



EUROMIL aisbl

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Conscientious objection in European armed forces Update from member associations, 2017

Information in RED is updated from March 2022. Where a country does not have any updates, it can be understood that EUROMIL did not receive a response from the member association.

BELGIUM: Conscientious objection was envisaged in the context of compulsory military service, for the conscripts. They could refuse to do their military service, but should instead perform civilian service, which was longer than military service. (Legislation on the status of conscientious objectors - 20 February 1980). Meanwhile Belgium adopted a professional army. Compulsory military service was not repealed but suspended on 1 March 1995 and the concept of conscientious objector was no longer necessary as potential recruits should decide by themselves to join the army or not. **No updates since 2017.**

CYPRUS: The procedure in the Cypriot armed forces for the treatment of conscientious objectors is the following:

1. When a conscript is called to military service, he has the right to plead conscience objection to avoid serving in the armed forces.

2. After having invoked that reason, he refers to a special 5-member committee composed of representatives of health services, legal services, armed forces and instructors, in order to demonstrate the reasons why he is unable to perform normal military service.

3. If the committee decides that he is truly a conscientious objector, it makes proposal to the Minister of Defense regarding the type of alternative military service the applicant may accomplish.

4. There are two types of alternative military service:

A. Perform the service in military units without the use of arms and without participation in military activities, but participate in various auxiliary tasks (e.g. cooking, cleaning and maintenance of vehicles);

B. Execute the service in government agencies by performing work related to the nature of the service took up.

5. Duration of alternative military service varies:



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A. Within military installations, alternative service lasts 3-5 months more than regular service.

B. In government agencies, alternative service lasts 7-9 months more than regular service.

DENMARK: Denmark still maintains conscription. The right to conscientious objection is recognised for conscripts but not for professional soldiers.

The right to conscientious objection has been legally recognised since 1917. Its present legal basis is laid down in the 2006 National Service Law and the 2006 Civil Service Act (Militærnægterloven, 226/2006)⁵. Art. 1 of the Civil Service Act states: "Conscripts for whom military service in any form is judged, from available information, to be incompatible with the dictates of their conscience, may (...) be exempted from military service on condition that they are engaged in other national work, which is not, however, serving any military purpose."

Professional soldiers have the right to resign from their service – but male professional soldiers will still in accordance with the laws be obliged to the duties as conscripts. They must apply to be registered as conscientious objector if they want to be released for their (theoretical) obligations as conscripts. It is also mentioned that professional soldiers might repay expenses of training, if they want to resign prematurely. This is only relevant for specific educations like pilot.

GERMANY: The right to conscientious objection is foreseen in Article 4 (3) of the Constitutional Law. It is a constitutional right, but it is regulated in detail in § 55 and 75 of the Soldiers Act (Soldiers propose to be conscientious objectors). In 2011, compulsory military service, which existed since 1956, was suspended but not abolished. From 1956 to 2011 it was the legal duty of male Germans to perform military service in the armed forces. Today it is limited to cases of tension or national defence. After suspending compulsory military service in 2011, there was a decrease of cases of conscientious objection in Germany but volunteers and professionals can still be conscientious objectors. For example, there are conscientious objectors in the medical care service. Every year, more than half of the 30 to 40 conscientious objectors are medical officers (which leads to a gap in the medical care service, therefore the internal number of study places can increase to compensate it). **No updates since 2017.**



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GREECE: Greece maintains conscription. The right to conscientious objection is recognized for conscripts.

The procedure in the Greek armed forces for the treatment of conscientious objectors is the following:

- When a conscript is called to military service, he has the right to plead conscience objection to avoid serving in the armed forces.
- After having invoked that reason, he refers to a special committee in order to demonstrate the reasons why he is unable to perform normal military service.
- If the committee decides that he is truly a conscientious objector, it makes proposal to the Minister of Defense.
- The Minister of Defense decides whether or not to accept the requests, following the opinion of the Special Committee.

Those who are recognized as conscientious objectors are required to fulfill an alternative service to public sector.

DURATION

The Alternative Service is increased by 2 to 3 months in relation to the normal service and in particular:

- a. Fifteen (15) months
- b. Twelve (12) months
- c. Nine (9) months
- d. Five (5) months

Furthermore, according to the latest law (4609/2019) the clause 22 and 23

- Provide that the age after which a conscientious objector is eligible to buy off the greatest part of the civilian service is 33 years in order to be equal with that concerning those serving in the armed forces. Also provides that the minimum number of days which a conscientious objector is required to serve before being eligible to buy off the rest of its civilian service is 20 days.
- Provide that the 5-membered Special Committee which examines the applications for CO status and submits recommendations to the Minister, will have a new composition which will include only one military officer.



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- Grant a discretionary power to the Minister of National Defence to reduce the length of the civilian service down to 12 months in order to bring it closer to the length of military service which is 9 months for the vast majority of conscripts.
- Provide that the expenses for transportation of COs fall on the state.
- Abolish the capability of the Minister of National Defence to suspend the provisions about conscientious objectors during wartime.

As you probably remember in Greece, there are no provisions in national legislation recognizing the right to conscientious objection for professional military personnel.

HUNGARY: In 2004, the conscription system, which has been a tradition for over 135 years, was suspended in peacetime. The Hungarian Defence Forces adopted a voluntary system, with professional and contractual military personnel. Conscientious objection to military service is thus not applicable in present times.

Between 1990 and 2004, the compulsory military service could be replaced by alternative (weaponless or civilian) service if a man who was liable to conscription had conscientious objection to military service. But the duration of these types of service were always longer than the duration of compulsory military service.

ITALY: There are no conscientious objectors in Italy because the country adopted a professional army few years ago. Therefore, only professional volunteers make part of the Italian armed forces. **No updates since 2017.**

IRELAND: The regulations to provide for discharge on grounds of conscientious objection should be amended. To date there has been no amendment of defence forces regulations; specifically, DFR A.10, which governs attestation, promotion and discharge of personnel from the defence forces.

Provision does exist for personnel within the Irish defence forces to discharge themselves by way of purchase, and once discharge is sought on this basis, and payment made, personnel are supposed (in accordance with regulation) to be discharged with all convenient speed. Nevertheless, no regulatory provision exists for discharge on grounds of conscientious objection specifically. The difficulty with the foregoing provision could be seen as twofold - firstly is it appropriate for someone to be required to purchase their exit from the armed forces where they are discharging on grounds of conscience? Secondly, what if the person seeking discharge does not possess the funds to discharge, yet, nevertheless they object



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to service on grounds of conscience? Lastly, there is no provision within defence forces regulations for anyone who objects to service on grounds of conscience to be corralled, or excluded from combat service i.e placed on administrative duties pending determination of claim for release.

MONTENEGRO: Article 166 of the Law on Armed Forces of Montenegro stipulates the following:

“Conscientious objection shall be allowed to persons who, due to their religious or other beliefs, are not ready to perform military duties that include use of weapons.”

Nothing else is stipulated within the law concerning "conscientious objection". It does not clearly indicate what "conscientious objection" implies, or what are the rights and obligations of the above-mentioned persons.

POLAND: In Poland, compulsory military service and military training for university graduates was suspended on 1 January 2010, but may be restored by the Minister of Defence at any time for specific cases (e.g. natural disaster).

A person subjected to military service or military training, who, due to religious or moral reasons, has objections to military service, can apply to a respective authority for sending him to alternative military service. Undergoing the alternative military service is treated as a holding of military service or military training and concludes the matter.

PORTUGAL: At the time being, the concept of conscientious objector does not apply in Portugal.

It was important in the past, before the end of compulsory military service, for the conscripts. They could refuse to do their military service, but should instead perform civilian service, which was longer than military service. (Legislation of conscientious objectors –on 12 May 1992).

Since September 2004, compulsory military service was suspended, and the concept of conscientious objector was no longer necessary as potential recruits could decide by themselves to join the army or not. Afterwards, every 18 years old male (and female after 2010) should attend a military recruitment “seminar” in order to enlist voluntarily or carry out its militar censos.



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SERBIA: In the Republic of Serbia, Article 45 of the Constitution regulates the issue of conscientious objection. This provision is applied to the introduction of the professional military service. At the time being, there are no problems in this regard in Serbia.

SLOVAKIA: Conscientious objector was a concept envisaged in the context of compulsory military service. Ex lege compulsory military service was terminated by act. No 365/2005 on state service of professional soldiers which replaced prior act No 370/1998 on military service. Act No 365/2005 came to effect on 1 September 2005 and since that time character of military service have changed from compulsory military service to full voluntary professional military service. Until 1 September 2005 conscripts could refuse to do their military service, but instead of it they had to perform civilian service, which was half term of military service longer than military service. Enacting full professional military service concept of conscientious objector was no longer necessary as potential recruits can decide by themselves to join the army or not.

SPAIN: At the time being, the concept of conscientious objector does not apply to Spanish soldiers since compulsory military service ended on 31 December 2001.

The concerning regulations are:

-Law 17/1999 (18 May) on the Armed Forces Personnel Rules, which in its 13th Additional Provision established that on 31 December 2002 compulsory military service would be suspended.

-Royal Decree 247/2001 (9 March) established that the suspension of compulsory military service would be anticipated to 31 December 2001.

SWEDEN: There are no conscientious objectors in Sweden because the country adopted a professional army few years ago. Therefore, only professional volunteers make part of the Swedish Armed Forces. In one or two years, Sweden will go towards a mixed system of volunteers and conscripts in the armed forces so it might probably become a problem for Sweden.

Sweden have a mixed system of volunteers and conscripts in the armed forces and have a gender neutral compulsory military service. All citizens must to tests when they turn 18 years old, but not everyone is required to do compulsory military service.



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Does Sweden applies conscientious objection? If individuals are convinced that they cannot use weapons against any other person, they can apply to do their total defense obligation without a weapon. This means that they can do civil duty and be deployed in civil defence. Currently, no such training is carried out, but they may be called to training later if the needs of civil defence should change.