expression "conscientious objector" is gradually being included in the circulation, which reflects the essence of this phenomenon much more accurately than the term appearing in Russian legislation "a citizen whose convictions are contrary to military service". The use of this term gives more pride to those who apply it to themselves than a long phrase from the law of the Russian Federation. The use of this term also makes Russian opponents of military service and conscription part of the world community of opponents of conscription and military service.

Ukrainian territories occupied by Russia: see the section on Ukraine below.

1.2.38 SAN MARINO

	 Conscription:	No	Never existed. No regular military forces. Defense is the responsibility of Italy.
 Conscientious objection:		-	
Service 	Military:	-	
	Civilian:	-	
Minimum 	Conscription:	-	No conscription.
	Voluntary enlistment:	-	
More 	https://ebco-beoc.org/san-marino		

1.2.39 SERBIA

	 Conscription:	No	Suspended / abolished in 2011.
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 Conscientious objection:		1992	First recognised in Constitution, Art. 58 (in Serbia & Montenegro times)
Service 	Military:	-	
	Civilian:	-	
Minimum 	Conscription:	-	No conscription
	Voluntary enlistment:	18	
More 	https://ebco-beoc.org/serbia		

As of Jan 4th 2021, Defence Minister of Serbia, Nebojsa Stefanovic, confirmed that the idea of reintroducing regular military service is being thoroughly considered. Former Minister of Defence Dragan Sutanovac claims that the number of people interested in professional military service is declining, as well as the number of those who do the military service voluntarily.

Novica Antic of the Union of Professional Soldiers claims that over 5.000 professional soldiers left the Army in the last couple of years. The Article 45 of the Serbian Constitution guarantees the right to conscientious objection, and anyhow those who want can do the military service voluntarily even now, but the response for this kind of service is extremely low.

The nationalist Dveri political party claims that if conscription is not reintroduced immediately, Serbia won't have an army in 2025.

1.2.40 SLOVAK REPUBLIC

  Conscription:		No	Abolished in 2005, but it is legally retained and can be reinstated in case of emergency. The relevant law is the Act No. 569/2005 Coll. on alternative service in time of war or war state.
 Conscientious objection:		1992	First recognised in Civilian Service Act, No.18/1992 (in Czechoslovakia times).
Service 	Military:	-	
	Civilian:	-	
Minimum 	Conscription:	-	No conscription
	Voluntary enlistment:	18	Conscientious objection is not regulated towards the professional army service.
More 	https://ebco-beoc.org/slovakia		


1.2.41 SLOVENIA

	 Conscription:	No	Abolished in 2003 for peacetime, after the Act Amending the Military Service Act entered into force.
 Conscientious objection:		1991	First recognised by the Military Service Act (Official Journal of the Republic of Slovenia, n° 18/91). With the adoption of the Act Amending the Military Service Act (Official Journal of the Republic of Slovenia, n° 74/95) the right to conscientious objection was also expanded to soldiers doing their military service and conscripts who had completed their military service. Hence every individual obliged to do military service – i.e. conscripts, soldiers doing their military service and conscripts in the reserve component could exercise the right to conscientious objection at any time during the period of their military duty.
Service 	Military:	-	
	Civilian:	-	
Minimum 	Conscription:	-	No conscription
	Voluntary enlistment:	18	Professional members of the military cannot exercise the right to conscientious objection. Since 2010, the Republic of Slovenia has only had professional armed forces, the contract reserve and volunteer soldiers doing voluntary military service. Persons, whose human right to conscientious objection to military service is recognised or is in the process of being recognised, cannot become contract service members of the reserve component of the Slovenian Armed Forces. In the event that a contract service member exercises his/her human right to conscientious objection to military service during the contract period, the contract will expire. The same rule applies for volunteer soldiers and professional members of the military.
More 	https://ebco-beoc.org/slovenia including the reply of the Ministry of Defence, Defence Policy Directorate, to the Questionnaire about EBCO's Annual Report 2021 (e-mail on 14/12/2021).		



1.2.42 SPAIN

	 Conscription:	No	Suspended in 2002 by Royal Decree 247/2001, of 9 March.
 Conscientious objection:		1978	First recognised in the Constitution.
Service 	Military:	-	
	Civilian:	-	
Minimum 	Conscription:	-	No conscription
	Voluntary enlistment:	18	
More 	https://ebco-beoc.org/spain including the reply of the Ministry of Defence to the Questionnaire about EBCO's Annual Report 2021 (e-mail on 20/12/2021).		

1.2.43 SWEDEN

	 Conscription:	Yes	Reintroduced since January 1 st 2018 (previously suspended in 2010) for both men and women. Highly selective conscription: most persons serving the military service are volunteers.
 Conscientious objection:		1920	First recognised by Alternative Service Schemes Act, 21 st May.
Service 	Military:	11	
	Civilian:	-	At present there are no military services as a conscientious objector and the civil conscription is not activated, meaning that in practical terms the individual will not do any service. Persons that have applied for unarmed status can be called for civil defence training later on, if/once the circumstances for the civil defence changes.
Minimum 	Conscription:	19	The obligation to perform conscription into the Armed Forces applies for Swedish citizens from the calendar year he or she turns nineteen. All inhabitants between 16 - 70 years old are



			obliged to participate in national defence in case of emergency or war.
	Voluntary enlistment:	18	An officer or a professional soldier has a contract and therefore has the possibility to discharge or leaving for any reasons.
More 	https://ebco-beoc.org/sweden including the reply of the Ministry of Defence, Legal Secretariat, to the Questionnaire about EBCO's Annual Report 2021 (e-mail on 17/01/2022).		

According to the reply of [Svenska Freds](#) about EBCO's Annual Report 2021 (e-mail on 21/01/2022):

The general law of compulsory military service remains the same. In practice, this means that all Swedish citizens are obliged to hand in information to the Swedish Defense Recruitment Agency (Plikt- och prövningsverket) by the year they turn 18 and participate in military service if they are called to do so. Total objection to participation within both the military and civil defense, with or without weapon-free status means to be liable for fines ¹⁰⁵.

The Swedish Defense Recruitment Agency (Plikt- och prövningsverket) reports that they received 36 applications for weapon free status in 2021 from people still in the duty process. The duty process occurs from the time when someone first receives the letter about submitting information to the Swedish Defense Recruitment Agency until (and during) military training. 34 of the 36 applications from this group were approved and two were rejected. Among the 36 applications, 27 people applied for weapon free status before starting their military training, and 9 people during their military training. According to the Swedish Defense Recruitment Agency, there are very few people applying for weapon free status before being registered for or starting military service. This, the Swedish Defense Recruitment Agency say, is a result of the Swedish Defense Recruitment Agency only calling people who do not have a negative attitude towards doing military service for military selection tryouts ¹⁰⁶.

People that receive weapon free status can be called for civil duty and receive a placement within the civil defense in case of war-time. As of right now, there is no training or education for civil service within the civil defense. People that receive weapon free status therefore are registered into the education reserve with the status weapon free and can be called for civil service if the needs within the civil defense change ¹⁰⁷.

Within the group of people that have completed their military service and received a war-time placement 9 people applied for weapon free status. All of these 9 applications were approved ¹⁰⁸.

Of the 104173 18-year-olds that received the letter to submit the information to the Swedish Defense Recruitment Agency in 2021, 100 668 replied by filling out the form. 16207 of these people were called for military selection tryouts. People that received the letter in 2021 can be enrolled for military training until the end of May 2022 ¹⁰⁹.

¹⁰⁵ The law of conscription, Lagen (1994:1809) om totalförsvarsplikt. <https://rkrattsbaser.gov.se/sfst?bet=1994:1809>

¹⁰⁶ The Swedish Defense Recruitment Agency (Plikt- och prövningsverket), E-mail contact

¹⁰⁷ The Swedish Defense Recruitment Agency (Plikt- och prövningsverket), website <https://plikverket.se/monstring-och-varnplikt/monstring/att-vara-vapenfri>

¹⁰⁸ The Swedish Defense Recruitment Agency (Plikt- och prövningsverket), E-mail contact

¹⁰⁹ The Swedish Defense Recruitment Agency (Plikt- och prövningsverket), E-mail contact



Media has continued to be relatively quiet about conscientious objectors in 2021. In December, 500 conscripts were sent home from the leading regiment in Enköping, Sweden, after reports on severe harassments, violations and offensive treatments during their military education ¹¹⁰. Two incidents are being investigated by the police ¹¹¹. Swedish Peace and Arbitration Society (SPAS) takes this very seriously and continues to be an actor that supports people that refuse to be part of the military system.

The last years' debate on politics of security has become increasingly militarized and the military budget continues to rise. As a counterweight to this and the compulsory military service that was reactivated in 2017, SPAS started the initiative Fredsakademin (translated as the Peace academy) in 2020 with a three year funding from Allmänna Arvsfonden ¹¹². Fredsakademin engages youth in questions related to peace and security and provides support to young people who have questions about military service and weapon free status.

Regarding refugee cases based on the person's conscientious objection, the Swedish Migration Agency does an overall assessment. Therefore, they cannot give any numbers as it would require to investigate individual decisions.

1.2.44 SWITZERLAND

	 Conscription:	Yes	
 Conscientious objection:		1992	The Swiss Constitution was modified by introducing the following phrase in Art. 59 lit. 1: "Alternative civilian service shall be provided for by law." ¹¹³
Service 	Military:	~9	262 days
	Civilian:	~13	390 days
Minimum  AGE	Conscription:	18	
	Voluntary enlistment:	18	
More 	https://ebco-beoc.org/switzerland		

At the request of a right-wing political party there was a threat to re-establish the examination of conscience and the prohibition to apply for civilian service to those who are already in military service, supposedly to avoid weakening the army. The proposal was sent for consultation to organizations and associations in Switzerland, which reacted negatively. The federal chambers did not follow up on this request and the status quo remained unchanged: a civilian service of 18 months in several periods in places of assignment

¹¹⁰ The Swedish public service, news agency <https://www.svt.se/nyheter/lokalt/uppsala/500-varnpliktiga-skickas-hem-efter-allvarliga-krankningar>

¹¹¹ The Swedish public service, news agency <https://www.svt.se/nyheter/lokalt/uppsala/tva-handelser-polisanmals-efter-krankningar-mot-soldater-vid-ledningsregementet-i-enkoping>

¹¹² Fredsakademin, website <https://fredsakademin.se/om-oss/>

¹¹³ <https://www.admin.ch/opc/en/classified-compilation/19995395/index.html#a59>



recognized by the Confederation on simple written request in freedom of choice with the military service. Compulsory military service can be performed in a single 12-month period or in several periods as before.

During the COVID-19 crisis military and civilian alternative service personnel have, as in other countries, been deployed in large numbers to vaccination centres etc. This has caused some tensions.

All employers are required to give employees leave on full pay while they perform military service every year or two - small businesses sometimes complain that this hazards their viability. But in the latest crisis a private ambulance company complained that under the rules it did not qualify for exemption for employees who would be deployed in positions not requiring their qualifications.

Press reports indicate that a small number - about 1% of conscripts each year are deemed fit for unarmed duty only; as with a firearm they would be a danger to themselves and others.

1.2.45 TURKEY

	 Conscription:	Yes	
	Conscientious objection:	-	
	Military:	6	Since 2019, there is the option of paid service: if one pays around €4300, he can serve for 1 month (including only basic training).
	Civilian:	-	Not available.
	Conscription:	20	
	Voluntary enlistment:	17	17 for the registration to the 'National Defence University'.
More 	https://ebco-beoc.org/turkey		

See also Sections 1.1.1.1, 1.1.1.2, 1.1.3.1.

Turkey is the only member state in the Council of Europe that has not recognised the right to conscientious objection to military service, or at least indicated the intention of making alternative service available. Turkey continues to prosecute conscientious objectors and to ignore the judgements which the European Court of Human Rights (ECtHR) has pronounced since 2006 in favour of Turkish conscientious objectors, in what the Committee of Ministers has named the “Ülke group” of cases. Many different penalties are imposed on those who refuse to perform military service. As a result, conscientious objectors face ongoing arrest warrants; a life-long cycle of prosecutions and imprisonment, and a situation of “civil death” which excludes them from social, cultural and economic life.

On the occasion of the International Conscientious Objection Day on 15 May 2021, the European Bureau for Conscientious Objection (EBCO) red-flagged the grave human rights



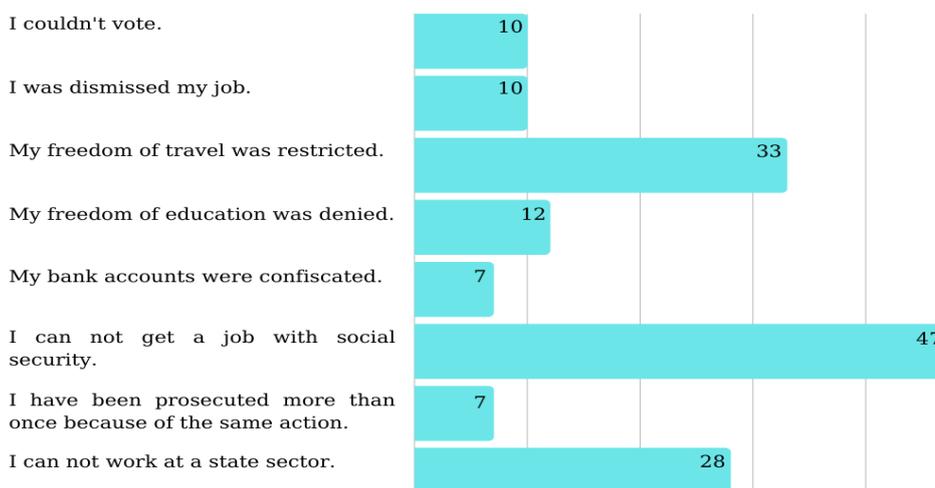
violations that conscientious objectors to military service and activists continue to undergo in Turkey and highlighted their courageous struggle.¹¹⁴

In July 2021, the Association for Conscientious Objection released a comprehensive report, "Conscientious Objection to Military Service in Turkey", including the cases of 85 conscientious objectors and interviews with conscientious objectors and the lawyers working in the field.¹¹⁵ According to the report, 45 applications have been made to the Constitutional Court of Turkey by conscientious objectors, but none of the applications were considered by the Court yet. Within the scope of the cases examined in the report, it was observed that a total fine of 575,517 TL was imposed on conscientious objectors in Turkey.

Following the decision of the European Court of Human Rights on the case of the conscientious objector Osman Murat Ülke, dated April 24, 2006, Turkey has been included in the qualified monitoring procedure of the Committee of Ministers of the Council of Europe regarding the right the conscientious objection to military service. As part of this process, the government was requested to submit an "action plan" containing policy and practical measures regarding conscientious objection. On 5 August 2021¹¹⁶, the Turkish Government submitted an action plan, which was almost the same as the one it presented the previous year (dated 30 March 2020¹¹⁷) and included no progress regarding the recognition of the right to conscientious objection.

For this reason, the Association for Conscientious Objection, the Freedom of Belief Initiative, Norwegian Helsinki Committee, War Resisters International, European Bureau for Conscientious Objection and Connection e.V., has once again applied to Rule 9.2 for the enforcement of judgments in the Ülke Group cases.¹¹⁸ In the application, 60 cases were brought together based on the experiences of conscientious objectors between December 2020 and September 2021. The graph containing the data regarding these cases is shared below. According to the recent data, conscientious objectors Uğur Yorulmaz and Abuzer Yurtsever were fined 59,140 TL and 18,666 TL respectively in August 2021.

Between December 2020-September 2021 the VR-DER has received 60 responses on the types of restrictions experienced by conscientious objectors.



¹¹⁴ Available at: <https://www.ebco-beoc.org/node/503>

¹¹⁵ See <https://wri-irg.org/en/story/2021/turkey-new-report-conscientious-objection-association-documents-ongoing-rights>

¹¹⁶ See [https://hudoc.exec.coe.int/eng#%7B%22EXECIdentifier%22:%5B%22DH-DD\(2021\)775E%22%5D%7D](https://hudoc.exec.coe.int/eng#%7B%22EXECIdentifier%22:%5B%22DH-DD(2021)775E%22%5D%7D)

¹¹⁷ See [https://hudoc.exec.coe.int/eng#%7B%22EXECIdentifier%22:%5B%22DH-DD\(2020\)297E%22%5D%7D](https://hudoc.exec.coe.int/eng#%7B%22EXECIdentifier%22:%5B%22DH-DD(2020)297E%22%5D%7D)

¹¹⁸ See <https://vicdaniret.org/the-report-conscientious-objection-to-military-service-in-turkey-ulke-group-cases-against-turkey-is-released/>



Trials and Penalties for Conscientious Objectors in 2021

The trial of Zana Aksu, who declared his conscientious objection in 2012 and was being tried on the charges of "violating the Military Penal Code" was finalised in September 2021.¹¹⁹ Aksu was sentenced to 18 months in prison and a fine of 10 thousand TL. Following the court decision, Aksu's bank account was confiscated.¹²⁰

Conscientious objector Kemal Elmas was acquitted from the charges of draft evasion.¹²¹ The court decision stated that the material elements of the alleged crime were not formed, since the administrative fine against Elmas was not duly notified.

About Paid Military Service

The paid military service fee, which was made permanent in Turkey, was increased again. The amount of the paid military service, which started with 39 thousand 788 TL in the January-June 2021 period, was increased to 43 thousand 150 TL, effective from 1 July 2021.

The "paid military service" is not an option for conscientious objectors because it includes almost one month of basic military training. It is also clear that economically it's an extremely difficult option to pay for many.

1.2.46 UKRAINE

	 Conscription:	Yes	Reintroduced in 2014 (earlier suspended in 2012). Plans of gradual reduction and abolition of conscription by 2024 were announced despite strengthening enforcement of conscription, expansion of mandatory military training and service with no provisions for conscientious objectors.
	Conscientious objection:	1991	First recognised in the Law of Ukraine "On Alternative (Non-Military) Service" № 1975-XII of 12 December 1991.
Service 	Military:	18	12 months for holders of master's degree.
	Civilian:	27	18 months for holders of master's degree.
Minimum 	Conscription:	18	Compulsory in the age of 18-26.
	Voluntary enlistment:	17	Under 18 for military schools: 17 for cadets
More 	https://ebco-beoc.org/ukraine including the reply of the Ministry of Defence to the Questionnaire about EBCO's Annual Report 2021 (e-mail on 12/01/2022) and the reply of the Secretariat of the Ukrainian Parliament Commissioner for Human Rights to the Questionnaire about EBCO's Annual Report 2021 (e-mail on 27/01/2022).		

¹¹⁹ See <https://vicdaniret.org/vicdani-retci-zana-aksuya-hapis-ve-para-cezasi/>

¹²⁰ See <https://vicdaniret.org/vicdani-retci-zana-aksunun-banka-hesabina-el-konuldu/>

¹²¹ See <https://vicdaniret.org/vicdani-retci-kemal-elmas-yoklama-kacagi-suclamasiyla-yargilandigi-davada-beraat-etti/>



See also Sections 1.1.3.1 and 1.1.3.2.

Conscription in Ukraine engages all young males in the age from 18 to 26 after mandatory military registration of males in age 17. Term of service is generally 18 months but 12 months for holders of master's degree. This term is subject to prolongation by presidential decree in "special period" (which was proclaimed in Ukraine in 2014) and should be prolonged in period of martial law until demobilization. Also, during the martial law all subjects to military duty are prohibited from changing place of residence without permission of military authorities, and women of certain professions (also subject to mandatory military registration) may be conscripted¹²²; petition against conscription of women in 2021 gathered 37 852 signatures¹²³.

According to the reply of the Secretariat of the Ministry of Defence to the Questionnaire about EBCO's Annual Report 2021 (e-mail on 12/01/2022):

In accordance with the approved military-political directives for ensuring the implementation of state policy in the system of the Ministry of Defence of Ukraine in 2021, 2022 and the next two years, by 2024 a gradual annual reduction of numbers of conscription of Ukrainian citizens for military service is envisaged with a simultaneous increase in the number of citizens taken into military service by contract.

Conscription in Ukraine

Year	2015	2016	2017	2018	2019	2020	2021
Number of conscripts	33132	30523	27595	33150	33952	30030	27821

The presidential decree¹²⁴ envisages gradual increase in the number of the Armed Forces of Ukraine in the period from 2022 to 2025 per 100 000 people and introduction of the model of intensive military training system as a possible alternative form of military service and termination of conscription of Ukrainian citizens for military service from 1 January 2024.

Law of Ukraine "On the Fundamentals of National Resistance" adopted on 16 July 2021 prescribes general military training of citizens of Ukraine which consists in mastering basic general military knowledge, practical skills and abilities of adults and children, including military training for defense of Ukraine in schools and military patriotic upbringing in forms of games and summer camps. The law has no provisions for conscientious objectors.

New legislation adopted in 2021 prescribes high fines for violations of rules of military training and military registration, more severe punishments for wider circle of people for evasion of military service, including imprisonment for 3-5 years for evasion of conscription. Courts already pass such sentences.

Number of persons, sentenced by courts for crimes related to evasion of military service in Ukraine

Art. of Criminal Code of Ukraine/Year	2021	2020	2019	2018	2017	2016	2015	2014	2013	2012
335 (evasion of conscription)	152	182	313	215	136	86	38	7	22	19
336 (reservist evasion of conscription by mobilization)	2	1	11	13	45	220	935	139	0	0

¹²² Law of Ukraine "On military duty and military service", <https://zakon.rada.gov.ua/laws/show/2232-12#Text>

¹²³ "Abuse against women! Educated and professional females should not be subjected to military duty!" <https://petition.president.gov.ua/petition/130110>

¹²⁴ Decree of the President of Ukraine №36 / 2022 "On priority measures to strengthen the state's defense capabilities, increase the attractiveness of military service in the Armed Forces of Ukraine and the gradual transition to a professional army," <https://www.president.gov.ua/documents/362022-41285>



337 (evasion of military registration or military gatherings)	34	73	156	110	21	3	2	0	0	0
407 (unauthorised abandonment of military unit)	1407	1506	2189	2267	2128	1937	1545	153	22	29
408 (desertion)	220	152	239	224	381	307	171	29	2	1
409 (evasion of military service by self-harm or alike)	8	8	3	3	6	25	92	23	11	11

Legal recognition of conscientious objection to military service is possible only for conscripts, not for acting servicemen. Recognized objectors have a right to alternative nonmilitary service, like nursing, street cleaning or delivering mail. Objectors should prove genuineness of their religious beliefs incompatible with bearing arms by presenting certificate of membership in religious organization which functions according to laws of Ukraine¹²⁵; application for alternative service without such certificate may be considered as attempt to evade from conscription subject to criminal liability, such situations happened in Dnipropetrovsk, Donetsk and Luhansk Oblasts. Only religious objectors belonging to 10 particular confessions listed in the governmental decree are allowed to apply for replacement of compulsory military service with alternative non-military service, term of which is generally 27 months, or 18 months for holders of master's degree¹²⁶.

Applications for alternative nonmilitary service are managed by local state administrations; such applications are considered mostly by officials, including acting servicemen and reservists. According to responses on requests for public information received by Ukrainian Pacifist Movement, total number of conscientious objectors to military service who conducted alternative service in 2021 are 1659, which includes 46 in Kyiv (city), 25 in Cherkasy Oblast, 17 in Chernihiv Oblast, 150 in Chernivtsi Oblast, 54 in Dnipropetrovsk Oblast, 52 in Donetsk Oblast, 141 in Ivano-Frankivsk Oblast, 93 in Kharkiv Oblast, 8 in Kherson Oblast, 112 in Khmelnytskyi Oblast, 37 in Kirovohrad Oblast, 43 in Kyiv Oblast, 6 in Luhansk Oblast, 130 in Lviv Oblast, 10 in Mykolaiv Oblast, 41 in Odessa Oblast, 22 in Poltava Oblast, 191 in Rivne Oblast, 35 in Sumy Oblast, 33 in Ternopil Oblast, 36 in Vinnytsia Oblast, 234 in Volyn Oblast, 61 in Zakarpattia Oblast, 52 in Zaporizhzhia Oblast, and 30 in Zhytomyr Oblast.

In 2021 nine Protestant conscientious objectors in Rivne Oblast, some from Protestant families in second or third generation, were not allowed to conduct non-military service. Protestants are not represented in the local state administration's body administering alternative service, and these nine Protestant objectors were questioned in their knowledge of the Bible by representative of the church which openly support conscription, the fact raising doubts in objectiveness of procedure of legal recognition of conscientious objection. This happened after UN Human Rights Monitoring Mission in Ukraine noted with concern that local authorities in the same region have failed to provide access to alternative non-military service to a group of parishioners, referring to a "lack of vacant positions"¹²⁷.

In a reportage of 5 October 2021 about medical examination of conscripts in Cherkasy city military commissariat published by Suspilne News a conscript Vladyslav Korol told journalists he is conscientious objector to military service, but he can't access alternative service: "I did not want to serve at all, I was forced to come here. I am a Christian, my faith forbids me to hold a weapon. I received the military draft call in the spring, I was given the opportunity to postpone the call. I collected documents for alternative service, but the pastor of my church

¹²⁵ Law of Ukraine "On Alternative (Non-Military) Service,"

<https://zakon.rada.gov.ua/laws/show/1975-12#Text>

¹²⁶ "Provisions on the procedure for alternative (non-military) service" and "List of religious organizations whose beliefs do not allow the use of weapons",

<https://zakon.rada.gov.ua/laws/show/2066-99-%D0%BF#Text>

¹²⁷ <https://www.ohchr.org/Documents/Countries/UA/31stReportUkraine-en.pdf> (para. 79)



did not add details in the documents, so my call was postponed to the autumn. I paid a fine for not adding documents. Then I was told that I would automatically enlist in the army because I was conscripted."¹²⁸ Vladyslav Korol belongs to a New Generation Christian Church in Zolotonosha, their pastor is Vasyl Veremiy. This information was confirmed to Ukrainian Pacifist Movement by Lt.Col. Petrov, head of the conscription department of the Cherkasy Territorial Center for Recruitment and Social Support.

On 7 June 2021 at night, a 22-year-old conscript jumped from the 5th floor of the Ternopil regional military assembly point where he was detained against his will, received multiple injuries, and was hospitalized by the ambulance crew; the prosecutor's office opened a criminal investigation under Art. 426-1(4) of the Criminal Code of Ukraine (excess of power or official authority by a military official).

On 4 October 2021, at six o'clock in the morning, the police and representatives of military enlistment offices raided hostels and dormitories in the Solomyanskyi district of Kyiv. Men of conscription age were detained in the Kyiv United Gathering Point of the Ministry of Defense of Ukraine.

In 2020-2021, local administrations in cities of Polohy (Zaporizhzhia region) and Teplodar (Odesa region) published on their official websites lists of hundreds of "wanted" draftees. In the case of Teplodar, an Order No 24 of 23 March 2021 of the Lieutenant Colonel S. Korak, Military Commissar of the Bilyaiv District Territorial Center for Recruitment and Social Support, was published "to notify such conscripts" warning that "messages about conscripts and subjects of military duty who evade military service shall be submitted to the National Police for their pursuit, detention and delivery."

According to a statement of press-service of the Zakarpattia Oblast Territorial Center for Recruitment and Social Support, 27 October 2021 a conscript who repeatedly failed to appear at the conscription station and was on the wanted list, was "so unwilling to join the army" that he jumped out of the window when he was detained by police and taken to the conscription station to be charged with an administrative offense under the article on violation of the legislation on conscription and military service, and criminal charge in evasion from conscription is considered.

There are reports in the media about people convicted by the court for prison terms for evasion of military service. For example, on 6 September 2021 conscript that was recognized fit for military service but failed to appear at the military gathering point was convicted by the Rakhiv District Court of Zakarpattia Oblast to one-year prison term for evasion of conscription (article 335 of the Criminal Code of Ukraine) without replacement of the sentence to probation as courts usually did before.

According to the reply of the Secretariat of the Ukrainian Parliament Commissioner for Human Rights to the Questionnaire about EBCO's Annual Report 2021 (e-mail on 27/01/2022):

Taking into account the constitutional principles, according to which no one can be forced to do what is not provided by law, and the obligation of public authorities, local governments and their officials to act only on the basis, within their powers and in a manner provided by the Constitution and laws of Ukraine, the Commissioner took control of the observance by state bodies and their officials of the State's obligation established by Article 35 of the Constitution of Ukraine to replace military service with alternative (non-military) service to citizens who have religious beliefs incompatible with military service.

¹²⁸ <https://suspilne.media/169261-pobilsalo-porusen-zi-zdorovam-na-cerkasini-prizovniki-prohodat-medoglad/>



In order to comply with the abovementioned constitutional right of citizens in 2021, in particular:

in the Donetsk region:

- 17 special commissions for alternative (non-military) service were established;*
- 30 citizens have applied to the abovementioned special commissions for alternative (non-military) service;*
- 20 citizens were sent for alternative (non-military) service;*
- materials on the commission of a crime under Article 335 of the Criminal Code of Ukraine were sent to the Law Enforcement Agencies in relation to 7 citizens;*

in Luhansk region:

- 5 special commissions for alternative (non-military) service were established;*
- 7 citizens have applied to the above-mentioned special commissions for alternative (non-military) service;*
- 6 citizens were sent for alternative (non-military) service;*
- materials concerning commission of the crime under Article 335 of the Criminal Code of Ukraine were sent to the Law Enforcement Agencies in relation to 7 citizens.*

In addition, most of the violations detected during the 2021 inspections of compliance with the right of citizens to alternative (non-military) service were related to imperfection of the legislative regulation of these issues. Thus, a number of provisions of the Law of Ukraine "On Alternative (Non-Military) Service" of 12 December 1991 № 1975-XII are inconsistent with the requirements of the Constitution of Ukraine, international agreements and the case law of the European Court of Human Rights regarding the procedure for guaranteeing a person's right to undergo such service.

Thus, Article 9 of the Law № 1975-XII stipulates that to resolve the issue of referral to alternative service, citizens have to personally submit the motivation written statement to the relevant structural unit of the local state administration at the place of residence no later than two calendar months before the start of the statutory period of conscription for military service. However, the second part of Article 35 of the Constitution of Ukraine provides an exhaustive list of grounds on which the right to alternative (non-military) service may be limited. The violation of the deadline for submitting an application or other procedures by a person whose religious beliefs do not allow to perform the military service are not included in this list.

In order to prevent these violations, the Commissioner repeatedly addressed the Regional State Administrations aiming to take into account the clarification on the inadmissibility of refusing conscripts to be sent for alternative service on these grounds. Most regional state administrations took into account the clarifications and informed the Commissioner about it.

The Commissioner has taken measures to restore the rights of citizens to perform alternative (non-military) service according to the appeals received from the conscripts. Their requests for alternative (non-military) service were usually decided positively as a result of the intervention of the Commissioner. At the same time, there were cases when, due to disregard for such a position, the Commissioner took an active part as a third party on the plaintiff's side in the consideration of this category of court cases on which decisions were made in favor of the plaintiffs.

Thus, the Commissioner decided to intervene on the side of the plaintiff S., who appealed to the Ivano-Frankivsk District Administrative Court with a claim to declare illegal the refusal of the Ivano-Frankivsk Regional State Administration to send him for alternative (non-military) service due to missing the application deadline. Following the trial on November 19, 2021, the Court ruled that the Ivano-Frankivsk Regional State Administration's refusal of sending



the plaintiff for alternative (non-military) service was cancelled and the Administration was obliged to make a new decision concerning sending him to this type of service.

The Commissioner has also repeatedly raised the issue of drafting and amending the Law of Ukraine "On Alternative (Non-Military) Service" of December 12, 1991 № 1975-XII with the relevant state bodies. The work is continuing.

The Commissioner does not ignore the issue of observance of the rights of conscripts during the conscription of Ukrainian citizens for military service. The analysis of the monitoring visits to the Territorial Centers for Recruitment and Social Support, assembly points of conscripts, as well as citizens' appeals on this issue shows that the number of complaints of conscripts and their parents concerning illegal detention of persons with a purpose of sending them for military service has increased significantly over the past year.

It should be noted that the temporary occupation of the Autonomous Republic of Crimea and the city of Sevastopol began on February 20, 2014. The temporarily occupied peninsula is an integral part of the territory of Ukraine, which is covered by the Constitution and laws of Ukraine and international agreements approved by the Parliament of Ukraine. According to Article 51 of the Convention relative to the Protection of Civilian Persons in Time of War (IV Geneva Convention of 1949), the occupying power has no right to coerce protected persons to serve in its armed or auxiliary forces.

At the same time, the Russian occupant continues to recruit residents of the temporarily occupied territory of the Autonomous Republic of Crimea to the Armed Forces of the Russian Federation in violation of the provisions of the IV Geneva Convention. Thus, the 14th conscription campaign, finished in 2021, called for more than 3 thousand Crimeans (a total of more than 35 thousand people since 2015). The Crimean Human Rights Group recorded 4 new criminal cases against Crimean residents under Article 328 of the Criminal Code of the Russian Federation (Refusal to perform military service in the Armed Forces of the Russian Federation) and 7 new sentences under Article 328 of the Criminal Code of the Russian Federation only in November. A total of 275 criminal cases for refusal to perform military service in the Armed Forces of the Russian Federation and their transference to the "courts" of Crimea have been recorded during the entire period of occupation. Convictions have already been handed down to 266 of them, 9 more are under consideration.

Thus, in addition to violation of the provisions of the Convention relative to the Protection of Civilian Persons in Time of War, there is a systematic violation of the human right to conscientious objection, enshrined in Article 18 of the International Covenant on Civil and Political Rights and Article 18 of the Universal Declaration of Human Rights, on the territory of the temporarily occupied peninsula.

Despite freedom of conscience is a non-derogable right, another letter of the Secretariat of the Ukrainian Parliament Commissioner for Human Rights received by Ukrainian Pacifist Movement 20 January 2022 claims that "question of normative regulation in Ukraine of rights of citizens to conscientious objection to military service (when they have no relevant religious beliefs) may be realized after cessation of aggression and regaining of control of the state over all territories occupied by the Russian aggressor." This letter was received after the UN Human Rights Committee on 11 November 2021 recommended Ukraine "that alternative service arrangements should be accessible to all conscientious objectors without discrimination as to the nature of the beliefs (religious or non-religious beliefs grounded in conscience) justifying the objection,"¹²⁹ which indicates lack of willing of Ukraine to comply with the said recommendations.

¹²⁹ Human Rights Committee, Concluding observations on the eighth periodic report of Ukraine, Para. 30,



There were no popular surveys concerning attitudes to conscientious objection to military service in Ukraine, but the next statistical data helps to assess approximate number of people who potentially may be discriminated by current legislation. All 10 religious confessions allowed for alternative service by governmental decree can be classified as "Protestant and Evangelical Churches" (0.7%) and "Other Confessions, Religions" (0.6%), in sum no more than 1.3% of population of Ukraine¹³⁰. However, 15% of population do not trust Armed Forces of Ukraine¹³¹. It indicates that the number of people allowed to conduct alternative service is ten times lesser than number of people which may have (or develop, in less hostile environment) conscientious objection to military service. Due to oppressive policies of the state, instead of declaring conscientious objection, many people seek exemptions on medical or family grounds, or pay bribes widely extorted by officers responsible for conscription.

In 2021, leaders of non-recognized Russia-backed separatist Donetsk and Luhansk People's Republics issued decrees on conscription without any exceptions for conscientious objectors to military service.

On October 6th 2021 EBCO sent open letters calling for the dropping of all charges against Ukrainian journalist, pacifist and conscientious objector Ruslan Kotsaba and the prosecution of the inciters of hatred and violence. ¹³²

1.2.47 UNITED KINGDOM

	 Conscription:	No	Abolished in 1963. Conscription was legislated for via the National Service Act 1948 and preceding wartime legislation.
 Conscientious objection:		1916	The UK has a long tradition of recognising the right of individuals not to fight and, in 1916, due to the combined efforts of politicians and peace organisations, such as the Quakers, the Military Service Act (27 th Jan 1916) saw the UK become the first country to give legal recognition to individual conscience, which was subsequently enshrined in the Universal Declaration of Human Rights. The Act allowed for objectors to be absolutely exempted, to perform alternative civilian service, or to serve as a non-combatant in the army's Non-Combatant Corps, according to the extent to which they could convince a Military Service Tribunal of the quality of their objection.

https://tbinternet.ohchr.org/Treaties/CCPR/Shared%20Documents/UKR/CCPR_C_UKR_CO_8_47160_E.pdf

¹³⁰ Confessional and ecclesiastical affiliation of citizens of Ukraine (January 2020 sociology). [in Ukrainian]. Razumkov Center. <https://razumkov.org.ua/napriamky/sotsiologichni-doslidzhennia/konfesiina-ta-tserkovna-nalezhnist-gromadian-ukrainy-sichen-2020r>

¹³¹ Iryna Bekeshkina (2021). State and social institutions: who do Ukrainians trust and who don't? Ilko Kucheriv «Democratic Initiatives» foundation. <https://dif.org.ua/en/article/state-and-social-institutions-who-do-ukrainians-trust-and-who-dont>

¹³² Available at: <https://www.ebco-beoc.org/node/513>



Service 	Military:	-	
	Civilian:	-	
Minimum 	Conscription:	-	No conscription
	Voluntary enlistment:	16	Under 18: the minimum age for officer entrants into Service is 17 and for other ranks is 16. Parental consent must be obtained for those under the age of 18 before an application can proceed. All members of the Armed Forces may apply to leave their Service on grounds of conscience.
More 	https://ebco-beoc.org/united-kingdom including the reply of the Ministry of Defence, Defence People Secretariat, to the Questionnaire about EBCO's Annual Report 2021 (e-mail on 21/01/2022).		

1.2.48 BELARUS (candidate member state)

	 Conscription:	Yes	
	Conscientious objection:	1994	First recognised in Constitution, Art. 57. First Alternative Service Law in 2015.
Service 	Military:	18	12 months for holders of higher education and officers, 6 months for graduates of officers' training at military faculties.
	Civilian:	36	24 for holders of higher education.
Minimum 	Conscription:	18	
	Voluntary enlistment:	16	Under 18 for military schools: 16 for Military Academies
More 	https://ebco-beoc.org/belarus		

See also Section 1.1.3.1.

During the street video interviews recorded and published by the NGO Legal Initiative young people told that in school they received military training, nobody informed them about alternative service. Authors of the video note that alternative service is twice longer than military service and after introduction of alternative service in 2015 till today near 100 conscientious objectors were allowed to conduct it ¹³³.

¹³³ <https://m.facebook.com/watch/?v=2532395120354041>



2. OVERVIEW OF NATIONAL PROVISIONS

2.1 CONSCRIPTION

In 1960, conscription was almost universal in what is now the Council of Europe area.¹³⁴ The following map and table show the date on which it was abolished/suspended.

Map 1. European map of abolition / suspension of conscription

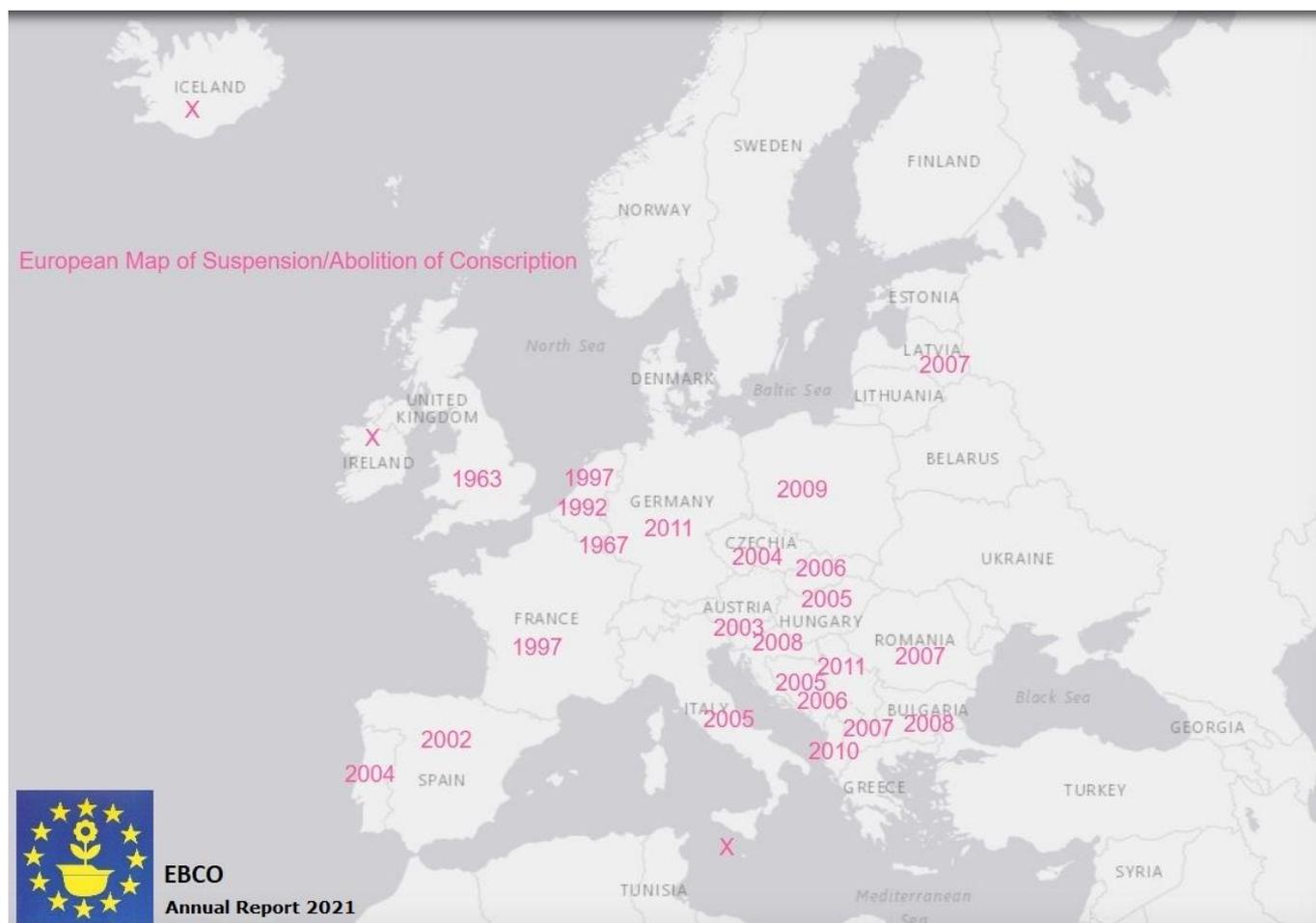


Table 1. Abolition / suspension of conscription in states within the Council of Europe area

Country	Time of abolition / suspension (ascending order)	Notes
Andorra	-	Conscription never existed.
Iceland	-	Conscription never existed.
Ireland	-	Conscription never existed in any part of Ireland, even when the entire island was part of the UK. There is however provision in article 54 of the

¹³⁴ The "Council of Europe area" includes Belarus, whose membership was suspended in 1997, and Kosovo, which declared its independence from Serbia in 2008, and is recognised by most, but not all CoE member states as independent. Both are included as relevant in all the analyses in this section.



		1954 Defence Act, to enable male conscription during emergencies.
Liechtenstein	-	Conscription never existed.
Malta	-	Conscription never existed.
Monaco	-	Conscription never existed.
San Marino	-	Conscription never existed.
United Kingdom	1963	Conscription was abolished in 1963.
Luxembourg	1967	Conscription was abolished in 1967 by law.
Belgium	1992	Conscription was suspended in 1992 in peacetime.
Netherlands	1997	Conscription was suspended in 1997, but the law on conscription still exists. At the age of 17, all citizens receive a letter stating they have been registered for service. They can be called up in case of war.
France	1997	Conscription was suspended in 1997 according to the law 97-1019. The law itself envisages the reintroduction when needed to defend the nation. In 2019 a new Universal National Service for 15- and 16-year-olds was introduced.
Spain	2002	Conscription was suspended in 2002 by Royal Decree 247/2001, of 9 March.
Slovenia	2003	Conscription was abolished in 2003 in peacetime.
Czechia	2004	Conscription was suspended in 2004 by amendment of the Military Act, and it can be reintroduced in situation of threat or in wartime.
Portugal	2004	Conscription was abolished in 2004 in peacetime according to law 174/99.
Hungary	2005	Conscription was abolished in 2005 in peacetime by amendment of the Constitution.
Italy	2005	Conscription was suspended in 2005 by law 226 of 2004.
Bosnia & Herzegovina	2005	
Montenegro	2006	Conscription was suspended in 2006 by decision of the President of Montenegro (30/08/2006) following independence from Serbia.
Slovakia	2006	Conscription was suspended in 2006 but it is legally retained and can be reinstated in case of emergency.
Latvia	2007	Conscription was suspended in 2007. A new kind of project, called "Total Defence", was introduced in 2017.
Romania	2007	Conscription was suspended in 2007 in peacetime by law 395/2005. During wartime conscription is compulsory for men.



North Macedonia	2007	
Bulgaria	2008	Conscription was abolished in 2008 by amendment of the Defence and Armed Forces Act.
Croatia	2008	Conscription was suspended in 2008 by a governmental decision. In 2019 a short-term military service was introduced, but although described as "conscriptio" this remains strictly voluntary.
Kosovo	2008	Kosovo declared independence in 2008. Since then conscription to the Serbian armed forces no longer applied, and was not replaced.
Poland	2009	Conscription was abolished in 2009 by amendment of the Constitution.
Albania	2010	
Serbia	2011	
Germany	2011	Conscription was suspended in 2011 by a parliamentary decision. It remains in the Constitution and it can be reintroduced at any time.

In 18 of the 48 states in this area, conscription is still enforced. They are: Armenia, Austria, Azerbaijan, Belarus, Cyprus, Denmark, Estonia, Finland, Georgia (suspended but then reintroduced in 2017), Greece, Lithuania (suspended in 2010 but then reintroduced in 2015), Moldova, Norway, Russia, Sweden (reintroduced in 2018), Switzerland, Turkey and Ukraine (suspended but then reintroduced in 2014). Of former Soviet Republics, only in Latvia is conscription currently suspended.

In most other states it has been merely suspended; the appropriate legislation remains on the statute book, and could be rapidly reactivated in case of war or national emergency.

In practice, the meaning of conscription varies considerably between states. For example, Sweden's reintroduced system is so selective that it is not currently envisaged that anyone who does not volunteer will be called up. But this would rapidly change if the number of volunteers forthcoming was not great enough to fulfil the military's manpower needs. Sometimes the word is used in a completely meaningless fashion.

Among Council of Europe members, Andorra, Liechtenstein, Monaco and San Marino maintain a token military for ceremonial purposes only, and Iceland has never had a military, although it does maintain a small paramilitary coastguard. In none of these countries has conscription ever applied. The same is also true of Malta and Ireland.

Conscription is also imposed by the *de facto* authorities in a number of territories which are not internationally recognised: Abkhazia and South Ossetia (Georgia), Nagorno-Karabakh (Azerbaijan), Transnistria (Moldova), and the self-styled "Turkish Republic of Northern Cyprus" and "Peoples Republics" of Donetsk and Luhansk (Ukraine).



2.2 CONSCRIPTS AND CONTRACT OR PROFESSIONAL SOLDIERS

Data on the precise number of conscripts serving in many countries are not readily available. The latest estimates, generally from the International Institute of Strategic Studies (IISS), are shown in the table below, as compared with the number of “career” soldiers. (The IISS focuses more closely on military “hardware” than on personnel, for which its figures are updated less often.)

Table 2. Number and percentage of conscripts ¹³⁵

Country	Total strength of armed forces	Number of conscripts	% (descending order)	Date of estimate
Switzerland	19.450	16.450	86,2%	2020
Finland	23.800	16.000	67,2%	2020
Turkey ¹³⁶			70.4%	2015
Cyprus ¹³⁷	15.000	10.700	59.4%	2020
Ukraine ¹³⁸			50.0%	2015
Estonia	7.100	3.400	47,9%	2020
Russia ¹³⁹	900.000	313.000	44,5%	2015
Moldova	5.150	2.200	42,7%	2016
Armenia	44.800	18.950	42,3%	2015

¹³⁵ Estimates for November 2019 as published by the International Institute for Strategic Studies in “The Military Balance 2020”, except that the number of conscripts in Russia is a 2015 estimate by EBCO member Citizen, Army, Law. Figures for Cyprus, Georgia and Moldova refer to the areas under Government control only.

¹³⁶ Since 2015, the reported active strength of the Turkish armed forces has fallen from 511,000 to 355,000, perhaps largely as a result of purges following the failed military coup of July 2016. It is not known what effect this had had on the proportion of conscripts, reported here as it was in 2015.

¹³⁷ Figures for Cyprus refer to government forces only.

¹³⁸ It is likely that the proportion of conscripts in Ukraine has since risen with increased recruitment following the secessions in the east of the country.

¹³⁹ The number of conscripts quoted for Russia is an estimate by EBCO member organisation “Citizen Army Law”, who pointed out that the IISS figure seemed to relate to just one of the two annual call-ups.



Country	Total strength of armed forces	Number of conscripts	% (descending order)	Date of estimate
Greece	142.700	49.600	34,8%	2020
Norway	23.350	6.850	28,5%	2020
Sweden	14.600	4.000	27,4%	2020
Georgia	20.650	4.350	21,1%	2019

An alternative way of measuring how militarised a society is, is to compare the entire armed forces manpower (conscript, contract and professional) with the population – especially the young male population, which provides the bulk of military recruits, as shown in the following table.

Table 3. Armed forces active strength compared with eligible age group population ¹⁴⁰

Country	Annual cohort of males reaching 18	Total armed forces active strength	As % (descending order)
Armenia	17.522	44.800	255,7% (conscripts 108,2%)
Cyprus ¹⁴¹	7.095	18.000	253,7% (conscripts 150%?)
Greece	57.278	142.700	249,1% (conscripts 86,6%)
Lithuania	13.655	22.000	161,1% (conscripts 40,6%)
Russia	708.610	900.000	127,0% (conscripts 44,2%)
Estonia	5.899	7.100	120,4% (conscripts 57,6%)
Ukraine ¹⁴²	202.046	243.000	120,3% (conscripts 70%?)
Bulgaria	34.835	36.950	106,1%

¹⁴⁰ Figures derived from those given by the International Institute for Strategic Studies in "The Military Balance 2020", except that the conscript percentages for Russia, Cyprus, Georgia and Moldova are on the basis of the figures given in Table 2.

¹⁴¹ Including 3,000 in the armed forces of the self-styled "Turkish Republic of North Cyprus"

¹⁴² Including approximately 20,000 and 14,000 members of the separatist forces of the self-styled Donetsk and Luhansk Peoples Republics, respectively. No adjustment has been made for the de facto Russian annexation of Crimea.



Azerbaijan	69.401	66.950	96,5%
Belarus	45.494	43.350	95,3%
Finland	30.089	23.800	79,1% (conscripts 53,2%)
Serbia (and Kosovo)¹⁴³	39.267	30.650	78,1%
Georgia	26.662	20.650	77,6% (conscripts 16,3%)
Malta	2.194	1.700	77,5%
Croatia	21.140	15.200	71,9%
Slovenia	9.674	6.950	71,8%
Norway	32.802	23.350	71,2% (conscripts 20,3%)
Latvia	9.029	6.250	69,2%
North Macedonia	12.756	8.000	62,7%
Poland	183.658	114.050	62,1%
Romania	110.776	68.500	61,8%
Slovakia	26.112	15.850	60,7%
Montenegro	4.026	2.350	58,4%
Bosnia-Herzegovina	18.413	10.500	57,0%
Italy	299.534	155.500	55,3%
Hungary	50.814	27.800	54,7%
Austria	40.295	22.050	54,7%
Turkey	672.548	355.200	52,8%
Czech Republic	51.370	24.900	48,4%
France	420.658	203.250	48,3%
Germany	384.768	183.500	47,7%

¹⁴³Including the 2,500 members of the Kosovo Security Force.



Spain	260.083	122.850	47,2%
Portugal	57.697	27.250	47,2%
Switzerland	42.020	14.600	46,5% (conscripts 39,1%)
Denmark	35.214	15.400	43,7%
United Kingdom	368.262	148.500	40,3%
Belgium	65.638	25.000	38,1%
Albania	22.140	8.000	36,1%
Netherlands	103.680	33.600	32,4%
Ireland	32.097	8.750	27,3%
Moldova¹⁴⁴	19.511	5.150	26,4% (conscripts 11,3%)
Sweden	57.131	14.600	25,6% (conscripts 7,0%)
Luxembourg	3.517	11.600	11,7%
Iceland	2.246	250	11,1%

2.3 RECOGNITION OF CONSCIENTIOUS OBJECTION

With the solitary exception of Turkey, all Council of Europe states, which have ever had conscription, have explicitly recognised conscientious objection.

The following map and table give the date, either in legislation or a constitutional document, of the first reference to conscientious objection to military service. This should not be taken as implying full recognition, or provisions in line with modern international standards. For example, constitutional provisions in Bulgaria, Russia and Belarus were not implemented for many years; similar provisions have still to be implemented in Azerbaijan. In many cases the initial legislation applied only to certain religious minorities and/or merely made an unarmed military service available. Despite legal recognition, the persecution of conscientious objectors often persisted – and persists. It should be noted that recognition of conscientious objection is also beginning to reach places which are not internationally-recognised – most notably Transdniestria.¹⁴⁵

¹⁴⁴The population figure for Moldova includes the secessionist region of Transdneistria, whose residents are not available for conscription by the Government.

¹⁴⁵ See EBCO Annual Report 2014, Chapter 1.2.6 Moldova. Available at: <http://ebco-beoc.org/sites/ebco-beoc.org/files/attachments/2014-EBCO-REPORT-EUROPE.pdf>



Map 2. European map of first recognition of conscientious objection to military service

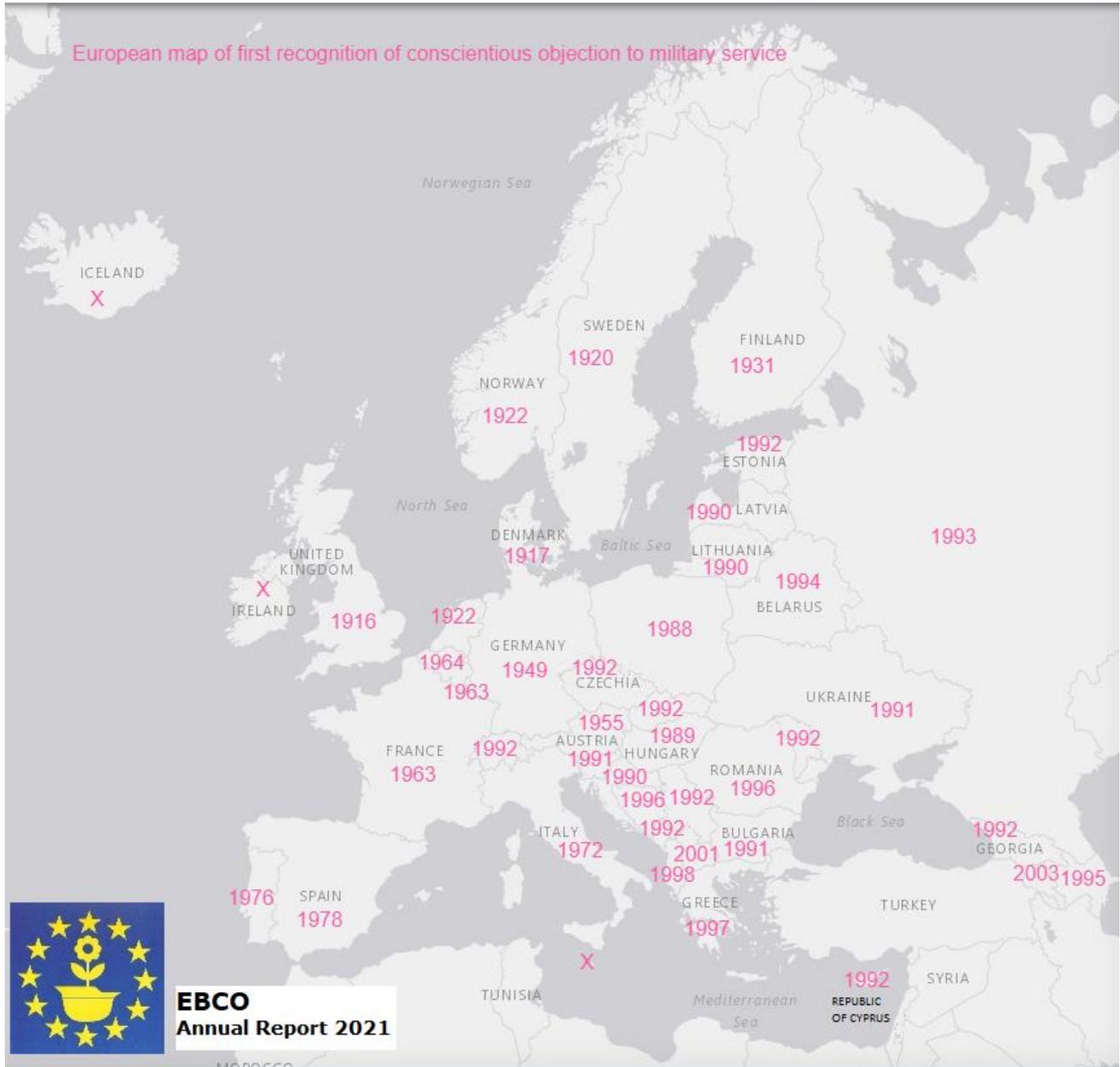


Table 4. First Recognition of Conscientious Objection to Military Service in States within the Council of Europe area ¹⁴⁶

Year (ascending order)	Country	Provision
1916	United Kingdom	Military Service Act, 27 th Jan.

¹⁴⁶ Even if Belarus is not in Council of Europe area, when available, tables indicate Belarusian information.



Year (ascending order)	Country	Provision
1917	Denmark	Alternative Service Act, 13 th Dec.
1920	Sweden	Alternative Service Schemes Act, 21 st May
1922	Netherlands	Constitutional amendment
1922	Norway	Civilian Conscript Workers Act, 24 th March
1931	Finland	Alternative Service Act, 4 th June
1949	Germany	In principle in the Grundgesetz "Basic Law" of the Federal Republic of Germany, Art. 4. The first provisions in the German Democratic Republic dated from 1964.
1955	Austria	National Service Act
1963	France	Act No. 1255/63, 21 st December
1963	Luxembourg	Act of 23 rd July, Art. 8
1964	Belgium	Act of 3 rd June
1972	Italy	Act No. 772/1972
1976	Portugal	Constitution, Article 41
1978	Spain	Constitution
1988	Poland	Constitution, Art. 85
1989	Hungary	Constitution, Art. 70
1990	Croatia	Constitution, Article 47.2
1990	Latvia	Law on Substitute Service of the Latvian Soviet Socialist Republic.
1990	Lithuania	Law on Alternative Service of the Lithuanian Soviet Socialist Republic.
1991	Bulgaria	Constitution, Article 59.2
1991	Slovenia	Military Service Act (Official Journal of the Republic of Slovenia, n°18/91).



Year (ascending order)	Country	Provision
1991	Ukraine	Law "On Alternative (Non-Military) Service"
1992	Estonia	Constitution, Article 124
1992	Moldova	Alternative Service Act, No. 633/91
1992	Republic of Cyprus	National Guard Act, No. 2/1992, 9 th Jan.
1992	Czechia and Slovakia	(Czechoslovakian) Civilian Service Act, No.18/1992
1992	Georgia	Military Service Act, Art. 12
1992	Serbia (including Kosovo) and Montenegro	Constitution, Art. 58 – Montenegro gained independence in 2006; Kosovo declared independence in 2008.
1992	Switzerland	Constitutional amendment by introducing the following phrase in Art. 59 lit. 1: "Alternative civilian service shall be provided for by law."
1993	Russia	Constitution, Art. 59.3
1994	Belarus	Constitution, Art. 57. First Alternative Service Law in 2015.
1995	Azerbaijan	Constitution, Art. 76
1996	Bosnia & Herzegovina	Parallel Defence Acts in the Federation and in the Republika Srpska
1996	Romania	Act No. 46/1996, Art. 4
1997	Greece	Law No. 2510/97
1998	Albania	Constitution, Art. 166
2001	North Macedonia	Defence Act, Art. 8
2003	Armenia	Alternative Service Act

2.4 COMPULSORY MILITARY SERVICE AND CIVILIAN SERVICE

Map 3. European map of conscientious objection to military service



European Map of Conscientious Objection to Military Service

- Conscription: No
- Conscription: Yes - Recognition of conscientious objection: Yes
- Conscription: Yes - Recognition of conscientious objection: No



EBCO

 Annual Report
 2021
 Created with mapchart.net

For the countries which retain conscription, the relative durations are shown in the following table. The duration of military service quoted is that of the normal basic military service in the army, before any adjustments to reflect rank, educational qualifications, etc.

Table 5. Duration of military and civilian service in states within the Council of Europe area

Country	Military service duration	Civilian service duration	Ratio to military service duration (ascending order)	Gender
Norway	12	No alternative service required of conscientious objectors.		Men are obliged by law.
Sweden	11	Civil conscription is not activated.		Men and women are obliged by law.
Denmark	4	4	1	Men are obliged by law. Women may participate.
Moldova	12	12	1	Men are obliged by law.



Estonia	8-12	12	1-1.5	Men are obliged by law. The Defence Forces Service Act of 2013 states that women can volunteer.
Finland	~5.5, 8.5 or 11.5	~11.5	1-2.1	Men are obliged by law. Women can volunteer.
Lithuania	9	10	1.1	Men are obliged by law.
Greece	9 or 12	15	1.25-1.7	Men are obliged by law.
Republic of Cyprus	14	19	1.4	Men are obliged by law.
Austria	6	9	1.5	Men are obliged by law.
Switzerland	~9	~13	1.5	Men are obliged by law. Women can volunteer.
Ukraine	18 or 12	27 or 18	1.5	Men are obliged by law.
Georgia	12	18	1.5	Men are obliged by law.
Armenia	24	36	1.5	Men are obliged by law.
Russia	12	21	1.75	Men are obliged by law.
Belarus	18 or 12 or 6	36 or 24	2	Men are obliged by law.
Turkey	6	No alternative civilian service available.		Men are obliged by law.
Azerbaijan	18	No alternative civilian service available.		Men are obliged by law.



2.5 MILITARY EXPENDITURE

Yet another measure of militarisation is given by military expenditure. Table 6 shows the figures for 2020 as reported by the Stockholm International Peace Research Institute (SIPRI).

Of course, the crude expenditure figures, while giving some indication of military might, say nothing about the degree of militarisation. This can be measured in two ways – as the country's military expenditure per capita of population, and as a proportion of GDP.

The declines in expenditure which we noted in 2019 were largely reversed in 2020, when only nine states (Bulgaria, Turkey, Georgia, Norway, Russia, Malta, Greece, Armenia and Serbia) registered a decline. (The year-on-year figures are obviously subject to variation as a result of the timing of large capital expenditures.) The really big proportional increases in 2020 were in Montenegro, Romania, Azerbaijan, Kosovo, Hungary, Belgium and Luxembourg.

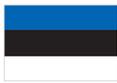
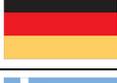
Much discussion has surrounded the NATO target that members should spend 2% of GDP on defence, the USA in particular accusing major European countries, especially Germany and the UK, of not pulling their weight in the alliance. Overall, defence spending went up from 1.25% of GDP in 2014 to 1.52% in 2019, and – aided by the COVID-19 recession – to 1.64% in 2020.

Table 6. Military expenditure in states within the Council of Europe area ¹⁴⁷

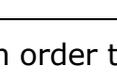
Country	Military Expenditure US\$ million 2020	% change from 2019	US\$ per capita	% of GDP
 Albania	222.0	12.6%	77.2	1.5%
 Armenia	634.0	-2.8%	213.9	4.9%
 Austria	3601.6	11.2%	399.9	0.8%
 Azerbaijan	2237.8	20.7%	220.7	5.4%
 Belarus	844.5	9.2%	89.4	1.3%
 Belgium	5461.2	14.7%	471.2	1.1%
 Bosnia & Herzegovina	167.5	1.3%	51.1	0.9%
 Bulgaria	1247.2	-42.2%	179.5	1.8%
 Croatia	1034.9	3.3%	252.1	1.8%
 Republic of Cyprus	418.8	4.3%	346.9	1.8%

¹⁴⁷ Figures derived from the SIPRI Military Expenditure Database (Current USD). Available at: <https://www.sipri.org/databases/milex>



Country		Military Expenditure US\$ million 2020	% change from 2019	US\$ per capita	% of GDP
	Czechia	3252.5	11.8%	303.7	1.4%
	Denmark	4953.4	8.7%	855.2	1.4%
	Estonia	701.0	10.0%	528.5	2.3%
	Finland	4087.5	12.6%	737.7	1.5%
	France	52747.1	5.2%	808.1	2.1%
	Georgia	292.2	-5.9%	73.2	1.8%
	Germany	52764.8	7.7%	629.8	1.4%
	Greece	5301.4	-3.1%	508.6	2.8%
	Hungary	2409.5	17.5%	249.4	1.6%
	Iceland	0	0%	0	0%
	Ireland	1144.4	2.8%	231.8	0.3%
	Italy	28921.3	9.6%	478.3	1.6%
	Kosovo	79.0	20.2%	42.2	1.1%
	Latvia	756.9	9.4%	401.3	2.3%
	Lithuania	1170.6	7.0%	430.0	2.1%
	Luxembourg	489.5	14.2%	782.0	0.8%
	Malta	80.6	-3.6%	182.6	0.6%
	Moldova	44.5	3.5%	11.0	0.4%
	Montenegro	102.1	31.5%	162.5	2.1%

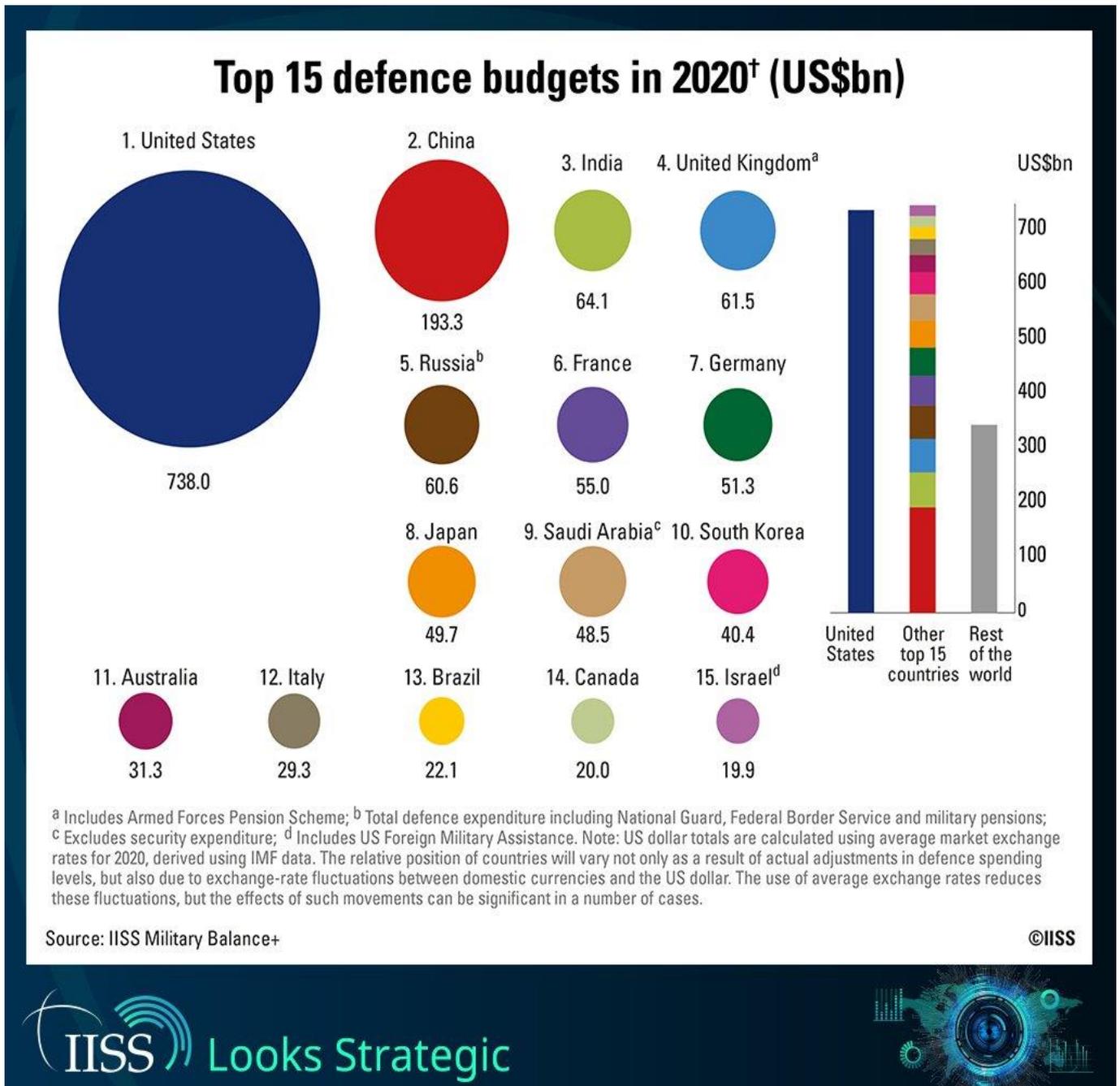


Country		Military Expenditure US\$ million 2020	% change from 2019	US\$ per capita	% of GDP
	Netherlands	12578.4	4.8%	734.1	1.4%
	North Macedonia	158.0	8.1%	75.8	1.3%
	Norway	7112.5	-5.4%	1312.0	1.9%
	Poland	13026.7	10.5%	344.2	2.2%
	Portugal	4639.1	8.4%	455.0	2.1%
	Romania	5726.8	24.1%	297.7	2.3%
	Russia	61712.5	-5.4%	422.9	4.3%
	Serbia	1121.2	-2.0%	128.3	2.1%
	Slovakia	1837.5	1.9%	336.6	1.8%
	Slovenia	574.8	0.3%	276.5	1.1%
	Spain	17431.8	1.4%	372.8	1.4%
	Sweden	6453.6	10.5%	639.0	1.2%
	Switzerland	5701.8	11.5%	658.8	0.8%
	Turkey	17724.6	-14.0%	210.2	2.8%
	Ukraine	5924.2	9.3%	135.5	4.1%
	United Kingdom	59238.5	4.2%	872.6	2.2%

In order to make a worldwide comparison, it is useful to give a glance at the following chart.



Chart 1. Top defence budgets in 2020 (US\$bn)¹⁴⁸



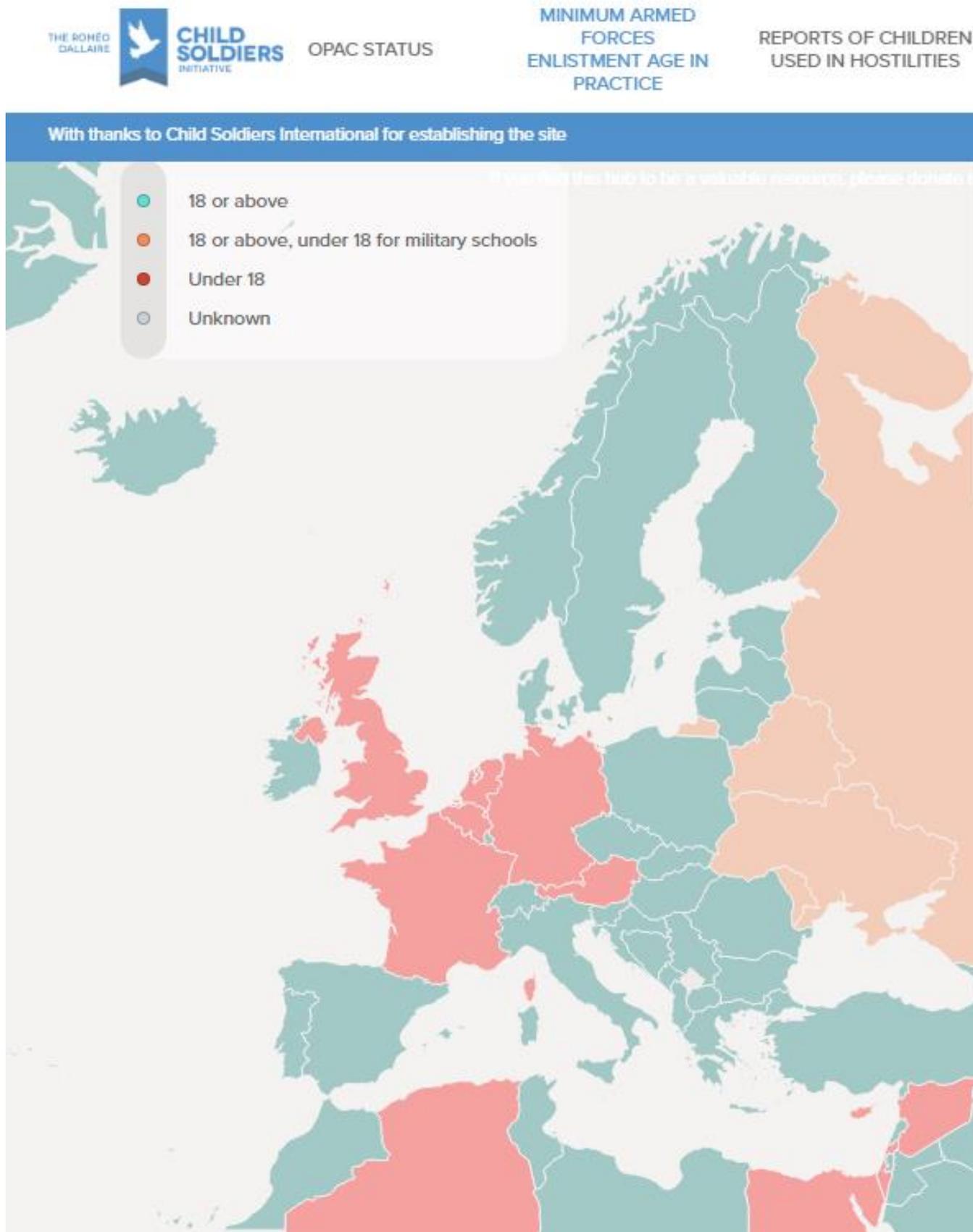
2.6 RECRUITMENT AGES

Although the Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict encourages states to end all recruitment of persons below the age of 18, a disturbing number of European states continue to do this.

Worse, some breach the absolute prohibitions in the Optional Protocol by placing servicemen aged under 18 at risk of active deployment, or by allowing conscripts to enlist before their 18th birthday. More details are given on the map and in the table below.

¹⁴⁸ Source: International Institute for Strategic Studies (IISS), "The Military Balance 2020". Available at: <https://www.iiss.org/publications/the-military-balance>

Map 4. European map of minimum armed forces enlistment age in practice



Source: <http://childsoldiersworldindex.org/minimum-ages>, January 2021



Table 7. Minimum armed forces enlistment age in practice in states within the Council of Europe area

	Country	Minimum conscription age	Minimum voluntary enlistment age
	Albania	No conscription	19
	Armenia	18	Under 18 for military schools: 17 for cadets
	Austria	18	Under 18: 17 on request
	Azerbaijan	18	Under 18 for military schools: 17 for cadets
	Belarus	18	Under 18 for military schools: 16 for Military Academies
	Belgium	No conscription	Under 18: On completion of secondary education, regardless of age
	Bosnia & Herzegovina	No conscription	18
	Bulgaria	No conscription	18
	Croatia	No conscription	18
	Republic of Cyprus	17	Under 18: 17
	Czechia	No conscription	18
	Denmark	18	18
	Estonia	18	18
	Finland	18	18
	France	No conscription	Under 18: 17, 16 for Technical School
	Georgia	18	18
	Germany	No conscription	Under 18: 17



	Country	Minimum conscription age	Minimum voluntary enlistment age
	Greece	19	18
	Hungary	No conscription	18
	Iceland	No conscription	No armed forces
	Ireland	No conscription	18
	Italy	No conscription	18
	Latvia	No conscription	18
	Lithuania	19	18
	Luxembourg	No conscription	18
	Malta	No conscription	18
	Moldova	18	Under 18 for military schools: 17 for Military School
	Montenegro	No conscription	18
	Netherlands	No conscription	Under 18: 17
	North Macedonia	No conscription	18
	Norway	18	18
	Poland	No conscription	18
	Portugal	No conscription	18
	Romania	No conscription	18
	Russia	18	Under 18 for military schools: 16 for Military School
	Serbia	No conscription	18



	Country	Minimum conscription age	Minimum voluntary enlistment age
	Slovakia	No conscription	18
	Slovenia	No conscription	18
	Spain	No conscription	18
	Sweden	18	18
	Switzerland	18	18
	Turkey	19	
	Ukraine	18	Under 18 for military schools: 17 for cadets
	United Kingdom	No conscription	Under 18: 16

Source: <http://childsoldiersworldindex.org/minimum-ages>, January 2021

Careful reading of the legislation in both Greece and Cyprus shows that a person is defined as reaching the age of 18 on the first of January of the year of the 18th birthday. In Greece the conscription age is officially 19, thus effectively 18, but voluntary recruitment is permitted from the beginning of the year of the 18th birthday.

In Cyprus, the conscription age is 18, meaning, under the legislative definition, that all men become liable for conscription at the age of 17. This is a clear violation of Article 2 of the Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict (OPAC).

Worse, the age for voluntary recruitment is set at 17 – meaning potentially 16 – and as in Austria there is provision for conscripts to opt to perform their obligatory military service from the age of 17. In the case of Cyprus, this therefore means that some *conscripts* may be enlisting at the age of 16.

It is ironic that at a time when some states claim to be reintroducing conscription, but actually taking only volunteers, others try to pass off as volunteers those who opt to perform obligatory service early. But if they are more logically defined as conscripts, their recruitment below the age of 18 is a breach of OPAC.

2.7 SERVING MEMBERS OF THE MILITARY

No new developments have been reported regarding serving members of armed forces who develop conscientious objections. Following the advisory opinion of the European Court of Justice delivered in February 2015, the asylum case of former US Servicemen André Shepherd is still before the German Appeals Court.



3. NEW PUBLICATIONS

In October 2021 the Press Unit of the European Court of Human Rights published an updated version of its factsheet on Conscientious objection ¹⁴⁹. A more comprehensive study "Guide on Article 9 of the European Convention on Human Rights" was updated on 31 August 2021 ¹⁵⁰.

Freedom of Religion, Department for the Execution of Judgments of the European Court of Human Rights DG1, Thematic Factsheet, Council of Europe, September 2020. ¹⁵¹

Conscientious Objection to Military Service and Refugee Status Determination, Quaker United Nations Office (QUNO), Najmah Ali, May 2021. ¹⁵² This publication is part of QUNO's ongoing commitment to ensuring the full recognition of the right to conscientious objection to military service in law and practice.

The Association for Conscientious Objection VR-DER – Turkey published the report "Conscientious Objection to Military Service in Turkey- Ülke Group Cases Against Turkey" in November 2021, which includes recommendations to the Turkish Government and the Committee of Ministers of the Council of Europe. ¹⁵³

Documentary "Maurice Montet: conscientious objector and integral pacifist" ¹⁵⁴. The original French version of the documentary was published on 1/1/2021, to honor the 100 years of War Resisters' International, and it was later subtitled in English. The documentary presents the action of the pacifist movement in France and worldwide, through the inspiring life and rich archive of a committed personality: Maurice Montet.

Third edition of the "Encyclopedia of Violence, Peace, & Conflict" contains an article "Conscientious Objection, Ethics of" ¹⁵⁵ written by Hitomi Takemura, author of the book "International Human Right to Conscientious Objection to Military Service and Individual Duties to Disobey Manifestly Illegal Orders."

Özgür Çınar, author of books "Conscientious Objection to Military Service in International Human Rights Law" and "The Right to Conscientious Objection to Military Service and Turkey's Obligations under International Human Rights Law," published an article "Conscientious objectors seeking asylum: a comparative perspective" in International Journal of Human Rights ¹⁵⁶.

Among other notable academic publications of 2021: "Reformism versus radicalism: conscientious objection to military service in Israel and Turkey" by Doğu Durgun in Critical Military Studies ¹⁵⁷, "Australian Christian Conscientious Objectors during the Vietnam War Years 1964–72" by Geoffrey A Sandy in Religions ¹⁵⁸, and "The movement of conscientious objection and total objection in Spain (1971-2002)" by Pedro Oliver Olmo in Hispania Nova ¹⁵⁹.

¹⁴⁹ Available at: https://www.echr.coe.int/Documents/FS_Conscientious_objection_ENG.pdf

¹⁵⁰ Available at: https://www.echr.coe.int/Documents/Guide_Art_9_ENG.pdf

¹⁵¹ Available at: <https://rm.coe.int/thematic-factsheet-freedom-religion-eng/16809fa94b>

¹⁵² Available at: https://quno.org/sites/default/files/resources/QUNO%20-%20Conscientious%20Objection%20to%20Military%20Service%20and%20Refugee%20Status%20Determination_14_05.pdf

¹⁵³ Available at: <https://vicdaniret.org/the-report-conscientious-objection-to-military-service-in-turkey-ulke-group-cases-against-turkey-is-released>

¹⁵⁴ More info: <https://femartact.gr/?p=387>

¹⁵⁵ <https://www.sciencedirect.com/science/article/pii/B9780128201954000881>

¹⁵⁶ <https://www.tandfonline.com/doi/abs/10.1080/13642987.2020.1747442>

¹⁵⁷ <https://www.tandfonline.com/doi/abs/10.1080/23337486.2019.1617985?journalCode=rcms20>

¹⁵⁸ <https://www.mdpi.com/2077-1444/12/11/1004/pdf>

¹⁵⁹ <https://e-revistas.uc3m.es/index.php/HISPNOV/article/view/5885>



4. RECOMMENDATIONS

EBCO will be presenting this report to the European Parliament, to the Parliamentary Assembly and the Commissioner for Human Rights of the Council of Europe, and to various State authorities. In each case EBCO accompanies it with a set of targeted recommendations.

Meanwhile EBCO repeats its general recommendations, applicable to all European States:

- 1) if they have not already done so, to **abolish all compulsory military service**, and meanwhile refrain from prosecuting or otherwise harassing conscientious objectors, with no further action required from such persons; or - secondly – providing a non-punitive and non-discriminatory alternative service of purely civilian nature.
- 2) to **legally recognise the right to conscientious objection to military service** and ensure that it is possible for all conscientious objectors to avoid enlistment in the armed forces and for all serving members of the armed forces or reservists to obtain release without penalties should they develop conscientious objections, and that the civil, economic and political rights of conscientious objectors are fully protected.
- 3) to immediately cease any recruitment into the armed forces of **persons aged under 18** and stop any military-type training of such persons.
- 4) to accept **applications for asylum** from all persons seeking to escape military service in any country where there is no adequate provision for conscientious objectors.
- 5) to decrease **military expenditure** and increase social spending.
- 6) to introduce **peace education** in all parts of the education system.



5. THANKS

EBCO wishes to sincerely thank all governments, national human rights institutions, as well as international and national non-governmental organisations and solidarity groups who responded to the request of EBCO for provision of information.