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COMMISSION ON HUMAN RIGHTS

Sub-Commission on Prevention of
Discrimination and Protection
of Minorities
Thirty-sixth session
Agenda item 16

CONSCIENTIOUS OBJECTION TO MILITARY SERVICE

Written statement submitted by Friends World Committee for Consultation,
a non-governmental organization in consultative status (category II) on
behalf of: Amnesty International, the International Commission of
Jurists, the International Fellowship of Reconciliation, War Resisters
International (Category II); and International Peace Bureau,
Pax Christi (Roster)

The Secretary-General has received the following communication which is
circulated in accordance with Economic and Social Council resolution 1296 (XLIV).

[24 August 1983]

The above-mentioned international non-governmental organizations warmly welcome
and strongly endorse the report by Mr. Eide and Mr. Mubanga-Chipoya on "The Question
of Conscientious Objection to Military Service" (E/CN.4/Sub.2/1983/30).

By clearly establishing that the right to be a conscientious objector is
sustained by many United Nations and other international standards, declarations, and
pronouncements, this report offers to all those young people who are compelled on
grounds of conscience to object to performing military service the prospect of
greater respect for their right to do so. We believe that such recognition is
particularly important given that the initiative for the report sprang from the
concern of the Commission on Human Rights with the issue entitled "Youth and Human
Rights". The relevance of the report is notable also in the light of preparations
underway at the United Nations and in Member States for International Youth Year,
which will occur in 1985 and whose theme is to be "Participation, Development and
Peace".

We support the authors' recommendations urging States to recognize by law the
absolute right to conscientious objection.

We also draw the Sub-Commission's attention to the authors' recommendations on
the right to object selectively to military service where the individual believes
such service would help to enforce apartheid, result in actions amounting to or

approaching genocide, be used for illegal occupation of foreign territory, or the gross violation of human rights, or where it seems likely that there will be resort to weapons of mass destruction or weapons outlawed by international law.

The legal right to conscientious objection, however, can be a hollow one unless bolstered by a system of independent decision-making bodies. Therefore, we would like to underline the prime importance we attach to the authors' recommendations regarding the establishment of such independent bodies and particularly the need for a right of appeal to an independent civilian judicial body.

In relation to the provision of alternative service for conscientious objectors we endorse the resolution of the European Parliament (1983) which states that:

"The performance of alternative service may not be regarded as a sanction and must therefore be organized in such a way as to respect the dignity of the person concerned and benefit the community, particularly in the social field of aid and development service."

We hope that the authors' recommendations on kinds of alternative service might be strengthened to include consideration of the possibility of work in the non-governmental field.

The further elaboration of international standards ensuring favourable attitudes towards conscientious objectors requesting asylum is to be encouraged. We feel that the approach taken to the particular case of conscientious objectors to apartheid (set forth in General Assembly resolution 33/165) could be extended to other countries. It is our hope that this thirty-sixth session of the Sub-Commission on the Prevention of Discrimination and Protection of Minorities will accept this report. We hope especially that all its recommendations will be forwarded to the Commission on Human Rights for most favourable consideration at its next session.