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THE QUESTION OF CONSCIENTIOUS OBJECTION TO
MILITARY SERVICE

Statement dated 9 March 1973 by Amnesty International, The Anti-Slavery Society, Commission of the Churches for International Affairs, Friends World Committee for Consultation, International Commission of Jurists, International Movement for Fraternal Union Among Races and Peoples, Pax Romana, Women's International League for Peace and Freedom, non-governmental organization in consultative status category II; International Association for Religious Freedom, non-governmental organization on the Roster

The Secretary-General has received the following statement which is circulated in accordance with paragraphs 29 and 30 of the Economic and Social Council Resolution 1296 (XLIV).

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The Non-Governmental Organizations listed above warmly approved the adoption by the Commission on Human Rights at its 27th Session of Resolution 11 B (XXVII) which requested the Secretary-General to prepare a report on national legislation and other measures and practices relating to conscientious objection to military service. They therefore welcome the publication of this report (E/CN.4/1118) and trust that its importance will be recognized by the Commission. They believe that the time has come for the Commission to take a decisive step towards the international recognition of the right of conscientious objection to military service.

This belief is based on a number of considerations. First, there is widespread and growing concern in the world's religious communities that young people who refuse to participate in war on conscientious grounds should not be penalised for their moral stand. The most recent declaration on this subject by a religious body was adopted by the latest World Synod of Bishops of the Roman Catholic Church: "Let conscientious objection be recognized and regulated by law in each nation". Earlier statements by representative religious bodies, including one by representatives of the world's major living religions, are reproduced in a useful booklet published by the International Peace Bureau, The Right to Refuse to Kill (see pp.23 and 24).

Secondly, a conscientiously held conviction that it is wrong to perform military service may be based on clear ethical or moral grounds, and such a conviction becomes a vital and integral part of the individual who holds it. Several of the states which have contributed to the Secretary-General's report make provision in their legislation for conscientious objection based on other than religious grounds. It is therefore not surprising that the defence of freedom of conscience has also been undertaken by secular bodies such as the Council of Europe,^{1/} the United Nations Youth Assembly and the International Peace Bureau.^{2/}

Respect for the right to freedom of thought, conscience and religion, for development of the human personality and for the integrity of the individual requires the State to recognize the right of conscientious objection to military service.

Thirdly, the question of conscientious objection to military service is to be discussed under the item "The Role of Youth in the Promotion and Protection of Human Rights", thus giving recognition to the fact that the subject is of primary concern to young people of military age. Young people today are aware that United Nations proclaims peace, has condemned the crimes against humanity which have been part of the conduct of war and stresses the importance of service in the cause of economic and social development. Too often, national laws do not offer any civilian alternative to military service which many young people cannot reconcile with these objectives. The evident conflict between the professed ideals of nations and their actual practice is, we believe, a fundamental cause of the lack of commitment of young people to United Nations.

Fourthly, the question is of increasing practical relevance. In countries which have compulsory military service, numbering about 84 at the present time, the objector faces the dilemma of choosing between the dictates of his conscience and his fear of punishment. Experience shows that, when an objector is denied a positive alternative way of serving his country, he will prefer a prison sentence to performing a service which violates his deeply held convictions. This is a waste of human resources which

1/ See The Right to Refuse to Kill, pp. 21 and 22.

2/ Op.cit., pp. 28-31

could be made to further the cause of peace and development through alternative civilian service which conscientious objectors are not only ready but eager to perform. There have, in fact, been reports of conscientious objectors refusing military service in some 48 states, including 18 developing countries. Recognizing the dilemmas posed by compulsory military service, both to the individual and to the state, 25 states have granted at least partial legal recognition to conscientious objection, and 12 others have provided informal administrative means for exempting all or some objectors from military service. Though in no country does the number of objectors exceed a small fraction of the eligible conscripts called to military service each year, the numbers have substantially increased during the last five years with the rising interest in the subject throughout the world.^{1/}

The issue of conscientious objection cannot be considered merely as a national or regional question; it involves fundamental principles of human rights enunciated by the Universal Declaration and arises in every region of the world. Furthermore, we believe that it is particularly appropriate that United Nations, a body dedicated to the achievement of world peace, should give recognition to those who stand for peace as the basis of individual conduct. For all these reasons we urge the Commission on Human Rights, at its 29th session, to recommend to the United Nations General Assembly the adoption of a declaration recognizing that conscientious objection to military service is a valid expression of the right of freedom of conscience, and that conscientious objectors should have alternative means of service to the community available to them.

^{1/} We derive the information in this paragraph from a comparative study published in the December, 1972, issue of the Review of the International Commission of Jurists. This study was undertaken with the assistance of jurists and scholars from many countries to supplement the report prepared by the Secretary-General of United Nations. We respectfully commend it to the attention of members of the Commission. While every attempt was made to acquire accurate current information, it is possible that the study may contain some inaccuracies of fact. The International Commission of Jurists would be grateful for any corrections which might be brought to their attention.