

Forum:	Special Conference on Pacifism and Injustice (SPECON)
Issue:	The question of conscientious objection to military service
Student Officer:	Aspasia Nona
Position:	President

PERSONAL INTRODUCTION

Dear delegates of SPECON,

My name is Aspasia (Aspa) Nona, I'm sixteen years old and I am an 11th grade student in Platon School. In this year's PSMUN I have the utmost honour to serve as the President of the Special Conference on Pacifism and Injustice. I joined MUN approximately two years ago and since then I have become an active member of this extraordinary community, having attended seven conferences up to date, with PSMUN 2023 marking my fifth time participating as a student officer.

SPECON is the committee that discusses topics closely related to the theme of the conference which is "Pacifism and Injustice". This Study Guide will introduce you to the first topic of the Agenda, namely "The question of conscientious objection to military service", by exploring the essence of the matter and its historical background. It discusses different aspects of the issue, presents organizations and major countries involved, attempts that have been carried out both under the auspices of the United Nations and not, and provides you with possible solutions.

Looking forward to a fruitful committee debate, you are all strongly encouraged to conduct your own extensive research on the topic as well as your country's stance on it, rather than relying solely on this study guide. Should you have any questions or need any clarifications, concerning either the topic or generally the procedure, feel free to send me an email at aspanon10@gmail.com.

Kind regards,

Aspa

INTRODUCTION

*“Wars will exist until that distant day when the conscientious objector enjoys the same reputation and prestige as the soldier does today”.*¹ Unfortunately, that's not the case in modern society and “conscientious objectors” are often socially stigmatised or mistreated due to their beliefs.

Conscientious objection is the refusal to participate in an activity due to strong beliefs against it. Such objection to military service indicates that the beliefs of an individual contradict the ideology of war or generally the ideology of actively participating in conflict. Throughout history, numerous people have objected to any type of military service and training, or they have refused to bear arms, due to religious, philosophical, political and other beliefs. Initially, the ideology of conscientious objection to the military started in the Christian era, with examples from the 16th century when people objected to military service due to their religion. There are even incidents that date to the second century AD, with Christians refusing to take up their military roles. During local conflicts, as well as international disputes including the World Wars, there have been cases of conscientious objectors (COs). Despite the frequent appearance of this phenomenon, full freedom of conscience is yet to be established for all individuals all around the world.

The concept of people objecting to participating in conflicts and the theme of pacifism are directly correlated, since the main reason behind conscientious objection to military service are pacifist ideologies, regardless of their religious, political, or moral nature. Additionally, not all conscientious objectors have their request for exemption granted, which not only means that according to international law there is injustice but that they are also discriminated against for their opinions. Therefore, the topic covers both aspects of the theme of “Pacifism and Injustice”.

In most cases, conscientious objectors might not engage actively in the conflict or be in the armed forces, yet appear willing to assist in other sectors of the military. They undertake non-combatant roles, where they can help as army doctors or in other humanitarian ways, by providing food and water supplies to the soldiers. According to the international community, this is the best “option” and it is highly encouraged. When an individual wishes to conscientiously object to any type of military service, the nation is urged to propose alternative solutions to them as outlined by numerous international conventions and documents, including the Universal Declaration of Human Rights, that claim that every individual has the inalienable right of the freedom of thought, conscience and religion. There is still a proportion of countries, however,

¹ Jeff. “John F. Kennedy.” *Center on Conscience & War*, 10 Feb. 2020, www.centeronconscience.org/john-f-kennedy.

that refuse the exemption of people from the military on conscientious grounds, regardless of all the aforementioned actions.

DEFINITION OF KEY TERMS

Conscientious

Conscientious describes an action or a decision that was made according to an individual's moral sense or beliefs. In this topic, when we discuss conscientious objection, we refer to people refusing to participate in an activity due to their conscience being opposed.²

Military Service

Military service can be defined as the “period during which young people train in the armed forces”. Although military service varies among countries, generally it refers to any service by an individual related to the army, either as the result of conscription or of voluntary participation.³

Militia

Militia is defined as a “military organization of citizens with limited military training, which is available for emergency service, usually for local defence.” It is mostly utilized when there is a need for a supplement for a country's armed forces.⁴

Non-combatants

Non-combatants are people that do not actively participate in conflicts and do not engage in any kind of fighting. Usually, we refer to civilians, but in many cases, they might assist as army chaplains or by fulfilling other such roles, where they can contribute indirectly.⁵

Conscription

Conscription is the “compulsory enrolment for service in a country's armed forces.” In the United States, it is also referred to as “draft”. Conscription was used internationally in the past and now over 85 countries still have it. It is usually

² “Conscientious Definition & Meaning.” *Merriam-Webster*, Merriam-Webster, <https://www.merriam-webster.com/dictionary/conscientious>.

³ “Military-Service .” *Military-Service Noun - Definition, Pictures, Pronunciation and Usage Notes | Oxford Advanced American Dictionary at OxfordLearnersDictionaries.com*, www.oxfordlearnersdictionaries.com/definition/american_english/military-service.

⁴ “Militia.” *Encyclopædia Britannica*, Encyclopædia Britannica, Inc., www.britannica.com/topic/militia.

⁵ “Noncombatant Definition & Meaning.” *Dictionary.com*, *Dictionary.com*, www.dictionary.com/browse/noncombatant.

addressed to men after a certain age that should undergo military training for an established period, which varies from country to country.⁶



Figure 1: A world map showing where conscription is mandatory (2020)

Armed Forces

By the term “armed forces”, we refer to the combination of the military, the naval forces, and the air forces of a country.⁷

Morality

A person’s morality is a set of ideals and principles that allow them to distinguish between proper and improper behaviours. This set is widely recognized and adhered to by either a community or a particular group of people who share the same social norms.⁸

⁶ “Conscription.” Encyclopædia Britannica, Inc., www.britannica.com/topic/conscription

⁷ “The Armed Forces.” *Cambridge Dictionary*, <https://dictionary.cambridge.org/dictionary/english/armed-forces>.

⁸ “Morality.” *Cambridge Dictionary*, www.dictionary.cambridge.org/dictionary/english/morality.

Desertion

Desertion, when discussed in a military context, is the act of abandoning duties or a post, with no permission from the superior members of the military, and usually, the person that deserts has no intention of returning to continue their service in the military.⁹

BACKGROUND INFORMATION

The Right to Conscientious Objection

According to the 18th article of the Universal Declaration of Human Rights (UDHR), every single individual is entitled to the freedom of conscience. According to the OHCHR: “Freedom of conscience is at its heart but still larger than the freedom of religion or belief. It covers all ethics and values a human being cherishes, whether of religious nature or not. There are no admissible limitations to this freedom, as long as personal convictions are not imposed on others or harm them.”¹⁰ Therefore, it is of importance that all individuals enjoy the freedom of conscience.

Conscientious objection is the process of someone refusing to do something or obtain a role because they consider it ethically wrong. Conscientious objection is seen multiple times in people’s everyday life. In this case, it refers to the situation when an individual refuses to participate in military procedures. There are two possibilities to conscientious military objection. An individual is either against any military engagement or is just refusing to bear arms. In the first case, the individual wishes to undertake an alternative civilian role. This indicates that they will serve in a position that will contribute to the community. The positions they operate in are either in the healthcare sector, the educational one, or even sanitation workers. In most cases, they do not get to choose which responsibility they take, and they may even be assigned jobs that they cannot handle. In the second case, the individual requests to become a non-combatant, meaning that they do not have an issue conscripting to the military, but they will not bear arms under any circumstances.

⁹ “Desertion.” *Cambridge Dictionary*, <https://dictionary.cambridge.org/dictionary/english/desertion>.

¹⁰ “Module 1: Freedom of Conscience.” *OHCHR*, <https://www.ohchr.org/en/faith-for-rights/faith4rights-toolkit/module-1-freedom-conscience>.



Figure 2: First Jehovah's Witnesses Complete Alternative Civilian Service Program in Armenia

Even though every Member State has a different way of dealing with COs, in most cases, the people who object to the military on grounds of conscience and morality must sign up on a governmental list. After registering, COs go through a tribunal for COs or the local board to express their beliefs so that the members of the board decide whether the objection is granted or not. After that, they are able to continue with their communal work, otherwise, they are automatically conscripted into the military by the board.

Historical Background

The ideology of objecting to military service due to religion existed way before it was even defined. Although they were not characterized as conscientious objectors, there were multiple cases of individuals refusing to bear arms or to engage in any type of military service. The first ever case occurred around 300 AD, when the son of a Roman Army official, who was obligated to conscript, refused to do so due to his strong belief in Christianity; this objection led to his execution. His name was Maximilian of Tebessa and due to his religious sacrifice, he was canonized and became a saint. He is considered the first-ever recorded conscientious objector, however, it is firmly believed that during that period there were more such individuals.

The request of individuals to refrain from the military has been recorded numerous times throughout history. From the 16th century to the 18th century, the ideology of opposing military activities on grounds of religion was spread around many regions of the globe, including Europe and Russia. Regardless of conscientious objection being treated as noncompliance with the law, there were certain governments that granted

exemptions for specific doctrines, such as the exemption of Mennonites from military service in Russia and Prussia, in exchange of a military tax, during the 19th century.¹¹

Especially during global emergencies, military conscription was deemed mandatory in most States and everyone was obliged to register for undertaking positions in the military. This mandatory service aimed at ensuring that territorial integrity and sovereignty would not be threatened. Consequently, the request to not participate in the military was typically not viewed sympathetically. Although some individuals were exempted, that was exclusively on grounds of religion, while all the others, namely the COs due to political, philosophical, etc, did not have their exemption granted. As time passed, more and more people began to object to military service, and more and more exemptions were granted, whilst numerous governments and intergovernmental organizations began to take steps to promote and advocate the right of conscience and the right to conscientious objection to military service.

Case Study: COs in the UK during WWI

In 1916, during the First World War, the Parliament of the United Kingdom passed a law, the Military Service Act, which called for the mandatory conscription of all males at the age of 18 to 41¹². Regardless of the Act, multiple people wished to refrain from enlisting in the war, due to political, ethical, religious reasons and so forth. In 1914, COs unified to set up a No-Conscription Fellowship, collectively opposing forcible enlistment along with an ad hoc committee and after 2 years they successfully added a clause about conscientious objectors to the Military Act. This clause gave conscientious objectors the right to present evidence at trial to support their exemption from serving in the military. Initially, it is estimated that there were up to 16,000 conscientious objectors, however, the vast majority of them were forced to conscript into the Army. Although enlisted COs often refused to obey the sergeants and refrain from engaging in some military activities. Such actions were considered provocative, thus, the treatment of conscientious objectors varied. In some cases, their fellow members of the army were compassionate and understanding, but, in most of the cases, they treated them unfavourably. The disobedience of the COs to follow orders in the army led to their imprisonment. The conditions in the prisons were adverse and the solitary confinement that was implemented led many people to develop mental issues. Apart from the emotional damage that COs had to deal with, they also faced issues concerning their physical state, since the diet was insufficient and the conditions in the prison unhealthy. On the bright side, a considerable proportion of COs that were refused the exemption were allowed to take up non-

¹¹ “Mennonite.” *Encyclopædia Britannica*, Encyclopædia Britannica, Inc., www.britannica.com/topic/Mennonite.

¹² “Military Service Act, 1916.” *Legislation.gov.uk*, King's Printer of Acts of Parliament, <https://www.legislation.gov.uk/ukpga/1916/104/contents/enacted>.

combat roles. This was sometimes misleading since the people responsible for the Non-Combatant Corp (NNC) were not COs, and thus, the treatment of the members at the NNC was rough. There, the conscientious objectors served as medical personnel or undertook other manual labour roles. In general, the COs were not treated fairly, as they were mostly viewed as cowards by the other members of the military. They were also frequently judged for their opinions, beliefs, and stances on the subject. This “stigma” remained in post-war society, too, with COs being unable to get hired, for example.



Figure 3: A crowd of conscientious objectors during WWI in a prison camp

Case Study: COs in Nazi Germany during WWII

On June 28th, 1919, the Allied Powers signed a peace treaty with Germany, the “Treaty of Versailles”, formally ending the First World War¹³. This treaty consisted of some terms that ensured that defeated Germany would not reattack any other countries after the end of WWI. Among others, the conscription system was banned and the disarmament of Germany was required. “The German army was restricted to 100,000 men; the general staff was eliminated; the manufacture of armoured cars, tanks, submarines, aeroplanes, and poison gas was forbidden; and only a small number of specified factories could make weapons or munitions.”¹⁴ However, in 1933, Adolf Hitler rose to power, leading the Nazi Party and establishing a dictatorship in Germany. Defying the Treaty of Versailles, Hitler reimposed conscription on the

¹³ *Treaty of Versailles* - Census.gov. https://www.census.gov/history/pdf/treaty_of_versailles-112018.pdf.

¹⁴ “German Reparations and Military Limitations.” *Encyclopædia Britannica*, Encyclopædia Britannica, Inc., <https://www.britannica.com/event/Treaty-of-Versailles-1919/German-reparations-and-military-limitations>.

German military, by passing the Military Service Law of 1935. The specific law required all males to serve in the labour corps of the military for a few months at the age of 18, while they had to enlist for a 2-year military service at the age of 19, forbidding anyone to conscientiously object¹⁵. The same year, the military established the “Führer Oath”; this oath was sworn by the military personnel, and later by the civil personnel as well, and it was an oath of allegiance to Hitler himself, instead of allegiance to the Constitution or its institutions as it used to be.

However, in many cases, citizens refused to swear the aforementioned oath or refused to serve in the military, either on the grounds of religion or conscience, since they opposed participating in a war that they considered unfair. The majority of those who refused to pledge allegiance to Hitler were Jehovah's Witnesses, who believed that they must obey their God. However, the objectors were not exclusively JW and they had various ethnic and religious backgrounds, including Seventh-day Adventists, Quakers, and Mennonites. Regardless, in the vast majority of cases, all objectors were arrested and executed. If not, they were arrested and either imprisoned or sent to concentration camps, where they were forced to work under harsh conditions. When they would deny and disobey, they would be sentenced to the death penalty. Conscientious objectors, theoretically, were drafted and simply never served, thus, they were considered deserters. Desertion in Nazi Germany and under the Hitler Oath was considered a crime against Hitler himself. Therefore, there were thousands of conscientious objectors that were executed or that were sent to deadly penal units. This was the situation for conscientious objectors until Nazi Germany got defeated in 1945.

Responses to conscientious objection to military service

Throughout the years and all around the globe conscientious objection to military service has been interpreted in several ways, therefore, handled differently in each Member State. Nowadays, COs are not treated as badly, yet they are not fully respected and they are not in a position to enjoy their rights completely. Considering that all Member States of the UN have adopted the Universal Declaration of Human Rights, which clearly states that everyone should have freedom of conscience, one would expect that COs have the choice of conscientiously objecting to the military without having any unfair treatment. Yet, there are still people who in order to object have to either pay fines or even be sentenced to imprisonment.

Today, the conscription system has been abolished in some countries, while it still exists in some others. Leading examples of states that still have mandatory conscription include Brazil, Turkey, Korea and others, while the USA, France, Australia,

¹⁵ “Military Service Law.” *Encyclopædia Britannica*, Encyclopædia Britannica, Inc., <https://www.britannica.com/topic/Military-Service-Law>.

etc, have banned the conscription system and their militaries mainly consists of volunteers and professionals. In some Member States where conscription is mandatory, conscientious objection is frequently permitted, and there are options for alternative civil service that allow people to work in fields like healthcare or education. In some other cases, though, people are forced to conscript and enter the military, which essentially indicates the violation of their fundamental human rights. The states in which such situations occur claim that the reason all people must conscript without exceptions is primarily, because having a military in case of emergencies is necessary, implying that their country's safety and security are of the utmost importance.

MAJOR COUNTRIES AND ORGANISATIONS INVOLVED

United States of America (USA)

Although until 1973 there was a military conscription system in use, named “draft”, for all males over 18 years of age, under current law the military consists of professional volunteers. In the US, there is an independent agency of the government called Selective Service System (SSS) that requires all males to register, giving their personal information once they turn eighteen regardless of being conscientious objectors or not. From the list of all the male citizens, the SSS conscripted men from the age of 18 to 25 into the military in times of emergencies. Even though COs tend to state their status in their registration, it is not taken into consideration until they are drafted. In the US, CO classification is granted by their local board, where they appear to explain their beliefs. Conscientious objectors have the right to refuse to undertake combatant roles or to refuse any type of participation in the military. In the first case, they are offered non-combatant roles, where they serve in the military but in positions that do not require training or engagement with weapons. In the second case, COs are placed in the “Selective Service Alternative Service Program”, which connects the conscientious objectors with local employers so that they are put in positions where they contribute to the community in humanitarian sectors, including education, healthcare etc.

France

Conscription in France started in 1798 with the aim to gather military personnel for the French Revolution. This obligatory military service lasted until 2001 when it got suspended. However, Law No. 97-1019 “allows the government to reinstate conscription at any time (Article L112-2) and the legislation providing for national

service has not been repealed.”¹⁶ Despite the fact that there is no mandatory military service anymore, the government can conscript citizens that meet certain standards, for example a certain age, any time if deemed necessary. Therefore, young people are asked to register, just in case there is an emergency and the government must conscript them. Apart from that, the French military consists of volunteers over the age of 18. France's government is tolerant towards COs, with the first recognition of the right to conscientious objection has been in 1963, by Act No. 1255/63, 21st December. A few years later, in 1983, the requirements for obtaining conscientious objector status were further streamlined, which encouraged more people to apply for classification. Anyone willing to take on such a role is offered alternative civilian service, which is usually twice as long as military service. The attitude people hold against COs in France is favourable, and they are not being discriminated against.

South Korea

Military conscription has existed in South Korea for multiple years, and it entails mandatory military service for male citizens between the ages of 18 and 35. Despite not being obliged to serve in the military, women can enlist as well. In 1949, a Conscription Law was implemented. In South Korea, the right to conscientiously object to military service is not respected and, thus, the individuals who refuse to serve in the military face repercussions: imprisonment, forced labour under adverse conditions, or even worse. According to reports, there are approximately 10,000 COs that got imprisoned due to their beliefs. Although in Korea the COs are mainly Jehovah's Witnesses or Seventh Day Adventists, others object on grounds of political beliefs. Although the system was very strict for many years, in November 2018 57 imprisoned conscientious objectors were released and for the first time ever Korea indicated a probable change in policy to offer conscientious objectors additional choices for alternative service. By 2020, an “alternative service” was introduced and that referred to COs working as personnel in prisons or other such facilities for 36 months, twice the 18-month military service.

Turkey

In Turkey, there is mandatory military service for all males between the age of 20-41, which lasts for 6-12 months depending on the education level of the person. Women can serve, but only as officers and are not conscripted. “For Turkish citizens who have lived or worked abroad for at least 3 years, a basic military training of 3 weeks is offered instead of the full-term military service if they pay a certain fee in foreign currency.”¹⁷ Turkey has signed and ratified the International Covenant of Civil and

¹⁶ United Nations High Commissioner for Refugees. “Child Soldiers Global Report 2004 - France.” *Refworld*, [www.refworld.org/docid/4988065c2d.html#:~:text=end%20of%202001-,Law%20No.,July%201972%20\(Article%2088\).](http://www.refworld.org/docid/4988065c2d.html#:~:text=end%20of%202001-,Law%20No.,July%201972%20(Article%2088).)

¹⁷ Sansal, Burak. “Turkish Army.” *Turkish Army | All About Turkey*, www.allaboutturkey.com/army.html.

Political Rights; however, the right to conscientious objection does not appear to be respected. Additionally, Turkey is the only Member State of the Council of Europe that actively does not recognize the right to conscientious objection to military service. People who refuse to enlist in the military risk being persecuted, imprisoned, or subjected to criminal charges. There are even some cases reported, where the COs face civil death.

Singapore

Soon after the declaration of its independence in 1965, Singapore implemented a mandatory military conscription system, namely the system of “National Service (NS)”. NS was the only way for the country to be secure, considering its small population. Therefore, it requires all males above the age of 18 to conscript and serve for approximately 2 years. Although there are many cases where people, mainly Jehovah’s Witnesses refuse to participate in the NS, it was to no use. The conscientious objection to military service is not accepted in Singapore, with the country having stated: “national defence was a fundamental sovereign right under international law; where individual beliefs or actions ran counter to such a right, the right of a State to preserve and maintain national security must prevail.”¹⁸

Brazil

Regardless of being one of the co-submitters of the Draft Resolution by the Economic and Social Council proposed in Geneva in 2004, namely “Civil and Political Rights: Conscientious Objection to Military Service”¹⁹, Brazil does not fully comply with the clauses proposed. In the Brazilian military, there is an obligatory service shield with conscription that calls for all men aged 18-45 to serve for 10 to 12 months. Additionally, for anyone willing to pursue a career in the military and wishing to serve voluntarily there is an age limitation from 17-45. In Brazil, women are also allowed to serve in the military, however, when it comes to specific forces, including air and navy they serve exclusively in the Women's Reserve Corps. Concerning the right to conscientious objection, “the constitution indicates that, in times of peace, individuals who claim conscientious objection based on their religious, political or philosophical beliefs can obtain authorization from the armed forces to perform alternative services.”²⁰

¹⁸OHCHR-Singapore. Office of the UNn www.ohchr.org/sites/default/files/Singapore.pdf.

¹⁹ “Conscientious Objection to Military Service : Draft Resolution.” *UN Library* , United Nations, www.digitallibrary.un.org/record/519564.

²⁰ United Nations High Commissioner for Refugees. “Brazil: Military and Alternative Service; Penalties Imposed, Including the Loss of or Limited Access to Certain Rights, on Individuals Who Refuse to Perform Either of These Services (2000 - Mar. 2005).” *Refworld*, www.refworld.org/docid/42df60ae37.html.

Office of the United Nations High Commissioner for Human Rights (OHCHR)

The Office of the United Nations High Commissioner for Human Rights is the leading entity responsible for the protection of the fundamental human rights that are laid out in the UDHR in all States around the globe. Recognizing that the right to conscience is of great importance, OHCHR has actively tried to promote the freedom of conscientious objection to military service. The higher Commissioner has worked on the right to conscientiously object to military service and submitted multiple reports on relevant UN bodies. Also, it has uploaded guidelines, so that everyone is aware of their rights and how they can claim them. Some of the most important reports are the “Civil and political rights, including the question of conscientious objection to military service” from the 60th and the 62nd HCR sessions and the “Approaches and challenges with regard to application procedures for obtaining the status of conscientious objector to military service in accordance with human rights standards” from the HRC 41st session²¹. Another very important document published by the OHCHR is the “Conscientious Objection to Military Service”²², which lays out analytically every important information regarding the right to conscientiously object to the military.

European Bureau for Conscientious Objection

The European Bureau for Conscientious Objectors (EBCO) was founded in 1979 and it is currently one of the main Non-Governmental Organizations (NGOs) that act upon the establishment of the right to conscientious objection to military service. It promotes international campaigns and reports for other European Bodies, including the Council of Europe, urging the Member States to sign and ratify the on-topic conventions that they have not done so already. Additionally, this NGO supports “the end of conscription, social spending instead of military spending, peace, conflict prevention and conflict resolution, non-violence, antimilitarism, antidiscrimination, human rights and youth rights.”²³

Amnesty International

Amnesty International is a non-profit, non-governmental organization that was originally established in London, United Kingdom in 1961. Now, it has subsidiaries in a handful of nations, including the United States, Australia, France, Norway, and Saudi Arabia. Amnesty International typically initiates movements and launches campaigns to promote and defend human rights. Regarding the right to conscientious objection to military service, the role that Amnesty International has undertaken is to raise

²¹ “Reports.” OHCHR, <https://www.ohchr.org/en/conscientious-objection/reports>.

²² Conscientious Objection to Military Service - OHCHR. https://www.ohchr.org/sites/default/files/Documents/Publications/ConscientiousObjection_en.pdf.

²³ “About EBCO.” *About EBCO | European Bureau for Conscientious Objection*, www.ebco-beoc.org/aboutebco.

awareness of various cases that violate this particular right as well as those that unlawfully hold imprisoned citizens and treat them unfavourably.

War Resisters' International

War Resisters' International (WRI) is a global organization that operates in over 30 countries since 1921, that it was founded in the Netherlands, working toward a world without war. It aims to bring organizations and individuals with pacifistic and antimilitary ideologies together. It acts according to its founding declaration “War is a crime against humanity. I am therefore determined not to support any kind of war, and to strive for the removal of all causes of war.”²⁴ It mostly supports nonviolent groups and opposers to war and it often initiates campaigns about local groups and individuals so that everyone is educated and informed about pacifism. Additionally, the WRI, also supports conscientious objectors and publishing their stories, so as to sensitize the public. They also publish reports on global development on conscientious objectors every few months.



Figure 4: “WRI activists take part in a demonstration against the ADEX arms fair in 2015”

²⁴ “About War Resisters' International.” *War Resisters' International*, https://wri-irg.org/en/network/about_wri.

TIMELINE OF EVENTS

DATE	DESCRIPTION OF EVENT
1798	France establishes a conscription system during the French Revolution.
1914	All the conscientious objectors in the UK establish the No-Conscription Fellowship, opposing collectively the forcible enlistment during WWI.
1916	The UK Parliament passes the Military Service Act, which imposed mandatory conscription in the UK.
28 June 1919	The Treaty of Versailles is signed by the Allied Powers after the end of WWI banning the conscription system in Germany.
1921	The War Resisters' International is founded in the Netherlands aiming to stop the war worldwide.
21 May 1935	Hitler reimposes "Military Service Law of 1935", a conscription law in Germany, defying the Treaty of Versailles.
Spring 1945	The WWII is over with Germany having been defeated.
10 December 1948	The General Assembly adopts the Universal Declaration of Human Rights.
1949	A Conscription Law is implemented in South Korea.
28 May 1961	Amnesty International is founded in London, United Kingdom.
21 December 1963	Act No 1255/63 passes in France, recognizing for the first time the right to conscientious objection.
16 December 1966	The International Covenant on Civil and Political Rights is adopted.
1973	The conscription system is no longer in use in the United States of America, and the military consists of professional volunteers.
23 March 1976	The International Covenant on Civil and Political Rights enters into force.

1979	The European Bureau for Conscientious Objectors is founded.
15 May 1983	The “International Conscientious Objectors' Day” is being for the first time celebrated.
December 1993	Resolution 48/141 passes, establishing the OHCHR and laying out its mandate.
16 March-24 April 1998	The 54th session of the Commission on Human Rights takes place, and Resolution 1998/77 is adopted.
7 December 2000	The “Charter of Fundamental Rights of the European Union” is drafted by the European Commission, the European Parliament and the Council or Ministers.
2001	France abolishes the conscription system.
2004	A Draft Resolution by the Economic and Social Council is proposed in Geneva, titled “Civil and Political Rights: Conscientious Objection to Military Service”.
1 December 2009	The “Charter of Fundamental Rights of the European Union” is ratified after nine years of having been proclaimed.
January 2012	The “2012 OHCHR guidance on conscientious objection” ²⁵ is adopted, presenting the question of conscientious objection to the military service, setting examples of alternative choices and even discussing the particular situation for a case under the International Refugee Law.
November 2018	57 imprisoned conscientious objectors are released in South Korea.
25 May 2019	The “Report on approaches and challenges for obtaining the status of conscientious objector to military service” is published by the Office of Higher Commissioner of Human Rights (OHCHR).
2020	An “alternative service” is introduced in South Korea.

PREVIOUS ATTEMPTS TO SOLVE THE ISSUE

United Nations

²⁵ “Report Conscientious Objection to Military Service.” OHCHR, www.ohchr.org/sites/default/files/Documents/Issues/RuleOfLaw/ConscientiousObjection/ReportConscientiousObjectiontoMilitaryService.pdf.

International Covenant on Civil and Political Rights

On 16 December 1966, the International Covenant on Civil and Political Rights was adopted by the General Assembly and put into force on 23 March 1976; 113 UN Members have ratified it. It refers to the rights and freedoms that individuals are entitled to in the social and political sector. Specifically, in its eighth article it refers to the freedom of any kind of slavery and forced labour connected to the military and clearly states that “any service of a military character and, in countries where conscientious objection is recognized, any national service required by the law of conscientious objectors.”²⁶ Even though it was signed several years ago and did not have a direct impact on the subject, it is still regarded as having laid the groundwork for a handful of conventions to be created afterward on a national and an international level.

E/CN.4/RES/1998/77

The “Commission on Human Rights Resolution 1998/77” was proposed during the 54th session of the Commission on Human Rights, held from 16 March to 24 April 1998 and adopted on 22 April, 1998. This Resolution addresses the question of conscientious objection to military service and could be considered one of the most important international resolutions for this topic, since it proposes direct solutions. It exclusively mentions the “question of conscientious objection to military service”. Its main objectives include urging Member States to offer alternatives to military service to conscientious objectors and safeguarding them from unfair detention or other unfavourable treatment.

A/HRC/41/23

This “Report on approaches and challenges for obtaining the status of conscientious objector to military service”, was published on May 25th, 2019 by the OHCHR. The report outlines alternative strategies to obtaining the status of a conscientious objector to military service, as well as the potential issues associated with them, while it analyses the minimum requirements that must be satisfied in order for someone to obtain the status of a conscientious objector. It is based on the “2012 OHCHR guidance on conscientious objection”²⁷, which addresses the “applicable international standards and jurisprudence relating to conscientious objection to military service”, adding to it anything that regards the developments of approximately a decade. Additionally, it discusses specific cases regarding countries and organizations around the world and their stances on the matter.

²⁶ “International Covenant on Civil and Political Rights.” OHCHR, www.ohchr.org/en/instruments-mechanisms/instruments/international-covenant-civil-and-political-rights.

²⁷ “Report Conscientious Objection to Military Service.” OHCHR, www.ohchr.org/sites/default/files/Documents/Issues/RuleOfLaw/ConscientiousObjection/ReportConscientiousObjectiontoMilitaryService.pdf.

Charter of Fundamental Rights of the European Union

Although drafted and proclaimed in 2000 by the European Commission, the European Parliament and the Council of Ministers, it entered into force in 2009. In Article 10-1, it claims that everyone is entitled to the freedom of religion and conscience, while the second paragraph of the tenth article, explicitly indicates that “the right to conscientious objection is recognized, in accordance with the national laws governing the exercise of this right.”²⁸ This includes the right to object to military service on moral grounds, and even though any final decision is taken by any national government, the EU seems to support this.

“The Right to Refuse to Kill programme”

The Right to Refuse to Kill programme is an initiative made by the War Resisters’ International (WRI), to spread awareness about conscientious objectors on a global scale. By referring to this programme, one discusses the actions that have been made by WRI for conscientious objectors in general. First of all, it supports COs that have been imprisoned due to their beliefs by sending out “CO-alerts” and posting reports online. “Co-alerts, sent out by email as soon as the WRI office receives information on the imprisonment or trial of a conscientious objector, are a powerful tool to mobilise support and protest.”²⁹ Furthermore, WRI assists asylum seekers by providing information on military service and the potential penalties for conscientious objection. Finally, it encourages solidarity actions and helps in the training of conscientious objectors. According to WRI, such movements were very intense in the Balkans and Turkey, but it is evidence that currently, they are emerging in multiple countries around the globe, South East Asia, Latin America, Israel, Africa etc.

Object War Campaign

This specific campaign has as its main aim to support and protect the conscientious objectors from Russia, Ukraine, and Belarus who have objected to the ongoing Russian-Ukraine war, and it was initiated at the beginning of the war by the “International Fellowship of Reconciliation”. There are multiple people that have fled their countries to avoid being recruited and having their right to object violated. This campaign essentially urges all citizens worldwide to join the global effort to provide protection and asylum to conscientious objectors. “This campaign highlights the importance of opening borders to those who oppose the war at great personal risk in their countries and calls on everyone around the world to support those who refuse to fight and kill.”³⁰

²⁸Charter of Fundamental Rights of the European Union - European Parliament. www.europarl.europa.eu/charter/pdf/text_en.pdf.

²⁹“The Right to Refuse to Kill Programme.” War Resisters' International, <https://wri-irg.org/en/co/rrk-en.htm>.

³⁰ “News & Updates from the Movement.” IFOR, <https://www.ifor.org/news?tag=Object%2BWar%2BCampaign>.

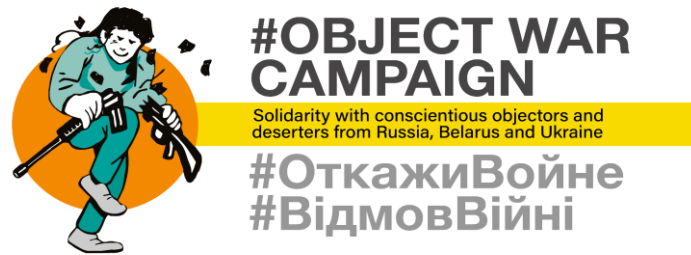


Figure 5: #object war campaign, an initiative about solidarity with conscientious objectors

POSSIBLE SOLUTIONS

Ratification of Conventions

Although many Conventions have been proposed and signed, their ratification by UN Member States is critical. Ratifications indicate that a state not only “agrees” with what is being stated in one such official document and it is legally bound by it, but has also actively tried to implement it, by altering their own countries policies to abide by the international one. By now, there have been multiple endeavours to establish the right to conscientious objection through conventions and resolutions held not only by the UN, but also by other international organizations. However, there are numerous Member States that have yet to ratify those conventions. Therefore, it is crucial that all States are urged to ratify those conventions and implement their guidelines.

Alternatives to Military Service

Acknowledging that some Member States still have a conscription system, it is important to establish some alternatives for military service for the COs, ranging from non-combatant roles in the military to civilian service in the local community. Considering that becoming a conscientious objector typically entails going through a process in which the applicants are “interviewed” and asked about their beliefs, it is important that they are thoroughly asked about their qualifications as well. The local board should address concerns about the candidates' qualifications during the decision-making process so that they can choose each CO's position appropriately.

Governments should be encouraged to follow alternative tactics to manage conscientious objectors and assign them non-combatant roles in the conflict or civilian service, instead of subjecting them to imprisonment or any other type of inhuman or unfair treatment. Such jobs might entail doing alternative military service, working in military healthcare, or even performing cleaning duties. Aside from that, other civilian service positions could be granted to COs, including working in the educational sector, as a teacher, in the healthcare sector either as a doctor, nurse, or secretary. Other positions could be in regard to social services, the environment, agriculture etc.

Reviewing Existing Legislation

It is evident that Member States have enacted legislation pertaining to their country's military. Some of them have implemented an obligatory conscription system, indicating that serving for a specific amount of time is mandatory, while others have banned conscription and have exclusively professionals or volunteers in their army. It is of great significance, however, that all Member States accept and support the right to conscientiously object for those with valid reasoning, regardless of whether the conscription system remains in place. Therefore, all Member States should be urged to review their existing laws, so that they implement more favourable tactics towards the conscientious objectors. In that way, COs will be rendered a responsibility of the government, and their well-being could be ensured.

Raising Awareness

Finally, it is of the utmost importance that both COs and the public are aware of the right to conscientiously object to military service as well as the need to protect it. It is, thus, crucial to raise awareness regarding the rights and freedoms of conscientious objectors so that they can enjoy them to the maximum extent while having the support of all people. This sensitization could be done through campaigns that would be launched by governments or non-governmental organizations, either already-existent ones or new ones that would be founded with the exclusive aim of working with COs. If new non-profit and non-governmental organizations were established, they could promote and advocate for the rights of conscientious objectors all around the world, aiming to protect COs and end discrimination against them.

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