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## **Annual Report**

# **Conscientious Objection to military service in Europe 2018**

**Brussels, May 2019**



## Foreword by Friedhelm Schneider, EBCO President

**2018** has been a paradoxical year for the world's conscientious objection and anti-militarist movements. With the release from prison of all but 13 conscientious objectors in **South Korea**, the global total of imprisonments, which for decades has been in the hundreds, has shrunk considerably. As to the situation in South Korea, it is not sure if the landmark decisions of the Constitutional and Supreme Court will strengthen the right to conscientious objection in practice. According to a draft law presented in December the government plans an extremely discriminatory alternative service to be performed in detention centers. The sudden peace with Ethiopia means that **Eritrea**, the world's most egregious persecutor of conscientious objectors now lacks whatever excuse it ever had, although sadly there has not yet been any sign of change on the ground. **Yet in Europe refugee tribunals continue to send conscientious objectors back to countries where they face conscription, if not worse. And not only populists continue to argue for a return of conscription at home.**

**2019** has started on a positive note with the publication of a Draft Amendment to the Military Service Act in the **northern, Turkish-occupied, part of Cyprus**. Although not perfect, the text is remarkably positive, and marks the first recognition of conscientious objection in a Turkish influenced context, provided that the ongoing parliamentary process leads to a positive result. In the whole of Europe, even as most broadly defined by the Organisation for Security and Cooperation in Europe, only **Turkey** itself still fails even to acknowledge the right of conscientious objection to military service.

Some echoes of events in the wider world may be found in EBCO's report on 2018, but of course it focusses mainly on developments in Europe itself.

**Non-assistance to persons in danger – this sums up the continued failure of major European institutions to support those who despite massive discrimination call upon the fundamental right of conscientious objection to military service.** In 2018 conscientious objection was yet again absent from the political agenda of the Council of Europe and the European Union. This is fatal when it affects states which have for decades persecuted and mistreated conscientious objectors.

**Azerbaijan** promised the Council of Europe on accession 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 – the authorities have no fear that the Council of Europe will imminently take effective action to end this severe human rights violation.

Regarding **Turkey** the situation is similar. The landmark decision pronounced in January 2006 in favour of conscientious objector Osman Murat Ülke by the European Court of Human Rights has not been implemented to this day. Despite a joint submission by EBCO, WRI, and IFOR, the Committee of Ministers hasn't taken a continuative decision in 2018.

And the **European Union Agency for Fundamental Rights (FRA)** – confronted to the ongoing discrimination against conscientious objectors in Greece – claims that the ambiguous wording of paragraph 10.2 of the European Charter of Fundamental Rights renders it incompetent to protect the right of conscientious objection to military service. This debate continues...

Fortunately some gleams of hope show that in 2018 the right to refuse to kill did not totally disappear from the awareness of European institutions. In the context of the European Social Charter, the **European Committee of Social Rights** in October declared admissible a complaint from the European Organisation of Military Associations aimed at obliging



Ireland to make legal provision to enable members of its fully-professional armed forces to be released in the event of developing conscientious objections. The following month, the **European Youth Forum** adopted a comprehensive Resolution on the right to conscientious objection to military service in Europe, inter alia calling on its member organisations to promote conscientious objection as a youth right.

In contrast to the vast majority of European political institutions, the **United Nations** human rights mechanisms – including the Universal Periodic Review, the Human Rights Committee and the Working Group on Arbitrary Detention - continue regularly to monitor the implementation of the right to conscientious objection. In his Report on Youth and Human Rights the United Nations **High Commissioner for Human Rights** recalled that “regrettably, some States do not recognize or fully implement the right to conscientious objection to military service in practice”. Following resolution 36/18 (2017) of the Human Rights Council the Office of the High Commissioner for Human Rights is at present preparing “a report on different approaches and challenges with regard to application procedures for obtaining the status of conscientious objector to military service in accordance with human rights standards”.

On the whole the black list of European states which discriminate against conscientious objectors remains unchanged. The massive repression of war resisters in **Turkey** and **Azerbaijan** persists. The fact that **Ukraine** has temporarily been under martial law since the end of November further undermines the already precarious situation of conscientious objectors there, and war resisters in the self-declared republics of Luhansk and Donetsk also receive short shrift. The persecution of Jehovah's Witnesses in **Russia** continues to emasculate that country's alternative service system. In spite of criticism by all relevant human rights institutions, the discriminatory legislation on conscientious objection in **Greece** continues to be in breach of international human rights standards – even after its recent amendment in April 2019. In **Switzerland** the government plans since June 2018 to introduce into the Swiss Alternative Service Law a catalogue of discriminatory measures aimed to raise the acceptance of military service by reducing the attractiveness of alternative service. It is no wonder that some EBCO member organisations have found themselves preoccupied with assisting conscientious objectors fleeing repression elsewhere.

This introduction cannot end without paying tribute to two great personalities particularly linked to the commitment of EBCO. **Ludwig Baumann**, one of the last surviving German deserters from World War II, died on 5<sup>th</sup> July 2018 at the age of 96. It was thanks to Baumann's lifelong advocacy of a peace-orientated commemorative culture that wartime deserters and conscientious objectors in Germany regained dignity with their political and legal rehabilitation in 2002. And on 8<sup>th</sup> September the General Assembly of EBCO had the pleasure of joining the public event in Torino which marked the centenary of **Bruno Segre's** birth. Having in 1949 at the military tribunal of Torino defended the first Italian conscientious objector, Pietro Pinna, Segre supported hundreds more objectors in subsequent trials. As a prominent lawyer and journalist he was the single most influential person in obtaining the eventual legalization of conscientious objection in Italy in 1972.

The extraordinary perseverance which made Baumann and Segre successfully overcome political obstacles will continue to **inspire EBCO's commitment for the human right of conscientious objection to military service.**



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## 1. DEVELOPMENTS DURING 2018

### 1.1 INTERNATIONAL AND REGIONAL ORGANISATIONS AND MECHANISMS

#### 1.1.1 COUNCIL OF EUROPE

On 7 February 2018 the European Bureau for Conscientious Objection (EBCO), War Resisters' International (WRI) and the International Fellowship of Reconciliation (IFOR) filed to the **Committee of Ministers** a joined submission<sup>1</sup> pushing for the execution of the Judgement pronounced on 24 January 2006 by the **European Court of Human Rights** in favour of the Turkish conscientious objector **Osman Murat Ülke**. In this context the Turkish government filed "additional information"<sup>2</sup> for the 1331<sup>st</sup> meeting of the Committee of Ministers in December 2018. This "information" continues to prolong the delaying tactics exercised since 2006. It is once more fully unsatisfactory, as neither the individual situation of Osman Murat Ülke is definitively adjusted in conformity with human right standards, nor is the legalization of conscientious objection in Turkey achieved. Though Turkey's disrespect of the ECHR judgement Ülke against Turkey continues since more than a decade, there has been no continuative decision of the Committee of Ministers in 2018.

In the case of **Murat Kanatli vs Turkey** at the **European Court of Human Rights**, lawyer Oncel Polili has submitted his replies to the observations of Turkey, following the Court's request.

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**<sup>3</sup>. 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.

#### 1.1.2 EUROPEAN UNION

The EU **Agency for Fundamental Rights (FRA)** declared its incompetence to deal with the right of conscientious objection. This is the result of a correspondence with EBCO providing the Agency with a submission documenting violations of the EU Charter of Fundamental Rights in the case of conscientious objectors in Greece, where in spite of the severe criticism of all relevant human right institutions the discriminating Greek legislation on conscientious objection has not been amended (in 2018). Accordingly, conscientious objectors to military service are excluded from the implementation of FRA's guideline "Helping to make fundamental rights a reality for everyone in the European Union".

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<sup>1</sup> DH-DD(2018)209, 01/03/2018, 1310<sup>th</sup> meeting (March 2018) (DH) - Rule 9.2 Communication from a NGO (European Bureau for Conscientious Objection) (14/02/2018) in the case of Ülke v. Turkey (Application No. 39437/98). Available at: [https://search.coe.int/cm/Pages/result\\_details.aspx?ObjectId=090000168078f2f5](https://search.coe.int/cm/Pages/result_details.aspx?ObjectId=090000168078f2f5)

<sup>2</sup> DH-DD(2018)938, 28/09/2018, 1331<sup>st</sup> meeting (December 2018) (DH) - Communication from the authorities (24/09/2018) concerning the case of ULKE GROUP v. Turkey (Application No. 39437/98). Available at: <https://rm.coe.int/native/09000016808de58a>

<sup>3</sup> Decision on admissibility, 16 October 2018, European Organisation of Military Associations (EUROMIL) v. Ireland, Complaint No. 164/2018. Available at: <https://hudoc.esc.coe.int/eng#%7B%22ESCDcIdentifier%22:%5B%22cc-164-2018-dadmiss-en%22%5D%7D>



### 1.1.3 EUROPEAN YOUTH FORUM

On 24 November 2018 the **General Assembly** of the European Youth Forum adopted a comprehensive Resolution on the Right to Conscientious Objection to Military Service in Europe<sup>4</sup>. This resolution draws attention to the rights violations faced by young conscientious objectors to military service and calls on all European States to review their policies in order to ensure they are in line with the rights covered in the resolution. Inter alia the member organisations of EYF are called to promote the right to conscientious objection as a youth right.

### 1.1.4 UNITED NATIONS

In contrast to the vast majority of European political institutions, the United Nations human rights mechanisms – in particular the Universal Periodic Review – continue to monitor regularly the implementation of the right to conscientious objection as well as its shortcomings.

In his Report on Youth and Human Rights (A/HRC/39/33)<sup>5</sup> published on 28 June 2018, ahead of the 39<sup>th</sup> Session of the UN Human Rights Council, the United Nations **High Commissioner for Human Rights** recalls the deficit that “*regrettably, some States do not recognize or fully implement the right to conscientious objection to military service in practice*”.

The report is based on a broad range of input from over 95 stakeholders, including the European Youth Forum (EYF) and its Member Organisations (including EBCO). EYF and EBCO welcomed this report which calls for advancement of youth rights, including the right to conscientious objection to military service<sup>6</sup>. The report identifies many areas where young people have difficulties to exercise their rights, particularly:

- participating in politics and public decision-making;
- gaining access to decent jobs when transitioning from education to the labour market;
- sexual and reproductive health rights;
- their right to conscientious objection to military service.

The report also outlines some of the challenges faced by youth in vulnerable situations, including young migrants, asylum seekers, and refugees as well as youth with disabilities, highlighting the need to address multiple discrimination against young people.

The report provides four recommendations to the UN Human Rights Council for measures to effectively advance the rights of young people. Based on the recommendations, EBCO shares the position of the EYF which strongly supports the creation of a Special Procedure, such as an Independent Expert or a Special Rapporteur on youth, under the auspices of the Council. An independent human rights expert with the mandate to report and advise on human rights as they relate to youth would build on the work carried out so far and provide a key focal point within the UN system for young people’s rights.

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<sup>4</sup> EBCO welcomes the Resolution on the right to conscientious objection to military service in Europe adopted by the General Assembly of the European Youth Forum. Available at: <http://www.ebco-beoc.org/node/439>

<sup>5</sup> Youth and human rights - Report of the United Nations High Commissioner for Human Rights. Available at: [http://ap.ohchr.org/documents/dpage\\_e.aspx?si=A/HRC/39/33](http://ap.ohchr.org/documents/dpage_e.aspx?si=A/HRC/39/33)

<sup>6</sup> UN report calls for advancement of youth rights. European Youth Forum. Available at: <https://www.youthforum.org/un-report-calls-advancement-youth-rights>



Following Resolution 36/18 "Conscientious objection to military service"<sup>7</sup> of the Human Rights Council, the Office of the High Commissioner for Human Rights is at present preparing "a report on different approaches and challenges with regard to application procedures for obtaining the status of conscientious objector to military service in accordance with human rights standards".

## 1.2 DEVELOPMENTS WITHIN COUNCIL OF EUROPE STATES

### 1.2.1 AZERBAIJAN

Azerbaijan promised the Council of Europe on accession 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 – the authorities have no fear that the Council of Europe will imminently take effective action to end this severe human rights violation.

### 1.2.2 CYPRUS

#### Northern part of Cyprus:

There are some developments in the following pending cases:

- **Murat Kanatli:** On 8/11/2018 the judge agreed to the request of the Prosecutor to temporarily withdraw the 2 cases by the Prosecutor pending a decision at the open case at the European Court of Human Rights. The Prosecutor stated that, should the case at the ECHR be negative then the cases will reopen at military court. In the case of Murat Kanatli vs Turkey at the European Court of Human Rights, lawyer Oncel Polili has submitted his replies to the observations of Turkey, following the Court's request.
- **Haluk Selam Tufanli:** On 27/12/2018, the Prosecutor withdrew temporarily Haluk's 6 cases pending a decision at the open case at the European Court of Human Rights. This is the same as with Murat's cases.
- **Halil Karapasaoglu:** Following the non-payment of the fine issued to Halil in the decision of the military on 3/1/2019<sup>8</sup>, Halil was sent to prison to serve his sentence of 20 days<sup>9</sup>. The Court of Appeal which was held on the 4<sup>th</sup> day of Halil's prison sentence, in its decision said:
  - the Council of Ministers had announced the preparation of a draft law therefore the military court should had taken this fact into consideration
  - the draft law was published in the official gazette right after the decision of the Military court
  - the fine given to Halil was justified but the prison sentence was disproportionate considering the publication of the draft law in the gazette
  - therefore, decided to reduce the sentence to 3 days, which he has already served.

<sup>7</sup> GE.17-17327(E), Human Rights Council Thirty-sixth session, 11–29 September 2017, Agenda item 3, Resolution adopted by the Human Rights Council on 29 September 2017 36/18. Conscientious objection to military service. Available at: <https://www.right-docs.org/doc/a-hrc-res-36-18/>

<sup>8</sup> Another disappointment in the northern part of Cyprus. EBCO Press Release 4-1-2019. Available at: <http://www.ebco-beoc.org/node/441>

<sup>9</sup> Imprisonment of Turkish-Cypriot conscientious objector Halil Karapasaoglu: A blatant human rights violation. EBCO Press Release 15-1-2019. Available at: <http://www.ebco-beoc.org/node/446>



Halil will also be taking his case to the European Court of Human Rights soon, so a similar situation as in the case of Murat and Halil is expected, that is the Prosecutor temporarily withdrawing the cases, pending a decision of the ECtHR.

- **Erman Dolmaci:** The next reservist who will be facing prosecution is Erman Dolmaci - his call ups are at the police.
- **Jehova's Witness Polat** has been evading conscription since December 2018, so developments are expected. His lawyer is also attending the Parliamentary Committee Meetings (see below).

On 7/1/2019, the Council of Ministers submitted to the Parliament a draft law which includes conscientious objection. The Parliamentary Committee of Law, Political Affairs and Foreign Relations started to discuss the draft law on 13/2/2019 on a weekly basis and has so far had 5 meetings. The Initiative for Conscientious Objection in Cyprus, the Human Rights Foundation, the Military, the Ministry of Foreign Affairs and the State Prosecutor are invited as permanent guests at the meetings. Other associations, including an international Jehovah's Witnesses association, and retired military officers, were also invited at some meetings. The next meeting of the Parliamentary Committee has not been arranged yet. The general discussion has been finalized and soon the discussion on each article will begin. The general atmosphere at the meetings is positive.

### Republic of Cyprus:

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

On 7/2/2019 EBCO sent a letter to the Conscientious Objectors Evaluation Committee, requesting the provision of the statistics with regards to the evaluation of the applications for conscientious objector status. On 8 March 2019 the Ministry of Defence provided EBCO with the official statistics about the number (requests and approvals) of COs in the Republic of Cyprus (figures from 2009 to 2018, see Appendix 1).

### 1.2.3 FINLAND

On 23 February 2018 the Helsinki appeal court decided to repeal a sentence given to a total objector by a district court. The objector said that his pacifist convictions were a reason for his conscientious objection. He had been sentenced for "refusal from civilian service". The appeal court decided that sentencing him would be discriminatory compared to Jehovah's Witnesses preferential treatment. There are more than 100 total conscientious objectors who were acquitted since then.

Jehovah's Witnesses are exempt from military and civilian service in peace time. In September 2018 the Finnish government ruled that the current law allowing Jehovah's Witnesses to avoid military service, in place for several decades, is discriminatory and contradicts the Constitution. Therefore the government submitting a corresponding proposal to the Parliament and the law exempting Jehovah's Witnesses from conscription was abolished on 1<sup>st</sup> of April. Now Finnish Jehovah's Witnesses are obliged to either serve in the military or perform civilian service on the same terms as everyone else.

In February 2019 the Parliament accepted changes to the non-military service law. From now on the CO status of reservist objectors is recognised from the moment when their application is received. Also there are improvements in the non-military servicemen subsistence.





Also in February 2019 there was a proposal by a MP of the left party to shorten the non-military service and to abolish the imprisonment of total objectors. The proposal was rejected in the parliamentary voting with 153 against and 27 for.

AKL together with 13 other organisations launched a campaign in February 2019 to change military service to equal and to abandon punishing of total objectors. In fact this means volunteer system. Now the campaign Asepalvelus 2020<sup>10</sup> is collecting promises from parliamentary candidates. The elections will be held at 14<sup>th</sup> of April. At the moment the campaign has promises from more than 170 candidates mostly from the green and the left parties. Later this year the campaign will launch an initiative and will start collecting signatures.

A Turkish conscientious objector studying in Finland wishes to apply for asylum in Finland. The CO has extension for delay to start his army service until March 2020 but his residence permit in Finland ends in the end of July 2019.

### 1.2.4 FRANCE

France has some plans concerning the universal civic service ("Service National Universel"). Even if the initiative does not have much support, there will be an experiment of it in June 2019. The planned service would be obligatory for 16 to 18 years old boys and girls for 1 month (time of collective placement and individual mission of general interest). After that there will be a volunteer work internship of at least three months<sup>11</sup>. The obligatory first collective placement would include paramilitary elements such as uniforms and nationalistic actions.

### 1.2.5 GREECE

On May 29<sup>th</sup> 2018 the European Bureau for Conscientious Objection (EBCO) and War Resisters' International (WRI) supported the renewed call for a boycott of the conscience examination committee (the special advisory committee which examines applications for conscientious objector status), which has been issued by the Association of Greek Conscientious Objectors<sup>12</sup>. The two international NGOs reiterated their demand for the abolition of the process of examination of applications by the special committee and an automatic application of the provisions on alternative service for all those who apply for it and all those who have been rejected so far, if their cases are still pending.

Such a position is supported by the European Parliament which has stated that "no court or commission can penetrate the conscience of an individual" and has argued that a declaration setting out the grounds should suffice for somebody to be recognized as a conscientious objector.<sup>13</sup> The practice of other states of accepting claims of conscientious

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<sup>10</sup> Asepalvelus 2020 campaign. Available at: <https://asepalvelus2020.fi/>

<sup>11</sup> 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](https://www.education.gouv.fr/cid136561/le-service-national-universel-snu.html#La_premiere_phase_du_service_national_universel)

<sup>12</sup> European Bureau for Conscientious Objection and War Resisters' International support Greek conscientious objectors' boycott of the Conscience Examination Committee. Joint statement of 29 May 2018. Available at: <http://www.ebco-beoc.org/node/432>

<sup>13</sup> 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). Available at: <http://www.ebco-beoc.org/node/187> See also 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). Available at: <http://www.ebco-beoc.org/node/188>



objection as valid without inquiry was welcomed both by the UN Commission on Human Rights<sup>14</sup> and its successor, the UN Human Rights Council<sup>15</sup>.

In any case, the current procedure in Greece, with military officers participating in the advisory committee and with the (Deputy) Minister of National Defence taking the final decision, clearly violates international law and standards—including those set in 1967 by the Parliamentary Assembly of the Council of Europe, requiring, *inter alia*, that the decision-taking body be entirely separate from the military authorities, and that its composition should guarantee maximum independence and impartiality<sup>16</sup>. That is why the UN Human Rights Committee<sup>17</sup>, the Commissioner for Human Rights of the Council of Europe<sup>18</sup>, and the Special Rapporteur on freedom of religion or belief<sup>19</sup>, have all recommended that Greece transfer the assessment of applications for conscientious objector status from the Ministry of National Defence to an independent civilian department/under the full control of civilian authorities.

On 13 February 2019 EBCO and the Association of Greek Conscientious Objectors submitted to the Vice-Minister of Defence a detailed Memorandum<sup>20</sup> with all the necessary legislative changes, urging the Greek authorities to bring the Greek legislation about conscientious objectors in line with the international human rights law and standards. However, this was not the case. In April 2019 the legislation on conscientious objection to military service was only slightly amended. EBCO expressed its deep disappointment and stated that it is a lost opportunity because it introduces only minor changes to the relevant legislation, and fails to bring the Greek legislation about conscientious objectors in line with the international human rights law and standards. More specifically:

On the one hand there was a **limited number of positive provisions** as follows:

- **The new law abolishes the capability of the Minister of National Defence to suspend the provisions about conscientious objectors during wartime.**
- **The new law provides that expenses for transportation of COs fall on the state**, as it is already since many years the case with the conscripts.

<sup>14</sup> UN Commission on Human Rights, Resolution 1998/77, Conscientious objection to military service, 22 April 1998, (E/CN.4/RES/1998/77), para. 2. Available at: <http://hrlibrary.umn.edu/UN/1998/Res077.html>

<sup>15</sup> 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>

<sup>16</sup> Council of Europe, Parliamentary Assembly, Resolution 337 (1967), Right of conscientious objection, para. b2. Available at: <http://assembly.coe.int/nw/xml/XRef/Xref-XML2HTML-en.asp?fileid=15752&lang=en>

<sup>17</sup> UN Human Rights Committee, Concluding observations on the second periodic report of Greece, (CCPR/C/GRC/CO/2), 3 December 2015, paras. 37-38. Available at: <http://undocs.org/CCPR/C/GRC/CO/2> & UN Human Rights Committee, Concluding observations on the initial report of Greece (CCPR/CO/83/GRC), 25 April 2005, para. 15. Available at <http://undocs.org/CCPR/CO/83/GRC>

<sup>18</sup> Report by Mr Alvaro Gil-Robles, Commissioner for Human Rights, on his visit to the Hellenic Republic, 2-5 June 2002, CommDH(2002)5, para. 18. Available at: <https://rm.coe.int/CoERMPublicCommonSearchServices/DisplayDCTMContent?documentId=09000016806db86f>

<sup>19</sup> UN Economic and Social Council, Commission on human rights, Civil and political rights, including the question of religious intolerance, Addendum, Summary of cases transmitted to Governments and replies received, E/CN.4/2006/5/Add.1, 27 March 2006, para. 139. Available at: <http://undocs.org/E/CN.4/2006/5/Add.1>

<sup>20</sup> ΥΠΟΜΝΗΜΑ του Ευρωπαϊκού Γραφείου για την Αντιρρηση Συνείδησης (E.B.C.O.) και του Συνδέσμου Αντιρρησιών Συνείδησης προς τον Αναπληρωτή Υπουργό Εθνικής Άμυνας. Available at: <http://ebco-beoc.org/node/451>



- **The new law guarantees the return of COs to their previous working position after the civilian service**, as it is already since many years the case with the conscripts.
- The new law provides that the **age** after which a conscientious objector is eligible to buy off the greatest part of the civilian service will be reduced to **33 years** (from 35 currently) in order to be equal with that concerning those serving in the armed forces. The new law also provides that the **minimum number of days** which a conscientious objector is required to serve before being eligible to buy off the rest of its civilian service will be reduced to **20 days** (from 40 currently) in order to be equal with the number of days required from those serving in the armed forces.

On the other hand **several problematic issues remain** as follows:

- **The civilian service remains punitive and discriminatory in length, cost and location** (prohibition to serve in the place of residence). The new law grants a discretionary power to the Minister of National Defence to reduce the length of the civilian service (which today is 15 months and could have been reduced by decision of the Minister to 14 months), down to 12 months in order to bring it closer to the length of military service, which is 9 months for the vast majority of conscripts. While this is a step in the right direction, it does not guarantee any reduction in the actual length of alternative service, which should be established in law. Furthermore, the new law retains in force Article 60 para. 1 of Law 3421/2005, which provides that in principle the length of civilian service is double to that of military service. The new law fails to increase the amount of money (223.53 euros per month) received by COs during their civilian service when they are not given food and housing. EBCO urges the Greek authorities **to make the length of civilian service equal to that of military service, to cover the COs' cost of living during their civilian service, and not to exclude their place of residence.**
- **The assessment of applications for CO status are not placed under the full control of civilian authorities.** The procedure remains under the Ministry of National Defence, with the (Alternate) Minister of National Defence taking the final decision. The new law only provides that the 5-membered Special Committee which examines the applications and submits recommendations to the Minister, will have a new composition which will include only one military officer instead of two, as it is the current provision. EBCO urges the Greek authorities **to accept all the applications because conscientious objection is an unconditional right, and no Committee or Minister can examine someone's conscience anyway.**
- **The repetitive punishment in violation of the *ne bis in idem* principle remains.** Punishment for failure to perform military service ("insubordination") does not entail exemption from military duties, resulting in conscientious objectors being repeatedly called-up, and consequently punished. This concerns various categories of COs, such as the total objectors, those whose applications for CO status have been rejected, and those who are granted CO status but they cannot complete the civilian service either because of the punitive conditions, or because their CO status is revoked following a disciplinary offence. EBCO urges the Greek authorities **to exempt from military duties those COs who are punished for insubordination.**
- **Conscientious objectors of a greater age continue to face discrimination.** The new law does not solve the most important problem for this category of COs, that is, the punitive and discriminatory amount of money required to be paid by the COs which is usually **thousands of euros greater** than the amount of money paid by



those serving in the armed forces, in order to buy off the **same duty**. This occurs as the COs are required to buy off months of civilian service, at the **same price** as the months of military service. As the civilian service is much longer (e.g. for full service: 15 months of civilian service instead of 9 months of military service for the vast majority of conscripts), this results in a far greater amount of money. EBCO urges the Greek authorities **to fully address the discrimination faced by the COs of greater age, avoiding financial measures because of the financial inequality.**

- **The right to conscientious objection after enlistment (during military service) and also for volunteers/professional soldiers is still not recognised.** EBCO urges the Greek authorities **to fully recognize the right for all.**
- **The right to fair trial is still violated.** EBCO urges the Greek authorities **to put an end to the trials of COs by military courts, although they are civilians, and the trials in absentia without having been informed.**
- **The CO status is revoked in case of a disciplinary offence during civilian service.** EBCO urges the Greek authorities **not to revoke the CO status.**
- Last but not least, EBCO urges the Greek authorities **to cease the pending prosecutions and to quash the penal and administrative sanctions already imposed on COs, publicly recognize and apologize for the serious violations of human rights, including imprisonment, faced by COs in the past and till today, and implement measures of reparation, including compensation both for material and moral harm.**

Finally, EBCO would like to point out a negative provision of the new law according to which, in case a CO, after his official recognition, is granted a postponement to report for service for certain reasons, after this postponement ends, he will have to apply again for CO status. This practically means a revocation of CO status in case of postponement. And a repetition of the lengthy procedures of examination. This appears to be another form of punishment of COs.

### 1.2.6 MOLDOVA

Moldovan Prime Minister Pavel Filip said in September 2018 that compulsory military service will be gradually abolished by 2021, as Moldova makes the switch to a purely professional army<sup>21</sup>.

### 1.2.7 RUSSIA

On June 15<sup>th</sup> 2018, 20 Jehovah's Witnesses were taken into custody<sup>22</sup> accused under Article 282.2 of the Criminal Code of the Russian Federation (organizing activities of an extremist organization or participating in it), in fact for practicing their religion. This was a result of the decision of the Supreme Court of the Russian Federation in 2017, which put an end on religious freedom in Russia declaring all 396 organizations of Jehovah's Witnesses extremist, banning their activities and confiscating their property. Participation in activities of an extremist organization is punishable up to 6 years of imprisonment, and "organizing activities of an extremist organization" — up to 10 years. Around the world, Jehovah's

<sup>21</sup> Moldova to Scrap Compulsory Military Service by 2021, Balkan Insight, September 21, 2018. Available at: <https://balkaninsight.com/2018/09/21/moldova-to-dismiss-compulsory-military-service-by-2021-09-21-2018/>

<sup>22</sup> IN FACT THIS HAPPENED TO US, 18 June 2018. Available at: <http://ebco-beoc.org/node/436>



Witnesses practise their religion openly and freely. They are banned in China, North Korea, Tajikistan, Turkmenistan, Saudi Arabia, Iran, Iraq, and now in Russia.

One of the foundations of the creed of Jehovah's Witnesses is non resistance to evil by force. Although the Supreme Court formally banned Jehovah's Witnesses not for anti-militarism (since the right to refuse military service, on religious grounds as well, is enshrined in the Constitution), one of the main reasons for persecution of Jehovah's Witnesses is their absolute pacifism and flat refuse to participate in violence.

The 2002 Federal Law on Combating Extremist Activity<sup>23</sup> and associated articles of the Criminal and Administrative Codes are regularly used against religious communities and individuals for beliefs and practices which do not violate the human rights of others.

In its last Concluding Observations on the Russian Federation,<sup>24</sup> the Human Rights Committee repeated its concerns expressed in 2009 that *the vague and open-ended definition of "extremist activity" in the ["Extremism" Law] does not require any element of violence or hatred to be present and that no clear and precise criteria on how materials may be classified as extremist are provided in the law*<sup>25</sup> and that numerous reports indicate that *the law is increasingly used to curtail freedom of expression, including political dissent, and freedom of religion.*<sup>26</sup> Therefore, the Committee reiterated its recommendations that Russian Federation *should revise without undue delay the Federal Law on Combating Extremist Activity [...] ensuring that the definition requires an element of violence or hatred and establishing clear and precise criteria on how materials may be classified as extremist.*<sup>27</sup>

A serious obstacle to citizens applying to the alternative civil service was created in result of the recognizing Jehovah's Witnesses as an extremist organization in Russia.

Before the ban, Jehovah's Witnesses had no problems with the replacement of military service with alternative civil service. About 60-70% of applications for the alternative civil service in Russia were from Jehovah's Witnesses.

Now draft commissions started to refuse applications by the reason that applicants are members of the organization which is extremist and prohibited on the territory of Russia. A considerable number of Jehovah's Witnesses now choose prison for refusal of military service rather than disown their beliefs.

This practice is totally unlawful, because according to the Russian Constitution and the Federal Law on Alternative Civilian Service, military service should be replaced with an alternative civil service in case if a citizen has beliefs or convictions that are inconsistent with performing military service. Membership of a particular religious organisation should not invalidate this.

<sup>23</sup> Federal Law No. 114-FZ of 25 July 2002 "On combating extremist activity" (as amended on 27 July 2006, 10 May and 24 July 2007 and 29 April 2008).

<sup>24</sup> Human Rights Committee, Concluding observations on the seventh periodic report of the Russian Federation, CCPR/C/RUS/CO/7, published on 28<sup>th</sup> April 2015. Available at: <http://docstore.ohchr.org/SelfServices/FilesHandler.ashx?enc=6QkG1d%2FPPRiCAqhKb7yhstWB5OJfDOQhMEkiX20XNhIfwS44vVjDCG9yOfCaGgJ%2B4aMVruPFpyUaMYJvfEOEBQCPHWJdUARBGIBJo5DzI4ZqOZa12FMGUZJqFSjwcIYP>

<sup>25</sup> Ibid., para. 20.

<sup>26</sup> Ibid.

<sup>27</sup> Ibidem.



### 1.2.8 SWEDEN

In 2017, the Swedish government decided to reactivate military conscription, referencing increased threats to national security. Beginning in 2018, 4000+ women and men were called up for service. The conscripts were chosen from a pool of about 13,000 young people born in 1999, and will serve for 12 months. The Swedish Armed Forces is reportedly planning for 4,000 recruits annually in basic military training in 2018 and 2019. As the relevant age cohort is about 100,000 this means that roughly 4% will be enlisted.<sup>28</sup>

### 1.2.9 SWITZERLAND

On 1<sup>st</sup> April 2009 Switzerland abolished the examination of conscience of applicants for conscientious objection. This led to a significant augmentation of the number of admissions to alternative service (from 1632 in 2008 to 6785 in 2017). In order to stop this development which is suspected to hamper the recruitment of soldiers, the Swiss government plans since June 2018 to introduce into the Swiss Alternative Service Law a catalogue of seven discriminatory measures aimed to raise the acceptance of military service by reducing the attractiveness of alternative service<sup>29 30</sup>.

### 1.2.10 TURKEY

Turkey has always been of particular concern to EBCO as the one state within the Council of Europe area which has never in law or practice so much as acknowledged the existence of conscientious objection to military service, let alone implemented the right.

Turkey has never implemented the judgements of the European Court of Human Rights (ECtHR) in what the Committee of Ministers has named the "Ülke group" of cases concerning conscientious objectors. At times the Turkish authorities have assured the Committee of Ministers that one or other of the objectors is no longer facing arrest, but this is far from an acceptance and implementation of the judgements. No provision has been made in Turkish law that would guarantee the right of conscientious objection to military service. On 7 February 2018 the European Bureau for Conscientious Objection (EBCO), War Resisters' International (WRI) and the International Fellowship for Reconciliation (IFOR) wrote to the Committee of Ministers of the Council of Europe regarding the execution of the Judgement of the ECtHR in the case of Ülke vs. Turkey<sup>31</sup> (Application No. 39437/98, judgement of 24 January 2006). The three human rights NGOs expressed their deep concern about the fact that twelve years after the ECtHR judgement, the ruling has not been fully enforced, and urged the Committee of Ministers to take steps to enforce the full execution of the judgement.

<sup>28</sup> Conscription in Sweden. Wikipedia. Available at: [https://en.wikipedia.org/wiki/Conscription\\_in\\_Sweden](https://en.wikipedia.org/wiki/Conscription_in_Sweden)

<sup>29</sup> Stellungnahme des Schweizerischen Zivildienstverbandes CIVIVA zur Änderung des Zivildienstgesetzes. CIVIVA, Zürich, Oktober 2018. Available at: [https://www.civiva.ch/fileadmin/user\\_upload/181008\\_Stellungnahme\\_CIVIVA\\_Vernehmlassung\\_ZDG\\_Vorlage.pdf](https://www.civiva.ch/fileadmin/user_upload/181008_Stellungnahme_CIVIVA_Vernehmlassung_ZDG_Vorlage.pdf)

<sup>30</sup> Avis de droit. A qui de droit. 7 mesures du Conseil fédéral destinées à la consultation. Modifications de la loi sur le service civil. 2018. Available at: [https://www.civiva.ch/fileadmin/user\\_upload/Rechtsgutachten\\_Vernehmlassung\\_ZDG\\_Revision\\_2018\\_fr.pdf](https://www.civiva.ch/fileadmin/user_upload/Rechtsgutachten_Vernehmlassung_ZDG_Revision_2018_fr.pdf)

<sup>31</sup> DH-DD(2018)209, 01/03/2018, 1310<sup>th</sup> meeting (March 2018) (DH), Communication from a NGO (European Bureau for Conscientious Objection) (14/02/2018) in the case of Ülke v. Turkey (Application No. 39437/98). Available at: <https://rm.coe.int/1310th-meeting-march-2018-dh-rule-9-2-communication-from-a-ngo-europea/168078f2f5>



More specifically, Osman Murat Ülke still has no legally binding guarantee confirming his full rehabilitation as a Turkish citizen who may enjoy his civil rights without restriction. In its communication of 23 October 2012, the Turkish government stated that "lifting the arrest warrant by the Military Court has considerably improved the applicant's individual situation." At the same time, it admits that "there is a theoretical possibility that the applicant could be subjected to further prosecution and conviction." Although the Turkish government underlined the explicit possibility that Ülke's prosecution may continue, in breach of the aforementioned ECtHR judgement, the Committee of Ministers at Deputy level noted in its interim decision of 6 December 2012 "that there are no arrest warrants issued against the applicants in the Ülke group of cases for any crimes related to failure to carry out military service." In its communication of 1<sup>st</sup> July 2015 the Turkish authorities repeated once more "that the applicants' personal victimizations, which constituted the subject-matter of the application lodged with the European Court of Human Rights, were remedied by the decision of dismissal rendered in respect of him..." In November 2017 Osman Murat Ülke was summoned to appear at a police station by the Prosecutor in Bilecik who has reopened his case. This procedure shows that the prosecution of Ülke is not just "a theoretical possibility" and that the Ülke jurisdiction of 2006 continues to be violated by the Turkish government.

In June 2018 an investigation was launched against Merve Arkun, Co-Chair of EBCO member VR-DER (Turkish Conscientious Objection Association), because of the activities held on the 15<sup>th</sup> of May 2016, International Day for Conscientious Objection<sup>32</sup>. Merve Arkun was accused for "making propaganda of the organisation". She went to the anti-terror branch of police headquarters on June 5<sup>th</sup> and gave a statement with VR-DER Co-Chair attorney Gökhan Soysal. Arkun stated: *"Many times, all around the world, conscientious objectors are in anti-war struggle. The declaration of the Conscientious Objectors Association is an anti-war attitude. Conscientious objection is a human right. Though the government is trying to frighten and discourage conscientious objectors and antimilitarists with investigations and trials, this will not be successful. We, who defend life against death, who defend peace against war, are not going to give up telling that conscientious objection is a human right."* EBCO is extremely disturbed by the continuing harassment of the activists of VR-DER and demands from the Turkish authorities to address the right to conscientious objection with legalisation, not with investigation. Conscientious objection to military service is a right, not a crime.

On October 16<sup>th</sup> 2018 VR-DER published a statement calling for the release of conscientious objector Umut Firat Süvarioğulları after 25 years of incarceration<sup>33</sup>. Umut Firat Süvarioğulları is incarcerated since September 2, 1994 in relation to actions he never committed. He is deprived of his freedom for a quarter of century because of "crimes" like writing slogans on the walls and handing out declarations.

The testimonies which Umut Firat Süvarioğulları denies during court, were taken without the presence of a lawyer and with torture. Indeed, some of the officers who signed the records of testimony had later been found guilty of "torture murder". The evidence for his incarceration is only related to testimonies of the suspects and the video allegedly taken during testimonies and diagrams drawn by the police. There was no other evidence; neither a witness nor a testimony taken without torture. At the end of a judicial process with all these and other lawlessness, according to the decision of Izmir State Security Court

<sup>32</sup> Investigation to Merve Arkun - Co-Chairman of the Conscientious Objection Association – Press release of 8 June 2018. Available at: <http://www.ebco-beoc.org/node/434>

<sup>33</sup> Umut Firat Süvarioğulları has to be free, Statement of VR-DER (Turkish Conscientious Objection Association). Available at: <http://www.ebco-beoc.org/node/438>



dated August 12, 1998, Umut Firat was found guilty of "realizing actions in order to dividing lands of homeland" and sentenced to life time imprisonment.

When the final verdict was taken to European Court of Human Rights; since the court included a military judge, without further investigation, ECHR convicted the violation of "fair judgement principle". However, the lawlessness during the custody, arrest and jurisdiction continued after the ECHR ruling and the procedure for new trial was not implemented. The lawyers demanded, the court denied. After many attempts and deadlock, the demand for new trial was accepted and Umut Firat was in the court the first time on April 7, 2016. In every and each trial since the first one, the demand for release was repeated and the court continued to deny the demand. The trial for verdict was postponed until October 19, 2018 and the decision was life sentence. He remains imprisoned.

On January 2<sup>nd</sup> 2018 EBCO signed the petition in support of Yannis-Vasilis Yaylali and Meral Geylani, and stated that it remains a scandal that the human right of conscientious objection to military service is constantly violated by Turkey and that the jurisdiction issued by the European Court of Human Rights in favour of Turkish conscientious objectors is continuously ignored by Turkish authorities. Yannis-Vasilis Yaylali is a peace activist and journalist in Turkey who was imprisoned by the Turkish government in April 22<sup>nd</sup> 2017. He is a Turkish citizen of Greek origin born in the Bafra area of the Black Sea coast. On July 25<sup>th</sup> 2018 Yaylali was released with restrictive terms until December 3<sup>rd</sup>. The trial was postponed to February 2019. Yaylali applied for political asylum in Greece in February 2019. His partner Meral Geylani, who was imprisoned on October 12<sup>th</sup> 2017, was released on February 21<sup>st</sup> 2018.

### **1.2.11 UKRAINE**

The fact that Ukraine has temporarily been under martial law since the end of November further undermines the already precarious situation of conscientious objectors there, and war resisters in the self-declared republics of Luhansk and Donetsk also receive short shrift.

The persecution of journalist and conscientious objector Ruslan Kotsaba continued. He had been imprisoned for 16 months for a video he had uploaded on You Tube in which he criticised the war in the east of the country, and crucially called for opposition to conscription (he called to boycott the illegal mobilisation for the so called 'anti-terrorist operation' in the Ukraine). He was first arrested in February 2015 and has been sentenced to three and a half years of imprisonment for obstruction of the Ukrainian armed forces. Only after 524 days of pre-trial imprisonment he was released by the appeals chamber in July 2016. Sadly, on 1<sup>st</sup> June 2017 the Supreme Court ("the High Specialised Court of Ukraine for Civil and Criminal Cases) annulled the Appeal Court verdict on the grounds that the code of criminal procedure had not been followed, particularly because the Appeal Court had not conducted a full re-inspection of the evidence presented by the public prosecutor. So Ruslan Kotsaba again standed trial in Bohorodchany on 31 January 2018. The court declared itself biased, most likely because of international pressure. It referred the case back to the Court of Appeal in Kiev. The court in Dolyna was commissioned to continue the proceedings and set the next trial on 19 February 2018. The court sent the charges to the public prosecutor in Ivano-Frankivsk on application of Ruslan's lawyer. The indictment has not yet met the rules of the code of criminal procedure, so Ruslan Kotsaba is still free and awaiting the upcoming proceedings.<sup>34</sup>

<sup>34</sup> Ukraine: Ruslan Kotsaba's next hearing, WRI, 20/02/2018. Available at: <https://www.wri-irg.org/en/programmes/rtrk/co-action-alert/2018/ukraine-ruslan-kotsabas-next-hearing>





## 2. OVERVIEW OF NATIONAL PROVISIONS

### 2.1 CONSCRIPTION

The following table shows the progress which has been made in the abolition of conscription in the Council of Europe states, as well as some recent reverses. Of 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. This has also been the case in Ireland and Malta. Otherwise, in 1960, there was conscription in every country of what is now the Council of Europe area. The date on which the last conscript was demobilised in each country is as follows:

**Tab. 1. Time of abolition of conscription in states within the Council of Europe area**

Country	Time of abolition (ascending order)
UK	1963
Luxembourg	June 1969
Belgium	February 1995
Netherlands	1996
France	2001
Spain	December 2001
Slovenia	September 2003
Czechia	December 2004
Italy	December 2004
Portugal	December 2004
Slovakia	2004
Hungary	July 2005
Bosnia-Herzegovina	December 2005
Montenegro	July 2006
Romania	December 2006
Bulgaria	2007
Latvia	2007
North Macedonia	2007
Croatia	January 2008
Lithuania	2009 (reintroduced in March 2015)
Poland	October 2009
Albania	January 2010
Sweden	July 2010 (reintroduced in January 2018)
Serbia	January 2011



Germany	July 2011
Ukraine	2012 (reintroduced in May 2014)
Georgia	2016 (reintroduced in February 2017)

In sixteen member states of the Council of Europe conscription is still enforced. They are Armenia, Austria, Azerbaijan, Cyprus, Denmark, Estonia, Finland, Georgia, Greece, Lithuania, Moldova, Norway, the Russian Federation, Switzerland, Turkey and Ukraine. To this list should be added Belarus, which, although not a member, lies within the Council of Europe area.

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 RECOGNITION OF CONSCIENTIOUS OBJECTION

With the solitary exception of Turkey, all the States in the Council of Europe area which have had conscription, have over the course of the years either explicitly recognised conscientious objection to military service or at least indicated the intention of making alternative service available.

The accompanying table gives the dates of the first explicit reference, in either legislation or a constitutional document, either to conscientious objection to military service or to an alternative service for conscientious objectors. This should not be taken as implying that arrangements in accordance with modern international standards were in place from the date quoted; constitutional provisions in for example Bulgaria, the Russian Federation and Belarus were not implemented in legislation for many years. In many cases the initial legislation applied only to very narrowly-defined groups, or merely made an unarmed military service available.

The persecution of conscientious objectors often persisted – and in some places still persists – long after a law was in place. Recognition of conscientious objection to military service is also beginning to reach places which are not internationally-recognised states, including Transnistria<sup>35</sup> and some parts of Kurdish-administered Rojava in Syria.

**Tab. 2. First Recognition of Conscientious Objection to Military Service in States within the Council of Europe area<sup>36</sup>**

Year (ascending order)	Country	Provision
1916	United Kingdom	Military Service Act, 27 <sup>th</sup> Jan.
1917	Denmark	Alternative Service Act, 13 <sup>th</sup> Dec.
1920	Sweden	Alternative Service Schemes Act, 21 <sup>st</sup> May
1922	Netherlands	Constitutional amendment
1922	Norway	Civilian Conscript Workers Act, 24 <sup>th</sup> March

<sup>35</sup> EBCO Report 2014. Chapter 1.2.6 Moldova. Available at: <http://ebco-beoc.org/sites/ebco-beoc.org/files/attachments/2014-EBCO-REPORT-EUROPE.pdf>

<sup>36</sup> Even if Belarus is not in Council of Europe area, when available, tables indicate Belarusian information.



Year (ascending order)	Country	Provision
1931	Finland	Alternative Service Act, 4 <sup>th</sup> 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 <sup>st</sup> December
1963	Luxembourg	Act of 23 <sup>rd</sup> July, Art. 8
1964	Belgium	Act of 3 <sup>rd</sup> June
1972	Italy	Act No. 772/1972
1976	Portugal	Constitution, Article 41
1978	Spain	Constitution
1988	Poland	Constitution, Art. 85
1989	Hungary	Constitution, Art. 70
1990	Croatia	Constitution, Article 47.2
1990	Latvia	Law on Substitute Service of the Latvian Soviet Socialist Republic
1990	Lithuania	Law on Alternative Service of the Lithuanian Soviet Socialist Republic
1991	Bulgaria	Constitution, Article 59.2
1991	Estonia	Constitution, Article 124
1992	Moldova	Alternative Service Act, No. 633/91
1992	Cyprus	National Guard Act, No. 2/1992, 9 <sup>th</sup> Jan.
1992	Czechoslovakia	Civilian Service Act, No.18/1992 – now the Czechia and Slovakia
1992	Georgia	Military Service Act, Art. 12
1992	Serbia and Montenegro	Constitution, Art. 58 – Montenegro gained independence in 2006
1992	Slovenia	Constitution
1993	Russian Federation	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
1996	Switzerland	Civilian Service Act



Year (ascending order)	Country	Provision
1996	Ukraine	Constitution, Art. 35.3
1997	Greece	Act No. 2510/97
1998	Albania	Constitution, Art. 166
2001	North Macedonia	Defence Act, Art. 8
2003	Armenia	Alternative Service Act

## 2.3 COMPULSORY MILITARY SERVICE AND CIVILIAN SERVICE

The relative durations in the countries which retain conscription are as follows. The figure quoted is for the normal basic military service in the army, before any adjustments to reflect rank, educational qualifications etc.

**Tab. 3. 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
<b>Denmark</b>	4	4	1
<b>Austria</b>	6	9	1.5
<b>Finland</b>	5.5	11.5	2.09
<b>Estonia</b>	8	8	1
<b>Switzerland</b>	260 days	390 days	1.5
<b>Greece</b>	9	15	1.7
<b>Norway</b>	12	no alternative service required of conscientious objectors	
<b>Turkey</b>	12	no alternative civilian service available	
<b>Moldova</b>	12	12	1
<b>Ukraine</b>	12	18	1.5
<b>Russia</b>	12	18	1.5
<b>Georgia</b>	12	24	2
<b>Sweden</b>	12	12	1
<b>Cyprus</b>	14	19	1.4
<b>Azerbaijan</b>	18	no alternative civilian service available	
<b>Belarus</b>	18	27	1.5
<b>Armenia</b>	24	36	1.5



## 2.4 MILITARY EXPENDITURE

Yet another measure of militarisation is given by military expenditure figures. This table shows the level of military expenditure as reported by the Stockholm International Peace Research Institute (SIPRI) for 2018. Figures are in US \$m., in current prices, converted at the exchange rate for the given year. Figures in blue are SIPRI estimates. Figures in red indicate highly uncertain data.

**Tab. 4. Military expenditure in states within the Council of Europe area<sup>37</sup>**

Country	Military Expenditure US\$ million 2018	% change from 2017	US\$ per capita	As% of GDP
Albania	180,5	+25,0%	61,5	1,2%
Armenia	608,9	+37,2%	207,5	4,8%
Austria	3.367,5	+7,3%	384,8	0,7%
Azerbaijan	1.708,9	+11,8%	172,2	3,8%
Belarus	715,2	+13,5%	75,7	1,3%
Belgium	4.959,7	+10,6%	431,3	0,9%
Bosnia-Herzegovina	221,1	+34,3%	63,1	1,1%
Bulgaria	1.095,6	+32,9%	155,7	1,7%
Croatia	889,5	+13,4%	213,6	1,5%
Cyprus	381,9	+6,9%	321,2	1,6%
Czechia	2.710,0	+30,4%	255,1	1,1%
Denmark	4.228,2	+12,3%	734,8	1,2%
Estonia	618,5	+15,1%	473,3	2,1%
Finland	3.849,0	+12,2%	694,5	1,4%
France	63.799,7	+5,6%	978,0	2,3%
Georgia	316,5	+2,7%	81,0	1,9%
Germany	49.470,6	+9,0%	601,1	1,2%
Greece	5.227,2	+2,6%	469,1	2,4%
Hungary	1.642,3	+12,3%	169,5	1,1%
Iceland	0,0	0%	0,0	0,0%
Ireland	1.207,6	+17,8%	251,4	0,3%
Italy	27.807,5	+5,1%	469,0	1,3%
Latvia	679,9	+33,5%	352,3	2,0%
Lithuania	1.030,4	+26,9%	358,2	2,0%
Luxembourg	419,4	+17,3%	710,4	0,6%
Malta	69,3	+7,9%	160,3	0,5%
Moldova	34,0	+10,9%	8,4	0,3%
Montenegro	83,8	+27,5%	133,2	1,5%
Netherlands	11.242,8	+17,3%	658,1	1,2%
North Macedonia	117,4	+5,0%	56,3	1,0%
Norway	7.067,1	+9,3%	1.320,1	1,6%

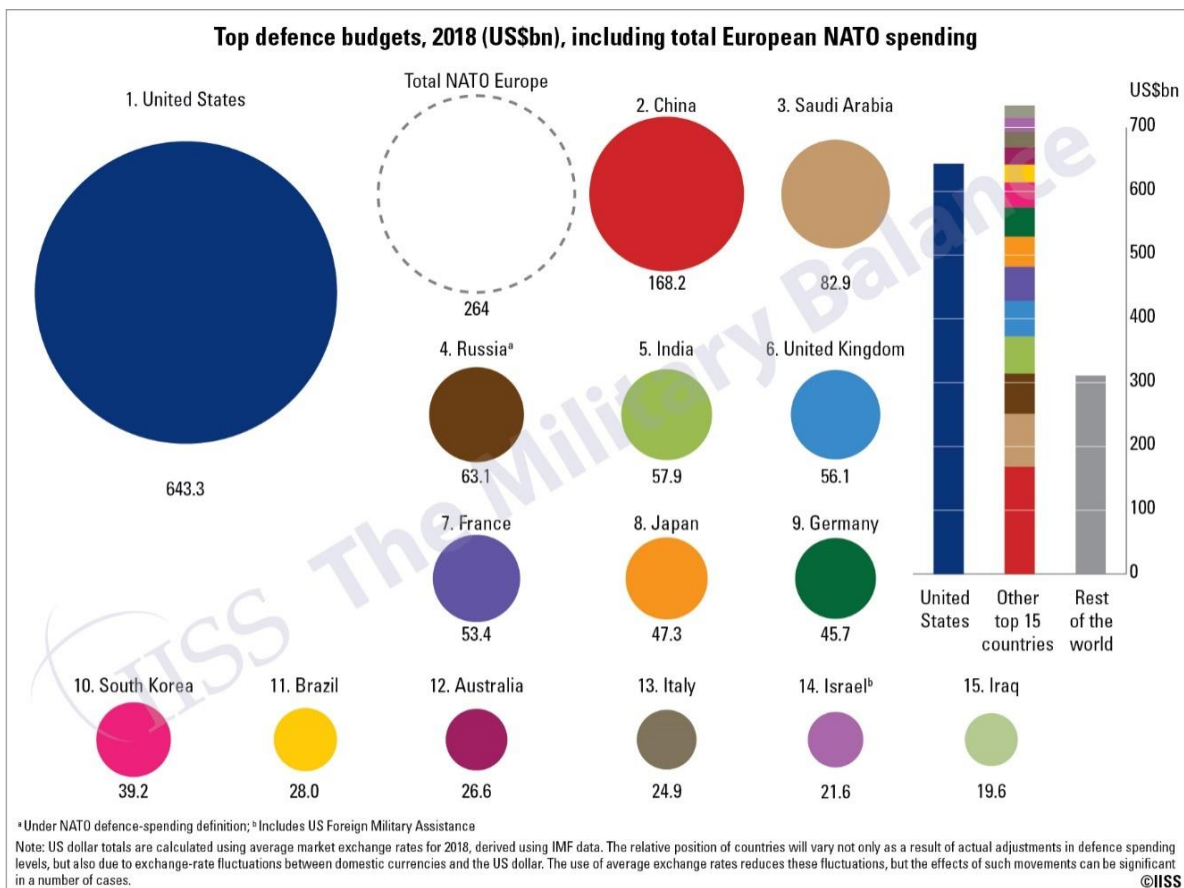
<sup>37</sup> Figures derived from the SIPRI Military Expenditure Database. Available at: <https://www.sipri.org/databases/milex>



Country	Military Expenditure US\$ million 2018	% change from 2017	US\$ per capita	As% of GDP
Poland	11.596,2	+17,5%	304,3	2,0%
Portugal	4.247,8	+16,5%	412,8	1,8%
Romania	4.608,7	+27,2%	235,4	1,9%
Russia	61.387,5	-7,7%	426,4	3,9%
Serbia	904,3	+12,8%	103,2	1,9%
Slovakia	1.280,6	+22,1%	235,0	1,2%
Slovenia	529,5	11,8%	254,4	1,0%
Spain	18.248,3	+13,7%	393,3	1,3%
Sweden	5.755,4	+4,1%	576,5	1,0%
Switzerland	4.795,8	+3,6%	561,3	0,7%
United Kingdom	49.9997,2	+7,7%	751,0	1,8%
Ukraine	4.750,2	+30,2%	107,9	3,8%

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

**Chart 1. Top defence budget, 2018 (US\$bn)<sup>38</sup>**



<sup>38</sup> Source: Institute for Strategic Studies (IISS), "The Military Balance 2019". Available at: <https://www.iiss.org/publications/the-military-balance>



## 2.5 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 eighteenth birthday. Full details are given in the table below.

**Tab. 5. Recruitment ages in states within the Council of Europe area**

Country	Age
<b>Albania</b>	19
<b>Armenia</b>	18, but 17 year old cadets at military higher education institutes
<b>Austria</b>	17 "voluntary" early performance of obligatory military service
<b>Azerbaijan</b>	17 year olds at cadet military school are classed as "on active service"
<b>Belarus</b>	18, but 17 year old cadets at the Military Academy
<b>Belgium</b>	On completion of secondary education, regardless of age
<b>Bosnia-Herzegovina</b>	18
<b>Bulgaria</b>	18
<b>Croatia</b>	18
<b>Cyprus</b>	16 (including "voluntary" early performance of obligatory military service)*
<b>Czechia</b>	18
<b>Denmark</b>	18
<b>Estonia</b>	18
<b>Finland</b>	18
<b>France</b>	17
<b>Georgia</b>	18, but possibly boys under 17 at the "Cadets' Military Academy". <sup>39</sup>
<b>Germany</b>	17
<b>Greece</b>	17*
<b>Hungary</b>	18
<b>Ireland</b>	18 (Not clear whether this applies to "apprentices")
<b>Italy</b>	18
<b>Latvia</b>	18
<b>Lithuania</b>	18
<b>Luxembourg</b>	18 (raised from 17 in 2007)
<b>North Macedonia</b>	18
<b>Malta</b>	17.5 nominally, but de facto no recruitment under 18 since 1970
<b>Moldova</b>	18
<b>Montenegro</b>	18
<b>Netherlands</b>	17
<b>Norway</b>	18 but from the year of the 17 <sup>th</sup> birthday in military schools
<b>Poland</b>	18*
<b>Portugal</b>	18
<b>Romania</b>	18
<b>Russia</b>	18 but from the age of 16 in military schools
<b>Serbia</b>	18
<b>Slovakia</b>	18

<sup>39</sup> It is believed that the general recruitment age may now have been raised to 20.



Country	Age
Slovenia	18
Spain	18
Sweden	18
Switzerland	18
Turkey	18, but under „National Defence Service Law“ 3634, 15-18 year olds may be deployed in civil defence forces in the event of a national emergency“
Ukraine	18 but from the age of 17 in military schools
United Kingdom	16

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 18<sup>th</sup> 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 18<sup>th</sup> 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.

## 2.6 SERVING MEMBERS OF THE MILITARY

Apart from the Complaint No. 164/2018 in the framework of the European Social Charter mechanism (see Chapter 1.1.1), 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 Shephard is still before the German Appeals Court.





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### 3. 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 and provide 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.

# APPENDIX 1: Statistics from the Republic of Cyprus



ΚΥΠΡΙΑΚΗ ΔΗΜΟΚΡΑΤΙΑ  
ΥΠΟΥΡΓΕΙΟ ΑΜΥΝΑΣ

Our Ref : 6.18.002.21  
Tel.: 00357- 22807542  
Fax: 00357-22302021

March 08, 2019


✓ President of the European Bureau  
For Conscientious Objectors  
Mr. Friedhelm Schneider

35 Vqn Elezyck Street,  
1050 Brussels, Belgium

SUBJECT: Conscientious objectors

1. I am directed to refer to your letter of 7/2/2019 on the above matter and provide you with a copy of a table with statistics on the demands of the conscripts and reservists conscientious objectors examined over the last ten years, as we have informed from the Army Recruitment Department, to which you have been contacted.

2. We are at your disposal for further clarifications or information.

  
(S. Lieutenant E. Kalli)  
for Permanent Secretary

Επίσημο Κείμενο  
Αριθμός: 18.002.21/ΑΝΤΙΡΡΗΤΙΚΕΣ ΣΥΝΕΙΔΗΣ-ΕΙΣ ΤΟ ΕΥΡΩΠΑΪΚΟ ΒΥΡΕΑΙΟ ΓΙΑ ΤΗΝ ΑΝΤΙΡΡΗΤΙΚΗ ΜΑΡ 2019

*exact copy of the original*



*S. Lioufentant*

GENERAL STAFF of the NATIONAL GUARD  
ARMY RECRUITMENT DEPARTMENT/2E  
Nicosia, March 08, 2019



TABLE OF STATISTICS OF THE RESERVISTS CONSENTIOUS OBJECTORS

S/N	YEAR	TOTAL REQUESTS	REQUESTS FOR RELIGIOUS REASONS	APPROVED	REQUESTS FOR IDEAL REASONS	APPROVED	TOTAL APPROVED REQUESTS
1	2009						
2	2010						
3	2011	1	1				0
4	2012	7	6	4	1	1	5
5	2013	1	1	1			1
6	2014	4	3	1	1		1
7	2015	11	7	6	4	3	9
8	2016	5	1	1	4	1	2
9	2017	11	6	6	5	2	8
10	2018	7	1	1	6	5	6
	<b>TOTAL</b>	<b>47</b>					<b>42</b>

*exact copy of the original*



*S. Lioufendou*



GENERAL STAFF of the NATIONAL GUARD  
ARMY RECRUITMENT DEPARTMENT 72  
Nicosia, March 08, 2019

TABLE OF STATISTICS OF THE CONSCRIPTS CONSENTIOUS OBJECTORS

S/N	YEAR	TOTAL REQUESTS	REQUESTS FOR RELIGIOUS REASONS	APPROVED	REQUESTS FOR IDEAL REASONS	APPROVED	TOTAL APPROVED REQUESTS
1	2009	14	14	11			11
2	2010	14	12	10	2	2	12
3	2011	12	12	10			10
4	2012	14	14	12			12
5	2013	12	12	11			11
6	2014	21	20	17	1	0	17
7	2015	14	13	10	1	0	10
8	2016	22	18	14	4	2	16
9	2017	17	16	13	1	0	13
10	2018	11	11	7			7
	<b>TOTAL</b>	<b>151</b>	<b>142</b>	<b>115</b>	<b>9</b>	<b>4</b>	<b>119</b>