



European Organisation of
Military Associations and
Trade Unions

Brussels, Belgium
<http://euromil.org/>

EUROMIL input on Conscientious Objection for professional and conscripted military personnel

Who are EUROMIL?

The European Organisation of Military Associations and Trade Unions (EUROMIL) is the voice of European soldiers on an international level. Its core mission is to promote the professional and social interests as well as the fundamental rights and freedoms of European soldiers. EUROMIL is an umbrella organisation composed of 32 military associations and trade unions. Originally founded in 1972, the organisation includes 21 countries from Romania in the East to Ireland in the West, and from Sweden in the North to Cyprus in the South; EUROMIL is a truly European organisation. It is the main Europe-wide forum for cooperation among professional military associations on issues of common concern. Funded exclusively by membership fees, EUROMIL keeps to strict non-denominational and politically independent policies.

EUROMIL is of the view that military personnel should have the right to conscientious objection from military service regardless of whether it is in a conscripted or professional capacity.

Current Situation & Legal Standards: Conscription & Voluntary Service

The situation regarding conscientious objection varies across UN member states, largely depending on the States' position towards conscription or voluntary military service. However, as is highlighted in the OSCE/ODIHR [Human Rights of Armed Forces Personnel: Compendium of Standards, Good Practices and Recommendations](#) (hereinafter the Compendium), conscientious objection does not only arise in states with conscripted armed forces¹. Just like their civilian counterparts, the views and beliefs of individuals within the armed forces can develop and change over time. For this reason, EUROMIL strongly asserts that conscientious objection should thereby be available in countries where military service is on a voluntary basis in addition to conscription.

EUROMIL is also of the view that international human rights standards should form the basis of states' approach to conscientious objection. Article 10(2) of the Charter of Fundamental Rights of the European Union explicitly recognises the right to conscientious objection in accordance with the national laws of that country. Furthermore the right of conscientious objection is a fundamental aspect of the right to freedom of thought, conscience and religion as is enshrined in the

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Universal Declaration of Human Rights and the European Convention on Human Rights.

EUROMIL has observed via its members the different applications of conscientious objection depending on the national context. Of particular interest is the case in Sweden, whereby a gender neutral conscription has been reimplemented since 2018. In this context, if an individual has a conscientious objection towards using weapons against another person then they can apply to be enlisted as a conscientious objector and can be enlisted to a post whereby there is no use of weapons in Civil Defence².

In situations where conscription is in place and an individual wishes to conscientiously object to being enlisted in the armed forces, it is usually the case that they will have the sincerity of their claim assessed by a panel or a committee and subsequently have to enrol in an alternative form of service.

In countries where there is no conscription, conscientious objection tends to be perceived as a non-issue, for instance in Ireland. However, as stated above, this does not account for the very real possibility in which an individual changes their views over time regarding their involvement in their national armed forces. This is a concept that the Council of Europe has concerned itself with and is exemplified in the Council of Europe Parliamentary Assembly Recommendation 1742(2006) calling for member states "to introduce into their legislation the right to be registered as conscientious objector at any time, namely before, during or after military service, as well as the right of career servicemen to be granted status of conscientious objector."³ As highlighted in the Compendium, a number of states have recognised conscientious objection for serving members of the armed forces in addition to conscripts, including Belarus, Czech Republic, Germany, Romania, Slovakia, Slovenia, Spain, Switzerland and the United Kingdom⁴.

What is also interesting to note is certain trends within the armed forces and conscientious objection. For instance, [in our 2017/2022 survey](#), EUROMIL's German member association highlighted that the highest cases of conscientious objectors come from the medical care service and this subsequently leads to gaps in the health sector of the armed forces.

Best Practices

As highlighted by the Compendium, good practices regarding conscientious objection include an independent panel assessment of the claim in cases where it has been refused in the first instance. In cases whereby the claim is accepted, alternative service must usually be undertaken. Best practices are highlighted

² <https://ebco-beoc.org/sweden>

³ <http://assembly.coe.int/nw/xml/XRef/Xref-XML2HTML-en.asp?fileid=17424&lang=en>

⁴ <https://www.osce.org/files/f/documents/1/2/480251.pdf>



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here as being: compatible with reasons for conscientious objection; performed under civilian administration; include work that is in the public interest; not a punishment for claiming conscientious objection; a duration of no longer than 1.5 times the length of military service; and confer the same economic and social rights as military service⁵.

Challenges

It is EUROMIL's assertion that conscientious objection should be available to all individuals prior to and during military service, regardless of whether that service is voluntary or conscripted. A challenge going forward is the attempt to encourage all states to recognise the importance of conscientious objection being available to individuals in voluntary military service and to recognise that it comes under the concept of freedom of thought, conscience and religion in the same way as conscientious objection is perceived to in the context of conscription, thereby allowing for the reasonable expectation that an individual's opinions and beliefs may change and develop over time depending on the circumstances. An example of this challenge in action can be seen in the Irish Defence Forces whereby an individual does not have the right to be discharged from the military by reason of conscientious objection, justified by the state by virtue of the fact that the Defence Forces is voluntary.⁶ However, EUROMIL highlights that if an individual wishes to leave the Defence Forces at any given time, they cannot do so freely on the grounds of conscientious objection.

Another challenge to be considered relating to conscientious objection is the practicalities surrounding the application of the concept. Many states have recognised the right to conscientious objection within their Constitution, giving it one of the highest levels of protection. In assessing the situation it is important to ask whether the exemption provided for in law and if so, what does the process look like? Is it a matter of testing the sincerity of the individual's beliefs through an inquiry or does one merely have to make a statement of conscientious objection that can go unquestioned?

EUROMIL wholeheartedly recognises the importance of national security and the role the national armed forces play in a state's response to emergencies, however an individual's right to conscientious objection, as part of their right to freedom of thought, conscience and religion, should not be restricted.

⁵ <https://www.osce.org/files/f/documents/1/2/480251.pdf>

⁶ See [EUROMIL v Ireland Complaint No. 164/2018](#): EUROMIL lodged a collective complaint against Ireland regarding the government's approach to conscientious objection to the armed forces. The complaint was ultimately rejected in the context however EUROMIL is of the view that the issue is still concerning considering the points established in this document.