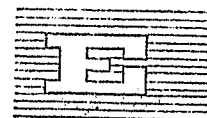
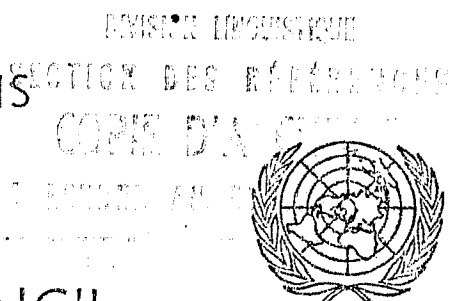


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THE ROLE OF YOUTH IN THE PROMOTION AND PROTECTION OF  
HUMAN RIGHTS, INCLUDING THE QUESTION OF CONSCIENTIOUS  
OBJECTION TO MILITARY SERVICE

Report by the Secretary-General

Addendum

THE NETHERLANDS

[Original: English]

[23 January 1985]

The Netherlands Government has carefully studied the excellent report, prepared by two members of the Sub-Commission on Prevention of Discrimination and Protection of Minorities at the request of the Commission on Human Rights. The quality of the report is such that the Netherlands delegation, together with some other delegations, introduced a resolution at the fortieth session of the Commission on Human Rights (resolution 1984/33) containing the recommendation that the Economic and Social Council decide that the report should be printed, given the widest possible distribution and transmitted to Governments and international organizations for comments and observations. The Council decided accordingly without a vote (resolution 1984/27).

The Netherlands Government would hope that the Secretariat will inform the Commission of the degree of publicity given to the report, which contains a comprehensive description of the state of affairs regarding the subject and highlights the relevant international norms and standards in regard to conscientious objection. The annexes to the report provide useful country by country information.

The right to conscientious objection must be considered included in the right to freedom of conscience as recognized by the Universal Declaration of Human Rights and the International Covenant on Civil and Political Rights. The report rightly states (paragraph 42) that any limitations on the right to act in accordance with one's conscience must be in conformity with the grounds enumerated in the specific articles of the Declaration and the Covenant. It would seem that this right cannot and should not be limited in such a manner that no scope for any action is left.

A Government of a State party to the Covenant cannot be considered to be implementing its obligations properly if it applies the limitation grounds to such an extent that the right to freedom of conscience (article 18, paragraph 1, of the Covenant) would become a completely empty right. In this respect attention is drawn to the fact that article 4 of the Covenant states that in time of public emergency no derogation may be made from article 18 and that the limitation grounds of article 18, paragraph 3, do not explicitly refer to the right to freedom of conscience in paragraph 1. In the view of the Netherlands Government the right to refuse military service on grounds of conscience may not be hampered under any circumstances.

Netherlands legislation recognizes the right of persons to conscientious objection to military service. Information about the Constitution and the relevant laws has been submitted earlier and has been incorporated in the annexes to the report. Since the date of the submission of the Government's reply to the questionnaire, the revised Constitution has entered into force, article 99 of which reads: "the conditions on which exemption is granted from military service because of serious conscientious objections shall be specific by Act of Parliament". The text of the article has remained unchanged in comparison with the former Constitution. As to the statistics provided by the Netherlands (in annex I, chap. II, sect. 5), the correct figures for recognized applications are: 1,443 in 1978 and 1,764 in 1979.

The Netherlands Government endorses the conclusions and recommendations in the report on conscientious objection to military service and is convinced that legislation in the Netherlands is in accordance with the recommendations.

It is the sincere hope of the Netherlands Government that the report of Mr. Eide and Mr. Mubanga-Chipoya will, at some stage in the future, result in all States recognizing by law the right of persons who - for reasons of conscience or profound conviction arising from religious, ethical, moral, humanitarian or similar motives - refuse to perform armed service to be released from the obligation to perform military service.