



European Bureau for Conscientious Objection

35 Van Elewyck Street, 1050 Brussels, Belgium
www.ebco-beoc.org / ebco@ebco-beoc.org / [@ebcobeoc](https://www.instagram.com/ebcobeoc)

Annual Report

Conscientious Objection to Military Service in Europe 2020



Brussels, 15th February 2021

*in honour of Jean Van Lierde (1926-2006) who was born on 15th February
the most famous Belgian conscientious objector and first EBCO President*

*«It takes a maximum of political culture
to be a non-violent and anti-militarist activist»*

Quote of Jean Van Lierde

Researched and edited by

**Derek BRETT
Angelos NIKOLOPOULOS
Esa NORESVUO
Maike ROLF
István RYTKÖNEN
Semih SAPMAZ
Alexia TSOUNI**



Foreword by Alexia Tsouni, EBCO President

The **Human Right to conscientious objection to military service** was not high in the European agenda in 2020, although conscription is still enforced in 18 Council of Europe (CoE) Member States. They are: **Armenia, Austria, Azerbaijan, Belarus** (*candidate*), **Cyprus, Denmark, Estonia, Finland, Georgia** (reintroduced in 2017), **Greece, Lithuania** (reintroduced in 2015), **Moldova, Norway, Russia, Sweden** (reintroduced in 2018), **Switzerland, Turkey** and **Ukraine** (reintroduced in 2014).

In 2020 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**, and **Greece**.

At the same time **refugees** are not granted international protection as they should. For example, a refugee from Azerbaijan who applied for asylum in **Belgium** on grounds of conscientious objection to military service had his application rejected, including his appeal.

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 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.

What is more, in 2020 we faced an **extremely disappointing ruling** by the **European Court of Human Rights** (ECtHR) in the case of conscientious objector (CO) **Maksim Andreyevich Dyagilev v. Russia**, whose application for CO status and alternative civilian service had been dismissed by a military recruitment commission, and subsequently by courts. On 10/03/2020 the ECtHR Chamber (Third Section) held, by a slim majority of four (4) to three (3), that there had been no violation of Article 9 (freedom of thought, conscience and religion) of the European Convention on Human Rights. On 07/09/2020 the ECtHR Grand Chamber panel rejected the request to refer the case to the Grand Chamber, thus rendering the judgement of 10/03/2020 final. In this shocking ECtHR judgement, a slim majority of just one judge found that the military recruitment commission "satisfies the prima facie requirement of independence" despite the fact that three out of seven of its members are representatives of the Ministry of Defence. **This judgement, adopted by a marginal majority and yet not examined by the Grand Chamber, disregarded 53 years of international and regional human rights standards, concerning the recognition of COs, as well as its own broader rationale on independence and impartiality.** Unfortunately, in this case the majority of ECtHR judges ignored that "no court and no committee can examine a person's conscience", and that "in order to be recognized as a conscientious objector, a declaration setting out the individual's motives should suffice in order to obtain the status of conscientious objector", as European Parliament's resolutions have repeatedly stated for over 30 years.

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.



Moreover, the **Council of Europe Committee of Ministers' Deputies** 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 under the Ülke Group of cases. 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 ECtHR findings before 21st June 2021.

Furthermore, **Turkey** was examined by the **United Nations Human Rights Council** under the Universal Periodic Review process in January 2020. There were two recommendations concerning conscientious objectors, both made by Croatia: "Consider revising the current law according to which the right to conscientious objection to military service is a criminal act"; "Consider the introduction of civil service for conscientious objectors to military service". Turkey responded to both recommendations as "noted"

The **United Nations Human Rights Committee** on 26/08/2020 asked **Armenia** inter alia to "report on the measures taken to provide genuine alternative service for conscientious objectors", in the list of issues in relation to the third periodic report of Armenia (in the framework of the International Covenant on Civil and Political Rights), and more specifically the freedom of conscience and religious belief.

Last but not least, in October 2020, having previously launched a project entitled "**Caucasus Talks**" in May, **a group of young people from Azerbaijan and Armenia in the South Caucasus** co-signed and published the **Peace Statement**, making a call for peace amid escalating conflicts between neighboring countries Armenia and Azerbaijan in the Nagorno-Karabakh region. Hundreds of people from Armenia, Azerbaijan, and throughout the world have signed the Peace Statement so far, which is indeed a **source of hope and inspiration**:

As you read this message people are dying in and around Nagorno-Karabakh. Young boys and men are killing one another with no solution in sight.

The main victim of this war is not objective truth. Rather it destroys the lives of real people, real children.

It is becoming a losing battle for the entire South Caucasus region.

If it does not affect you now, the war or the consequences of it will get to you tomorrow.

War will never resolve the conflict. It will only leave us in a darker, more vicious circle of enduring wars and unresolved grievances.

Defending peace is not a neutral position. We reject the militarist positions conditioned by narratives of war and instead seek pathways to build peace.

This war recalls the tragedies and the wounds of the past. It does nothing to heal them, but only creates new ones.

This war has no winners. It brings misery, death, poverty and loss of independence to the whole Caucasus region.

We urge external powers not to incite further clashes and not to partake in war-making.

We are advocating an immediate ceasefire and inclusive negotiations encompassing all of the Armenian and Azerbaijani parties to the conflict.



Table of Contents

| | |
|---|-----------|
| 1. DEVELOPMENTS DURING 2020..... | 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..... | 7 |
| 1.1.1.2 Committee of Ministers | 8 |
| 1.1.1.3 European Committee of Social Rights | 8 |
| 1.1.1.4 Commissioner For Human Rights | 9 |
| 1.1.1.5 Parliamentary Assembly | 9 |
| 1.1.1.6 Steering Committee for Human Rights | 10 |
| 1.1.2 EUROPEAN UNION | 10 |
| 1.1.2.1 Council..... | 10 |
| 1.1.2.2 European Parliament..... | 11 |
| 1.1.3 UNITED NATIONS..... | 11 |
| 1.1.3.1 Treaty Bodies – Human Rights Committee..... | 11 |
| 1.1.3.2 Human Rights Council..... | 12 |
| 1.2 DEVELOPMENTS WITHIN COUNCIL OF EUROPE MEMBER STATES..... | 14 |
| 1.2.1 ALBANIA..... | 14 |
| 1.2.2 ANDORRA | 14 |
| 1.2.3 ARMENIA..... | 15 |
| 1.2.4 AUSTRIA | 16 |
| 1.2.5 AZERBAIJAN | 17 |
| 1.2.6 BELGIUM..... | 18 |
| 1.2.7 BOSNIA & HERZEGOVINA..... | 19 |
| 1.2.8 BULGARIA | 19 |
| 1.2.9 CROATIA..... | 19 |
| 1.2.10 CYPRUS..... | 20 |
| 1.2.11 CZECHIA..... | 21 |
| 1.2.12 DENMARK..... | 21 |
| 1.2.13 ESTONIA..... | 22 |
| 1.2.14 FINLAND..... | 24 |
| 1.2.15 FRANCE..... | 25 |
| 1.2.16 GEORGIA..... | 26 |
| 1.2.17 GERMANY | 27 |
| 1.2.18 GREECE..... | 28 |
| 1.2.19 HUNGARY | 30 |
| 1.2.20 ICELAND..... | 31 |
| 1.2.21 IRELAND..... | 31 |
| 1.2.22 ITALY | 32 |
| 1.2.23 LATVIA | 33 |
| 1.2.24 LIECHTENSTEIN | 36 |
| 1.2.25 LITHUANIA | 36 |
| 1.2.26 LUXEMBOURG | 37 |
| 1.2.27 MALTA | 37 |
| 1.2.28 MOLDOVA | 38 |
| 1.2.29 MONACO..... | 38 |
| 1.2.30 MONTENEGRO | 39 |
| 1.2.31 NETHERLANDS..... | 39 |
| 1.2.32 NORTH MACEDONIA | 40 |
| 1.2.33 NORWAY..... | 40 |
| 1.2.34 POLAND | 41 |



| | |
|---|-----------|
| 1.2.35 PORTUGAL | 41 |
| 1.2.36 ROMANIA | 42 |
| 1.2.37 RUSSIA | 42 |
| 1.2.38 SAN MARINO | 46 |
| 1.2.39 SERBIA..... | 47 |
| 1.2.40 SLOVAKIA | 47 |
| 1.2.41 SLOVENIA | 48 |
| 1.2.42 SPAIN | 48 |
| 1.2.43 SWEDEN | 49 |
| 1.2.44 SWITZERLAND | 50 |
| 1.2.45 TURKEY..... | 51 |
| 1.2.46 UKRAINE | 54 |
| 1.2.47 UNITED KINGDOM..... | 59 |
| 1.2.48 BELARUS (candidate member state)..... | 59 |
| 2. OVERVIEW OF NATIONAL PROVISIONS..... | 61 |
| 2.1 CONSCRIPTION | 61 |
| 2.2 CONSCRIPTS AND CONTRACT OR PROFESSIONAL SOLDIERS..... | 64 |
| 2.3 RECOGNITION OF CONSCIENTIOUS OBJECTION..... | 67 |
| 2.4 COMPULSORY MILITARY SERVICE AND CIVILIAN SERVICE | 70 |
| 2.5 MILITARY EXPENDITURE | 72 |
| 2.6 RECRUITMENT AGES | 75 |
| 2.7 SERVING MEMBERS OF THE MILITARY | 79 |
| 3. NEW PUBLICATIONS..... | 80 |
| 4. RECOMMENDATIONS..... | 81 |



1. DEVELOPMENTS DURING 2020

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



Developments during 2020:



Dyagilev v. Russia (application no. 49972/16) ¹

On 10/03/2020 the Chamber of the European Court of Human Rights (ECtHR) (Third Section) held, by majority of four (4) to three (3), that there had been no violation of Article 9 (freedom of thought, conscience and religion) of the European Convention on Human Rights. On 07/09/2020 the Grand Chamber panel of the European Court of Human Rights rejected the request to refer the case of Dyagilev v. Russia (no. 49972/16) to the Grand Chamber, thus rendering the judgement of 10/03/2020 final. You can find more information in the section for Russia below.

Pending cases:



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 ²).
3. Murat Kanatli v. Turkey (case number 18382/15 ³).

You can find more information in the section for Cyprus below.

¹ JUDGMENT in the CASE OF DYAGILEV v. RUSSIA (Application no. 49972/16), available at <http://hudoc.echr.coe.int/eng?i=001-201649>

² Available at: <http://hudoc.echr.coe.int/eng?i=001-208228>

³ Available at: <http://hudoc.echr.coe.int/eng?i=001-184213>



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, 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.⁴ 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 2021.⁵ You can find more information in the section for Turkey below.

1.1.1.3 European Committee of Social Rights



On 11/03/2020 EBCO's President Mr. Friedhelm Schneider sent a letter to the Council of Europe Department of the European Social Charter requesting the inclusion of EBCO in the list of INGOs entitled to lodge collective complaints under the European Social Charter. EBCO's request is currently pending as long as the meeting of the competent Governmental Committee of the European Social Charter has to be postponed due to the COVID-19 crisis.



Greece: On the occasion of the 3d National report of Greece⁶ on the implementation of the Revised European Social Charter, in June/July 2020, the Greek National Commission for Human Rights⁷, Amnesty International⁸ and EBCO⁹ submitted three different documents with comments, to the European Committee of Social Rights of the Council of Europe. You can find more information in the section for Greece below.

Pending case:

⁴ 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

⁵ Available at: https://search.coe.int/cm/Pages/result_details.aspx?ObjectId=09000016809e8f6e

⁶ Greece, 3d report on the Revised European Social Charter <https://rm.coe.int/greece3-en-simplified-report-collective-complains/16809ce324>

⁷ <https://rm.coe.int/gnchr-s-comments-on-greece/16809ef6f2>

⁸ <https://rm.coe.int/amnesty-international-comments-on-greek-3d-report/16809eff1e>

⁹ <https://rm.coe.int/ebco-s-comments-on-greek-3d-report/16809eff2a>



Ireland: In the framework of the European Social Charter mechanism, the European Committee of Social Rights declared on 16 October 2018 the admissibility of the Complaint No. 164/2018 of the European Organisation of Military Associations (EUROMIL) vs Ireland ¹⁰. You can find more information in the section for Ireland below.

1.1.1.4 Commissioner For Human Rights



As in previous years EBCO continued to send relevant materials to the Commissioner's office. On 17/2/2020 EBCO's President Mr. Friedhelm Schneider addressed Ms. Mijatović and the Director of her Office reminding them that the last public awareness rising measure published by one of Ms. Mijatović's predecessors was Thomas Hammarberg's human rights comment of 2 February 2012 (Ref. CommDH 007(2012)). EBCO suggested an update of this comment which would be helpful to prevent or to reduce the disrespect of the right to conscientious objection. By letter of 16/3/2020 the European Organisation of Military Associations and Trade Unions (EUROMIL) supported EBCO's request underlining the necessity to include a reference to the right to conscientious objection for professional members of the armed forces.

EBCO's President Mr. Friedhelm Schneider also sent a letter attaching the EBCO Annual Report Conscientious Objection to Military Service in Europe 2019 to the Office of the CoE Commissioner for Human Rights.

1.1.1.5 Parliamentary Assembly



On 12/03/2020 EBCO's President Mr. Friedhelm Schneider sent a letter attaching the EBCO Annual Report Conscientious Objection to Military Service in Europe 2019 to Frank Schwabe, Chairperson of Socialists, Democrats and Greens Group in the Council of Europe Parliamentary Assembly.



Ukraine: On 16/03/2020 EBCO sent a letter to the Monitoring Committee for the draft report under preparation: "The honouring of obligations and commitments by Ukraine". You can find more information in the section for Ukraine below.

¹⁰ European Organisation of Military Associations (EUROMIL) v. Ireland, Complaint No. 164/2018 and related documentations available at www.coe.int/en/web/european-social-charter/pending-complaints/-/asset_publisher/lf8ufoBY2Thr/content/no-164-2018-euromil-v-ireland?inheritRedirect=false



1.1.1.6 Steering Committee for Human Rights

The Steering Committee for Human Rights (CDDH) should have to deal with the right to CO (and its violation) in 2020. The corresponding extract from the report of the 92nd meeting of the CDDH (26-29 November 2019, CDDH(2019)R92, item 15):

The CDDH noted that the Secretariat will communicate in due course an information document on the situation in Europe concerning conscientious objection to compulsory armed military service, under preparation within the European Office of Conscientious Objection (BEOC). The CDDH will be invited to exchange views on this subject at its 93rd meeting (June 2020).

EBCO, by means of its board member Ms. Lanza Martina Lucia, together with the Secretariat of the CDDH produced a survey on the conscientious objection to compulsory armed military service in Europe (No. CDDH(2020)4).¹¹

In November 2020, the CDDH, while reiterating the interest of the matter, proposed that possible work in this area should take place at the beginning of the next biennium (2022-2023).

1.1.2 EUROPEAN UNION



1.1.2.1 Council



On 15/06/2020 the Council of the European Union approved the EU Annual Report on Human Rights and Democracy in the World 2019,¹² marking the final phase of implementation of the EU Action Plan on Human Rights and Democracy (2015-2019). As it has been continuously the case in the previous years, the chapter "Freedom of religion or belief" does not mention at all the human right to CO although the EU Guidelines on the promotion and protection of freedom of religion and belief (adopted on 24 June 2013) underline explicitly the right to CO and its implementation (see chapter 6. para. 41. and 42.g.). EBCO President Mr. Friedhelm Schneider contacted repeatedly members of the responsible Committee on Foreign Affairs (AFET) to make them aware of this shortcoming [letters of 04 November 2019 and 14 February 2020] - unfortunately without results.

¹¹ STEERING COMMITTEE FOR HUMAN RIGHTS (CDDH), Possible work of the CDDH on conscientious objection to compulsory armed military service in Europe. Available at: <https://rm.coe.int/steering-committee-for-human-rights-cddh-possible-work-of-the-cddh-on-/1680a05b26>

¹² Human rights and democracy in the world: Council approves 2019 EU annual report, Press release, Council of the EU, 15 June 2020. Available at: <https://www.consilium.europa.eu/en/press/press-releases/2020/06/15/human-rights-and-democracy-in-the-world-council-approves-2019-eu-annual-report/>



1.1.2.2 European Parliament



On 19/11/2020 the Committee on Civil Liberties, Justice and Home Affairs (LIBE) published the Report on the situation of Fundamental Rights in the European Union - Annual Report for the years 2018 – 2019.¹³ Again, although the report calls on the Member States to protect freedom of thought, conscience, religion or belief, the right to CO is not mentioned explicitly. EBCO submits all its annual reports to the LIBE Committee in furtherance of Paragraph 16 of the Resolution on conscientious objection in the member states of the Community of 19 January 1994 (the Bandrés Molet and Bindi Resolution¹⁴), under which the LIBE Committee was instructed "to draw up an annual report on the application by the Member States of its resolutions on conscientious objection and civilian service, and to involve the European Bureau for Conscientious Objection".

On 07/03/2020 EBCO's President Mr. Friedhelm Schneider sent a letter attaching the EBCO Annual Report Conscientious Objection to Military Service in Europe 2019 to MEP Hannah Neumann, Vice-Chair of the EU Subcommittee on Human Rights, speaker for human rights policies of the Greens/EFA Group.

1.1.3 UNITED NATIONS



UNITED NATIONS

1.1.3.1 Treaty Bodies – Human Rights Committee

At its 128th Session, in March, the Committee examined the State Reports of, along with countries from other regions, **Montenegro** and the **United Kingdom**. In neither was conscientious objection an issue, nor was it for **Portugal**, examined in July at the (online) 129th Session.

The Committee rightly feels that a "dialogue" conducted remotely is much less satisfactory than an in-person meeting, therefore no States were examined at the October Session. With the prospect of current restrictions continuing for some time, NGOs, including EBCO, however made representations that the examination of State Reports should resume, if necessary on-line. We noted that the postponements added to an already long backlog, and we called on the Committee and the other nine "Treaty Bodies" to resume examinations as soon as possible, on the principle that any consideration is better than none.

In March 2021, the Committee will make a start by examining **Finland**, postponed from October.

¹³ Report on the situation of Fundamental Rights in the European Union - Annual Report for the years 2018 – 2019 (2019/2199(INI)), Committee on Civil Liberties, Justice and Home Affairs, 19.11.2020. Available at: https://www.europarl.europa.eu/doceo/document/A-9-2020-0226_EN.html

¹⁴. Resolution on conscientious objection in the member states of the Community of 19 January 1994 - The Bandrés Molet & Bindi Resolution. Available at: <https://ebco-beoc.org/node/189>



Meanwhile, however, the Committee continues to receive State reports, and in the course of 2020 adopted "Lists of Issues" in advance of the examination of no fewer than 32 of them, including **Armenia, the Russian Federation, Malta, Azerbaijan, Belarus, Bulgaria, France, Georgia, Italy, the Netherlands and Spain**. In most of these, the issue of conscientious objection does not arise, and sadly in the case of the Russian Federation, too, it is squeezed out by the many other pressing issues. Nor is it mentioned in the case of Georgia.



Armenia was however asked inter alia to "report on the measures taken to provide genuine alternative service for conscientious objectors".¹⁵

The Committee also gained more time for the consideration of individual cases, 42 of which were decided in the course of the year.

In **Jong-bum Bae et al v. the Republic of Korea**,¹⁶ the latest of a long sequence of cases against the Republic of Korea, the Committee found that the 31 Jehovah's Witness complainants had, through their imprisonment for refusing military service, suffered a violation of Article 18 of the International Covenant on Civil and Political Rights. This case reinforced previous jurisprudence, but added no new elements.

Of most interest to us is the case **Danatar Durddyev v. Turkmenistan**.¹⁷ Durddyev is a Jehovah's Witness, who explained when called up for military service that this was not consistent with his religious beliefs. He was fined 6,000 manat (something over 2,000 Euro), and payed. Over the following four years, he had received "several" new call-up notice. In its "Views" on the case, the Committee had no difficulty in finding that there had been a violation of his freedom of religion and belief, and ruled that Turkmenistan should expunge his criminal record, pay him compensation, refrain from future call-ups, unless and until a civilian alternative service was available, and take steps to ensure that similar violations did not occur in the future. Turkmenistan has not yet implemented the Committee's Views.

1.1.3.2 Human Rights Council

a) Special Procedures

None of the Communications sent to States by Special Procedures in 2020 mentioned conscientious objection to military service.

¹⁵ United Nations, International Covenant on Civil and Political Rights, Human Rights Committee, List of issues in relation to the third periodic report of Armenia, CCPR/C/ARM/Q/3, 26th August 2020, para 19. Available at:

<https://docstore.ohchr.org/SelfServices/FilesHandler.ashx?enc=6QkG1d%2fPPRiCAqhKb7yhstYAv5V IHmi3dCE%2fVC3G%2fg5DNznWRkkafhjExC1rgR5Gpl1qjqs08ekgZs6dOQUUfhxV8xEbvB041%2fx3%2bWVFuK68%2f0EFuPNU1aLm9mLSQOxI>

¹⁶ United Nations, International Covenant on Civil and Political Rights, Human Rights Committee, Views adopted by the Committee under article 5 (4) of the Optional Protocol, concerning communication No. 2846/2016, CCPR/C/128/D/2846/2016, 29th June, 2020. Available at:

<http://docstore.ohchr.org/SelfServices/FilesHandler.ashx?enc=6QkG1d%2fPPRiCAqhKb7yhstYAv5V 4ZFd1DNP1S9EjYvdn1WbUsedBmqF7VQBAEPVfWQrRYVW3nBOsBxtiE708IgcO%2BIOkdekSrCljEhPsa CiAznKm2PmV4J3FOmcrKvjOCKHTVA6%2BxFIRnPhDJgQB%2FEQA%3D%3D>

¹⁷ United Nations, International Covenant on Civil and Political Rights, Human Rights Committee, Views adopted by the Committee under article 5 (4) of the Optional Protocol, concerning communication No. 2268/2013, CCPR/C/124/D/2268/2013, 6 December 2018. Available at:

<http://docstore.ohchr.org/SelfServices/FilesHandler.ashx?enc=6QkG1d%2fPPRiCAqhKb7yhstYAv5V 4ZFd1DNP1S9EjYvdn1WbUsedBmqF7VQBAEPVfWQrRYVW3nBOsBxtiE708IgcO%2BIOkdekSrCljEhPsa 9S3AFIxmQ%2FQy4LoHRL8KQMBnwZOKGgli1YICNjnwrw%3D%3D>



b) Universal Periodic Review

In January 2020, **Spain**, **Sweden** and **Turkey** were examined under the Universal Periodic Review process.



Turkey: Conscientious objection arose only in the important case of Turkey, which still refuses to recognise the right of conscientious objection to military service. In this third Cycle, there were recommendations from Croatia. You can find more information in the section for Turkey below.

The 37th session of the UPR, which should have taken place in October/November 2020 has been postponed to January 2021, and will include the consideration of **Austria** and **Georgia**. In both cases the provisions for conscientious objectors would repay examination.

c) Plenary Sessions

In the 44th Session, in July, the Council undertook its annual assessment of the situation in **Eritrea**, which continues to enforce military service of an indefinite duration, with no provision for conscientious objection. The resolution adopted was however just a formal one, with the principal purpose of according a further extension to the mandate of the Special Rapporteur. There was also a report from the Special Rapporteur on **Belarus**, but it was unsurprising that in a relatively short resolution there was no room for the issue of conscientious objection to military service.

d) Other Activities

On 03/03/2020, in a joint submission with IFOR, EBCO informed the **UN Special Rapporteur on freedom of religion or belief** about the negative developments concerning the right to CO in **Greece**.

In September 2021 the Human Rights Council is 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",¹⁸ presented to the Council in July 2019, for which EBCO submitted some of the background information. Moreover EBCO's President Mr. Friedhelm Schneider sent a letter attaching the EBCO Annual Report Conscientious Objection to Military Service in Europe 2019 to the Office of the UN High Commissioner for Human Rights.

In December 2020, War Resisters' International submitted a report to the **UN Office of the High Commissioner for Human Rights (OHCHR)** - Indigenous Peoples and Minorities Section (IPMS) on discrimination against conscientious objectors. The submission was in response to the OHCHR-IPMS request for inputs – and in particular sample legislative provisions and jurisprudence – into the publication "Protecting Minority Rights: A Practical Guide on Developing Comprehensive Anti-Discrimination Legislation", under development in 2020. In the report, WRI provides an overview of international and regional human rights standards, including relevant jurisprudence, concerning discrimination against conscientious objectors, primarily when the right to conscientious objection is not recognised at all.¹⁹

¹⁸ A/HRC/41/23. Available at: https://ap.ohchr.org/documents/dpage_e.aspx?si=A/HRC/41/23

¹⁹ WRI submits a report to the OHCHR on conscientious objection. War Resisters' International. 4 Jan 2021. Available at: <https://wri-irg.org/en/story/2021/wri-submits-report-ohchr-conscientious-objection>



1.2 DEVELOPMENTS WITHIN COUNCIL OF EUROPE MEMBER STATES

COUNCIL OF EUROPE



CONSEIL DE L'EUROPE

1.2.1 ALBANIA

| | | | |
|--|---|------|--|
|  |  Conscription: | No | Suspended / abolished in 2010. |
|  | Conscientious objection: | 1998 | First recognised in Constitution, Art. 166. |
| Service  | Military: | - | |
| | Civilian: | - | |
| Minimum  | Conscription: | - | No conscription. |
| | Voluntary enlistment: | 19 | 18 in case of general/partial compulsory mobilization. |
| More  | https://ebco-beoc.org/albania | | |

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 in the Alternative Service Act. |
| Service  | Military: | 24 | |
| | Civilian: | 36 | |
| Minimum  | Conscription: | 18 | |
| | Voluntary enlistment: | 17 | Under 18 for military schools: 17 for cadets |
| More  | https://ebco-beoc.org/armenia | | |

On 26/08/2020 the UN Human Rights Committee adopted “Lists of Issues” in advance of the examination of Armenia. Armenia was asked inter alia to “report on the measures taken to provide genuine alternative service for conscientious objectors”.²⁰

In November 2020, Armenian police issued anti-war activist Georgi Vanyan with a fine for his anti-war post on Facebook calling for dialogue with Azerbaijan.²¹ Police visited Vanyan on 07/11/2020 to inform him that he received a fine of ₴300,000–₴700,000 (\$620–\$1,500). Vanyan was also told that if he refused to take down the post the fine would increase to ₴1 million (\$2,100). Vanyan refused to pay the amount until he received a written report explaining the reason for his fine.

In his “offending” Facebook post on 06/11/2020, Vanyan said Armenia ‘had long crossed the threshold of crimes against its own citizens’. He wrote:

“Stop this criminal farce that speaks of victory: one does not have victory over a neighbour, one does not trample a neighbour, one does not destroy a neighbour. One talks with a neighbour and keeps talking until they find the ability to speak the same language, until reaching mutual understanding. The inertia of neighbours to destroy each other is the path to self- destruction. Forget, give up the criminal deception about a saving power, of a “strategic ally”. In the face of this unrelenting slaughter, forget, put aside the ridiculous search for allies, the shameful hope of alms from the international community in the form of an admission that you are being subjected to genocide”.

²⁰ United Nations, International Covenant on Civil and Political Rights, Human Rights Committee, List of issues in relation to the third periodic report of Armenia, CCPR/C/ARM/Q/3, 26th August 2020, para 19. Available at:

https://docstore.ohchr.org/SelfServices/FilesHandler.ashx?enc=6QkG1d%2fPPRiCAqhKb7yhstYAv5V_IHmi3dCE%2fVC3G%2fg5DNznWRkkafhjExC1rgR5Gpl1qjqs08ekgZs6dOQUUfhxV8xEbvB041%2fx3%2bWVfUk68%2f0EFuPNU1aLm9mLSQOxI

²¹ The information on Georgi Vanyan’s case covered in this report was taken from: Armenian police fine peace activist over anti-war post, OC Media, 08/11/2020. Available at: <https://oc-media.org/armenian-police-fine-peace-activist-over-anti-war-post/>



According to Vanyan, he was pursued by the authorities because of the state of martial law, which forbids the public to criticise the actions, or the effectiveness of the actions, of the authorities.

In his post on 07/11/2020, Vanyan wrote that he had been receiving death threats and that his dog was shot by someone several months ago. He criticised the inaction of the Armenian authorities in response to his reports of harassment to the police - including when a group of men broke into his house calling him to leave the country.

In October 2020, having previously launched a project entitled "Caucasus Talks" in May, a group of young people from Azerbaijan and Armenia in the South Caucasus co-signed and published the Peace Statement, making a call for peace amid escalating conflicts between neighboring countries Armenia and Azerbaijan in the Nagorno-Karabakh region. Hundreds of people from Armenia, Azerbaijan, and throughout the world have signed the Peace Statement so far (see also the Foreword by EBCO President).²²

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 | | |

COVID-19: The obligation for extraordinary civil service exists only when the necessity is proven. A student would have finished his regular civil service in March 2020, but 2 weeks before the end, he was obliged to prolong it as extraordinary civil service due to COVID-19. He took legal action in front of the Federal Administration Court, saying that enough volunteers had come up and other regular civil servants had been transferred according to the needs, so that the prolongation of his service was not necessary. The court didn't accept nor check this argumentation, so that the case went to the Constitutional Court of Austria. It quashed the judgement, saying that the Federal Administration Court had violated the claimer's right of equality in front of the law. The Federal Administration Court has to make a new decision now.²³

²² Peace Statement, OC Media, 06/10/2020. Available at: <https://oc-media.org/peace-statement/>

²³ Available at: https://www.vfgh.gv.at/medien/Entscheidungen_Oktober-Session.php



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 | | |

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.

Azerbaijani peace activists have been reprimanded by the authorities for their online behaviour criticising the war between Azerbaijan and Armenia. OC Media reported on the cases of five activists who were summoned by the State Security Services, as several others were told to delete their posts and comment no more.^{24 25} One of them, Giyas Ibrahimov was previously detained briefly in the initial days of the war for 'criticising an anchor on public TV'. Since early days of the war, Ibrahimov has become known for his anti-war posts on social media. His detention in September was indeed only hours after one of his posts criticising the war.²⁶ He also reported had also been receiving threats 'since the second day of the escalation'.²⁷ Several other young Azerbaijani activists who signed the Peace Statement (see below) have reported receiving pressure and threats online. Another anti-war activist, Latif Mammadov, has claimed that the Azerbaijani security services threatened to kill him and his family over his online activities.²⁸

In September 2020, a group of activists, including Ibrahimov, released an anti-war statement under the name of Azerbaijani Leftist Youth.²⁹ The statement said:

²⁴ Armenian police fine peace activist over anti-war post, OC Media, 08/11/2020. Available at: <https://oc-media.org/armenian-police-fine-peace-activist-over-anti-war-post/>

²⁵ Azerbaijani peace activists called for questioning, OC Media, 13/10/2020. Available at: <https://oc-media.org/azerbaijani-peace-activists-called-for-questioning/>

²⁶ Anti-war activist detained by Azerbaijani security service, OC Media, 28/09/2020. Available at: <https://oc-media.org/anti-war-activist-detained-by-azerbaijani-security-service/>

²⁷ Azerbaijani peace activists called for questioning, OC Media, 13/10/2020. Available at: <https://oc-media.org/azerbaijani-peace-activists-called-for-questioning/>

²⁸ Azerbaijani Security Services 'threatened to kill' activist and family, OC Media, 16/11/2020. Available at: <https://oc-media.org/azerbaijani-security-services-threatened-to-kill-activist-and-family/>

²⁹ Anti-war Statement of Azerbaijani Leftist Youth, LeftEast, 20/09/2020. Available at: <http://www.criticatac.ro/lefteast/anti-war-statement-of-azerbaijani-leftist-youth/>



"We do not see our future or the resolution of the conflict in further military escalations and spreading mutual hatred. Recent military clashes in Nagorno-Karabakh don't do any good for the purpose of the establishment of peace in the region. We do not even want to envision the risks of being dragged into a full-scale war, as we understand what kind of implications it could have for our societies and future generations. We strongly condemn every move taken to prolong the conflict and deepen hatred between the two peoples. We want to look back and take the steps necessary to rebuild the trust between our societies and the youth. We reject every nationalist and state-of-war narratives that exclude any possibility of us living together again on this soil. We call for peacebuilding and solidarity initiatives. We believe that there is an alternative way out of this stalemate through mutual respect, peaceful attitude, and cooperation."

In October 2020, having previously launched a project entitled "Caucasus Talks" in May, a group of young people from Azerbaijan and Armenia in the South Caucasus co-signed and published the Peace Statement, making a call for peace amid escalating conflicts between neighboring countries Armenia and Azerbaijan in the Nagorno-Karabakh region. Hundreds of people from Armenia, Azerbaijan, and throughout the world have signed the Peace Statement so far (see also the Foreword by EBCO President).³⁰

There was an asylum seeker from Azerbaijan in Belgium citing CO grounds (see the following section).

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 | | |

A refugee from Azerbaijan who has been in Belgium for 3 years, and who declares his motivation as conscientious objection to military service, appealed on 22nd October 2019 against the rejection of his asylum claim a year earlier. EBCO Vice-President Sam Biesemans represented EBCO as an observer. In 2020 his appeal was rejected as well.

³⁰ Peace Statement, OC Media, 06/10/2020. Available at: <https://oc-media.org/peace-statement/>



1.2.7 BOSNIA & 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 | | |

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  | Conscription: | 17 | |
| | Voluntary enlistment: | 17 | Under 18: 17 |
| More  | https://ebco-beoc.org/cyprus | | |

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 10/01/2020.³¹ 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 29367/15³²). 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.

³¹ https://in-cyprus.com/echr-accepts-application-from-turkish-cypriot-conscientious-objector/?fbclid=IwAR0ybcXI50TaU8aXuKnat0EmnN4gPOTxIilvFspEQniqEj0bg_a7paL_u4c

³² Available at: <http://hudoc.echr.coe.int/eng?i=001-208228>



Murat Kanatli v. Turkey (case number 18382/15³³). 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.

Republic of Cyprus

There has been positive reaction following the most recent case of Halil Karapasaoglu in the Republic of Cyprus as well, and interest for informational meetings on the issue of conscientious objection.

1.2.11 CZECHIA

| | | | |
|--------------------------|---|------|---|
| | 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 in Civilian Service Act, No.18/1992 - in Czechoslovakia. |
| Service | Military: | - | |
| | Civilian: | - | |
| Minimum | Conscription: | - | No conscription |
| | Voluntary enlistment: | 18 | |
| More | https://ebco-beoc.org/czechia | | |

1.2.12 DENMARK

| | | | |
|--------------------------|---------------|------|---|
| | Conscription: | Yes | Highly selective conscription: the number of voluntary conscripts is close to 100%. |
| Conscientious objection: | | 1917 | First recognised by Alternative Service Act, 13 th Dec. |
| Service | Military: | 4 | Conscription can have a length of 4-12 months. |
| | Civilian: | 4 | The length of the civilian service has to be equal to the length of the service. The length of the service normally varies from 4 months up to 12 months. Accordingly, the COs have |

³³ Available at: <http://hudoc.echr.coe.int/eng?i=001-184213>



| | | | |
|-------------|---|----|---|
| | | | different lengths of their service, but to most of them, the length of the service is 4 months. |
| Minimum | Conscription: | 18 | |
| | Voluntary enlistment: | 18 | |
| More | https://ebco-beoc.org/denmark | | |

According to the reply of the Danish Ministry of Defence Personnel Agency to the Questionnaire about EBCO’s Annual Report 2020 (e-mail on 22/12/2020):

In 2020 7 conscientious objectors have declared themselves; in 2019 it was 15. Typically in a year, there are 15-20 conscientious objectors. There have been no “total objectors” in 2020 or the last few years.

According to the reply of the Ministry of Defence of Denmark to the Questionnaire about EBCO’s Annual Report 2020 (e-mail on 13/01/2020):

Every male that turns 18 years has to attend the Defence Day and all women turning 18 years are invited to attend. A health check and a written test are made to decide if they are “able to bear arms”. The qualified males draw a lottery number which decide if they will be called up for military conscription at a later date.

Every year about 4.700 (1947 FTEs) conscripts are called for, and in 2019 99,8 % of these have volunteered for service. Conscription can have a length of 4-12 months. The proportion of conscripts of the armed forces is approx. 13 %.

The number of COs in the last few years is declining due to the fact that the number of voluntary conscripts in Denmark at the moment is close to 100 %.

According to Law no. 226 of March 13 2006 regarding Civilian Service – article 1: “Conscripts for whom military service of any kind is regarded as incompatible with their conscience can be exempted from military service to be used for other government work. The government work may not serve military purposes.” In other words, CO-status is granted to a person, who objects to military service based on reasons of conscience. Objection based on religious or ethical reasons would be accepted. An application solely based on political issues would be refused. Application for CO-status must be sent in writing, stating the reasons for applying, i.e. the matter of the conscience. An application can be sent in before the conscript has received notice of military service, and the CO-status may be granted, but the length of the service cannot be stated until the final half-year distribution for the conscripts has taken place.

1.2.13 ESTONIA

| | | | |
|--|--------------------------|------|---|
| | Conscription: | Yes | Selective conscription: approximately one third of males serve the military service. |
| | 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 | 8-12 |
| | Civilian: | 12 | |
| Minimum  | Conscription: | 18 | |
| | Voluntary enlistment: | 18 | |
| More  | https://ebco-beoc.org/estonia | | |

Annually approximately 3200 young men perform the compulsory military service, which is approximately one third of the male age group. The number is planned to be increased to 4000 until 2026. ³⁴

Alternative service in Estonia is administered under the Ministry of Defence. Compulsory military service (conscription service) can last from 8 months up to 12 months, while alternative service is always 12 months. The place of employment of a person in alternative service may be: 1) an organisation which is engaged in resolving a rescue event; 2) at a social service provider; 3) an educational institution where classes for students with special educational needs have been created. ^{35 36}

It is common to get exemption from military service because of health problems. According to a report by the Ministry of Defense on the fulfillment of Estonian Defense Forces duties and organization of service in 2019 40.2 % of call-up selectees met health requirements, 26.3 % did not meet health requirements, and 33.5 % temporarily did not meet requirements. ³⁷

Army evaders face fines repetitively which are up to 1200 euros. For example, in 2017 there were approximately 1000 men who paid the fine. The fine can be sent up to three times a year until the person is released from conscript service at the age of 28. ³⁸

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 is intended to come into force on January the 1st 2022. ³⁹

According to the reply of the Estonian Parliament (Riigikogu) to the Questionnaire about EBCO's Annual Report 2020 (e-mails on 18/12/2020 and 07/01/2021):

In 2020 there were 104 applications for alternative service and 74 actual entrances. In 2019 there were 107 applications for alternative service and 43 actual entrances. In 2018 there were 147 applications for alternative service and 83 actual entrances. In 2017 there were 112 applications for alternative service and 50 actual entrances. In 2016 there were 106

³⁴ <https://www.sss.fi/2020/03/suomen-naapurimaissa-yleinen-asevelvollisuus-on-kaytannossa-hyvin-valikoiva/>

³⁵ <https://kra.ee/ajateenistus/asendusteenistus/>

³⁶ <https://www.riigiteataja.ee/en/eli/ee/519092014003/consolide>

³⁷ <https://news.err.ee/1061903/report-conscript-service-dropout-rate-down-in-2019>

³⁸ <https://www.sss.fi/2020/03/suomen-naapurimaissa-yleinen-asevelvollisuus-on-kaytannossa-hyvin-valikoiva>

³⁹ <https://leht.postimees.ee/7106978/asendusteenistujad-saavad-peagi-kohustusi-lisaks>



applications for alternative service and 98 actual entrances. The issue is that there are not enough slots in the social welfare units. The ones who cannot enter service will wait until slots will be open for them. Usually if you give an application for alternative service then you will be provided a post next year.

1.2.14 FINLAND

| | | | |
|--|---|-------|---|
|  |  Conscription: | Yes | 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 |
| | Civilian: | ~11.5 | |
| 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 | | |

Finland has a conscription system for males. The conscripts have to serve 165, 255 or 347 days. A bit less than 20000 men do the military service annually (about 65% of each male age class). The conscripts can apply for alternative service anytime before or during the military service. Every application is accepted automatically. About 2000 persons are accepted for alternative service annually. The service lasts 347 days. It's also possible to apply after the military service. These "reserve objectors" must serve a five days long "supplementary service". During the last decade there has been about 30-60 total objectors annually. They are normally sentenced to home arrest (max. 173 days). Prison sentences are possible, but quite rare. Over 25% of conscripts are exempted from service because of health reasons or because they have dual citizenship and they live permanently outside Finland. Women are not conscripted but there is a voluntary military service for them. About 700-800 persons do it annually. There has been a discussion about extending the conscription to women. However, so far no one has been able to figure out how to do it, as increasing the number of those who do the military is out of the question.

In March 2020 Finland launched a parliamentary committee "to look into ways to develop general conscription and to meet national defence obligations." The committee's aim is "to maintain a high level of defence will and to strengthen social equity among citizens". General conscription is maintained in the committee's appointment decision. The term of the committee continues until October 31 of 2021. There is also a civil servant membered section



in the committee to examine non-military service development for the needs of comprehensive security and to examine the possibility for implementing universal national service. This section is appointed by the Ministry of Economic Affairs and Employment.⁴⁰

The Union of Conscientious Objectors (AKL) has pointed out that the committee’s task description is missing the human rights violations towards conscientious objectors. It has criticized development ideas to convert non-military service into more of a comprehensive security service and pointed out that by doing so it might endanger the conviction of the non-military servicemen. It is already possible for Finnish non-military servicemen to serve in the comprehensive security sectors.⁴¹

There were 2400 applications to perform non-military service in 2020. There were 46 reports of an offence of refusal to perform non-military service in 2020. 16 of them objected the second time from non-military service (see lower). In addition, there have been several reports of an offence of refusing military service. Most total objectors apply first to non-military service but some refuse directly from the military service. This is why there are two different offences for total conscientious objection. There were a few conscientious objectors imprisoned during 2020.

There are dozens of open cases for total objectors. Almost a hundred total objectors got acquittals from district courts in the period of 23 February 2018 and 1 April 2019 while adjudication was seen discriminatory compared to Jehovah’s Witnesses who were exempted from conscription. Under the Non-military Service Law the non-military serviceman who has refused to perform non-military service but has not been sentenced to imprisonment, will be called again to serve his non-military service.

In 2020 at least 19 total objectors who already got acquittals were sentenced to imprisonments in the district courts. Time of the imprisonment is half of the unperformed non-military service time. At least 16 of them have appealed to the Court of Appeal because the procedure seemed to be against ne bis in idem principle. Their punishments have not been executed, and three of them have been freed from charge in Court of Appeal in January 2021, due to the ne bis in idem principle. Dozens of total objectors who are in the same situation are still subpoenaed or will be subpoenaed this year.

The Human Rights Committee was supposed to examine Finland’s seventh periodic report on the International Covenant on Civil and Political Rights on its 130th session in October 2020. The handling was postponed to the 131st session which will be held in March 2021.

1.2.15 FRANCE

| | | | |
|---|---|------|---|
|  |  Conscription: | No | Suspended in 1997 according to the law 97-1019 of 1997. The law itself envisages the reintroduction when needed to defend the nation. |
|  | Conscientious objection: | 1963 | First recognised by Act No. 1255/63, 21 st December. |
| Service | Military: | - | |

⁴⁰ <https://valtioneuvosto.fi/-/1410877/parlamentaarinen-komitea-ryhtyy-selvittamaan-yleisen-asevelvollisuuden-kehittamista>

⁴¹ <https://akl-web.fi/fi/posts/aseistakieltaytyjaliiton-lausunto-asevelvollisuuden-kehittamista-selvittavalle>



| | | | |
|--|---|----|---------------------------------------|
|  | Civilian: | - | |
| Minimum  | Conscription: | - | No conscription |
| | Voluntary enlistment: | 16 | Under 18: 17, 16 for Technical School |
| More  | https://ebco-beoc.org/france | | |

Emmanuel Macron (mandate 2017 to 2022), who is, under the French Constitution, as President of the Republic until 2022 also «Head of the Army» reintroduced a compulsory «Universal National Service»⁴², reverting to the terminology of 1970s legislation.

French youth representative organizations have all publicly denounced it.

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 | | |

In October 2020, a number of organisations from Georgia, individual Georgian citizens as well as Armenian and Azerbaijani activists released a powerful statement entitled "Peace Manifesto" in response to the military conflict between Azerbaijan and Armenia.⁴³ The statement addressed various actors including the governments involved in the conflict as well as international actors, calling them on taking action for peace in the region. The call, published in Georgian, Azerbaijani, Armenian as well as English said:

"We, the peoples living in the Caucasus region, have the severest experience of brutal wars, conflicts and exile. We have all realized from our own historical experiences that wars are heavy burdens of people's backs, has the power to destroy and impoverish them, and only brings pain, suffering and frustration. None of the ethnic group or nation in our region has gained victory and development as a result of war. Therefore, we believe, that only

⁴² Le Service National Universel (SNU). Available at: https://www.education.gouv.fr/cid136561/le-service-national-universel-snu.html#La_premiere_phase_du_service_national_universel

⁴³ Peace Manifesto, Menifest.ge, 01/10/2020. Available at: <https://manifest.ge/main/item/3108/>



cooperation politics, negotiations and peace can bring stability and development to our region."

1.2.17 GERMANY

| | | | |
|--------------------------|---|------|--|
| | Conscription: | No | Suspended in 2011 by a parliamentary decision. It remains in the constitution and it can be reintroduced at any time. |
| Conscientious objection: | | 1949 | First recognised 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. |
| Service | Military: | - | |
| | Civilian: | - | |
| Minimum AGE | Conscription: | - | No conscription |
| | Voluntary enlistment: | 17 | Under 18: 17 |
| More | https://ebco-beoc.org/germany | | |

The German army is still recruiting 17-year-old voluntary soldiers. The campaign „Never under 18" started in 2019. It's a large alliance, for the moment a 3-year project.⁴⁴

In 2019 1.706 17-year-old recruits enrolled in the army, the ratio of underage soldiers represented 8,5 % of the total number of commencements of duties (compared to 8,4 % in 2018).⁴⁵ Strikingly there has always been a significant number of underage recruits who quit the army during their 6 months long probationary period (usually at their own request).⁴⁶

A graphic novel about CO has been published recently: <https://www.avant-verlag.de/comics/gegen-mein-gewissen/>

Conscientious objectors who are recognized during their contract period of serving as professional soldier regularly meet particular financial problems.

After leaving the army, recruits have to pay back their training costs, in so far as these are useful in civilian life. The army can insist that this is done as a lump sum, rather than in staged payments. In this context a judgement has been pronounced in September 2019 by the administrative court of Halle/Saale⁴⁷: The court ruled that the army had been overstating the repayments legally due. The maximum repayment required is the amount fixed by the federal law concerning the promotion of education and training, that students, pupils and trainees can apply for (in 2019: 853€ per month). There is more legal certainty now for

⁴⁴ <https://unter18nie.de/>

⁴⁵ Annual Report 2019 of the Parliamentary Commissioner for the Armed Forces p. 32 <http://dip21.bundestag.de/dip21/btd/19/165/1916500.pdf>

⁴⁶ Concerning the last published figures see Bundestag paper 19/3965 of 24/08/2018 <http://dip21.bundestag.de/dip21/btd/19/039/1903965.pdf>

⁴⁷ Verwaltungsgericht Halle/Saale: Judgement 5 A 621/17 HA of 24/09/2019



conscientious objectors and those who are thinking about objecting while being a professional soldier.

In 2019 126 requests for discharge on grounds of conscience were put forward. Only 25 were approved in first instance, some are still in process. In 2019, 27 recognized conscientious objectors have been dismissed officially from the army. It has to be considered that the process of CO takes a lot of time, sometimes even years.⁴⁸

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 pending before the German Appeals Court.

1.2.18 GREECE

| | | | |
|--|---|------|--------------------------------------|
|  |  Conscription: | Yes | |
|  Conscientious objection: | | 1997 | First recognised in Law No. 2510/97. |
| Service  | Military: | 9 | or 12 |
| | Civilian: | 15 | |
| Minimum  | Conscription: | 18 | |
| | Voluntary enlistment: | 18 | |
| More  | https://ebco-beoc.org/greece | | |

Prosecutions and fines for insubordination still continue, including against COs.

On 26/10/2020 Greece brought another civilian to stand trial before a military court, and what is more, he was a conscientious objector, whose application to serve civilian service was rejected by the Ministry of Defence.⁴⁹ EBCO noted that it is not just a paradox, it's a multiple blatant violation of European and international human rights standards. And it's also a scandal, because K.K. had applied to serve an extremely punitive civilian service, and nevertheless he was not allowed to.

K.K., 45-year-old now, declared his conscientious objection on ideological grounds in 2003, and applied for civilian service, which at that time was 30-month-long, whereas the military service was 12-month-long. His application was rejected by the Ministry of Defence in 2004, following a negative opinion by the consultative special committee, widely known as "Conscience Examination Committee". His appeals were also rejected. K.K., remaining always consistent with his beliefs, did not join the army. So he was subsequently charged with insubordination, and he was fined 6.000 euros. He refused to pay the fine, and finally the Tax Service confiscated the money from his bank account.

⁴⁸ <https://dipbt.bundestag.de/doc/btd/19/204/1920480.pdf>

⁴⁹ EBCO Press Release Brussels 24-10-2020: Is this democracy? Greece brings another civilian before military court, available at <https://ebco-beoc.org/node/469>



A representative of EBCO attended the trial as an observer at the Military Court of Athens. EBCO called for the charges against K.K. to be dropped and for the confiscated money to be returned to him. K.K. was finally acquitted on procedural grounds.

K.K. should have not been prosecuted in the first place, as his prosecution is in violation of the European and international human rights law. More specifically Greece's treatment of K.K. throughout the years constitute:

- Violation of his right to freedom of thought, conscience and religion (Article 18 of the International Covenant on Civil and Political Rights and Article 9 of the European Convention on Human Rights)
- Violation of the right to freedom from discrimination (Article 26 of ICCPR and Article 14 of the ECHR) as he has been discriminated for reasons of belief.
- Violation of the right to be free to leave any country, including his own (Article 12.2 of ICCPR and Article 2.2 of the 4th Protocol to the ECHR), as he has been prevented to travel abroad for several years.
- Violation of the right to a fair and public hearing by a competent, independent and impartial tribunal established by law (Article 14.1 of ICCPR and Article 6 of the ECHR, as found by the European Court of Human Rights in the cases of conscientious objectors tried in military courts).

The continuous persecution of K.K. and violation of his human rights illustrate not only the vindictive stance of the military authorities against the conscientious objectors, but also reflect the situation of many more conscientious objectors in Greece despite numerous condemnations by international human rights instruments and the repeated promises of several Greek governments for reform. Last but not least, it shows the even more discriminatory treatment of conscientious objectors by the current government, which has even abolished some of the positive amendments introduced by the previous government.

An appeal against last year's increase of the length of alternative service to the Council of State (Greece's Supreme Administrative Court) is still pending.

The procedures for the CO status have resumed in July 2020. They had been suspended, after last year's law 4609/2019, of the previous government, changed the composition of the 5-member Special Committee (a.k.a. Conscience Examination Committee) by reducing the number of military officers from 2 to 1, and increasing the number of university professors from 2 to 3. Therefore, a new committee needed to be appointed by a Joint Ministerial Decision, which was issued with almost 15 months of delay.

The major issue in Greece in 2020 is the increase of militarization. Starting in 2014, the Military has entered (in Greek) to the refugee reception facilities, participating either to the construction or to their management or other operations (e.g. catering). According to the politicians, participation of the Army guaranteed the proper use of funds, as well as the effectiveness of the operations they were involved to. It is a phenomenon that has been noticed several years ago in other countries; now it has started also in Greece. Today the Army, using EU funds, is actively involved in more than 30 asylum seekers facilities and first reception centers.

By the end of 2019, the Head of the Armed Forces has officially declared in the Parliament that "the Hellenic Army is taking any responsibility needed, in order to defend the security of the external borders, as well as the internal security". Later on, the vast majority of the Greek media (officially controlled by the Prime Minister's Bureau, funded with over 30 million Euros during the pandemic period), started highlighting the urgent need for new armaments. In September the Prime Minister announced extra defence spending, while the media still tend to disagree regarding the suppliers (France, Germany, USA) and the total costs (2-10 billions).



Given the Greek fiscal situation, few voices have been raised against these plans. The Greek Communist Party mainly, as well as DiEM 25, some smaller left parties and radical anarchist groups.

On the occasion of the 3d National report of Greece ⁵⁰ on the implementation of the Revised European Social Charter, in June/July 2020, the Greek National Commission for Human Rights ⁵¹, Amnesty International ⁵² and EBCO ⁵³ submitted three different documents with comments, to the European Committee of Social Rights of the Council of Europe, mainly on the issue of the duration of alternative service, in violation of Article 1, para. 2 of the European Social Charter (“the right of the worker to earn his living in an occupation freely entered upon”), highlighting last year's increase. EBCO and Amnesty International also cited the issue of the suspension of the procedures for CO status, by that time.

In its submission ⁵⁴ on 25/06/2020 EBCO concluded ⁵⁴ that conscientious objectors in Greece face multiple violations of their right to earn a living in an occupation freely entered upon, both in terms of the excessive duration of alternative service (compared with the duration of military service) as well in terms of the delays (lengthy procedures, further delays, current “freeze” for more than a year) in processing their applications. Greece should take immediate measures in terms of legislation and practice in order to be in conformity with Article 1§2 of the Charter.

On 03/03/2020, in a joint submission with IFOR, EBCO informed the UN Special Rapporteur on freedom of religion or belief about the negative developments concerning the right to CO in Greece.

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 | | |

⁵⁰ Greece, 3d report on the Revised European Social Charter <https://rm.coe.int/greece3-en-simplified-report-collective-complains/16809ce324>

⁵¹ <https://rm.coe.int/gnchr-s-comments-on-greece/16809ef6f2>

⁵² <https://rm.coe.int/amnesty-international-comments-on-greek-3d-report/16809eff1e>

⁵³ <https://rm.coe.int/ebco-s-comments-on-greek-3d-report/16809eff2a>

⁵⁴ Brussels - 25-6-2020 - Continuing violation of the European Social Charter in the case of alternative service for conscientious objectors in #Greece. Submission of EBCO to the European Committee of Social Rights <https://ebco-beoc.org/node/466>



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 | |
| More  | https://ebco-beoc.org/ireland | | |

In the framework of the European Social Charter mechanism, the European Committee of Social Rights declared on 16 October 2018 the admissibility of the Complaint No. 164/2018



of the European Organisation of Military Associations (EUROMIL) vs Ireland ⁵⁵. Referring to Articles 1§2 and 26§2 of the Charter the complaint is aimed at introducing a provision in Irish law that enables members of the Irish Defence Forces to discharge from the armed forces on grounds of conscientious objection. In 2019, the Irish Government and Euromil introduced their submission on the merits. The case is still pending.

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 | | |

Universal Civilian Service

In 2016, the voluntary civilian service was renamed Universal Civilian Service (law No. 106 of 2016), but only in 2019 did the new arrangements come into effect. The main aspects are as follows:

- The law explicitly recognises the civilian service as a means to serve your country in a civil, unarmed and nonviolent way.
- An increase in the fields of activities where young people can perform it.
- Eligible ages are 18 to 28 years old.

In 2020, in addition to the residues from the 2019 financial year, 139 million euros were provided for the Universal Civilian Service (in the Budget Law currently being examined by parliament), which would have enabled around 20,000 young people to carry out their service in 2021. Thanks to the role played by civilian service volunteers during the COVID19 emergency and the appeals to government from the civil society, with the approval in recent days of the "Relaunch Decree", the Universal Civilian Service funds for 2020 have been increased. A total 553 intervention programs of universal civilian service will be implemented, nationally and abroad, including the "Youth Guarantee" programme, with a total of 43,779 volunteers.

In particular, these programmes are:

⁵⁵ European Organisation of Military Associations (EUROMIL) v. Ireland, Complaint No. 164/2018 and related documentations available at www.coe.int/en/web/european-social-charter/pending-complaints/-/asset_publisher/lf8ufoBY2Thr/content/no-164-2018-euromil-v-ireland?inheritRedirect=false



- 458 programs of Universal Civilian Service in Italy with a total of 39,622 volunteers;
- 31 programs to be implemented abroad with a total of 605 volunteers;
- 64 programs to be implemented in the regions involved in the "Youth Guarantee" programme for the employment of 3,552 volunteers.

The additional 200 million approved for 2021 and 2022, on the other hand, may make possible 50,000 vacancies per year, beginning to give concrete form to the objective of stabilizing the annual quota of Universal Civilian Service.

Update on "Another defence is possible" campaign

In 2014, six networks of NGOs (representing more than a hundred of Italian grass-root associations) that work on peace, nonviolence, disarmament and civil service, created the Italian campaign "Another defence is possible". The campaign aims to create a Department for Non-Armed and Nonviolent Civil Defense at National political level.

The Italian budget of the defense sector is entirely absorbed by the costs of armed military defense. This campaign asked for the recognition of constitutional parity between military defense and civil defense. Without asking for further expenditure, it proposes a reduction in military spending for the benefit of more funding for civil defense. The draft law on a Department for Non-Armed and Nonviolent Civil Defense provides, in fact, that taxpaying citizens are offered the tax option, with the possibility of choosing whether to allocate their contribution to the funding of the Department.

In the year of its birth, the campaigners collected more than 53,000 signatures for the submission of a draft popular law to the Italian parliament. The following years have been dedicated to putting pressure for the approval of the law.

The law was not discussed by the end of the parliamentary term (2018). Therefore, in 2020 the Campaign resumed lobbying in the new legislature.

Birth of the "Italian peace and disarmament network"

On 21 September, International Day of Peace, the birth of the Italian Peace and Disarmament Network was announced. It is a new organized network in which the Peace Network (founded in 2014) and the Italian Disarmament Network (founded in 2004) converge. Both founding networks of this new body are organizations promoting the "Another defense is possible" campaign.

Moratorium for 2021 on all investment expenditure in armaments

In November 2020, Sbilanciamoci (Unbalance, NGOs network) and the Italian Peace and Disarmament Network advanced to all Italian political forces the proposal for a moratorium for 2021 on all Italian investment expenditure in armaments. The forecasts for these investments in armaments are equal to 6 billion of Euro and the NOGs claim that the amount has to be allocated in Healthcare and Education, in a moment like this of extreme necessity because of the COVID19 pandemic.

1.2.23 LATVIA

| | | | |
|---|---|----|--|
|  |  Conscription: | No | Suspended / abolished in 2007. However, Latvia introduced a new kind of project, called "Total Defence" in 2017. |
|---|---|----|--|



| | | | |
|--|---|------|---|
|  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 | | |

According to the reply of the Ministry of Defence of the Republic of Latvia to the Questionnaire about EBCO's Annual Report 2020 (e-mail on 08/01/2021):

The Parliament of the Republic of Latvia passed on 3 December 2020 a new law on the National Defence Course and Cadet Force. This law came into force on 5 January 2021.

The National Defence Course is an integral part of the secondary education curriculum. The main document specifying its content is the State education standard. The State education standard is developed by the Ministry of Education and Science and approved by the Cabinet of Ministers. Currently, in the State education standard the National Defence Course is categorized as a special course, meaning that it is voluntary course, but starting from 2024-25 school year this course will be mandatory for all secondary school students.

At the moment each secondary school voluntarily decided on introducing the National Defence Course in their curricula. Up till now, the National Defence Course is taught in 69 secondary schools. The number of schools depends on the availability of teachers that are qualified to teach the National Defence Course. To qualify for teaching the National Defence Course, the teacher has to fulfill additional requirements, including specific requirements for education and professional qualification.

Additionally to higher pedagogical education, all teachers who teach the National Defence Course must have also basic military training.

Teachers are employed by the Cadet Force Centre, a civil institution under the Ministry of Defence, nevertheless, they engage very actively in school's activities and coordinate topics with teachers of other subjects.

The content of the National Defence Course was developed by the Cadet Force Centre in close collaboration with the National Centre for Education, an institution under the Ministry of Education and Science. The content is publicly available both on the webpage of the National Centre for Education and on the webpage of Cadet Force Center. Additionally, the Cadet Force Center provides the teachers with detailed plan, instructions and guidelines for every single lesson.

The National Defence Course consists of several modules where students are taught a range of theoretical and practical skills. Those modules are: 1) Security and defence of a nation-state, role of civil society and civic engagement; 2) Resilience in crises, leadership and command; and 3) Skills and competencies for defence. Additionally, students can engage in extracurricular activities (summer camps). Participation in those camps is voluntary.



The course has been developed for students in 10th and 11th grade (or 2nd and 3rd study year in vocational education). Usually, students in those grades are 16-18 years old. Secondary education is not compulsory in Latvia, although the proportion of the population who complete it is high.

The National Defence Course is 140 academic hours long. The course is implemented in 2 years.

Module "Skills and competences for defence" includes the topic "Safe handling of weapons, shooting with a pneumatic weapon". The time allocated for this topic altogether is 31 academic hours. During those lessons students learn about different uses of weapons, development of weapons through history, operating principles of weapons, moral responsibility using weapons and safety rules. To acquire practical skills students try out shooting with a pneumatical weapon (a weapon that fires using air pressure).

The law on the National Defence Course and Cadet Force states that for students who, due to their religious or philosophical beliefs or due to other objective circumstances, are unable to participate in particular activities that are a part of the National Defence Course, the teacher provides alternative study topics and individually adjusts the study process. There are no other consequences.

The objectives and content of the National Defence Course is in line with values and ideals embedded in the Convention on the Rights of the Child. Article 29 of the Convention on the Rights of the Child especially emphasizes that a child's education should help their personality, talents and mental and physical abilities to their fullest potential. It should also build their respect for other people and the world around them and they should respect the values of their own country. Education should prepare children for responsible life in free society.

The purpose of the new law is to guarantee an opportunity for a child or a young person to acquire knowledge, skills and abilities suitable for their age and interests.

The activities included in the National Defence Course don't lead to any obligations regarding National Armed Forces.

According to the political party "Progresīvie" of Latvia (article on 14/12/2020 ⁵⁶) and the reply of Lelde Vaivode, Secretary General of Progresīvie to EBCO (e-mail on 30/12/2020), the political party Progresīvie has urged returning the law for reconsideration, in large part due to a lack of extensive discussion and consultation with relevant NGOs and the public, which it says is necessary for such legislation to be in line with the principles of good governance. The party says that the law also introduces a curriculum, which, in its current revision, is incongruent with the Convention on the Rights of the Child and the Constitution of Latvia. Progresīvie also states that the law does not afford enough attention to civil defence and overall security. Dace Kavasa, board member of the political party "Progresīvie" says that it is unacceptable that the curriculum has been developed without the necessary inclusion of the civil society, as well as ignoring the recommendations made by the Ministry of Education and Science: "To develop a quality proposal for a State Defence course curriculum, it should be coordinated by the Ministry of Education and Science, involving the State institutions responsible for civil protection (Ministry of Interior, Ministry of Health), as well as institutions responsible for the protection of children's rights, including the Ombudsman. It is ironic that the development of the law has not followed the principles of good governance, as these principles are to be taught as part of the State Defence course." The party has also criticized that in the process of developing the proposed law, numerous entities (such as youth

⁵⁶ <https://www.progresivie.lv/nepieciesama-nacionala-drosibas-koncepcija-kas-ievero-bernu-tiesibas-un-sabiedrisko-lidzdalibu/>



organisations) that should have been consulted have either not been approached or their positions and recommendations have been ignored. Progresīvie also states that a mandatory course that is mostly military training, is essentially recruitment: *“Although the Ministry of Defence holds responsibility for military education, a mandatory State Defence course cannot be military education, as this contradicts the Convention on the Rights of the Child and, implicitly, the Constitution of Latvia (the article referring to protection of children's rights), as well as the UNICEF Paris Principles. The aforementioned regulation states that persons under the age of 18 must not be forcibly recruited in armed forces and that the involvement of children in armed forces must be decreased, protecting children from propaganda and active recruitment within schools.”*

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 (previously suspended in 2009). 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 | | |

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 | |
| More  | https://ebco-beoc.org/luxembourg | | |

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 | | |



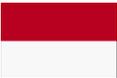
1.2.28 MOLDOVA

| | | | |
|--|---|------|--|
|  |  Conscription: | Yes | |
|  Conscientious objection: | | 1992 | First recognised by the Law on Religions 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 | | |

According to the reply of the Ministry of Defence of the Republic of Moldova to the Questionnaire about EBCO's Annual Report 2020 (e-mail on 15/01/2021):

The Government Decision number 601/2018 regarding the Program "Professional Army 2018-2021" essentially stipulated for the professionalization of the National Army, but due to the transition period, at the moment, it is under uncertainty.

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, Art. 58 (in Serbia & Montenegro times). |
| Service  | Military: | - | |
| | Civilian: | - | |
| Minimum  | Conscription: | - | No conscription |
| | Voluntary enlistment: | 18 | |
| More  | https://ebco-beoc.org/montenegro | | |

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 | | |

In October 2020, for the first time ever, girls in the Netherlands have started receiving letters of conscription from the Ministry of Defence. The first round of letters has been sent to roughly 100.000 Dutch girls born in 2003. ⁵⁷

⁵⁷ 100,000 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/>



The new practice is an outcome of a legislation ⁵⁸ 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.

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. With the new practice introduced in 2020, the letters of conscription are now sent to both boys and girls when they reach the age of 17.

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 | |
|  Conscientious objection: | | 1922 | First recognised by Civilian Conscript Workers Act, 24 th March |
| Service  | Military: | 12 | |
| | Civilian: | - | Since 2012 there has been no alternative civilian service. People who are exempted from military service can be transferred for service in the sector of Civil Protection (Sivilforsvaret) until the year they turn 55. |

⁵⁸ 100, 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/>



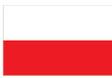
| | | | |
|--|---|----|--|
| | | | They get a 3-week start up course, and then serve 2 days a year as training. If there is a crisis, they will be called in for service. |
| Minimum  | Conscription: | 18 | |
| | Voluntary enlistment: | 18 | |
| More  | https://ebco-beoc.org/norway | | |

According to the reply of the Ministry of Justice and Public Security of Norway to the Questionnaire about EBCO's Annual Report 2020 (e-mail on 05/01/2021):

The military service is normally of 12-month duration. Since 2012 there has been no alternative civilian service in Norway. People who are exempted from military service shall therefore not perform an alternative civilian service of 12-month duration. However, these people can be transferred for service in the sector of civil protection (Sivilforsvaret).

As of now we do not have the exact numbers of applicants who declared themselves as conscientious objectors in 2020, but the number is expected to be around 220 - 230. In 2017 the number of applicants was 166, in 2018 198, and in 2019 there was a total of 267 applicants. Because there are no longer a mandatory civilian service for those who are exempted from military service, there are no total objectors in Norway.

1.2.34 POLAND

| | | | |
|--|---|------|---|
|  |  Conscription: | No | Abolished 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 | |
| More  | https://ebco-beoc.org/poland | | |

1.2.35 PORTUGAL

| | | | |
|---|---|----|---|
|  |  Conscription: | No | Abolished in 2004 in peacetime according to law 174/99. |
|---|---|----|---|



| | | | |
|--|---|------|---|
|  Conscientious objection: | | 1976 | First recognised in Constitution, Article 41. |
| Service  | Military: | - | |
| | Civilian: | - | |
| Minimum  | Conscription: | - | No conscription |
| | Voluntary enlistment: | 18 | |
| More  | https://ebco-beoc.org/portugal | | |

1.2.36 ROMANIA

| | | | |
|---|---|------|--|
|  |  Conscription: | No | Suspended in 2007 in peacetime by law 395/2005. During wartime conscription is compulsory for men. |
|  Conscientious objection: | | 1996 | First recognised in Act No. 46/1996, Art. 4. |
| Service  | Military: | - | |
| | Civilian: | - | |
| Minimum  | Conscription: | - | No conscription |
| | Voluntary enlistment: | 18 | |
| More  | https://ebco-beoc.org/romania | | |

1.2.37 RUSSIA

| | | | |
|--|---|------|--|
|  |  Conscription: | Yes | |
|  Conscientious objection: | | 1993 | First recognised in Constitution, Art. 59.3. |
| Service  | Military: | 12 | |
| | Civilian: | 18 | |



| | | | |
|--|---|----|---|
| Minimum  | Conscription: | 18 | |
| | Voluntary enlistment: | 16 | Under 18 for military schools: 16 for Military School |
| More  | https://ebco-beoc.org/russia | | |

In the case of *Dyagilev v. Russia* (application no. 49972/16) ⁵⁹ on 10/03/2020 the Chamber of the European Court of Human Rights (ECtHR) (Third Section) held, by majority of four (4) to three (3), that there had been no violation of Article 9 (freedom of thought, conscience and religion) of the European Convention on Human Rights.

On 07/09/2020 the Grand Chamber panel of the European Court of Human Rights rejected the request to refer the case of *Dyagilev v. Russia* (no. 49972/16) to the Grand Chamber, thus rendering the judgement of 10/03/2020 final. ⁶⁰

Maksim Andreyevich Dyagilev, is a Russian national who was born in 1990 and lives in St Petersburg (Russia). The case concerned the procedure in Russia for examining requests to replace compulsory military service with its civilian alternative.

When Mr Dyagilev graduated from university in 2014, he became liable to be called up for military service and applied to the local military commissariat to be assigned to civilian service instead. However, a military recruitment commission dismissed his application, finding that the information he had submitted, namely his curriculum vitae and a letter of recommendation from his employer, did not persuade them that he was a genuine pacifist.

He challenged the dismissal in the national courts, submitting his CV and the letter of recommendation again. The courts examined his application in 2015 but found that Mr Dyagilev had failed to prove that there was a serious and insurmountable conflict between the obligation to serve in the army and his convictions. The cassation courts fully endorsed that reasoning.

Relying on Article 9 (freedom of thought, conscience and religion) of the European Convention, Mr Dyagilev complained about the dismissal of his request to be assigned to civilian instead of military service. He alleged in particular that military recruitment commissions in Russia were not independent from the military authorities.

Unfortunately the Chamber of the ECtHR could see no reason to doubt the authorities' assessment of the seriousness of the applicant's convictions. Overall, the Court found that the framework in Russia for deciding on cases concerning opposition to military service, involving a military commission and the possibility for judicial review, was appropriate.

In this judgement, a small majority of judges found that the military recruitment commission "satisfies the prima facie requirement of independence" despite the fact that three out of seven of its members are representatives of the Ministry of Defence. In this ECtHR judgement a slim majority disregards all other relevant international and regional human rights standards set by numerous UN and European institutions for more than half a century.

⁵⁹ JUDGMENT in the CASE OF DYAGILEV v. RUSSIA (Application no. 49972/16), available at <http://hudoc.echr.coe.int/eng/?i=001-201649>

⁶⁰ "ECtHR judgement on Russian CO case disregards 53 years of international human rights standards", Joint statement published on October 29th 2020 by Connection e.V., EBCO – European Bureau for Conscientious Objection, IFOR - International Fellowship Of Reconciliation, WRI - War Resisters' International, available at <https://ebco-beoc.org/node/470>



First of all, in this case the majority of ECtHR judges appear to ignore that “no court and no committee can examine a person’s conscience”, and that “in order to be recognized as a conscientious objector, a declaration setting out the individual’s motives should suffice in order to obtain the status of conscientious objector”, as European Parliament’s resolutions have repeatedly stated for over 30 years.⁶¹

Furthermore, the ECtHR disregards the fact that both the UN Human Rights Council,⁶² and its predecessor, the then UN Commission on Human Rights,⁶³ have, since 1998, welcomed the fact that some States accept claims of conscientious objection as valid without inquiry. In this case, not only was Dyagilev’s claim not accepted without inquiry, but, as pointed out in the dissenting opinion of 3 judges, the “assessment was based on an overly burdensome standard of proof”.

In this judgement the ECtHR appears to ignore the international and regional human rights standards concerning any applications for conscientious objector status.

In 1967 the Parliamentary Assembly of the Council of Europe, decided that: “Where the decision regarding the recognition of the right of conscientious objection is taken in the first instance by an administrative authority, the decision-taking body shall be entirely separate from the military authorities and its composition shall guarantee maximum independence and impartiality.”⁶⁴

Similarly, the then UN Special Rapporteur on religious intolerance, set the relevant standard as long ago as 1986: “The decision concerning their status should be made, when possible, by an impartial tribunal set up for that purpose or by a regular civilian court, with the application of all the legal safeguards provided for in international human rights instruments. There should always be a right to appeal to an independent, civilian judicial body. The decision-making body should be entirely separate from the military authorities and the conscientious objector should be granted a hearing, and be entitled to legal representation and to call relevant witnesses.”⁶⁵ The same standards continue to be cited today by the UN Special Rapporteur on freedom of religion or belief as the role is named now.⁶⁶

It is obvious that a military recruitment committee with any representatives of the Ministry of Defence, let alone three (3) out of seven (7) members, is not “entirely” separate from the military authorities. Furthermore, insofar it is the military members and not the civilian ones which raise questions of independence and impartiality, as it appears to be accepted by the ECtHR [see *Papavasiliakis v. Greece*, no.66899/14], a composition which would guarantee

⁶¹ European Parliament, Resolution on conscientious objection and alternative service, (A3-15/89), [known as Schmidbauer Resolution], as published in the Official Journal of the European Communities C291, 13 October 1989, para. A (page 123) and para. 4 (page 124). See also: European Parliament, Resolution on conscientious objection, (1-546/82), [known as Macciocchi Resolution], 7 February 1983, as published in the Official Journal of the European Communities C 68, 14 March 1983, para. 3 (page 15).

⁶² UN Human Rights Council, Resolution 24/17 (A/HRC/RES/24/17), 8 October 2013, para. 7. Available at <http://undocs.org/A/HRC/RES/24/17>

⁶³ UN Commission on Human Rights, Resolution 1998/77, Conscientious objection to military service, 22 April 1998, (E/CN.4/RES/1998/77), para. 2

⁶⁴ Council of Europe, Parliamentary Assembly, Resolution 337 (1967), Right of conscientious objection, para. b2.

⁶⁵ Report submitted by Mr. Angelo Vidal d Almeida Ribeiro, Special Rapporteur appointed in accordance with Commission on Human Rights resolution 1986/20 of 10 March 1986 (E/CN.4/1992/52), 18 December 1991, para. 185. <http://undocs.org/E/CN.4/1992/52>

⁶⁶ Rapporteur’s Digest on Freedom of Religion or Belief, p. 45. <https://www.ohchr.org/Documents/Issues/Religion/RapporteursDigestFreedomReligionBelief.pdf>



“maximum” independence and impartiality should have been one with the minimum [i.e. zero] participation of military members.

Most importantly, in this case the ECtHR does not take into account the recommendations of the UN Human Rights Committee which, in 2009, urged Russia to “consider placing the assessment of applications for conscientious objector status entirely under the control of civilian authorities.”⁶⁷

The OHCHR has also adopted a similar standard noting that: “Independent and impartial decision-making bodies should determine whether a conscientious objection to military service is genuinely held in a specific case. Such bodies should be placed under the full control of civilian authorities.”⁶⁸

It is worth noting that this ECtHR judgement, which appears to accept a minority of military members in the bodies examining applications for CO status, contradicts its own rationale on whether even a single member may affect the independence and impartiality of a body. For example, in the case of *Canevi and Others v. Turkey*, no. 40395/98, which is not related to conscientious objectors, the ECtHR found a violation of Article 6.1 of the European Convention of Human Rights (right to fair trial), because of the participation of a single military member in a tribunal. If even a single (1) military officer affects the impartiality and independence of a tribunal in a case which has nothing to do with the army it is absolutely clear that the same would be true when the issue at stake is directly related to the army as it involves a conscientious objector opposing the army and the military service.

In conclusion, this year’s ECtHR judgement in the *Dyagilev v. Russia* case contradicts longstanding international and regional human rights standards concerning the recognition of COs, as well as its own broader rationale on independence and impartiality. In any case, the ECtHR may be responsible for the European Convention for Human Rights, but its judgement does not preclude the possibility for Dyagilev himself, as well as other conscientious objectors in similar position, to seek justice at a different level, such the UN Human Rights Committee, for violation of a different treaty, the International Covenant on Civil and Politic Rights.

This ECtHR ruling, concerning a single case with specific characteristics, adopted by a majority of just one judge, and not examined by the Grand Chamber does not set a general precedent for Russia and cannot annul the growing jurisprudence on the right to conscientious objection to military service.

According to EBCO’s member organization in Russia "Citizen. Army. Law":

In recent years (2015-2020), the situation with the right to conscientious objection in Russia is alarming. To date, we do not have statistical data on the people whose military service was replaced with alternative civil service (ACS). However, according to our estimates, the number of citizens who have managed to exercise their right to conscientious objection is decreasing.

Believers of Jehovah’s Witnesses increasingly began to face denials of their right to conscientious objection in connection with the decision of the Supreme Court of the Russian Federation of April 20, 2017 No. AKPI17-238 on the liquidation of a religious organization of Jehovah’s Witnesses in Russia and recognition of their activities as extremist. After this

⁶⁷ UN Human Rights Committee, Concluding observations on the sixth periodic report of the Russian Federation, (CCPR/C/RUS/CO/6), 24 November 2009, para. 23. Available at <http://undocs.org/CCPR/C/RUS/CO/6>

⁶⁸ 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, para. 60, (g). Available at: <http://undocs.org/A/HRC/41/23>



decision, believers of Jehovah’s Witnesses are deprived of the opportunity to provide a reference from a religious organization and, on this basis, draft commissions refuse them to replace their military service with ACS, recognizing their applications as unfounded. In other cases, draft commissions refuse to replace military service with ACS, stating that the activities of Jehovah’s Witnesses are prohibited and referring to the above-mentioned decision of the Supreme Court. In one of these cases, we filed a complaint with the ECtHR (application no. 25929/29, Vidyayev v. Russia).

Regarding the ECtHR judgment in the complaint No. 49972/16, Dyagilev v. Russia, it contributes to the deterioration of the situation with the right to conscientious objection in Russia.

The Russian judicial practice related to the cases on challenging the decisions of draft commissions on refusals to replace military service with ACS is also not in favor of conscripts. In some situations, courts consider filing of an application for the replacement of military service with ACS as “abuse of the right” (appeal ruling of the Moscow City Court dated August 16, 2018 in case No. 33a-6015/2018). The decisions of the highest courts (the Supreme Court of the Russian Federation, the Constitutional Court of the Russian Federation), which would develop standards for ensuring the right to ACS, are absent. The positive court decisions of the district and regional courts related to the protection of the rights to conscientious objection concerned only procedural issues.

Citizens have regularly their applications rejected, with unmotivated and unreasonable refusals to replace military service with ACS, with unjustified referrals for psychiatric examination. For example, a citizen A., who is a Baptist believer, was sent for a psychiatric examination. In justification of the decision to send him for psychiatric examination, the psychiatrist indicated the diagnosis “F22.0 (refusal to take the oath due to religious beliefs)”. According to ICD-10, code F22.0 means the disease “delusional disorder”. The courts recognized the referral for a psychiatric examination instead of considering the application to the ACS as legal (the appeal ruling of the Moscow City Court dated November 22, 2018 in case No. 33a-9698).

At the same time, the command of the Russian Ministry of Defense is taking steps to undermine the very essence of the civilian character of ACS. Human rights activists became aware of the unpublished Instructions on organization of training for citizens undergoing the ACS on the basis of the military spiritual and educational center under the Patriarch Cathedral of the Resurrection of Christ - the main Temple of the Armed Forces of the Russian Federation. Military officials have developed an “algorithm for improving the ACS system in the interests of the Armed Forces.”

In this regard, we consider that there is a real threat of changes in the legislation and practice of organizing ACS in Russia, which will lead to the virtual absence of the right to conscientious objection to military service.

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

1.2.38 SAN MARINO

| | | | |
|---|--|----|--|
|  |  Conscripton: | 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. |
|  | 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 SLOVAKIA

| | | | |
|---|---|----|---|
|  |  Conscription: | No | Suspended in 2006, but it is legally retained and can be reinstated in case of emergency. |
|---|---|----|---|



| | | | |
|--|-----------------------|---|---|
|  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 | |
| More  | | https://ebco-beoc.org/slovakia | |

1.2.41 SLOVENIA

| | | | | |
|---|-----------------------|---|------|--|
|  | |  Conscription: | No | Abolished in 2003 for peacetime. |
|  Conscientious objection: | | | 1991 | First recognised by the Military Service Act (Official Journal of the Republic of Slovenia, n° 18/91). |
| Service  | Military: | - | | |
| | Civilian: | - | | |
| Minimum  | Conscription: | - | | No conscription |
| | Voluntary enlistment: | 18 | | |
| More  | | https://ebco-beoc.org/slovenia | | |

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 | | |

1.2.43 SWEDEN

| | | | |
|--|---|------|---|
|  |  Conscription: | Yes | Reintroduced in 2018 (previously suspended in 2010). 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 | For both men and women. |
| | Civilian: | - | Civil conscription is not activated. 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 | All inhabitants between 16 - 70 years old are obliged to participate in national defence in case of emergency or war. |
| | Voluntary enlistment: | 18 | |
| More  | https://ebco-beoc.org/sweden | | |

According to the reply of the Ministry of Defence of Sweden to the Questionnaire about EBCO's Annual Report 2020 (e-mail on 09/02/2021):

The right to conscientious objection to military service was introduced by law in 1920, in the Alternative Service Schemes Act. At date, according to the 1994 Total Defence Act (SFS 1994:1809), a conscript soldier with serious personal conviction concerning the use of a weapon against another person may be assigned a military service as a conscientious objector after application to Swedish Defence Recruitment Agency. This means that the individual may not be enlisted for training to a post which is connected with use of weapons or against her or his will be enlisted for services in Swedish Armed Forces. 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.



According to the information provided by the SVENSKA FREDS to EBCO based on several sources ⁶⁹ (e-mail on 11/01/2021):

The Swedish Defence Recruitment Agency received 43 applications for weapon free status in 2020. 41 of these applications were approved, 1 was rejected and 1 was written off as the application was withdrawn. Among the 41 applications that were approved, 32 people received weapon free status before starting their military training, and 9 people after starting their military training.

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 Defence Recruitment Agency by the year they turn 18 and participate in military service if they are called to do so. Total objection to participate within both the military and civilian defence, with or without weapon-free status means to be liable for fines.

Of the 94,175 18-year-olds that received the letter to fill in the information to the Swedish Defence Recruitment Agency, 2 % of the around 4,000 that did not hand in the information received a fine order. About half of those later filled in the information and replied to the Swedish Defence Recruitment Agency. 112 people have gotten their cases sent to the prosecutor's office after not showing up to their military selection tryouts in 2020.

Media has continued to be relatively quiet about conscientious objectors in 2020, but in December the Swedish television, SVT, released a report of young people experiencing harassment and offensive treatments during their military education. 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.

As a result of the spread of Covid-19, the Defence Recruitment Agency had to temporarily shut down all its selection tryouts. In March and April 2020, tryouts for 1,750 individuals were cancelled. When the Defence Recruitment Agency opened for tryouts in April, the tryouts had to be done on a much smaller scale to prevent the risk of contributing to the spread of Covid-19. This resulted in the Defence Recruitment Agency holding fewer tryouts than predicted. Overall it did not impact how many applicants were enrolled for military service.

The last years' security political debate has become increasingly militarized. As a result of this, the military budget continues to rise. Over the coming five years, 2021-2025, the military is expected to receive a total of 27 billion SEK extra. In total, this corresponds to 66 billion SEK in 2021 and 77 billion SEK in 2023 for military defence only. This is historically high support for the Swedish military, the highest since the 1950s. The war organization and staff within the Swedish Defence Force is expected to grow from 60,000 to 85-90,000.

1.2.44 SWITZERLAND

| | | | |
|---|---|-----|--|
|  |  Conscription: | Yes | |
|---|---|-----|--|

⁶⁹ The Swedish Migration Agency, The Swedish Defence Recruitment Agency, The Swedish Government, Proposition expenditure area 6 - Defence and emergency preparedness: <https://www.regeringen.se/4a6878/contentassets/bc0f4b1a4ce844f2aa59949d09c93f29/utgiftsomrade-6-forsvar-och-samhallets-krisberedskap.pdf>, The Swedish Television, SVT: <https://www.svt.se/nyheter/inrikes/forsvarsministern-overens-om-27-miljarder-till-forsvaret>, SPAS: <https://www.svenskafreds.se/upptack/forsvars-och-sakerhetspolitik/debatt-varfor-storsatsar-sverige-pa-forsvaret-nar-sjukvarden-gar-pa-kna/>



| | | | |
|--|-----------------------|---|---|
|  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." ⁷⁰ |
| Service  | Military: | ~9 | 262 days |
| | Civilian: | ~13 | 390 days |
| Minimum  | Conscription: | 18 | |
| | Voluntary enlistment: | 18 | |
| More  | | https://ebco-beoc.org/switzerland | |

Towards the end of 2019 both chambers of the Swiss Parliament had decided on seven adaptations to the civilian alternative service (Zivildienst) law in order to massively worsen access and the conditions for the civilian alternative service. The declared intention was to prevent young men from accessing their rights and opting for the alternative to military service. Civiva (the Swiss Civilian Service Federation) launched a referendum and a campaign against the parliament's decision. 50,000 signatures are needed to have a national referendum vote in Switzerland. Before the legal time for the collection of signatures started, Civiva received over 50,000 signature commitments. The new legislation was withdrawn by the Parliament in summer 2020.

1.2.45 TURKEY

| | | | | | |
|--|-----------------------|---|--|-----|--|
|  | |  | Conscription: | Yes | |
|  Conscientious objection: | | | | - | |
| Service  | 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. | | |
| Minimum  | Conscription: | 20 | | | |
| | Voluntary enlistment: | 17 | 17 for the registration to the 'National Defence University'. | | |
| More  | | https://ebco-beoc.org/turkey | | | |

⁷⁰ <https://www.admin.ch/opc/en/classified-compilation/19995395/index.html#a59>



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.

COMMITTEE OF MINISTERS DECISION ON THE IMPLEMENTATION OF ÜLKE GROUP OF CASES

Pressing ahead with a former submission submitted on 07/02/2018 by EBCO and others ⁷¹ on 20/04/2020 the Association for Conscientious Objection, Freedom of Belief Initiative in Turkey, Norwegian Helsinki Committee, War Resisters’ International, European Bureau for Conscientious Objection, and Connection e.V. jointly submitted to the Committee of Ministers of the Council of Europe a Rule 9.2 Submission on the implementation of the judgments under the Ülke Group of cases. ⁷²

14 years after the groundbreaking ECHR judgement in favour of Osman Murat Ülke (Application No. 39437/98) which to this day never has been implemented by Turkey, 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. ⁷³

The Ülke group of cases are a total of seven cases under the enhanced supervision of the Committee of Ministers. They 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 of the European Convention on Human Rights. They stem from the applicants’ repetitive convictions and prosecutions for having refused to carry out compulsory military service due to their religious beliefs or convictions as pacifists and conscientious objectors. The first judgment of the seven cases was Ülke v. Turkey dated 24 April 2006.

The submission by six organisations to the Committee of Ministers included recommendations to the Council of Europe and the Turkish Government. The organisations called on the Turkish Government to take legislative measures without delay; to recognize the right to conscientious objection to military service in line with international human rights standards; to set up independent and impartial decision-making bodies tasked with determining whether a conscientious objection to military service is genuinely held in a specific case; to review relevant legislation.

⁷¹ Available at: <https://rm.coe.int/1310th-meeting-march-2018-dh-rule-9-2-communication-from-a-ngo-europea/168078f2f5>

⁷² Implementation of the Ülke Group of Cases against Turkey (Application No. 39437/98), 20 April 2020. 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.. 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

⁷³ Available at: https://search.coe.int/cm/Pages/result_details.aspx?ObjectId=09000016809e8f6e



The Committee of Ministers have made a decision on 4th June 2020 and urged Turkey to stop prosecuting conscientious objectors and to take the necessary measures to address the judgements of the European Court of Human Rights. ⁷⁴

The Committee of Ministers decision ⁷⁵ asked the authorities to make sure that all the consequences of the violations have been remedied for all the applicants by 1st September 2020. The Committee of Ministers decision also stated that the Deputies “regretted that no progress has been achieved despite the authorities’ undertaking, during the Committee’s previous examinations, to move forward with legislative amendments; invited therefore the authorities to provide an action plan with concrete proposals for measures to address the Court’s findings in this group of cases before 21 June 2021”. The Committee of Ministers also “invited the authorities to provide statistical information on the number of conscientious objectors in Turkey and on administrative fines, prosecutions and convictions delivered in this connection since the Ülke judgment became final in 2006.”

The Conscientious Objection Association hasn’t been aware of any data or statistical information provided by the Turkish authorities yet.

NEWS FROM THE ASSOCIATION OF CONSCIENTIOUS OBJECTION

Due to a news story posted on VR-DER’s official website www.vicdaniret.org, and social media posts on VR-DER accounts, a new prosecution has been started by the İstanbul Anatolian Public Prosecutor’s Office against the association. Abdülmelik Yalçın who is a member of VR-DER was called to testify in relation to the Turkish Penal Code 301 "insulting the military organization of the state". Abdülmelik Yalçın, together with VR-DER co-chair and lawyer Gökhan Soysal, attended the Public Prosecutor’s Office to testify on 13th of November 2020.

In 2019, there had been another investigation against another member because of the official website of VR-DER and the case that was filed resulted to an acquittal.

UPR: TURKEY REJECTS RECOMMENDATIONS ABOUT CONSCIENTIOUS OBJECTORS

Turkey rejected all the recommendations about conscientious objectors submitted as part of the Human Rights Council’s Universal Periodic Review in 2020. ⁷⁶

Specifically, there were two recommendations concerning conscientious objectors, both made by Croatia: ⁷⁷

"45.184 Consider revising the current law according to which the right to conscientious objection to military service is a criminal act (Croatia);

⁷⁴ The Council of Europe urges Turkey to recognise conscientious objection, 12 June 2020. War Resisters’ International. Available at: <https://wri-irg.org/en/story/2020/council-europe-urges-turkey-recognise-conscientious-objection>

⁷⁵ Council of Europe, Ministers’ Deputies, Decisions CM/Del/Dec(2020)1377/H46-40, 4 June 2020, H46-40 Ülke group v. Turkey (Application n° 39437/98), Supervision of the execution of the European Court’s judgments. Available at: https://search.coe.int/cm/Pages/result_details.aspx?ObjectId=09000016809e8f6e

⁷⁶ Turkey rejects recommendations about COs in the context of Human Rights Council’s UPR. 23 October 2020. War Resisters’ International. Available at: <https://wri-irg.org/en/story/2020/council-europe-urges-turkey-recognise-conscientious-objection>

⁷⁷ Report of the Working Group on the Universal Periodic Review, Turkey. 24 March 2020. United Nations, General Assembly, Human Rights Council, A/HRC/44/14. Available at: https://www.upr-info.org/sites/default/files/document/turkey/session_35_-_january_2020/report_of_the_working_group-turkey_english.pdf



45.185 Consider the introduction of civil service for conscientious objectors to military service (Croatia);"

Turkey responded to both recommendations as "noted"⁷⁸ which practically means "rejected".

1.2.46 UKRAINE

| | | | |
|---|---|------|---|
|  |  Conscription: | Yes | Reintroduced in 2014 (earlier suspended in 2012). |
|  | Conscientious objection: | 1991 | First recognised in the Law of Ukraine "On Alternative (Non-Military) Service". |
|  Service | Military: | 18 | 12 months for males of higher education. |
| | Civilian: | 27 | 18 months for males of higher education. |
|  Minimum | Conscription: | 18 | Quasi-voluntary with summoning in the age of 18-19, compulsory in the age of 20-27. |
| | Voluntary enlistment: | 17 | Under 18 for military schools: 17 for cadets |
| More  | https://ebco-beoc.org/ukraine | | |

16,460 conscripts were drafted during the spring military draft in May-July 2020 (it was postponed due to COVID-19 for a month) and 13,570 conscripts were drafted during the autumn military draft in October-December 2020. So, the total number of young people coercively sent to military service in 2020 was 30,030, corresponding to 88,5% of the 2019 draft (33,952). The Ministry of Defence of Ukraine informs that 4,166 conscripts who served their 18-month term and 300 conscripts who served 12-month term were released from military service in 2020.

According to the information provided by the local state administrations to the Ukrainian Pacifist Movement, in 2020 approximately 1,538 conscientious objectors conduct alternative service, nearly 95% of them in 27-month term. Previous years, about 20% of applications for alternative service were refused for untimeliness, nearly 2% for the absence of proof of religious beliefs (such as a certificate of church membership), and near 1% for non-appearance of an applicant before the local state administration's body administering alternative service; such bodies usually include an officer of military commissariat and consist mostly of civil servants, some of whom may be military reservists.

Alternative service is accessible only for religious objectors belonging to religious organizations of 10 denominations listed in the 1999 governmental decree. Servicemen who develop a conscientious objection have no legal way to have their objection recognized, and voluntary dismissal from military service is usually unavailable. This also applies to conscripts transported to military units against their will.

⁷⁸ Report of the Working Group on the Universal Periodic Review, Turkey, Addendum, Views on conclusions and/or recommendations, voluntary commitments and replies presented by the State under review. 24 June 2020. United Nations, General Assembly, Human Rights Council, A/HRC/44/14/Add.1. Available at: <https://undocs.org/en/A/HRC/44/14/Add.1>



The widespread corruption in Ukraine still serves as an almost only way for many young people to avoid military service. According to numerous press releases of police, tens of officers of military commissariats and military medics were arrested in 2020 for taking bribes from draft evaders in sums from \$500 to \$2700. Also, in May 2020 the director of the division of professional adaptation of participants of anti-terrorist operation, joint forces operation, and alternative service of the Khmelnytskyi Oblast State Administration was arrested for extortion of \$1000 bribe, a box of candies and coffee for retroactive registration of late application for alternative service and ensuring approval of the application.

Three cases of suicide of conscript servicemen in Kyiv and Zhytomyr Oblast were reported by the media in 2020. Psychotherapist Mikhaïlo Matiash in his article in Dzerkalo Tyzhnia newspaper informed that a survey of contract and conscript servicemen who participated in armed conflict in Eastern Ukraine revealed a high inclination to suicide; this expert statement is particularly interesting because the Ministry of Defense of Ukraine still claims that conscripts never participate in the Donbass armed conflict, despite this claim was publicly disputed several times.

3361 criminal proceedings against evaders from military service were registered in January-November 2020 by the Articles 335-337, 407-409 of the Criminal Code of Ukraine, including 18 cases of self-harm. For similar offenses, 190 draft dodgers and deserters were jailed, 117 arrested, 24 held in disciplinary battalions, 380 were fined by courts in 2019.

In 2020 Ukrainian journalist, pacifist, and conscientious objector Ruslan Kotsaba was put under trial again in Kolomyia City District Court of Ivano-Frankivsk Region because he published in 2015 a video blog calling to boycott mobilization for armed conflict in Eastern Ukraine. For his expression of antiwar thoughts, he is accused of treason and obstructing military operations. Kotsaba already spent 524 days under arrest and was duly acquitted in 2016. His current retrial is a result of politically motivated prosecution and far-right pressure on justice. Prosecutor asks the court to sentence him to 13 years of imprisonment with confiscation of property, which is a clearly disproportionate punishment. EBCO called for the immediate and unconditional end of the criminal prosecution against Kotsaba;⁷⁹ also, War Resisters' International, Aseistakieltäytyjälitto, Connection e.V., DFG-VK, and others expressed their solidarity with Ruslan Kotsaba.

In July 2020 master's students Igor Drozd and Georgy Veshapidze were transported against their will from Desniansky district military commissariat of Kyiv to a military unit and illegally detained despite they had a right for postponement of conscription to obtain higher education. Their story was covered by the media, an assistant to the Ukrainian Parliament Commissioner for Human Rights (UPCHR) examined the military commissariat and found this and other violations, such as non-voluntary enlistment of conscripts under the age of 20. The boys were released.

In August 2020, the Office of UPCHR reported that a Telegram bot published a list of 6,907 servicemen who abandoned their military units, using personal data without permission.

In several regions of Ukraine coronavirus testing of conscripts was introduced. On 16 December 2020, Medical Force Command of the Armed Forces of Ukraine reported 3,186 people in the Armed Forces of Ukraine had acute respiratory illness COVID-19 caused by the SARS-CoV-2 coronavirus; for 31 December, it reported 1,937 servicemen were ill and in total, during the pandemic, there were 38 fatalities and 12,026 servicemen were recovered.

On 8 April 2020, replying to the Ukrainian Pacifist Movement's petition to cancel conscription for the time of COVID-19 pandemic, the UPCHR's representative in matters of protection of

⁷⁹ Brussels 8-12-2020 - OPEN LETTER to Court - EBCO calls for the dropping of all charges against Ruslan Kotsaba. Available at: <https://ebco-beoc.org/node/478>



servicemen Oleh Chuiko informed that the Commissioner raised a question of prevention a spread of COVID-19 among servicemen. Also, he informed that in 2019 the Commissioner received more than 50 complaints from draftees and their relatives, describing more than 100 violations of human rights by officers of military commissariats, and the Commissioner took necessary measures to stop the violations and prevent them in the future.

In a 2019 submission to the UN Human Rights Committee, the European Association of Jehovah's Witnesses informed that Dnipropetrovsk Regional State Administration has made a practice of dismissing all applications for alternative civilian service by Jehovah's Witnesses because the law demands that application for alternative civilian service must be filed not later than two months prior to the beginning of a conscription period determined by the Presidential Decree, which in recent years usually issued later than two months before the conscription.⁸⁰ In 2020, the decree was issued three months before the conscription period. According to statistics provided by the Dnipropetrovsk Regional State Administration to the Ukrainian Pacifist Movement, 68 conscientious objectors were granted alternative service in 2015-2020, among them 50 Jehovah's Witnesses; 30 applications were refused, 6 of them for untimeliness, 4 because of the absence of evidence proving genuineness of religious beliefs, and 10 because of evasion from alternative service work.

On 16/03/2020 EBCO's President Mr. Friedhelm Schneider sent a letter to the Council of Europe Committee on the Honouring of Obligations and Commitments by Member States of the Council of Europe - Monitoring Committee (Ms. Dzhema Grozdanova and Mr. Alfred Heer) for the draft report under preparation: "The honouring of obligations and commitments by Ukraine", also attaching the EBCO Annual Report Conscientious Objection to Military Service in Europe 2019.

On 1 October 2020 at the 31st Meeting of the 45th Regular Session of the Human Rights Council, the International Fellowship of Reconciliation (IFOR) expressed concern about the current violations of the right to conscientious objection to military service in Ukraine, observed a disproportionate length of the alternative service and a lack of access to employment for those who do not have military registration, and emphasized that a constitutionally enshrined duty to protect the territorial integrity of the country does not override the internationally protected right to conscientious objection; freedom of thought, conscience, and religion is a non-derogable right and it continues to apply regardless of a situation of armed conflict. IFOR urged Ukraine to include the full implementation of the right to conscientious objection to military service in the new Human Rights Action Plan.

Also, on 18 December 2020 at the Human Rights Council meeting IFOR made a statement that alternative service in Ukraine has a punitive and discriminatory character and it is hardly accessible; mentioned a situation with 24 Pentecostals, conscientious objectors in Hoshcha Raion of Rivne Oblast who are unable to start alternative service because there is not available employment suitable to restrictive legal regulations of alternative service. IFOR expressed concern about the adoption of human rights violating Bill 3553 by the parliament in the first reading and continuation of the trial of pacifist Ruslan Kotsaba for his 2015 video expressing opposition to the military mobilization for armed conflict in Eastern Ukraine.

Bill 3553 "On the amendments to several legislative acts of Ukraine concerning improvement in some aspects of conducting military service and military registration" proposed by President of Ukraine Volodymyr Zelensky was adopted by the parliament in the first reading.

⁸⁰ European Association of Jehovah's Witnesses, Submission to the UN Human Rights Committee, Ukraine, 23/09/2019. Available at: https://tbinternet.ohchr.org/Treaties/CCPR/Shared%20Documents/UKR/INT_CCPR_ICO_UKR_36874_E.pdf



Along with reorganization of the system of military commissariats into "Territorial Centers for Recruitment And Social Support" (TCRSS), it introduces the next measures:

- mandatory military registration for employment;
- more vague definitions of punishable administrative offenses against compulsory military registration/service and high fines (increased in 50-100 times to current fines), TCRSS's power to impose such fines;
- arrests and coercive transportation of administrative offenders to TCRSSs, which seems like the legalization of the current informal practice of hunting for conscripts at the streets by police and officers of military commissariats, and arbitrary detention of conscripts, reported, among others, by the UN Human Rights Monitoring Mission in Ukraine;⁸¹
- criminal punishments for evading of military registration, military training gatherings, and conscription "in special period" (declared after the start of Russian aggression against Ukraine in 2014) from high fines up to 5 years imprisonment, with focus on punishment of reservists evading from mandatory gatherings and mobilization/draft, which may imply further coercive militarization of male population, since conscripts served their term of compulsory military service are count as reservists, 40% of them reportedly persuaded to sign contracts for military service;
- mandatory "military registration" of conscientious objectors after release from alternative service (for now, it called just "registration");
- power of the President of Ukraine as Commander-in-Chief to mobilize reservists for compulsory military service with a term up to 6 months in a "special period";
- personal data of people can be included without their consent into the Unified State Register of Draftees, Subjects to Military Duty, and Reservists; in particular, the data will be automatically transferred from the Unified State Demographic Register (which means that all the male population of 17 years age and older can be automatically included into a military register for conscription purposes);
- students can be drafted in a "special period" (currently they have a right to deferral);
- discrimination of conscientious objectors in access to public service, introduced by "special investigation of attitude towards military service" for all candidates to public offices and demands to provide military ID for seeking a job in public service.

The main scientific expert directorate of the Verkhovna Rada (Parliament) of Ukraine warned that adoption of the Bill 3553 may have a negative impact on the rights and freedoms of citizens.

Ukrainian Pacifist Movement's call to withdraw Bill 3553 was rejected, an open letter to the President⁸² was readdressed from the President's Office to the Ministry of Defence which wrote the bill should be adopted. Verkhovna Rada's Committee on Defense refused the request of the Ukrainian Pacifist Movement to present objections to the Bill 3553.

Proposals of Ukrainian Pacifist Movement and International Fellowship of Reconciliation to include protection of the human right to conscientious objection against military service into the National Human Rights Strategy of Ukraine and Action Plan for 2021-2023 years were rejected too, although UN Human Rights Committee in 2013 expressed its concern that no measures appear to have been taken to extend the right of conscientious objection against mandatory military service to persons who hold non-religious beliefs grounded in conscience,

⁸¹ Human Rights Council document A/HRC/42/CRP.7 "Report on the human rights situation in Ukraine 16 May to 15 August 2019," 24th September 2019, para. 6, 49. Available at: https://www.ohchr.org/Documents/Countries/UA/ReportUkraine16May-15Aug2019_EN.pdf

⁸² Statement by Ukrainian Pacifist Movement: Bill № 3553 on Zelensky's military dictatorship should be withdrawn. Available at: <https://wri-irg.org/en/story/2020/statement-ukrainian-pacifist-movement-bill-no-3553-zelenskys-military-dictatorship>



as well as beliefs grounded in all religions, and stressed 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, and should be neither punitive nor discriminatory in nature or duration by comparison with military service.⁸³ On 23 October 2020 UPCHR's representative for foreign affairs Natalia Fedorovych stated in her official letter that the Human Rights Committee's recommendations to Ukraine on alternative service are not realized and the Commissioner believes that the Law of Ukraine "On alternative (Non-Military) Service" should be thoroughly updated and improved in accordance to the Article 35 of Constitution of Ukraine.

On 25 December 2020 President Zelensky said in an interview with Focus magazine that in a case of big war with Russia he plans total mobilization, men and women would be drafted into the active army. Major General Serhii Kryvonos criticized Zelensky's plan as unrealistic, emphasized that people don't want to fight, and said that "military service of conscripts is slavery in the most of cases"; quickly after the statement, Zelensky fired Kryvonos from the post of deputy secretary of the National Security and Defense Council of Ukraine.

A 2019 poll on 3e! News Telegram channel (87% of 1370 voters against conscription) and 2020 Kyiv KRT TV phone poll (91% of 578 participants agreed that military service in Ukraine should be voluntary) showed that conscription is highly unpopular in Ukraine. But at the parliamentary session on 17 July 2020 Minister of Defense Andriy Taran said that conscription in Ukraine will continue in the foreseeable future, disavowing the statement of his predecessor Andriy Zahorodniuk about a possible cancellation of conscription.

In November 2020, the law was adopted exempting personnel of the State Emergency Service of Ukraine from the military draft.

During the ongoing illegal occupation of Ukrainian territories, in 2020 the Russian Armed Forces announced conscription of 3,000 Crimean residents in violation of Article 51 of the Fourth Geneva Convention and the UN General Assembly resolutions. The European Union condemned this attempt of the military draft and has called on Russia to stop all violations of Human Rights and international law in the Crimean Peninsula.⁸⁴ Since the beginning of the occupation, the Russian Federation has already conducted eleven conscription campaigns, during which about 25,000 people were illegally drafted into the Russian armed forces. Human Rights Watch reviewed dozens of judgments from Crimean courts on criminal draft evasion cases and identified 71 criminal draft evasion cases and 63 guilty verdicts between 2017 and 2019. The true number of such cases is most likely higher, as not all cases and judgments have been made public. In most cases, defendants were fined between 5,000 and 60,000 rubles (\$77 to \$1,000).⁸⁵

Conscientious objectors in Russian-occupied Crimea can apply to military commissariats for alternative civil service in state-owned enterprises, but the military has full discretion to recognize or not recognize the "authenticity" of their beliefs; refusal can be challenged in the courts, but with little chance of winning. Conscientious objectors meet severe obstacles to the recognition of their objection including procedural barriers and discriminatory mistreatment on religious, political, and other grounds. For example, it became known that the Bakhchysarai military commissar demanded that a Jehovah's Witness change his faith to ask for alternative service since the Jehovah's Witnesses are banned in Russia. Alexander

⁸³ Human Rights Committee, Concluding observations on the seventh periodic report of Ukraine (CCPR/C/UKR/CO/7) of 22 August 2013, para. 19. Available at: <https://undocs.org/CCPR/C/UKR/CO/7>

⁸⁴ EU statement on illegal conscription in occupied Crimea, 13 April 2020. Available at: <https://wri-irg.org/en/story/2020/eu-statement-illegal-conscription-occupied-crimea>

⁸⁵ Human Rights Watch, "Crimea: Conscription Violates International Law". Available at: <https://www.hrw.org/news/2019/11/01/crimea-conscription-violates-international-law>



Sedov, the Crimean Human Rights Group expert, in 2020 said at Radio Liberty that military commissariats prevent people from applying to alternative service and criminalize complaints about insufferable, punitive conditions of it, such as service in other regions very distant from home and unsanitary conditions of temporary residence, treating such complaints as criminally punished evasion from the alternative service.

At the territories of Donbass in Eastern Ukraine where the government does not exercise effective control, separatist forces of Russia-backed “Donetsk People’s Republic” (DPR; estimated strength of armed forces 20,000) and “Luhansk People’s Republic” (LPR; estimated strength 14,000) imposed a regime of military registration of all males in the age 17 and summoning men to compulsory military gatherings, that include field training in military units or camps for ten days; evaders are threatened by punishment. In September 2020 leader of DPR Denis Pushilin announced conscription in the future without any concrete details. The media informs that military commissariats in LPR will organize conscription into the Russian army in 2021, especially for males 18 years and older with Russian passports, massively issued to the people in the region. Announcements of future introduction of conscription to separatist and Russian occupational armed forces in Donbass does not mention whether the human right to conscientious objection against military service will be respected.

1.2.47 UNITED KINGDOM

| | | | |
|--|---|------|---|
|  |  Conscription: | No | Abolished in 1963. |
|  Conscientious objection: | | 1916 | First recognised by Military Service Act, 27 th Jan. |
| Service  | Military: | - | |
| | Civilian: | - | |
| Minimum  | Conscription: | - | No conscription |
| | Voluntary enlistment: | 16 | Under 18: 16 |
| More  | https://ebco-beoc.org/united-kingdom | | |

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 | |
| | Civilian: | 27 | |



| | | | |
|--|---|----|--|
| Minimum  | Conscription: | 18 | |
| | Voluntary enlistment: | 16 | Under 18 for military schools: 16 for Military Academies |
| More  | https://ebco-beoc.org/belarus | | |



2. OVERVIEW OF NATIONAL PROVISIONS

2.1 CONSCRIPTION

In 1960, conscription was almost universal in what are now Council of Europe states.⁸⁶ The following map and table show the date on which it was abolished/suspended.

Map 1. European map of abolition / suspension of conscription

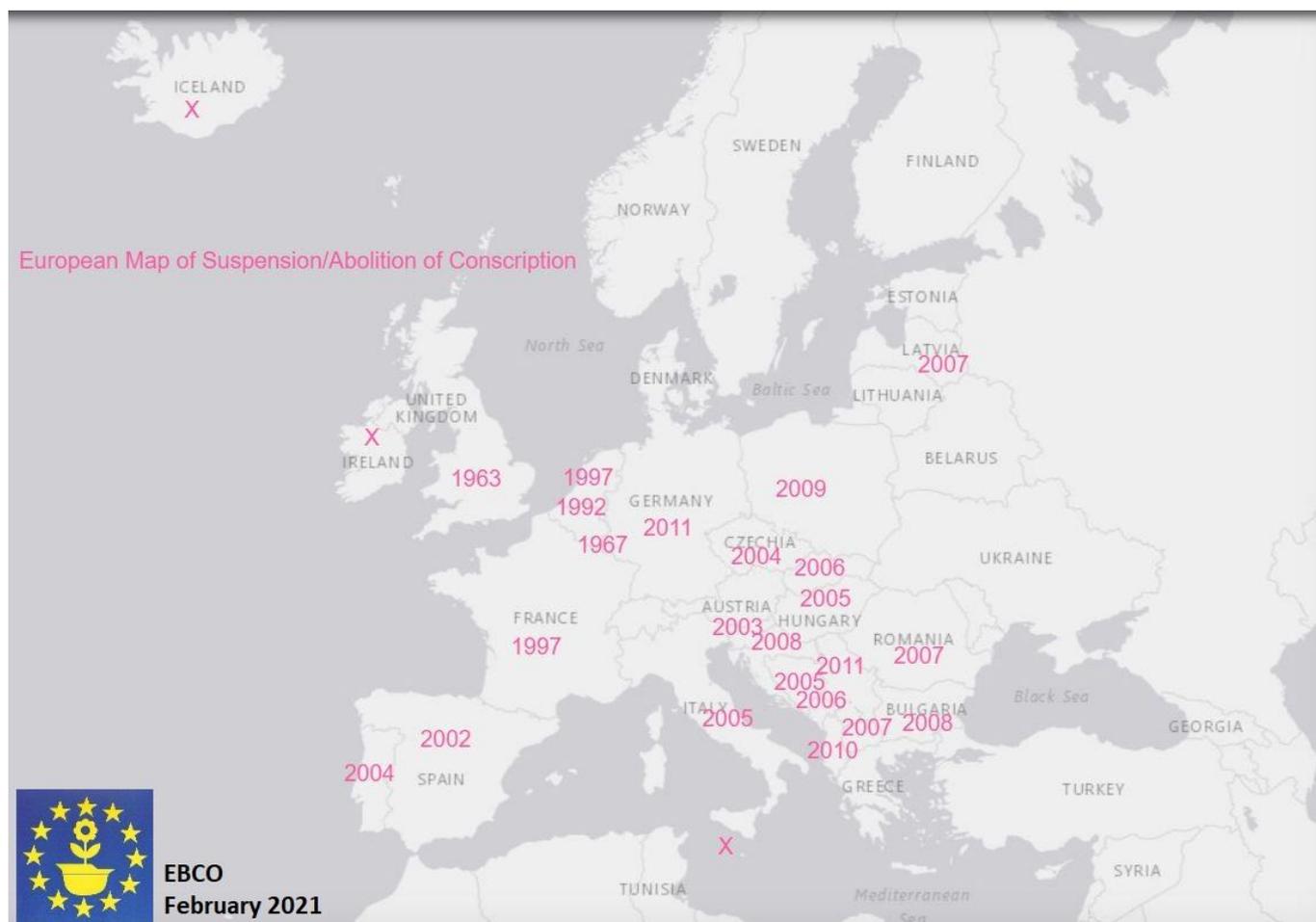


Table 1. Abolition / suspension of conscription in states within the Council of Europe area⁸⁷

| Country | Time of abolition / suspension (ascending order) | Notes |
|---------|--|-----------------------------|
| Andorra | - | Conscription never existed. |
| Iceland | - | Conscription never existed. |

⁸⁶ For simplicity, throughout this Section Belarus is treated as a Council of Europe state, although its membership is currently suspended.

⁸⁷ Sources: EBCO Report 2020 and Finabel Report 2019 Conscription in the European Union Armed Forces, Available at: <https://finabel.org/wp-content/uploads/2019/10/FFT-The-EU-Conscription-Model-W.pdf>



| | | |
|---------------------------------|------|--|
| Ireland | - | Officially, conscription never existed. According to article 54 of the 1954 Defence Act, during emergencies it is possible to conscript men. |
| 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, and it is only possible in wartime. |
| 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. |
| 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 abolished 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, and it can be reinstated in times of emergency. |
| 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). |
| 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, but remains in law. |
| 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 Council of Europe states conscription is still enforced. They are: Armenia, Austria, Azerbaijan, Belarus (*candidate*), Cyprus, Denmark, Estonia, Finland, Georgia (reintroduced in 2017), Greece, Lithuania (reintroduced in 2015), Moldova, Norway, Russia, Sweden (reintroduced in 2018), Switzerland, Turkey and Ukraine (reintroduced in 2014). Of former Soviet Republics, only in Latvia is conscription currently suspended.

In 1963 the United Kingdom abolished conscription. New legislation would be required to reintroduce it. In most other cases 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 fulfill the military's manpower needs. Sometimes the word is used in a completely meaningless fashion. In 2018/9, Croatia announced that it was introducing "voluntary conscription" of eight weeks. "Voluntary conscription" is not the same as conscription targeting in the first instance volunteers. This is simply a means of enrolling for a short period of military training without committing to a longer period of military service; it is indeed voluntary, and therefore cannot by definition be "conscription".

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. Even in the two World Wars, when Great Britain introduced conscription, it was never applied to any part of the island of 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

For many countries, reasonably up-to-date data on the number of conscripts are not readily available. But for those where they are available, the following table shows the proportion of the active strength of the armed forces at any one time which is made up of conscripts as opposed to “career soldiers”.

Table 2. Number and percentage of conscripts⁸⁸

| Country | Total strength of armed forces | Number of conscripts | % (descending order) |
|--------------------|--------------------------------|----------------------|----------------------|
| Switzerland | 21.450 | 18.500 | 86,2% |
| Finland | 21.500 | 12.950 | 60,2% |
| Republic of Cyprus | 15.000 | 10.700 | 59,4% |
| Estonia | 6.700 | 3.200 | 47,8% |
| Russia | 900.000 | 313.000 | 44,5% |
| Moldova | 5.150 | 2.200 | 42,7% |
| Armenia | 44.800 | 18.950 | 42,3% |
| Greece | 143.850 | 50.750 | 35,3% |
| Norway | 23.250 | 8.050 | 34,6% |
| Sweden | 15.150 | 4.000 | 26,4% |
| Georgia | 20.650 | 4.250 | 21,1% |

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 vast bulk of recruits, as shown in the following table.

⁸⁸ 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.



Table 3. Armed forces active strength compared with eligible age group population ⁸⁹

| Country | Annual cohort of males reaching 18 | Total armed forces active strength | % (descending order) |
|---------------------------|------------------------------------|------------------------------------|-------------------------------|
| Armenia | 15.797 | 44.800 | 283,6% (conscripts 120,0%) |
| Greece | 51.658 | 142.350 | 275,6% (conscripts 95,3%) |
| Republic of Cyprus | 7.669 | 18.000 | 234,7% (conscripts 139,5%) |
| Russia | 682.190 | 900.000 | 131,9% (conscripts 44,4%) |
| Ukraine | 184.589 | 243.000 ⁹⁰ | 131,6% |
| Lithuania | 15.082 | 19.850 | 131,6% |
| Azerbaijan | 52.244 | 66.950 | 128,1% |
| Estonia | 5.474 | 6.600 | 120,6% (conscripts 60,3%) |
| Bulgaria | 36.702 | 31.300 | 85,3% |
| Belarus | 53.356 | 43.350 | 85,0% |
| Malta | 2.425 | 1.950 | 80,4% |
| Montenegro | 2.456 | 1.950 | 79,4% |
| Slovenia | 9.669 | 7.250 | 75,0% |
| Georgia | 27.586 | 20.650 | 74,9% (conscripts 15,8%) |
| Serbia | 38.221 | 28.150 | 73,7% |
| Latvia | 8.466 | 6.210 | 73,4% |
| Norway | 33.306 | 23.250 | 69,8% (conscripts 21,6%) |
| Finland | 31.007 | 21.500 | 69,3% |

⁸⁹ 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.

⁹⁰ Including approximately 20,000 and 14,000 members of the separatist forces of the self-styled Donetsk and Luhansk Peoples Republics, respectively. Figures for Ukraine refer to the areas under Government control only.



| Country | Annual cohort of males reaching 18 | Total armed forces active strength | % (descending order) |
|---------------------------------|------------------------------------|------------------------------------|-----------------------------|
| | | | (conscripts 41,8%) |
| Croatia | 23.058 | 15.200 | 65,9% |
| Poland | 192.105 | 117.800 | 61,3% |
| Romania | 115.868 | 69.300 | 59,8% |
| Italy | 298.786 | 171.050 | 57,2% |
| North Macedonia | 13.985 | 8.000 | 57,2% |
| Slovakia | 28.314 | 15.850 | 56,0% |
| Sweden | 54.221 | 29.750 | 54,9% |
| Hungary | 53.060 | 27.800 | 52,4% |
| Turkey | 682.559 | 355.200 | 49,1% |
| France | 417.657 | 203.900 | 48,8% |
| Spain | 246.655 | 120.350 | 48,8% |
| Bosnia & Herzegovina | 21.594 | 10.500 | 48,6% |
| Switzerland | 44.782 | 21.450 | 47,9% (conscripts 41,3%) |
| Czechia | 49.156 | 23.200 | 47,2% |
| Austria | 45.723 | 21.200 | 46,4% |
| Germany | 402.290 | 182.019 | 45,25% |
| Portugal | 62.130 | 27.200 | 43,8% |
| Belgium | 64.798 | 26.550 | 41,0% |
| United Kingdom | 364.588 | 148.350 | 40,7% |
| Denmark | 38.346 | 14.500 | 37,8% |
| Netherlands | 106.366 | 35.400 | 33,3% |
| Albania | 25.679 | 8.000 | 31,2% |
| Ireland | 31.422 | 9.500 | 30,2% |
| Moldova | 19.253 | 5.150 | 26,7% (conscripts 11,4%) |
| Luxembourg | 3.636 | 900 | 24,8% |
| Iceland | 2.270 | 250 | 11,0% |



Table 4. First Recognition of Conscientious Objection to Military Service in States within the Council of Europe area ⁹²

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

⁹² Even if Belarus is not in Council of Europe area, when available, tables indicate Belarusian information.



| Year (ascending order) | Country | Provision |
|------------------------|---------------------------------|--|
| 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). |
| 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 | Civilian Service Act, No.18/1992 – in Czechoslovakia |
| 1992 | Georgia | Military Service Act, Art. 12 |
| 1992 | Serbia and Montenegro | Constitution, Art. 58 – Montenegro gained independence in 2006 |
| 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



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 (ascending order) | Civilian service duration | Ratio to military service duration | Gender |
|---------|---|--------------------------------------|------------------------------------|--|
| Sweden | 4-11 | Civil conscription is not activated. | | Men and women are obliged by law. |
| Denmark | 4 | 4 | 1 | Men are obliged by law. Women may participate. |
| Finland | ~5.5, 8.5 or 11.5 | ~11.5 | 1-2.1 | Men are obliged by law. Women can volunteer. |



| | | | | |
|---------------------------|----------|---|----------|---|
| Austria | 6 | 9 | 1.5 | 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 participate. |
| Switzerland | ~9 | ~13 | 1.5 | Men are obliged by law. Women can volunteer. |
| Greece | 9 or 12 | 15 | 1.25-1.7 | Men are obliged by law. |
| Lithuania | 9 | 10 | 1.1 | Men are obliged by law. |
| Norway | 12 | No alternative service required of conscientious objectors. | | Men are obliged by law. |
| Turkey | 6 | No alternative civilian service available. | | Men are obliged by law. |
| Moldova | 12 | 12 | 1 | Men are obliged by law. |
| Ukraine | 12 or 18 | 18 or 27 | 1.5 | Men are obliged by law. |
| Russia | 12 | 18 | 1.5 | Men are obliged by law. |
| Georgia | 12 | 18 | 1.5 | Men are obliged by law. |
| Republic of Cyprus | 14 | 19 | 1.4 | Men are obliged by law. |
| Azerbaijan | 18 | No alternative civilian service available. | | Men are obliged by law. |
| Belarus | 18 | 27 | 1.5 | Men are obliged by law. |
| Armenia | 24 | 36 | 1.5 | Men are obliged by law. |



2.5 MILITARY EXPENDITURE

Yet another measure of militarisation is given by military expenditure. The Table 6 shows the figures for 2019 as reported by the Stockholm International Peace Research Institute (SIPRI). Figures in blue are SIPRI estimates. Figures in red indicate highly uncertain data.

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.

It can be seen from Table 6 that no fewer than eleven of the countries listed recorded a decline in expenditure – at least as measured in dollar terms - from 2018 to 2019, and that these included all the major Western European spenders. The largest proportional decline was in France, which however remained the largest Western European spender.

At the other extreme, the big “jumper” was Bulgaria, which almost doubled its military expenditure. In 2018, it would have ranked 20th on this measure; in 2019 it was 6th, followed by Slovakia, from 19th to 26th, and Spain, from 29th to 24th.

It would be interesting to know what is going on in Bulgaria. All that the Military Balance 2020 reveals (p.91) is that “Bulgaria is in the process of implementing the Programme for the Development of the Bulgarian Armed forces 2020.” However, it may be noted that traditionally the Bulgarian Armed Forces relied on high levels of conscription. Attention is now being turned to modernising equipment, and part of the current Programme also aims at the improvement of the quality of personnel.

In aggregate, over the entire region from 2018 to 2019 SIPRI measures a decline of about 2% in (dollar) military expenditure. The total however remains horrifying – almost 377 thousand million dollars.

Table 6. Military expenditure in states within the Council of Europe area & Belarus⁹³

| Country | Military Expenditure US\$ million 2019 | % change from 2018 | US\$ per capita | % of GDP |
|---|--|--------------------|-----------------|----------|
|  Albania | 197,5 | +12,3% | 68,6 | 1,3% |
|  Armenia | 673,3 | +10,6% | 227,6 | 4,9% |
|  Austria | 3.237,8 | -4,4% | 361,6 | 0,7% |
|  Azerbaijan | 1.854,2 | +10,9% | 184,5 | 4,0% |
|  Belarus | 780,1 | +9,1% | 417,5 | 1,2% |
|  Belgium | 4.817,5 | -0,5% | 431,3 | 0,9% |

⁹³ Figures derived from the SIPRI Military Expenditure Database. Available at: <https://www.sipri.org/databases/milex>



| Country | | Military Expenditure US\$ million 2019 | % change from 2018 | US\$ per capita | % of GDP |
|---|---------------------------------|---|-----------------------|--------------------|-------------|
|  | Bosnia & Herzegovina | 183,2 | +6,4% | 55,5 | 0,9% |
|  | Bulgaria | 2.127,1 | +121,3% | 303,9 | 3,2% |
|  | Croatia | 1.009,2 | +4,4% | 244,3 | 1,7% |
|  | Republic of Cyprus | 401,7 | -9,8% | 335,1 | 1,6% |
|  | Czechia | 2.910,3 | +7,4% | 272,3 | 1,2% |
|  | Denmark | 4.556,8 | 0,0% | 789,5 | 1,3% |
|  | Estonia | 656,1 | +8,1% | 494,9 | 2,1% |
|  | Finland | 3.971,1 | +5,7% | 717,8 | 1,5% |
|  | France | 50.118,9 | -2,5% | 769,5 | 1,9% |
|  | Georgia | 316,1 | -3,5% | 79,1 | 2,0% |
|  | Germany | 49.276,8 | +5,9% | 590,0 | 1,3% |
|  | Greece | 5.471,6 | -5,0% | 522,4 | 2,6% |
|  | Hungary | 1.904,4 | +6,3% | 196,6 | 1,2% |
|  | Iceland | 0,0 | 0,0% | 0,0 | 0,0% |
|  | Ireland | 1.112,7 | +0,5% | 227,9 | 0,3% |
|  | Italy | 26.790,4 | -3,7% | 442,5 | 1,4% |
|  | Latvia | 709,8 | -1,9% | 372,3 | 2,0% |
|  | Lithuania | 1.083,7 | +2,6% | 392,7 | 2,0% |
|  | Luxembourg | 428,8 | +9,0% | 696,4 | 0,6% |

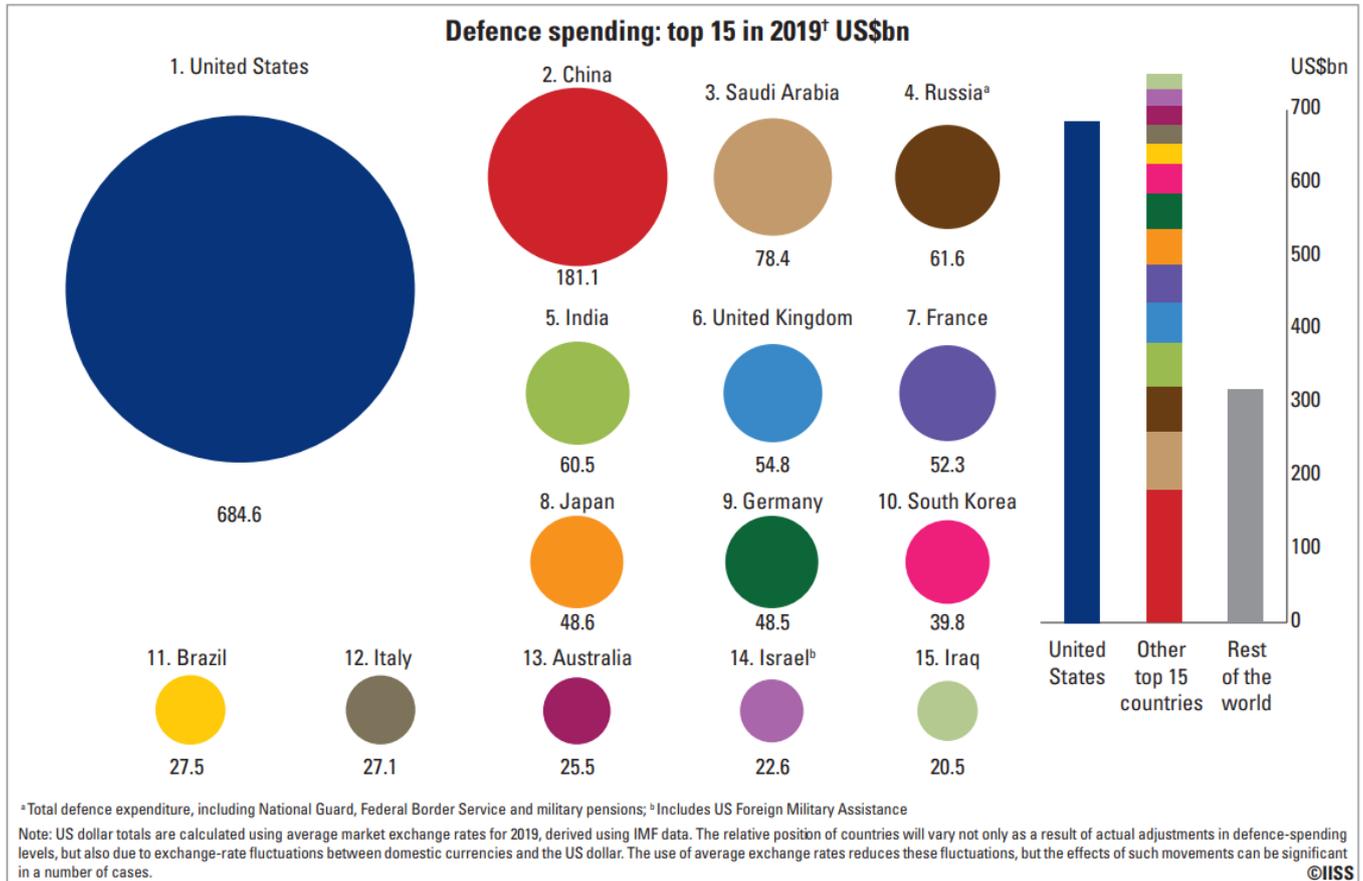


| Country | | Military Expenditure US\$ million 2019 | % change from 2018 | US\$ per capita | % of GDP |
|---|----------------------------|---|-----------------------|--------------------|-------------|
|  | Malta | 83,6 | +25,1% | 189,9 | 0,6% |
|  | Moldova | 44,5 | +18,9% | 11,0 | 0,4% |
|  | Montenegro | 89,3 | +13,2% | 142,2 | 1,6% |
|  | Netherlands | 12.059,6 | +8,5% | 705,4 | 1,3% |
|  | North Macedonia | 151,2 | +26,5% | 72,6 | 1,2% |
|  | Norway | 7.003,4 | -0,9% | 1302,0 | 1,7% |
|  | Poland | 11.902,5 | -1,1% | 314,2 | 2,0% |
|  | Portugal | 4.513,0 | +2,1% | 441,3 | 1,9% |
|  | Romania | 4.945,0 | +13,4% | 255,4 | 2,0% |
|  | Russia | 65.102,6 | +6,1% | 446,3 | 3,9% |
|  | Serbia | 1.143,8 | +39,9% | 130,4 | 2,2% |
|  | Slovakia | 1.865,2 | +43,9% | 341,8 | 1,8% |
|  | Slovenia | 568,7 | 7,4% | 273,6 | 1,1% |
|  | Spain | 17.176,7 | -3,6% | 367,5 | 1,2% |
|  | Sweden | 5.920,1 | +3,3% | 589,9 | 1,1% |
|  | Switzerland | 5.179,1 | +11,3% | 602,8 | 0,7% |
|  | Turkey | 20.447,7 | +4,1% | 245,1 | 2,7% |
|  | Ukraine | 5.228,9 | +25,4% | 118,9 | 3,4% |
|  | United Kingdom | 48.650,4 | -2,5% | 720,4 | 1,7% |



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

Chart 1. Top defence budget, 2019 (US\$bn)⁹⁴



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.

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

⁹⁴ Source: Institute for Strategic Studies (IISS), "The Military Balance 2020". Available at: <https://www.iiss.org/publications/the-military-balance>



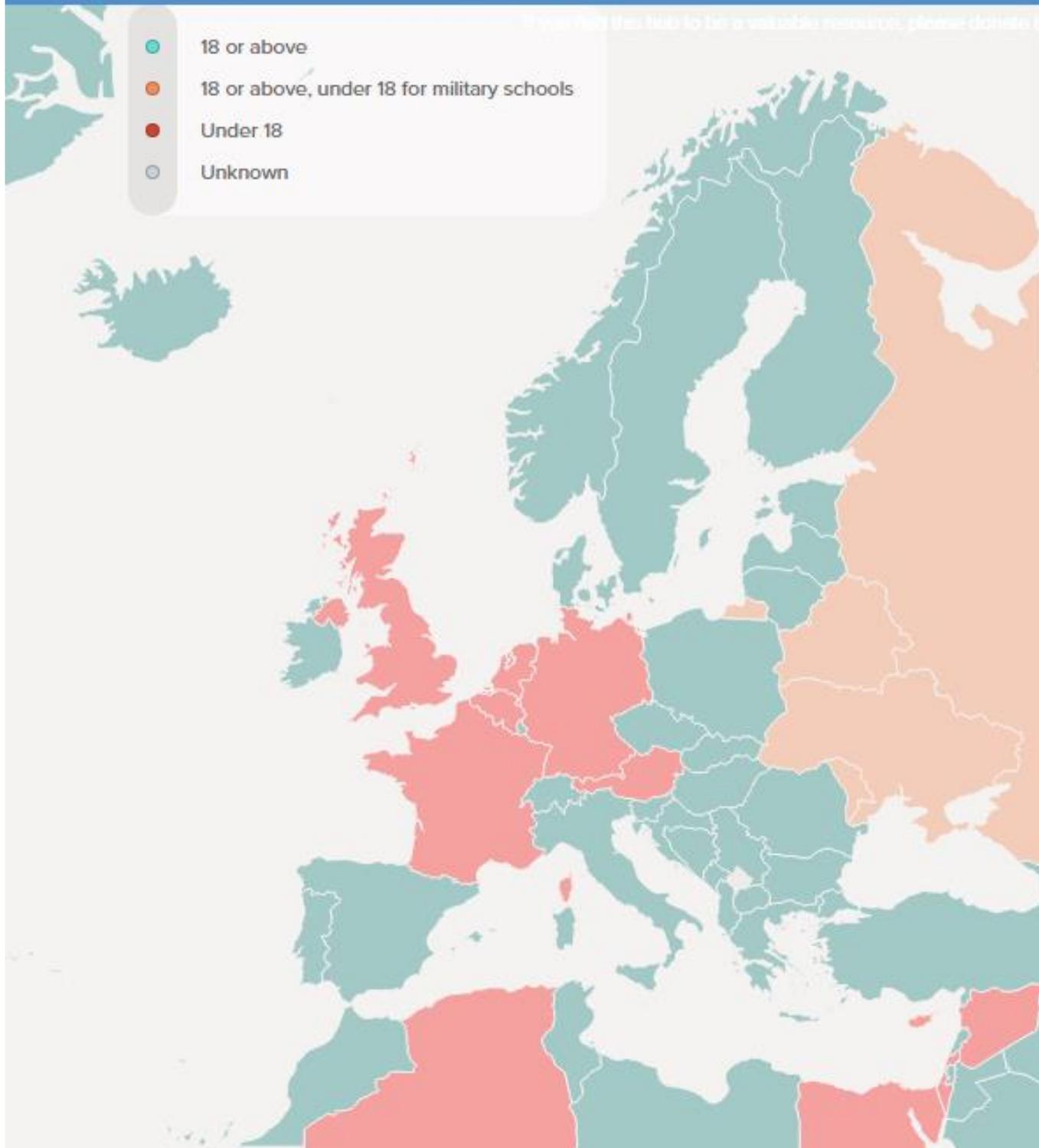
OPAC STATUS

MINIMUM ARMED FORCES ENLISTMENT AGE IN PRACTICE

REPORTS OF CHILDREN USED IN HOSTILITIES

With thanks to Child Soldiers International for establishing the site

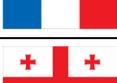
If you find this hub to be a valuable resource, please donate to Child Soldiers International



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 & Belarus

| | 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 | 18 | 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

Possible work of the STEERING COMMITTEE FOR HUMAN RIGHTS (CDDH) on conscientious objection to compulsory armed military service in Europe. Document transmitted by the European Bureau for Conscientious Objection (EBCO), by means of its board member Ms. Lanza Martina Lucia, CDDH(2020)04, 13/11/2020. Available at: <https://rm.coe.int/steering-committee-for-human-rights-cddh-possible-work-of-the-cddh-on-/1680a05b26>

Report to the UN Office of the High Commissioner for Human Rights (OHCHR) - Indigenous Peoples and Minorities Section (IPMS) on discrimination against conscientious objectors. The submission was made by War Resisters' International in December 2020 in response to the OHCHR-IPMS request for inputs – and in particular sample legislative provisions and jurisprudence – into the publication “Protecting Minority Rights: A Practical Guide on Developing Comprehensive Anti-Discrimination Legislation”, under development in 2020. Available at: <https://wri-irg.org/en/story/2021/wri-submits-report-ohchr-conscientious-objection>

A graphic novel about CO has been published in Germany in November 2020. Available at: <https://www.avant-verlag.de/comics/gegen-mein-gewissen>



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 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.
- 3) to immediately cease any recruitment into the armed forces on of **persons aged under 18**.
- 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.

