

Ireland

Issues

- Ireland did never introduce conscription. However, professional soldiers do not have the right to conscientious objection.

Military recruitment

Conscription

Conscription has never existed in Ireland.

Article 28 of the Constitution¹ and article 54 of the 1954 Defence Act² allow for conscription to be introduced in a state of emergency.

There is no further legislative provision for conscription and there never has been since Ireland became independent as the Irish Free State in 1922.



Professional soldiers

The minimum age at which a person can join the Irish Defence Forces is 17.

Volunteers sign up for a period they themselves determine, the required minimum being three years followed by six years in the Reserve Defence Force³. The usual term of a contract, however, is five years, and can be extended by four or three years up to a total of 12 years⁴.

Interestingly, article 256 of the Defence Act makes “interfering with recruiting” an offence which is punishable by a fine.

Conscientious objection

Conscientious objection for conscripts

As there has never been conscription in Ireland, there are no laws for conscientious objection in case conscription should be introduced.

Conscientious objection for professional soldiers

There is no right to conscientious objection for professional soldiers. Article 49 of the Defence Act 1954 deals with the resignation of officers, who can apply for resignation, but this has to be approved by the Minister of Defence.

Non-commissioned officers and privates are entitled to “*discharge by purchase*” according to Article 75 of the Defence Act 1954. The amount to be paid is laid out in a scale, but the exact amount is presently not known. However, this does not apply in an emergency.

In fact, in situation where it would be most likely that a conflict of conscience might arise, it is most difficult to leave the Armed Forces prematurely.

1 [http://www.taoiseach.gov.ie/attached_files/html_files/Constitution_of_Ireland_\(Eng\)Nov2004.htm](http://www.taoiseach.gov.ie/attached_files/html_files/Constitution_of_Ireland_(Eng)Nov2004.htm), accessed 23 April 2008

2 Defence Act 1954, <http://www.irishstatutebook.ie:80/1954/en/act/pub/0018/print.html>, accessed 23 April 2008, last amended in 2006 with the Defence (Amendment) Act 2006, <http://www.irishstatutebook.ie:80/2006/en/act/pub/0020/print.html>, accessed 23 April 2008

3 UN Commission on Human Rights, 1994. Report of the Secretary-General prepared pursuant to Commission resolution 1993/84 (and Addendum). United Nations, Geneva.

4 Department of Defence, letter to Irish Embassy London in response to WRI questionnaire, 12 February 2008

Draft evasion and desertion

Article 135 (Desertion) and article 137 (Absence without Leave) specify that the respective military offences can be punished with imprisonment awarded by a court martial.

The question of draft evasion does not apply as there is presently no conscription.

Information on practice is not available.