



Conscience and Peace Tax International

Internacional de Conciencia e Impuestos para la Paz

NGO in Special Consultative Status with the Economic and Social Council of the UN

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Submission to the 94th Session of the Human Rights Committee: October 2008 Conscientious Objection to Military Service: NETHERLANDS

Obligatory military service was suspended in the Netherlands in 1996, but the provisions governing such service, and the arrangements for conscientious objection, remain on the statute book. All males are required to register for military service; there is no provision for registering as a conscientious objector.

Historical Background:

Universal obligatory military service was introduced in the Netherlands in 1912 and apart from the period of German occupation from 1940 to 1945 remained in operation until 1996.

In 1923 the Netherlands followed Denmark, Sweden and Norway in creating a “peacetime” system of civilian alternative service for conscientious objectors. At the time of the suspension of conscription this was governed by the Law on Conscientious Objection of 27th September 1962; this Law was subsequently amended on 1st September 2003.

Under the amended procedures, the obligatory medical examination of all potential conscripts was abolished, but the provisions in the Law on Conscientious Objection which stated that applications for recognition as conscientious objectors would be considered only from those who had been passed fit for military service. This means that there is no option for conscientious objectors to register as such under the current arrangements.

Under Article 3 of the Law on Conscientious Objection¹ the provisions were made equally available for conscripts and for regular serving members of the armed forces. There is however a dearth of information about the application of these provisions, except that the Ministry of Defence confirmed in November 2004 that they were not

available to members of the armed forces who wished to continue serving but to be released on grounds of conscience from specific military operations.²

CPTI suggests that the Netherlands be asked to clarify how many serving members of the armed forces have been released under the provisions of the 1962 and 1997 Acts on Conscientious Objection, and under what terms such releases have been granted.

The Netherlands might also be asked whether it would consider giving full freedom to conscientious objectors to military service to register that objection at the time of obligatory registration for military service.

18th August 2008.

² Stolwijk, op cit.