

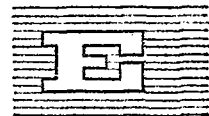
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THE ROLE OF YOUTH IN THE PROMOTION AND PROTECTION OF  
HUMAN RIGHTS, INCLUDING THE QUESTION OF CONSCIENTIOUS  
OBJECTION TO MILITARY SERVICE

Report of the Secretary-General

Addendum

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BELGIUM

[Original: French]  
[5 January 1981]

The philosophy underlying the Belgian militia system, which is based on the obligation of every Belgian male to perform armed military service, is that military service is a duty of the citizen. Consequently, the various measures providing for the performance of alternative service in lieu of armed military service constitute not a right for the persons concerned, but a derogation for their benefit, which may appropriately be granted by the authority in which power is vested by society. The only right of the persons concerned is, when derogation is granted, to be able to benefit from it on an equal basis and without discrimination. Furthermore, a distinction should be drawn between the problem of conscientious objection and the problem of a refusal to obey the orders of the superior authority when these orders are manifestly criminal.

In Belgium the status of conscientious objectors is based on two principles:

The first is that "the status of conscientious objectors may in no circumstances be more favourable than that of persons performing military service who form part of the army intake" (article 18 of the co-ordinated legislation establishing the status of conscientious objectors, of 20 February 1980); 1/

The second is that conscientious objectors "shall be placed on the same footing as persons performing ordinary military service. When a conscientious objector is placed in an identical situation, enjoys a legal status and undertakes his duty to the nation, it must be admitted that he should be treated in the same manner as persons who fulfil their obligations to the country on the same basis" ...

This second principle is applied in particular in articles 18 and 19 of the above-mentioned co-ordinated legislation; these articles stipulate that conscientious objectors "shall enjoy similar social benefits to those enjoyed by persons performing military service in the armed forces".

In addition, certain provisions of the co-ordinated legislation on military service relating in particular to deferment, special deferment, exemption, deferment on medical grounds, etc. are also applicable to conscientious objectors.

IRAN

[Original: French]  
[24 December 1980]

In accordance with Iranian legislation on conscription, military service is regarded as a patriotic and religious duty; consequently, no form of conscientious objection based on moral considerations is legally accepted in the Iranian military statutes.

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1/ The laws as mentioned above are on file in the Secretariat and are available to any member of the Commission who may wish to consult them.

## ITALY

[Original: French]  
[29 December 1980]

Conscientious objection was introduced into Italian legislation by Act No.772 of 15 December 1972, <sup>1/</sup> as subsequently amended by Act No.695 of 24 December 1974. By Decree of the President of the Republic No.1139 of 28 November 1977, provisions relating to the execution of this Act were promulgated for the purposes of the practical organization of the service performed. In addition, many ministerial circulars have been issued.

Under these provisions young people who claim to oppose the use of weapons for reasons of conscience which cannot be ignored may ask to fulfil their military service obligations by performing alternative civilian service or unarmed military service (so far only one person has opted for this latter course).

The authority competent to rule on such applications is the Minister of Defence, after hearing the opinion of a commission (Act No.772/72, arts.3 and 4) presided over by an appeal court judge and composed of representatives of the Administration, a moral science professor and an expert on psychology.

The commission, after taking into consideration objective elements such as the applicant's police record, possession of weapons, application for enrolment in courses of military interest, etc., has expressed a favourable view in approximately 94 per cent of cases and has rejected the remaining 6 per cent of applications.

Non-recognition of conscientious objection entails an obligation on the part of the person concerned to perform normal military service.

Alternative civilian service, whose duration is eight months longer than that of normal military service, is performed in welfare organizations or units, civil defence institutions or forestry protection agencies, with the Minister's prior agreement, since civilian national service as provided for in Act No.772/72, article 5, has not yet been institutionalized.

Because of the delay in the institutionalization of such service, final regulations on the subject have obviously not yet been established and, at present, there is excessive fragmentation of service due to the use of conscientious objectors in many conventional institutions.

An indication of the fluid situation which exists at present can be gained by the bills which the various political forces have introduced at the current and preceding sessions of the legislature.

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<sup>1/</sup> The laws as mentioned above are on file in the Secretariat and are available to any member of the Commission who may wish to consult them.