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COMMISSION ON HUMAN RIGHTS

Sub-Commission on Prevention of  
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PROMOTION, PROTECTION AND RESTORATION OF HUMAN RIGHTS  
AT NATIONAL, REGIONAL AND INTERNATIONAL LEVEL

PREVENTION OF DISCRIMINATION AND PROTECTION OF  
CHILDREN: HUMAN RIGHTS AND YOUTH

Issue of Conscientious Objection to Military Service

Written statement submitted by Pax Christi, a non-governmental  
organization in consultative status (category II)

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

[15 August 1988]

When at its forty-third session in 1987, the Commission on Human Rights passed a resolution supporting the right of conscientious objection to military service Pax Christi, along with many other organizations, felt that the United Nations was validating its task of leading humanity to a warless world. Pax Christi, the International Catholic Movement for Peace, with sections in the Western Hemisphere, Europe and Asia, is aware the young people are increasingly rejecting war as the means of resolving conflict. These young people look to the international body to support their position against war and their desire to serve the human community through works of peace and development. This service would include meeting the needs of their hungry, suffering and shelterless fellow human beings, possibly in concert with United Nations specialized agencies.

It was Albert Einstein who asserted that "The pioneers of a warless world are the young men who refuse military service."

The issue of conscientious objection, (culminating in resolution 1987/46) was for many years an agenda item, linked to youth, in the Commission on Human Rights. Discussions at the Commission emphasized the fact that youth would have a deeper respect for human rights if their own human rights were respected; one of the rights many young people were striving for was the right to refuse to kill, the right to choose the means whereby they would defend their national community.

We were encouraged that resolution 1987/46, grounded in previously established international principles, articles 3 and 18 of the Universal Declaration of Human Rights, supports conscientious objection as a "legitimate exercise of the freedom of thought, conscience and religion."

We note that the resolution invites all Members States of the United Nations to take measures aimed at exempting from military service those conscientiously opposed to it. It recommends to States with compulsory military service the introduction of "various forms of alternative service." It also recommends that States refrain from subjecting conscientious objectors to imprisonment.

Pax Christi's support of resolution 1987/46 arises from a special perspective, that of its commitment to the primacy of conscience. Its support is strengthened by the action of the Catholic bishops of the entire world in Rome in 1965 in vindicating conscientious objection and alternative civilian service. This is contained in the peace/war section of the document "The Church in the Modern World." This section also contains the condemnation of indiscriminate warfare as a "crime against God and man himself."

Among Pax Christi's members are those who share what is known as the "just war" tradition. We recognize how countless soldiers have fought and died in good faith, assured by their nation-States that the war in question was a just war. We also recognize that many reject modern war because, though the cause may be just, available means are indiscriminate, annulling the distinction between combatant and non-combatant, between military and civilian targets. There are, other members who without waiting for their countries to achieve disarmament, have chosen personal disarmament, a disarmament of the heart, or conscientious objection. This group is poignantly aware how the obedience of the young has been abused by leaders in unjust wars, in wars of aggression.

The two reports by the Secretary-General on practices with regard to conscientious objectors have documented some improvement in the treatment accorded those who object to military service. It was not long ago that conscientious objection was considered a treasonable offense. Many conscientious objectors suffered long terms of imprisonment for their convictions despite the fact that they were willing to perform useful civilian service. Still other conscientious objectors were executed. As this statement is being prepared, memorials are taking place to the non-combatant dead of Hiroshima and Nagasaki. On 9 August 1988, memorials were held for Franz Jägerstätter, a young Austrian father of three beheaded in 1943 for conscientiously objecting to Hitler's war. Only assiduous research has unearthed his story and the story of many others who gave their lives for refusing to take life.

In this year, the fortieth anniversary of the Universal Declaration of Human Rights, Pax Christi is aware that the travail of those who claim conscientious objection is far from over. Young men are facing long prison terms for refusing conscription into military forces upholding a racist system that denies human rights to the majority of its citizens. Many individuals and groups have come to the aid of these young men. A Catholic bishop stood by their side, supporting their right to refuse participation in an "unjust war against an oppressed people".

Pax Christi urges the Sub-Commission on the Prevention of Discrimination and the Protection of Minorities to register its concern for the issue of conscientious objection. One step would be by furthering all efforts towards a new report by the Secretary-General to be presented to the Human Rights Commission at its forty-fifth session. Pax Christi strongly supports the preparation of this report mentioned in paragraph 5 of resolution 1987/46. Each step of this kind may hasten an eventual Declaration on the subject.

Pax Christi expresses the hope that the Centre for Human Rights will take into account, in addition to comments by Governments and specialized agencies (including UNHCR) the comments of NGOs.

Over the years, NGOs have exhibited their deep concern for the human rights of conscientious objectors to military service. NGOs are not unaware of the dilemma in States whose constitutions contain a clause calling for obligatory military service. Young people who refuse to bear arms or wear a military uniform can still take part in civic action and other programmes in which young military recruits are customarily engaged. NGOs could also offer their experiences regarding various forms of alternative civilian service.