

Italy

Issues

- Italy does not recognise the right to conscientious objection for professional soldiers.

Military recruitment

Conscription

The Italian Parliament decided to end conscription in November 2000¹. Originally, it was planned to end conscription by 2007, but the transformation process into professional armed forces went faster than anticipated. On 29 July 2004, Parliament finally approved Law 4233-B, relating to the “*early suspension of compulsory military service and regulation of previously enlisted voluntary servicemen*”². Decree n. 226 of 23 August 2004 finally set the date for the transition to a fully professional military for 1 January 2005³. Accordingly, young men born after 1985 were no longer called up for military service. The last conscripts were called up in February 2004 and since 1 January 2005 the Italian armed forces consist of professional soldiers only⁴.

Conscription is in fact suspended. According to Law 331/2000⁵, conscription may be reintroduced in case of war or national emergency.

However, anyone wanting to join the police, the para-military carabinieri, the customs service or the fire service will still have first to serve a year in the army⁶.

Professional soldiers

According to Law 226/2004, the minimum age for joining the Armed Forces is now 18. Only Italian citizen can join the Italian Armed Forces⁷.

Conscientious objection

Conscientious objection for conscripts

When conscription was enforced, legal provisions for conscientious objection were laid down in the 1998 Law on Conscientious Objection (230/1998⁸). If conscription is reintroduced in case of war or national emergency,



- 1 Conscription days over for Italy, The Guardian, 25 October 2000, <http://www.guardian.co.uk/world/2000/oct/25/worlddispatch.rorycarroll>, accessed 25 April 2008; Italy abolishes the draft, BBC News, 24 October 2000, <http://news.bbc.co.uk/1/hi/world/europe/988849.stm>, accessed 25 April 2008
- 2 Non-formal learning in voluntary civil and/or substitute services: development of a prototype model aimed at promoting employability and inclusion in the workforce – Civil Service Apprenticeship, <http://www.info-civilservice.net/cdromcsa/pdf/it/report%20italia%20in%20inglese%201%C2%B0%20fase.pdf>, accessed 25 April 2008
- 3 Embassy of Italy in Washington, Military Service, http://www.ambwashingtondc.esteri.it/Ambasciata_Washington/Menu/Informazioni_e_servizi/Servizi_consolari/Leva/, accessed 25 April 2008
- 4 Italy ends compulsory military service, AFP, 29 July 2004
- 5 Norme per l'istituzione del servizio militare professionale, <http://www.miolegale.it/normativa.php?id=26&pagina=1>, accessed 25 April 2008
- 6 Italy ends compulsory military service, AFP, 29 July 2004
- 7 Legge 23 agosto 2004, n. 226: Sospensione anticipata del servizio obbligatorio di leva e disciplina dei volontari di truppa in ferma prefissata, nonche' delega al Governo per il conseguente coordinamento con la normativa di settore, http://www.assodipro.org/Leggi/Leggi_archivio/2004-23agosto-226.htm, accessed 25 April 2008
- 8 Legge 8 luglio 1998, n. 230: Nuove norme in materia di obiezione di coscienza, <http://www.parlamento.it/leggi/98230l.htm>, accessed 25 April 2008

COs will be called up to serve in civil protection or the Red Cross (Article 13 paragraph 4).

In addition, according to Article 2 of the 1998 Law on Conscientious Objection, the right to conscientious objection to military service did not apply to those "*who have presented a request within less than two years to serve in the Military Armed Forces*" or any other government institutions which involve the use of weapons. This restriction practically excludes professional soldiers from claiming the right to conscientious objection.

The law was last modified in 2007, to bring it up to date to a situation where conscription is generally not enforced⁹.

Conscientious objection for professional soldiers

There are no legal provisions for conscientious objection for professional soldiers.

The rules for leaving the Armed Forces prematurely are presently not known.

Draft evasion and desertion

Under the criminal code draft evasion is punishable by up to five years' imprisonment, and five to 15 years' in wartime (art. 336)¹⁰.

Information on practice is not available.

⁹ Legge 2 agosto 2007, n. 130: Modifiche alla legge 8 luglio 1998, n. 230, in materia di obiezione di coscienza, <http://www.camera.it/parlam/leggi/07130l.htm>, accessed 25 April 2008

¹⁰ Amnesty International 1991. Conscientious objection to military service. AI, London.