



# European Bureau for Conscientious Objection

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## Annual Report

# Conscientious Objection to Military Service in Europe 2022/23



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## Foreword by Alexia Tsouni, EBCO President

The **human right to conscientious objection to military service** was higher in the European agenda in 2022, as a result of the **ongoing Russian war of aggression against Ukraine** and the **courageous conscientious objectors and pacifists**.

**The continuation of the war itself constitutes a tragic failure of diplomacy and politicians, as well as a bloody victory of militarism and war profiteers.** The military mobilisation and the prosecution of those who object the war constitutes a blatant violation of their fundamental human rights, as well as the indiscriminate European sanctions against all Russians, instead of granting Visas (type C and D) at least to those who object the war.

Hopefully, remarkable efforts have been made, and more and more inspiring voices are calling for peace ([voices for peace from civil society worldwide](#)), including in the framework of the international **#ObjectWarCampaign** ([Russia, Belarus, Ukraine: Protection and asylum for deserters and conscientious objectors to military service](#)), jointly launched by the European Bureau for Conscientious Objection ([EBCO](#)), the International Fellowship of Reconciliation ([IFOR](#)), War Resisters' International ([WRI](#)), and [Connection e.V.](#)

[In June 2022, 60 organisations from 20 countries sent an appeal to the European Parliament, detailing why protection and support for deserters and conscientious objectors on all sides of the Ukrainian war is necessary and right. On April 6, 2022, the President of the European Council, Charles Michel, had called on Russian soldiers to desert and promised them protection under refugee law.](#) So far, this promise has not been fulfilled. [Within the scope of #ObjectWarCampaign, a petition has been prepared for everyone to sign in,](#) and it is addressed to the President of the European Commission Ursula von der Leyen, the President of the European Council Charles Michel and the President of the European Parliament Roberta Metsola. **The petition emphasises the need to uphold the right to asylum to conscientious objectors and deserters from Russia, Belarus and Ukraine by hosting states.**

**EBCO strongly condemns the Russian invasion of Ukraine**, and calls on all soldiers not to participate in hostilities and on all recruits to refuse military service. EBCO denounces all the cases of forced and even violent recruitment to the armies of both sides, as well as all the cases of persecution of conscientious objectors, deserters and non-violent anti-war protestors. **The right to conscientious objection to military service is inherent in the right to freedom of thought, conscience and religion**, guaranteed under Article 18 of the International Covenant on Civil and Political Rights (ICCPR), which is **non-derogable even in a time of public emergency**, as stated in Article 4(2) of ICCPR.

[EBCO calls Russia](#) to immediately and unconditionally release all those hundreds of soldiers and mobilised civilians who object to engage in the war and are illegally detained in a number of centres in Russian-controlled areas of Ukraine. Russian authorities are reportedly using threats, psychological abuse and torture to force those detained to return to the front.

[EBCO calls Ukraine](#) to immediately reverse the suspension of the human right to conscientious objection, release and honourably discharge Christian pacifist conscientious objectors Vitaly Alekseenko (imprisoned in the Kolomyiska Correctional Colony No. 41) and Andrii Vyshnevetsky (held at frontline unit of the Armed Forces of Ukraine), as well as acquit all conscientious objectors, including Christian pacifists Mykhailo Yavorsky and Hennadii Tomniuk. Ukraine should safeguard the right to conscientious objection to military service, including in wartime, fully complying with the European and international standards, amongst others the standards set by the European Court of Human Rights.



In Europe conscription is still enforced in 18 states, including 16 Council of Europe (CoE) Member States. They are: **Armenia, Austria, Azerbaijan, Cyprus, Denmark, Estonia, Finland, Georgia** (reintroduced in 2017), **Greece, Lithuania** (reintroduced in 2015), **Moldova, Norway, Russia** (former CoE member state), **Sweden** (reintroduced in 2018), **Switzerland, Türkiye, Ukraine** (reintroduced in 2014), and **Belarus** (candidate CoE member state).

**In 2022 Europe was not a safe place for many conscientious objectors in several countries** who faced prosecution, arrests, trials by military courts, imprisonments, fines, intimidation, attacks, death threats, and discrimination. These countries include **Russia** (where hundreds of conscientious objectors are currently imprisoned because they refuse to participate in the war), **Ukraine** (where one conscientious objector is currently imprisoned, one is held at frontline military unit, and a few more are convicted and prosecuted), **Belarus, Türkiye** (the only CoE Member State who has not yet recognised the right to conscientious objection), and consequently the Turkish-occupied **northern part of Cyprus** (the self-styled "Turkish Republic of North Cyprus"), **Azerbaijan** (where there is still no law on civilian service), as well as **Lithuania, Estonia, Armenia, Georgia, Greece, the Republic of Cyprus, Finland, Austria** and **Switzerland** (in these countries the right to conscientious objection is recognised and there is a law on civilian service, but the law and/or practice is still not in line with the European and international human rights standards, leading to violations and discrimination against conscientious objectors).

As for the minimum conscription age, although the **Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict** encourages states to end all recruitment of persons below the age of 18, a disturbing number of European states continues to do this. Worse, some breach the absolute prohibitions in the Optional Protocol by placing servicemen aged under 18 at risk of active deployment, or by allowing conscripts to enlist before their 18<sup>th</sup> birthday.

Last but not least, according to the recently published SIPRI Military Expenditure Report for 2022, **military expenditure in Europe saw its steepest year-on-year increase in at least 30 years**. Even worldwide, the sharpest rise in spending by far (+13 per cent) was seen in Europe and was **largely accounted for by Russian and Ukrainian spending**. Military expenditure by states in Central and Western Europe totalled \$345 billion in 2022. In real terms, spending by these states for the first time surpassed that in 1989, as the cold war was ending, and was 30 per cent higher than in 2013. Several states significantly increased their military spending following Russia's invasion of Ukraine in February 2022, while others announced plans to raise spending levels over periods of up to a decade. Therefore, EBCO urges for the decrease of military expenditure and the increase of social spending, and for making available to citizens with conscientious objections means of specifying that no part of the taxes which they have personally paid is directed towards military expenditure.



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## 1. DEVELOPMENTS SINCE 2022

### 1.1 INTERNATIONAL AND REGIONAL ORGANISATIONS AND MECHANISMS

#### 1.1.1 COUNCIL OF EUROPE

COUNCIL OF EUROPE



CONSEIL DE L'EUROPE

##### 1.1.1.1 European Court of Human Rights (ECtHR)



#### Judgements:



#### Armenia:

On 22 March 2022, the European Court of Human Rights issued its judgement on the "**Case of Christian religious organization of Jehovah's Witnesses in the NKR v. Armenia**".<sup>1</sup>

The case concerned the refusal of the authorities in the unrecognised "Nagorno Karabakh Republic" ("the NKR"), when under control of Armenia, to register the Christian religious organization of Jehovah's Witnesses in the NKR as a religious organisation. Conscientious objection to military service is mentioned several times,<sup>2</sup> including the Avanesyan<sup>3</sup> case. Para. 79 reads:

"79. Furthermore, it is now the Court's settled case-law that opposition to military service, where it is motivated by a serious and insurmountable conflict between the obligation to serve in the army and a person's conscience or his deeply and genuinely held religious or other beliefs, constitutes a conviction or belief of sufficient cogency, seriousness, cohesion and importance to attract the guarantees of Article 9 (see Bayatyan, cited above, § 110). In the case of Avanesyan (cited above, §§ 56-59) the Court confirmed this approach by finding a violation of Article 9 of the Convention on account of a conscientious objector's conviction in the "NKR" for draft evasion without due consideration of his religious beliefs. The Court is mindful of the fact that any system of compulsory military service imposes a heavy burden on citizens and that it will be acceptable if it is shared in an equitable manner and if exemptions from this duty are based on solid and convincing grounds (see Bayatyan, cited above, § 125). The design of an alternative service system and the achievement of an

<sup>1</sup> <https://hudoc.echr.coe.int/fre?i=001-216366>

<sup>2</sup> In paragraphs 48, 52, and 79 of the judgement.

<sup>3</sup> <https://hudoc.echr.coe.int/fre?i=001-211259>



acceptable balance, however, is in the hands of the national authorities and is in any case, not a subject of the present case."

However, as for the issue of refusal to register the applicant, the Court found that there has been a violation of Article 9 of the European Convention of Human Rights (ECHR), read in the light of Article 11.



**Lithuania:**<sup>4</sup> On 7 June 2022, the European Court of Human Rights issued an important judgement (**Teliatnikov v. Lithuania**)<sup>5</sup> in relation to the protection of the right of conscientious objection to military service under Article 9 of the European Human Rights Convention. The Court found a violation of the Article 9 right to freedom of thought, conscience and religion of Teliatnikov, a Jehovah's Witness, who sought to be either exempted from military service or enabled to undertake a civilian alternative service.

There were a number of significant points in the judgement.

### 1. Victim status

In order to be able to lodge a petition with the European Court of Human Rights a person must be able to claim to be the victim of a violation of the rights set forth in the Convention. The government claimed that this was not the case as although Teliatnikov had been called up, he had not been required to do military or alternative defence service, nor prosecuted or convicted for not doing so and, by the time of the Court's consideration was above the conscription age. However, the Court found that:

"While acknowledging that in the present case the applicant has never been convicted, the Court nevertheless notes its case-law to the effect that the rejection of the applicant's application for conscientious objector status may be regarded as an interference with his right to freedom of thought and conscience as safeguarded by Article 9 of the Convention". (para. 91).

Indeed, the applicant had been personally affected by the decisions of the military authority and the Ministry of National Defence, which were maintained by the Supreme Administrative Court.

### 2. Alternative Service

The Court found that the "alternative national defence service is intrinsically linked to military service, and therefore cannot be seen as separate civilian service". Specifically, the Court found that:

- 1) persons performing alternative national defence service are referred to as "military conscripts" and/or "military draftees" throughout the Law on Conscription and the Regulations;
- 2) the type of work to be performed is assigned by the military;
- 3) if no civilian work assignment is available, "the military conscript will be assigned to perform alternative service in the national defence system institutions";
- 4) the "military conscript" is taken to his assigned place of work by the military and is given the same "provisions (except for living quarters and clothing)" as "military service soldiers";

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<sup>4</sup> The part about the *Teliatnikov v. Lithuania* case is copied from the relevant article of War Resisters' International, available at: <https://wri-irg.org/en/story/2022/important-judgement-ecthr-relation-conscientious-objection-military-service>

<sup>5</sup> <https://hudoc.echr.coe.int/fre?i=001-217607>





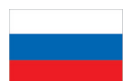
5) the manager of the institution where the "military conscript" performs his work immediately notifies the military in writing about "the [military conscript's] appointment, specific tasks, conditions and work time", and provides the military with a monthly "time roster" for the "military conscript";

6) a "military conscript" performing alternative national defence service "cannot be dismissed" for disciplinary violations by the manager of the institution where he is working, without the approval of the military. Besides, under Article 26 of the Law on Conscription, in the event of mobilisation, the "military conscript" performing "alternative national defence service" may be "summoned to perform military service". (para. 107).

### 3. Decision making

The Court also addressed the system for deciding requests to undertake the alternative service, noting that although the Special Commission who considered applications was comprised of civilians, it did not itself make the decisions.

The Commission's decision is merely a recommendation which is transmitted to the national defence system institution which administers conscription, which takes the final decision whether the objector's request to perform alternative national defence service is well founded or not (para. 109).



### Russian Federation:

The Russian Federation ceased to be a member of the Council of Europe on 16 March of 2022<sup>6</sup> and a High Contracting Party to the European Convention on Human Rights as from 16 September 2022.<sup>7</sup> However, as noted also by the Secretary General of the Council of Europe, the Russian Federation remains under a binding international law obligation to execute the judgements of the European Court of Human Rights delivered against it.<sup>8</sup>

Among the recent judgements (2021-2022) that need to be executed, are the following, which are related to conscientious objection to military service and/or conscription:

**Aslanian v. the Republic of Moldova and Russia:**<sup>9</sup> The case concerns the applicant's conviction for refusing on religious grounds military service in the self-proclaimed "Moldovan Republic of Transdniestria" (the "MRT"). Mr Rostom Aslanian, member of the religious community of Jehovah's Witnesses, requested the "MRT" authorities to be assigned to civilian service instead of compulsory military service on grounds of his religious conscience and beliefs. In December 2010 his request was denied. On 29 March 2011 he was convicted on charges of draft evasion and sentenced to one year's imprisonment. He was released from detention on 29 March 2012 after having fully served his sentence.

In its judgement, issued on 13 July 2021, the Court reiterated its position that both the Republic of Moldova, as well the Russian Federation, (because of Russia's exercise of effective control and a decisive influence over the Transdniestrian authorities), have jurisdiction over the region of Transdniestria. However, Moldova only has positive obligations that did not fail to fulfil in this case. The Court found that it is not necessary to determine whether or not Russia exercised detailed control over the policies and actions of the subordinate local

<sup>6</sup> Resolution CM/Res(2022)2 on the cessation of the membership of the Russian Federation to the Council of Europe, 16 March 2022. Available at: <https://rm.coe.int/0900001680a5da51>

<sup>7</sup> [https://www.coe.int/en/web/portal/full-news/-/asset\\_publisher/y5xQt7QdunzT/content/id/132810800](https://www.coe.int/en/web/portal/full-news/-/asset_publisher/y5xQt7QdunzT/content/id/132810800)

<sup>8</sup> <https://rm.coe.int/letter-for-the-attention-of-mr-sergey-lavrov-minister-for-foreign-affa/1680a956f6>

<sup>9</sup> <https://hudoc.echr.coe.int/eng?i=001-211020>



administration. By virtue of its continued military, economic and political support for the "MRT", which could not otherwise survive, Russia is responsible under the Convention as for the violation of the applicant's rights.

The Court found that the applicant's conviction for draft evasion amounted to an interference with his freedom to manifest his religion, and therefore there has been a violation of Article 9 § 1 of ECHR by the Russian Federation.

**Golub v. the Republic of Moldova and Russia:**<sup>10</sup> The case is about the applicant's compulsory military service in the self-proclaimed "Moldovan Republic of Transdnistria" (the "MRT"). He complained that his military service constituted forced labour, because it was in the military structure of an unrecognised entity, and amounted to unlawful detention. As the sole caretaker of his disabled mother, the applicant was entitled under the "MRT" law to the deferral of his conscription. Nevertheless, the applicant and his mother opted for the enrolment in a military education institution in the "MRT", under the authority of the "MRT" Ministry of Defence, which allowed him to obtain an education diploma and counted as military service. After disciplinary punishment in isolation, for absence without leave, he was excluded from the military institute and sent to a military unit to complete his compulsory military service, where he was punished again for disciplinary reasons and put in the prison of the military unit. He subsequently requested and granted early dismissal from military service as the sole caretaker of his disabled mother.

In its judgement published on 30 November 2021, the Court took similar position to that in the Aslanian case, about the jurisdiction of both Moldova and Russia, and concluded that Moldova did not fail to fulfil its positive obligations.

As for the alleged violation of Article 4 of ECHR about forced labour, the Court discarded the complaint, because Mr. Golub was entitled for deferral but opted instead for military service through an enrolment in the military institution. The Court also discarded for reasons of admissibility the part of the complaint under Article 5, related to the detentions, because it wasn't submitted within six months from the end of the detentions. However, interestingly, the Court found that the restrictions of movement within the territory of the Republic of Moldova, owing to the retention of his passport and to the restriction from leaving the military institution and the military unit, were unlawful because "no "MRT" authority, could lawfully order the restriction of the freedom of movement of individuals". The Court explained that unlike Article 4 of ECHR, Article 2 of Protocol No. 4 to ECHR has a requirement of lawfulness, and the Court found that the restrictions of movement failed to have a legal basis under Moldovan law. Therefore, it found a violation of Article 2 of Protocol No. 4 to ECHR, for which hold responsible the Russian Federation. The Court also found a violation of Article 13 of the ECHR, taken in conjunction with Article 2 of Protocol No. 4, because of lack of effective remedies, for which the Russian Federation was also held responsible.

**M.D. and others v. Russia:**<sup>11</sup> Among the main issues in this case was whether the expulsion of the applicants, nationals of Syria, from Russia to Syria would be in breach of Articles 2 and 3 of the ECHR.

The Court, in its judgement of 14 September 2021 (rectified on 1 February 2022), took into consideration, *inter alia*, the situation in Syria as for "draft evasion and its consequences" quoting:

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<sup>10</sup> <https://hudoc.echr.coe.int/eng?i=001-213706>

<sup>11</sup> <https://hudoc.echr.coe.int/eng?i=001-211791>



"45. In a Country of Origin Note of 7 May 2020<sup>12</sup> [...] UNHCR stated, in particular, that men of military age were at risk of being arrested for the purpose of forced conscription upon return. It further stated that in Syria draft evasion was a criminal offence, the right to conscientious objection was not legally recognised and that draft evaders would likely be subjected to punishment beyond the relevant sanctions for the criminal offence of draft evasion including harsher treatment during arrest, interrogation, detention, torture and other forms of ill-treatment in detention and deployment to a frontline positions within days or weeks of their arrest often with only minimal training."<sup>13</sup>

The Court itself noted that: "all the applicants, being men of fighting age, have "risk profiles" and face forced conscription into the army, with no exceptions allowed for conscientious objectors and harsh consequences for draft evasion – such as being sent to a frontline fighting position with minimal military training, service beyond the standard required period of service, and ill-treatment in detention".<sup>14</sup>

The Court found, *inter alia*, that "that there would be a violation of Articles 2 and 3 of the Convention in the event of the expulsion of" several applicants.

**Taganrog LRO and Others v. Russia:**<sup>15</sup> The case concerns the forced dissolution of Jehovah's Witnesses religious organisations in Russia, the banning of their religious literature and international website on charges of extremism, the revocation of the permit to distribute religious magazines, the criminal prosecution of individual Jehovah's Witnesses, and the confiscation of their property.

The case is related to conscientious objection to military service insofar Russian prosecutors and courts have cited refusal to perform military service (or alternative "civilian" service connected with the military), or promoting such refusal, as actions inciting citizens to refuse to fulfil civic duties established by law. Which justified, together with other elements, the dissolution of Jehovah's Witnesses organisations, the ban of publications etc.<sup>16</sup>

In its judgement published on 7 June 2022, the Court noted that "Jehovah's Witnesses agree to carry out alternative civilian service on condition it is not connected with military organisations".<sup>17</sup> The Court found that "the Jehovah's Witnesses were entitled to seek to persuade others that they should prefer alternative civilian service instead of taking up weapons" and that "it is obvious that choosing one of the two legally available alternatives does not amount to incitement to abandon the civil duties. In the absence of any evidence of improper pressure, holding the Taganrog LRO responsible for disseminating pacifist convictions among conscripts also amounted to an impermissible judgment on the legitimacy of Jehovah's Witnesses' beliefs and means of their expression."<sup>18</sup>

The Court found multiple violations of Articles 9, 10 and 11 of the ECHR, as well article 5 in one case, and of Article 1 of Protocol No. 1. It also hold "that the respondent State is to take all necessary measures to secure the discontinuation of pending criminal proceedings against Jehovah's Witnesses and release of the imprisoned Jehovah's Witnesses".

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<sup>12</sup> UN High Commissioner for Refugees (UNHCR), *COI Note: Participation in Anti-Government Protests; Draft Evasion; Issuance and Application of Partial Amnesty Decrees; Residency in (Formerly) Opposition-Held Areas; Issuance of Passports Abroad; Return and "Settling One's Status"*, 7 May 2020, available at: <https://www.refworld.org/docid/5ec4fcff4.html>

<sup>13</sup> Para. 45.

<sup>14</sup> Para. 110.

<sup>15</sup> <https://hudoc.echr.coe.int/eng?i=001-217535>

<sup>16</sup> See paras. 10, 14(d), 20, 101, 103, 166, 200, 266, 271 of the judgement.

<sup>17</sup> Para. 167.

<sup>18</sup> Paras. 169-170, see also para. 201.



**Ecodefense and others v. Russia:**<sup>19</sup> The case concerns restrictions on the freedom of expression and association of Russian non-governmental organisations (NGOs) which have been categorised as “foreign agents” funded by “foreign sources” and exercising “political activity”.

Among the 73 NGOs are some organisations working on the rights of conscripts, such as **Legal Mission**,<sup>20</sup> **School of the Conscript**, (accused *inter alia* about “issuing publications on a website about the applicant organisation’s director, who had dispensed advice to a conscript on how to avoid being conscripted”),<sup>21</sup> and **Soldiers’ Mothers of St Petersburg**,<sup>22</sup> as well as an organisation, **Yekaterinburg Memorial**, blamed for “political activities” which included protecting the rights of conscientious objectors.<sup>23</sup>

In its judgement published on 14 June 2022, the Court found a violation of Article 11, about the right to freedom of association, (interpreted in the light of Article 10, about freedom of expression), in respect of each applicant. As well, in one case, a violation of Article 34 of the Convention about failure to comply with the interim measure indicated by the Court.

### Pending cases:



**Lithuania:** On 9 January 2023, the Court published the case **Erikas Rutkauskas against Lithuania**,<sup>24</sup> lodged on 25 March 2020 and communicated on 14 December 2022.

The applicant is a Jehovah’s Witness, he is also a religious minister. Having been called on to perform military service in Lithuania, he refused on religious and conscientious grounds. His request to perform civilian service instead was not answered by the military authorities. The applicant challenged their decisions in court, but by a final ruling of 16 October 2019 the Supreme Administrative Court upheld those decisions.

Under Article 9 of the Convention the applicant complains that despite his genuinely held religious beliefs and his conscience, he was denied the right to refuse military service. Even though he had never denied his civic obligations, no alternative civilian service had been provided for by Lithuanian law.



**Türkiye:** The following three cases are pending against Türkiye, concerning COs from the northern, Turkish-occupied, part of Cyprus (the self-styled “Turkish Republic of North Cyprus”):

1. The case of Halil Karapasaoglu v. Türkiye (case number 40627/19) was accepted by the ECtHR on 10/01/2020.<sup>25</sup> On 05/07/2019 Halil Karapasaoglu submitted an application to the ECtHR against Türkiye for violations of articles 5, 6 and 9 of the European Convention of Human Rights: (Art. 5) Right to liberty and security, (Art. 6) Right to a fair trial, (Art. 9) Freedom of thought, conscience and religion.
2. Haluk Selam Tufanli v. Türkiye (case number 29367/15<sup>26</sup>). The application concerns the refusal of the applicant, a conscientious objector, to attend reservist service for

<sup>19</sup> <https://hudoc.echr.coe.int/fre?i=001-217751>

<sup>20</sup> Para. 444.

<sup>21</sup> Paras. 644-645.

<sup>22</sup> Paras. 644-645.

<sup>23</sup> Para. 694.

<sup>24</sup> <https://hudoc.echr.coe.int/eng?i=001-222480>

<sup>25</sup> Available at: [https://in-cyprus.com/echr-accepts-application-from-turkish-cypriot-conscientious-objector/?fbclid=IwAR0ybcXI50TaU8aXuKnat0EmnN4qPOTxIivFspEQniqEj0bg\\_a7paL\\_u4c](https://in-cyprus.com/echr-accepts-application-from-turkish-cypriot-conscientious-objector/?fbclid=IwAR0ybcXI50TaU8aXuKnat0EmnN4qPOTxIivFspEQniqEj0bg_a7paL_u4c)

<sup>26</sup> Available at: <http://hudoc.echr.coe.int/eng?i=001-208228>



military mobilisation training in 2011. On 02/06/2015 Haluk Selam Tufanli submitted an application to the ECtHR against Türkiye for violations of articles 5 §§ 1, 4 and 5, 9 and 13 of the European Convention of Human Rights: (Art. 5) Right to liberty and security, (Art. 9) Freedom of thought, conscience and religion, (Art. 13) Right to an effective remedy.

3. Murat Kanatli v. Türkiye (case number 18382/15<sup>27</sup>). The application concerns the refusal of the applicant, who is a conscientious objector and an activist, to attend reservist service when called to attend training for military mobilisation in 2009. On 06/04/2015 Murat Kanatli submitted an application to the ECtHR against Türkiye for violations of articles 5 §§ 1, 4 and 5, 6, 9, 13 and 14 of the European Convention of Human Rights: (Art. 5) Right to liberty and security, (Art. 6) Right to a fair trial, (Art. 9) Freedom of thought, conscience and religion, (Art. 13) Right to an effective remedy, (Art. 14) Prohibition of discrimination.

### 1.1.1.2 Committee of Ministers



**Türkiye:** On 17/04/2023 the Conscientious Objection Watch, War Resisters' International, The European Bureau for Conscientious Objection, Connection e.V and International Fellowship of Reconciliation jointly submitted to the Committee of Ministers a Rule 9.2 Submission on the implementation of the judgments under the Ülke Group of cases against Türkiye.<sup>28</sup>

The Ülke group of cases pertain to violations of Article 3, the prohibition of torture, inhuman and degrading treatment; Article 9, the right to freedom of thought, conscience and religion and Article 6 the right to fair trial enshrined in the European Convention on Human Rights, stemming from the applicants' repetitive convictions and prosecutions for having refused, on account of their religious beliefs or convictions as pacifists and conscientious objectors, to carry out compulsory military service. There are a total of seven cases in the Ülke group under the enhanced supervision of the Committee of Ministers (CM). The judgment on the first case, Ülke v. Türkiye, became final on 24 April 2006.

### 1.1.2 EUROPEAN UNION



<sup>27</sup> Available at: <http://hudoc.echr.coe.int/eng?i=001-184213>

<sup>28</sup> Available at: <https://ebco-beoc.org/node/562>



### 1.1.2.1 European Parliament



On 3 May 2022 the European Parliament adopted a **resolution on the persecution of minorities on the grounds of belief or religion**.<sup>29</sup> The resolution includes the following paragraph:

“30. Stresses that states that have compulsory military service should allow for conscientious objection, including on the grounds of religion or belief, and provide for an alternative national service”.

However, the wording is not adequate as it does not refer to “civilian” service or to the requirement for it to be of equal length to the military service, as it has been the usual wording in EP resolutions for decades.

On 7 June 2022 the European Parliament adopted a **resolution on the 2021 Commission Report on Türkiye**.<sup>30</sup> The resolution includes the following paragraph:

“18. Calls for the full implementation of the judgments of the European Court of Human Rights and the interim resolutions of the Committee of Ministers of the Council of Europe regarding conscientious objection; notes, in this regard, the action plan submitted by the Turkish authorities to the Committee of Ministers and encourages them to develop further measures to ensure, through the necessary legislation, a fair and accessible exercise of the right to conscientious objection to military service; expresses concern about the growing number of applications before the Constitutional Court regarding conscientious objection since the first application was lodged in 2017, which have been pending without any essential communication with the applicants; urges that the necessary legal amendments be made to cease the cycle of prosecutions and punishment as well as all the restrictions affecting conscientious objectors”.

On 6 October 2022, the European Parliament adopted a **resolution on Russia’s escalation of its war of aggression against Ukraine**.<sup>31</sup> The resolution does not seem to refer explicitly to conscientious objectors, however, it contains the following paragraphs:

“J. whereas on 21 September 2022, Vladimir Putin announced Russia’s first mobilisation since the Second World War; whereas according to media reports, the mobilisation involves between 300 000 and 1,2 million military reservists being called up to the armed forces; whereas contrary to the official announcement that the authorities would draft citizens who had recently served in the army and had combat experience, reports suggest that some people are also being drafted without having had any military experience, particularly from poorer and remote regions and ethnic minorities, and that people are being drafted as a repressive measure, such as in occupied Crimea, where over 1 500 Crimean Tartars are being

<sup>29</sup> European Parliament resolution of 3 May 2022 on the persecution of minorities on the grounds of belief or religion (2021/2055(INI)). Available at:

[https://www.europarl.europa.eu/doceo/document/TA-9-2022-0137\\_EN.html](https://www.europarl.europa.eu/doceo/document/TA-9-2022-0137_EN.html)

<sup>30</sup> European Parliament resolution of 7 June 2022 on the 2021 Commission Report on Türkiye (2021/2250(INI)). OJ C 493, 27.12.2022, p. 2–18. Available at: [https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=OJ:JOC\\_2022\\_493\\_R\\_0002](https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=OJ:JOC_2022_493_R_0002)

<sup>31</sup> European Parliament resolution of 6 October 2022 on Russia’s escalation of its war of aggression against Ukraine (2022/2851(RSP)). Available at:

[https://www.europarl.europa.eu/doceo/document/TA-9-2022-0353\\_EN.html](https://www.europarl.europa.eu/doceo/document/TA-9-2022-0353_EN.html)



called up; whereas there are also reports of forced mobilisation from the newly illegally annexed oblasts of Ukraine; whereas there are reports of new recruits being sent to the front almost immediately;

K. whereas the announcement of Russia's mobilisation led to protests, with the Russian authorities arresting more than 2 400 demonstrators so far; whereas since the announcement of mobilisation, several hundreds of thousands of Russians have fled Russia in order to avoid the draft; whereas the Russian authorities have set up conscription centres at several border crossing points in order to serve call-up notices on the spot and discourage citizens from leaving the country;

[...]

12. Condemns the mobilisation in Russia, and calls for an immediate end to involuntary conscription; condemns the measures compelling residents of the temporarily occupied territories of Ukraine to serve in Russia's armed or auxiliary forces, which is forbidden under the Fourth Geneva Convention; strongly appeals to all Russian people to avoid being dragged into this war, which violates international law and was therefore condemned by a large majority of countries, was only waged to assert a non-democratic kleptocratic regime in Russia, and will ultimately destroy the Russian economy and the Russian people's prospects for a safe and prosperous future; urges the Member States to issue humanitarian visas to Russian citizens in need of protection, such as those subjected to political persecution;

13. Calls on the Member States to fully implement the Commission's guidelines on general visa issuance in relation to Russian applicants and controls of Russian citizens at the external borders, in full compliance with EU and international law, and to ensure that every asylum application by inter alia dissidents, deserters, draft dodgers and activists is dealt with on an individual basis, taking into account the security concerns of the host Member State and acting in accordance with the EU asylum acquis; calls on the Council and the Commission to closely monitor the situation in relation to Russian visas;"

### 1.1.3 UNITED NATIONS



UNITED NATIONS

#### 1.1.3.1 Treaty Bodies – Human Rights Committee

##### Jurisprudence

On 11<sup>th</sup> March 2022, the Human Rights Committee adopted its "Views" on the case of *Arslan Begenchovich Begenchov v Turkmenistan*.<sup>32</sup> The facts of this case were similar to ten earlier ones considered by the Committee – the "author", a Jehovah's Witness, had been called up in 2017 at the age of nineteen. Initially found to be medically unfit to perform military service, he had for some reason been called up again and subjected to a second medical examination, which contradicted the first. At that point he had declared his conscientious objection and asked for the opportunity to perform an alternative civilian service. Such an option not being available in Turkmenistan, he was prosecuted under Article 219.1 of the Criminal Code for refusal to perform military service, for which he was on 18<sup>th</sup> January 2018

<sup>32</sup> CCPR/C/134/D/3272/2018, published 5<sup>th</sup> August 2022.



sentenced to twelve months detention in a general regime penal colony. Meanwhile, two weeks earlier he had been taken from home, arrested and placed in pre-trial detention.

The Committee had no hesitation in finding, as in the previous cases, a violation of Article 18.1 (freedom of thought, conscience, and religion) of the International Covenant on Civil and Political Rights (ICCPR), and also, as in the Petromilidis case and one from Korea, but for the first time in Turkmenistan, of Article 9.1, as thereby comprising arbitrary detention, and for good measure found that the pre-trial detention, when there was no reason to expect that the defendant might abscond, was excessive enough to constitute a breach of Article 9.3.

#### Consideration of State Party Reports

In its 134<sup>th</sup> Session, in March 2022, the Committee considered, among others, the reports of Bolivia and Israel. Although a case regarding Bolivia's failure to respect the right of conscientious objection to military service is currently before the Inter-American Court of Human Rights, the Committee did not address this issue. On Israel, through the offices of Conscience and Peace Tax International, representatives of the Refusers' Solidarity Network, which unites the organisations New Profile and Mesvarot took part in the on-line civil society briefing of the Committee, which, in its Concluding Observations:

"reiterates its concern about the predominantly military nature of the membership of the special military committee that decides on requests for conscientious objection to compulsory military service. It is further concerned that conscientious objectors continue to be subjected to repeated punishment and imprisonment for their refusal to serve in the army (arts. 2, 14, 18 and 26). and its recommendations that the State party take concrete measures to diversify the membership of the special military committee that handles requests for conscientious objection, with a view to making it fully independent and impartial. The State party should also put an end to the practice of repeated punishment and imprisonment of conscientious objectors, which may amount to a violation of the right not to be tried or punished again for the same offence." <sup>33</sup>

The issue of conscientious objection has been raised in civil society submissions such as [CPTI's](#) (Conscience and Peace Tax International) and [IFOR's](#) for Bolivia review and again [CPTI's](#) and [IFOR's](#) for Israel review<sup>34</sup>.

In its 135<sup>th</sup> Session, in June, the Committee considered reports from, among others, Ireland and Georgia, but did not raise the issue of conscientious objection to military service, although it could have justifiably done so with regard to the latter.

The issue of conscientious objection in Georgia has been raised in civil society submissions such as [CPTI's](#).

In the 136<sup>th</sup> Session, in October, the Committee conducted in the absence of a State delegation its twice-postponed consideration of the report from the Russian Federation.

The International Fellowship of Reconciliation participated in the briefing of the Committee delivering a [statement](#) on October 17<sup>th</sup> with the latest updates on the violations of the right to conscientious objection to military service in Russia, including the illegal practice of hunting down men to be recruited for the war.

<sup>33</sup> CCPR/C/ISR/CO/5, 5<sup>th</sup> May 2022, Paras 46 and 47

<sup>34</sup> <https://www.ifor.org/news/2022/2/11/ifor-reports-to-the-un-human-rights-committee-on-the-violations-of-the-right-to-conscientious-objection-to-military-service-in-bolivia-and-israel>





In its Concluding Observations the Committee expressed its concern on reports of arbitrary detentions and forced conscription of civilians.<sup>35</sup>

The issue of conscientious objection in Russia has been raised in civil society submissions such as [CPTI's](#) and [IFOR's](#).

During the same session there has been as well the review of Kyrgyzstan for which the same organizations provided a thematic submission.<sup>36</sup>

In the course of the year, the Committee also adopted "Lists of Issues" in advance of the consideration of the reports of, among others, Egypt and Turkmenistan (Reports to be considered in the March 2023 Session) , Colombia and Brazil (Reports to be considered in the June 2023 Session).

On Egypt, the Committee asks "Please provide information on the legal framework ensuring the right of conscientious objection to military service."<sup>37</sup>

On Turkmenistan <sup>38</sup>

"With reference to the Committee's previous concluding observations, please report on any steps taken or envisaged to recognize the right to conscientious objection to compulsory military service and to provide alternatives to military service, as previously also recommended in the Views adopted by the Committee. Please provide statistics for the reporting period on the number of cases involving conscientious objectors to military service and prosecutions and convictions of such individuals, including information on repeated punishment of these individuals, in violation of article 14 (7) of the Covenant, which prohibits repeated punishment for the same offence. Please provide information on steps taken to expunge past convictions under article 219 (1) of the Criminal Code for conscientious objection to military service occurring after the Covenant came into force for the State party.

"With reference to the Committee's previous concluding observations, please report on any steps taken or envisaged to recognize the right to conscientious objection to compulsory military service and to provide alternatives to military service, as previously also recommended in the Views adopted by the Committee. Please provide statistics for the reporting period on the number of cases involving conscientious objectors to military service and prosecutions and convictions of such individuals, including information on repeated punishment of these individuals, in violation of article 14 (7) of the Covenant, which prohibits repeated punishment for the same offence. Please provide information on steps taken to expunge past convictions under article 219 (1) of the Criminal Code for conscientious objection to military service occurring after the Covenant came into force for the State party."<sup>39</sup>

For Colombia, the List of Issues has at the time of writing been published in Spanish only. Paragraph 22 reads (in Google translate):

"In view of the previous concluding observations of the Committee (para. 35), regarding the arbitrary arrests for purposes of military recruitment, please provide information on the measures adopted to prevent people from being subjected to arbitrary detention with military recruitment purposes, providing statistical data on cases (number of open investigations,

<sup>35</sup> CCPR/C/RUS/CO/8, par. 6.

<sup>36</sup> [CPTI's](#) and [IFOR's](#) submissions.

<sup>37</sup> CCPR/C/EGY/Q/5. 27<sup>th</sup> June, 2022, Para 22.

<sup>38</sup> You can find the concerned report submitted by IFOR at <https://www.ifor.org/news/2022/1/6/ifor-reports-to-the-un-the-non-recognition-of-the-right-to-conscientious-objection-to-military-service-in-turkmenistan>

<sup>39</sup> CCPR/C/TKM/Q/3, 25<sup>th</sup> August, 2022, para 22.



prosecutions, and sanctions imposed). Please also provide information on the measures adopted to (a) guarantee that the right of persons to conscientious objection to military service within the framework of Law 1861 of 2017 is respected, ensuring an agile process to define the military situation and offering guarantees of nondiscrimination; (b) ensure the impartiality and independence of the Evaluation Committee in the framework of decisions on applications of conscientious objectors to the service military; and (c) integrate an alternative civilian service to compulsory military service outside the military sphere."<sup>40</sup>

On Brazil, the List of Issues includes the question "Please clarify whether the State party recognizes the right to conscientious objection to military service in law and practice."<sup>41</sup>

### 1.1.3.2 Committee on the Rights of the Child

Germany reported in September under the Convention on the Rights of the Child. In its Concluding Observations the Committee on the Rights of the Child followed up forcefully on its recommendations previously made under the Optional Protocol on the involvement of children in armed conflict:

"The Committee notes the position of the State party that voluntary recruitment of personnel in the armed forces starting at 17 is in line with its obligations under international law, but is of the view that children should not be recruited into the armed forces under any circumstances. The Committee expresses concern about:

- (a) Reports of advertising of and marketing for military service aimed at children, including in schools;
- (b) Reports of sexual abuse and harassment of children in the armed forces;
- (c) That a child's actual or threatened involvement in combat activities is not consistently considered by migration authorities as a child-specific form of persecution in decisions granting protective status;
- (d) Reports of children who are nationals of the State party residing in camps in the Syrian Arab Republic;
- (e) Insufficient information on the measures taken to identify asylum-seeking and refugee children who may have been involved in armed conflicts abroad, and to ensure that arms are not exported to countries where children are known to be recruited or used in hostilities.

**"Recalling its previous recommendations, the Committee urges the State party to reconsider its position regarding the minimum age of voluntary recruitment into the armed forces, and recommends that the State party:**

- (a) Raise the minimum age of voluntary recruitment into the armed forces to 18 years, and prohibit all forms of advertising and marketing for military service targeted at children, in particular at schools;**
- (b) Promptly investigate any reports of sexual abuse, sexual harassment and other forms of violence against children in the armed forces, and ensure that perpetrators are prosecuted and sanctioned;**

<sup>40</sup> CCPR/C/COL/Q/8, 31<sup>st</sup> August 2022, Para 22.

<sup>41</sup> CCPR/C/BRA/Q/3, 25<sup>th</sup> August 2022,



(c) **Ensure the early and effective identification of all asylum-seeking, refugee and migrant children who may have been involved in armed conflicts abroad upon entering the State party, and that all cases of actual or threatened involvement in armed conflicts are considered as a child-specific form of persecution;**

(d) **Consider extending extraterritorial jurisdiction for crimes of recruitment and involvement of children in hostilities without the criterion of double criminality;**

(e) **Undertake effective and urgent measures to repatriate children who are nationals of the State party from camps in the Syrian Arab Republic;**

(f) **Prohibit the export of arms, including small arms and components for weapons systems, to countries where children are known to be recruited or used in hostilities.”<sup>42</sup>**

### 1.1.3.3 Human Rights Council

#### **Report and Resolution on Conscientious Objection to Military Service**

The June Session of the Council received the Analytical Report of the UN High Commissioner on Human Rights on Conscientious objection to military service (UN document A/HRC/50/43), which had initially been requested for 2021, but had been postponed on financial grounds. It is a comprehensive update on standards and jurisprudence, but also continuing challenges in implementing the right. EBCO itself, and a number of our members and collaborators made contributions to the report.<sup>43</sup>

The International Fellowship of Reconciliation delivered a [statement](#) in the plenary concerning the OHCHR thematic report highlighting its benefit for the international community and concerned individual around the world. Likewise other organizations such as CPTI took the floor on this topic.<sup>44</sup>

Following this, in September the Council adopted the postponed “quadrennialised” resolution on conscientious objection to military service once again tabled, like its two predecessors, by Costa Rica, Croatia and Poland. It is worth quoting in full the text of Resolution 51/6.

“Bearing in mind that everyone is entitled to all the rights and freedoms set forth in the Universal Declaration of Human Rights without distinction of any kind, such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status,

Reaffirming that it is recognized in the Universal Declaration of Human Rights and the International Covenant on Civil and Political Rights that everyone has the right to life, liberty and security of person, the right to freedom of thought, conscience and religion and the right not to be discriminated against,

<sup>42</sup> CRC/C/DEU/CO/5-6, 22<sup>nd</sup> October 2022, paras 45, 46.

<sup>43</sup> All contributions submitted are available under “Inputs Received” at <https://www.ohchr.org/en/calls-for-input/2022/ohchr-report-conscientious-objection-military-service-50th-session-hrc>

<sup>44</sup> The list of statements delivered during the General Debate on item 3 at the 51<sup>st</sup> session of the Human Rights Council is available at <https://hrcmeetings.ohchr.org/HRCSessions/RegularSessions/51/Pages/Statements.aspx?SessionId=61&MeetingDate=20/09/2022%2000:00:00>



Recalling all previous relevant resolutions and decisions, including Human Rights Council resolutions 20/2 of 5 July 2012, 24/17 of 27 September 2013 and 36/18 of 29 September 2017, and Commission on Human Rights resolutions 1998/77 of 22 April 1998 and 2004/35 of 19 April 2004, in which the Commission recognized the right of everyone to have conscientious objection to military service as a legitimate exercise of the right to freedom of thought, conscience and religion, as laid down in article 18 of the Universal Declaration of Human Rights, article 18 of the International Covenant on Civil and Political Rights and Human Rights Committee general comment No. 22 (1993) on the right to freedom of thought, conscience and religion,

1. Takes notes of the report of the Office of the United Nations High Commissioner for Human Rights on approaches and challenges with regard to application procedures for obtaining the status of conscientious objector to military service in accordance with human rights standards, presented to the Human Rights Council at its forty-first session, pursuant to resolution 36/18,1 and of the analytical report on conscientious objection to military service presented by the Office of the High Commissioner to the Council at its fiftieth session, pursuant to resolution 20/2;2
2. Encourages States to consider implementing the recommendations of the above-mentioned reports, where needed, in their efforts to bring or improve national laws, policies and practices, including with regard to application procedures, alternative service and non-discrimination of any kind, in line with States' obligations under international human rights law and applicable international human rights standards;
3. Notes with appreciation the progress and long-standing efforts made in several States to take new or additional steps to recognize the right to conscientious objection to military service in law, policy and practice, and expresses its concern at information on human rights violations with regard to conscientious objection to military service, including those involving arbitrary detention and other forms of punishment, including repeated punishment;
4. Requests the Office of the High Commissioner to organize a half-day intersessional workshop, in a hybrid format and fully accessible to persons with disabilities, on good practices and recent developments in the implementation of the right to conscientious objection to military service in law and in practice, to inform the preparation of a report, in consultation with all States and relevant intergovernmental organizations, United Nations agencies, funds and programmes, the special procedures of the Human Rights Council, the treaty bodies, national human rights institutions and non-governmental organizations, with recommendations on legal and policy frameworks to uphold human rights in the context of conscientious objection to military service in accordance with States' obligations under international human rights law and applicable international human rights standards, and to present the report, in an accessible and readable format, to the Council at its fifty-sixth session;
5. Invites States to consider including in their national reports, to be submitted to the universal periodic review mechanism and to United Nations human rights treaty bodies, as appropriate, information on domestic provisions related to the right to conscientious objection to military service;
6. Decides to continue consideration of this matter under the same agenda item in accordance with its annual programme of work."

This is essentially a procedural resolution, but what is important is that like its predecessors it was adopted without a vote, so that the entire Council endorsed its reaffirmation of the standards already agreed. Moreover, it attracted over fifty co-sponsors, a new record. But most importantly, it created a framework for carrying the issue forward. We look forward to participating in the forthcoming workshop, and to seeing the resultant report.



Otherwise, in the course of the year, the relevant issues treated in the plenary sessions of the Council were the Russian invasion of Ukraine and the aftermath and the ongoing situation in Eritrea.

## **Ukraine**

In the course of the year, much attention in the Council was given to the aftermath of the Russian invasion of Ukraine. Sadly, the repercussions for conscientious objection to military service in both countries were addressed only in NGO statements by the International Fellowship of Reconciliation <sup>45</sup> and Conscience and Peace Tax International.

Resolution 49/1, adopted on 4<sup>th</sup> March after an emergency debate under Agenda item 1: "Organisational and procedural matters" at the beginning of the 49<sup>th</sup> Council Session,

"Condemns in the strongest possible terms the human rights violations and abuses and violations of international humanitarian law resulting from the aggression against Ukraine by the Russian Federation; (Operational Paragraph [OP]1)

"calls for the strict observance of all human rights and fundamental freedoms, and for the protection of civilians and critical civilian infrastructure in Ukraine (OP3)

"calls for the swift and verifiable withdrawal of Russian Federation troops and Russian-backed armed groups from the entire territory of Ukraine, within its internationally recognized borders and its territorial waters, in order to prevent further violations and abuses of human rights and violations of international humanitarian law in the country, and stresses the urgent need for the immediate cessation of military hostilities against Ukraine" (OP4)

"Urges immediate, safe and unhindered humanitarian access, including across conflict lines, ensuring that humanitarian assistance reaches all those in need, particularly those in vulnerable situations, that the independence and impartiality of humanitarian agencies are respected, and ensuring the protection of humanitarian personnel and medical personnel engaged exclusively in medical duties;(OP5)

" Expresses grave concern at the documented harm to the enjoyment of many human rights, including the rights to life, to education, and to the highest attainable standard of physical and mental health, caused by Russian shelling and bombing in populated areas;(OP6)

"Stresses the importance of maintaining free, open, interoperable, reliable and secure access to the Internet, and condemns unequivocally any measures that prevent or disrupt an

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<sup>45</sup> IFOR's statements at the UN Human Rights Council in Geneva concerning the right to conscientious objection and the war in Ukraine in 2022:

March 8<sup>th</sup> (on Belarus as well) <https://www.ifor.org/news/2022/3/11/ifor-takes-the-floor-at-the-un-human-rights-council-on-war-resisters-and-nuclear-threat>

March 10<sup>th</sup> <https://www.ifor.org/news/2022/3/11/ifor-addresses-the-un-human-rights-council-on-the-right-to-refuse-to-kill>

March 21<sup>st</sup> <https://www.ifor.org/news/2022/3/29/ifor-raises-concern-at-the-un-over-forced-conscription-in-eritrea>

March 30<sup>th</sup> <https://www.ifor.org/news/2022/4/2/war-should-be-abolished-ifor-speaks-up-at-the-un-on-the-right-to-conscientious-objection-in-wartime>

July 5<sup>th</sup> <https://www.ifor.org/news/2022/7/5/ifor-addresses-the-un-human-rights-council-on-the-right-to-conscientious-objection-and-the-war-in-ukraine>

September 23<sup>rd</sup> <https://www.ifor.org/news/2022/10/7/ifor-calls-on-the-un-to-stop-the-war-in-ukraine-and-restates-that-according-to-international-standards-the-right-to-conscientious-objection-cannot-be-restricted-nor-suspended>

October 4<sup>th</sup> <https://www.ifor.org/news/2022/10/7/ifor-speaks-at-the-un-on-conscientious-objection-violations-and-peacebuilding-efforts-in-ukraine>



individual's ability to receive or impart information online or offline, including partial or complete Internet shutdowns;(OP8)

"Also stresses that all those fleeing from the conflict in Ukraine should be protected without discrimination, including on the basis of racial, national and ethnic identity."(OP9)

It established an independent international commission of inquiry, which delivered an oral report to the September Session of the Council and will report in writing.

The Russian Federation and Eritrea cast the only votes against the resolution.

On 12<sup>th</sup> May, the developing situation was discussed in a Special Session of the Council. There were no new elements in the resulting resolution ; following the resignation of Russia from the Council on 7<sup>th</sup> April (Czechia being subsequently elected to the vacant seat for the group of Central and Eastern European States), China joined Eritrea in voting against the Resolution.

In the June Session, Resolution 50/20 on Human Rights in Belarus included, in OP4

Expresses deep concern about the reported repression of persons exercising their right to freedom of expression and opinion by speaking out against the aggression by the Russian Federation against Ukraine and the support of Belarus for that aggression, and at the repression of individuals' freedom to seek, receive and impart information, including regarding the State's use of territory and infrastructure to enable the aggression by the Russian Federation, and urges the Belarusian authorities to ensure a conducive environment for the functioning of genuinely independent media, both online and offline, including unhindered access to an open, interoperable, reliable and secure Internet"

In September, attention turned to the human rights situation inside Russia itself, particularly in the aftermath of the invasion of Ukraine.

In Resolution 51/25 "Situation of human rights in the Russian Federation , adopted on 7<sup>th</sup> October

"Noting with concern the findings of the recent report of the Moscow Mechanism of the Organization for Security and Cooperation in Europe on the legal and administrative practices of the Russian Federation, notably the use by the Russian authorities of propaganda, repressive legislation and violence to create a climate of fear and intimidation for civil society and activists, and the clear connection between domestic repression and war abroad, and noting the recommendation made in the report that the Human Rights Council should appoint a special rapporteur on the Russian Federation

"Regretting the repeated postponement by the Russian Federation of its review by the Human Rights Committee under the International Covenant on Civil and Political Rights,

and "Noting that the Russian Federation ceased to be a high contracting party to the European Convention on Human Rights on 16 September 2022, and that 17,450 applications directed against the Russian Federation are currently pending before the European Court of Human Rights," the Council:

"Calls upon the Russian authorities to uphold the fundamental freedoms of thought, conscience, religion or belief, opinion and expression, peaceful assembly and association, in particular by removing restrictions on diversity in ideas, criticism and dissent, as well as associated rights to liberty and security of person, fair trial, and freedom from torture and other cruel, inhuman or degrading treatment or punishment for people exercising these freedoms (OP2)

and "Decides to appoint a special rapporteur on the situation of human rights in the Russian Federation for a period of one year, and requests the mandate holder to monitor the situation



of human rights in the Russian Federation, to collect, examine and assess relevant information from all relevant stakeholders, including Russian civil society both inside and recommendations, and to present a comprehensive report to the Human Rights Council at its fifty-fourth session and to the General Assembly at its seventy-eighth session” (OP3)

The Rapporteur is to be appointed at the 52<sup>nd</sup> Session of the Council, in March 2023.

The abuses committed in the context of the Russian military mobilisation of Autumn 2022 including the denial of the right of conscientious objection, clearly come within this mandate – it is noteworthy that the freedom of conscience is the first human right cited - and EBCO alone or in collaboration with others will certainly be submitting material.

Unfortunately, amid the concentration on human rights abuses stemming from the Russian invasion, the domestic human rights situation in Ukraine has been ignored. Worse, in view of the crisis, it successfully applied to have its consideration under the Universal Periodic Review. Provisionally until the end of the Fourth Cycle, which has just begun, ie. for up to four years. Fortunately Russia had no excuse to apply for a postponement and will be reviewed in Autumn 2023.

### **Eritrea**

The resolution on Eritrea 50/2 was essentially procedural, renewing the mandate of the Special Rapporteur. However the Special Rapporteur’s report (A/HRC/50/20) had expressed concern at the involvement of the Eritrean armed forces in the civil war in Ethiopia, and with regard to the situation inside the country, observed:

“The indefinite national/military service remains one of the main sources of human rights violations in the country, and the information collected by the Special Rapporteur points to a marked deterioration in the situation. The Special Rapporteur continued to receive reports of grave human rights violations linked to the national/military service, including abusive conditions, severe punishments and inhuman or degrading treatment, sexual harassment and violence against female conscripts, and the use of conscripts in forced labour. The right to conscientious objection is not recognized in Eritrea, and deserters and draft evaders are subjected to severe punishment, including arbitrary detention, torture and inhuman or degrading treatment, and extrajudicial killings.

“The Government of Eritrea has stated that the national service does not require reform,<sup>9</sup> as the National Service Proclamation stipulates that the programme has a duration of 18 months. However, in practice, since 1998 the authorities have created a permanent state of general mobilization, extending the statutory period indefinitely. The Special Rapporteur heard from relatives of Eritreans who had not been released from conscription for over 20 years.” (paragraphs 22 and 23)

The International Fellowship of Reconciliation, as other organizations, [delivered a statement](#) in the plenary at the Human Rights Council to highlight the issue of forced conscription and indefinite national service in Eritrea.

Of particular relevance in terms of the space available for civil society to engage in interactive dialogues at the UN Human Rights Council on the topic of conscientious objection is the one with the Special Rapporteur on Freedom of Religion and Belief Mr. Ahmed Shaheed (who concluded His mandate at the end of 2022), which took place on March 10<sup>th</sup> at the 49<sup>th</sup> session. On that occasion, IFOR, together with War Resisters’ International, delivered [joint statement in the plenary on the right to conscientious objection to military service](#).

The Human Rights Council provides indeed the opportunity to echo important appeals to member states to comply with international standards on conscientious objection. For example on March 23<sup>rd</sup> International Fellowship of Reconciliation made [a call in the plenary](#)



to Greece on the concerning situation of violations and discriminations of local conscientious objectors.

### **Universal Periodic Review (UPR)**

The third Cycle of the UPR having been completed in 2021, there was a gap until November 2022 when the first group of fourteen States were reviewed for the fourth time. They included Finland and the United Kingdom.

In advance of the review of **Finland**, through the good offices of the International Fellowship of Reconciliation, Jyry Virtanen of AKL spoke at the Pre-session briefings in September<sup>46</sup>, with the excellent result that for no fewer than five States made recommendations to Finland.

Croatia recommended that it "Take measures to ensure that alternatives to military service are not punitive or discriminatory in terms of their nature or duration"<sup>47</sup> to which Uruguay,<sup>48</sup> Luxembourg<sup>49</sup> and Panama<sup>50</sup> added, respectively, that they should "remain under civilian control", "remain civilian in nature, outside military command". Uruguay and Panama also recommended ending the imprisonment of conscientious objectors – Panama's wording was "halt all prosecutions of people who refuse to perform military service on grounds of conscience and release those who are serving prison sentences for that reason". Finally, Costa Rica recommended that it "take measures to raise awareness among the public on the right to conscientious objection to military service, and extend the possibility to alternative service"<sup>51</sup>

[IFOR submitted a report](#)<sup>52</sup> in advance of the UPR session of Finland as well as AKL and CPTI.

The **United Kingdom** received a recommendations from Panama<sup>53</sup> that it should "Withdraw its interpretive declaration on Article 1 of the Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict." This declaration states "The United Kingdom of Great Britain and Northern Ireland will take all feasible measures to ensure that members of its armed forces who have not attained the age of 18 years do not take a direct part in hostilities.

The United Kingdom understands that article 1 of the Optional Protocol would not exclude the deployment of members of its armed forces under the age of 18 to take a direct part in hostilities where:

- a) there is a genuine military need to deploy their unit or ship to an area in which hostilities are taking place; and
- b) by reason of the nature and urgency of the situation:
  - i) it is not practicable to withdraw such persons before deployment; or
  - ii) to do so would undermine the operational effectiveness of their ship or unit, and thereby put at risk the successful completion of the military mission and/or the safety of other personnel."

<sup>46</sup> AKL statement at the pre session is available at <https://static1.squarespace.com/static/54c00acde4b022a64cd0266b/t/64256dd122b6b16361135612/1680174546104/Statement+UPR+Finland+pre-session+Aseistakielt%C3%A4ytyj%C3%A4liitto+%28AKL%29.pdf>

<sup>47</sup> A/HRC/52/9, 5th January 2023, para 138.79

<sup>48</sup> Ibid, para 138.78

<sup>49</sup> Ibid, para 138.80

<sup>50</sup> Ibid, para 138.81

<sup>51</sup> Ibid, para 138.82

<sup>52</sup> Additional info are available at <https://www.ifor.org/news/2023/3/30/ifor-speaks-at-the-un-on-the-right-to-conscientious-objection-to-military-service-in-finland?rq=Finland>

<sup>53</sup> A/HRC/52/10, 9th January 2023, Para 43.15





Montenegro made a similar recommendation<sup>54</sup> which was not limited to Article 1 but also covered the declaration with regard to Article 3, where (with details of process) the United Kingdom confirmed that the minimum age for voluntary recruitment into the armed forces remained sixteen.

In December 2022 the pre-session of the 42<sup>nd</sup> Universal Periodic Review took place in Geneva, and the issue of conscientious objection has been raised concerning Switzerland and Republic of Korea<sup>55</sup>. The formal session will take place in January 2023 with an expectation for constructive recommendations to Switzerland and Korea to better comply with international standards, with particular attention to the current punitive alternative service.

#### **1.1.4 WORLD COUNCIL OF CHURCHES**

The 11<sup>th</sup> Assembly of the World Council of Churches, which took place in Karlsruhe, Germany in September 2022, built on the groundbreaking support for conscientious objection to military service at the 10<sup>th</sup> Assembly in Busan, South Korea in 2013, adopting a declaration drafted by the Public Issues Committee which *inter alia*: "Denounces every instance of the violation of freedom of religion or belief, and affirms the freedom of religion or belief for all people of faith and people of no faith everywhere, and the right of conscientious objection, for a peaceful world." <sup>56</sup>

On September 6<sup>th</sup>, as part of the Ecumenical encounter programme on the occasion of the WCC Assembly in Karlsruhe, a workshop on the right to conscientious objection took place with contributions from IFOR in collaboration with the Protestant working group.

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<sup>54</sup> Ibid Para 43.17

<sup>55</sup> IFOR submissions concerning Switzerland and Korea are available at <https://www.ifor.org/news/2022/7/15/ifor-submits-to-the-un-upr-reports-on-the-right-to-conscientious-objection-to-military-service-in-the-republic-of-korea-and-switzerland>

<sup>56</sup> "The Things that make for Peace: Moving the World to Reconciliation and Unity" Document PIC 01.3 rev, available at <https://www.oikoumene.org/sites/default/files/2022-10/ADOPTED-PIC01.3rev-The-Things-That-Make-For-Peace-Moving-the-World-to-Reconciliation-and-Unity.pdf>








## 1.2 DEVELOPMENTS WITHIN COUNCIL OF EUROPE MEMBER STATES

COUNCIL OF EUROPE




CONSEIL DE L'EUROPE







### 1.2.1 ALBANIA

	 Conscription:	No	Suspended by law no. 9047 dated 10.07.2003 "On military service in the Republic of Albania", amended by law no. 9487 dated 06.03.2006, and by law no. 9999 dated 25.09.2008 (Article 42).
 Conscientious objection:		1998	First recognised in the 1998 Constitution, Articles 166 & 167. Provisions on conscientious objection were included in law no. 9047 dated 10.07.2003 "On military service in the Republic of Albania", amended by law no. 9487 dated 06.03.2006, and by law no. 9999, dated 25.09.2008 (Article 42), which determine that if a citizen, who for reasons of conscience refuses to serve with weapons in the armed forces, is obliged to perform an alternative service, as provided by law. According to the Constitution and the Law on Military Service, both religious and non-religious grounds for conscientious objection are legally recognized. The Law on Military Service ensures that citizens "who for religious or conscience reasons may not serve armed in the military forces" may fulfil substitute service. These provisions are stated in articles, 18, 20, 21, 22, in the law. The right to object due to conscience is recognized for members of the Armed Forces.
Service 	Military:	-	
	Civilian:	-	
Minimum 	Conscription:	-	No conscription.
	Voluntary enlistment:	19	- The minimum age of voluntary registration in the Armed Forces, in peacetime is 19 (years old) or compulsory Mobilization in time of war, general / partial, is 18 (years








			old). This is regulated by law no. 9047 dated 10.07.2003 "On military service in the Republic of Albania", amended by law no. 9487 dated 06.03.2006, and by law no. 9999 dated 25.09.2008 (Article 9).
More 	<a href="https://ebco-beoc.org/albania">https://ebco-beoc.org/albania</a> including the reply of the Ministry of Defence to the Questionnaire about EBCO's Annual Report 2022 (e-mail on 14/11/2022).		


### 1.2.2 ANDORRA

	 Conscription:	No	Never existed. No regular military forces. Defense is the responsibility of France and Spain.
 Conscientious objection:		-	
Service 	Military:	-	
	Civilian:	-	
Minimum  AGE	Conscription:	-	No conscription.
	Voluntary enlistment:	-	
More 	<a href="https://ebco-beoc.org/andorra">https://ebco-beoc.org/andorra</a>		

### 1.2.3 ARMENIA







	 Conscription:	Yes	
 Conscientious objection:		2003	First recognised by Law "On Alternative Service" on 17 December 2003.
Service 	Military:	24	
	Civilian:	36	According to Article 5 of the Law "On Alternative Service," the term of alternative military service is 30 months, and the term alternative labor service is 36 months.
Minimum  AGE	Conscription:	18	
	Voluntary enlistment:	17	Under 18 for military schools: 17 for cadets









More 	<a href="https://ebco-beoc.org/armenia">https://ebco-beoc.org/armenia</a>
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Please check section 1.1.1.1 European Court of Human Rights (ECtHR).

### 1.2.4 AUSTRIA

	 Conscription:	Yes	
	Conscientious objection:	1955	First recognised by the National Service Act.
Service 	Military:	6	
	Civilian:	9	
Minimum 	Conscription:	18	
	Voluntary enlistment:	17	Under 18: 17 on request
More 	<a href="https://ebco-beoc.org/austria">https://ebco-beoc.org/austria</a>		






### 1.2.5 AZERBAIJAN

	 Conscription:	Yes	
	Conscientious objection:	1995	First recognised in Constitution, Art. 76.
Service 	Military:	18	
	Civilian:	-	Not available.
Minimum 	Conscription:	18	
	Voluntary enlistment:	17	Under 18 for military schools: 17 for cadets
More 	<a href="https://ebco-beoc.org/azerbaijan">https://ebco-beoc.org/azerbaijan</a>		




Azerbaijan undertook on accession to the Council of Europe in 2001 that it would adopt a law on alternative service in compliance with European standards by January 2003. It has still not done so. To this day Azerbaijani conscientious objectors are imprisoned.






### 1.2.6 BELGIUM

	 Conscription:	No	The conscription has been suspended in peacetime (not abolished) in Belgium for an indefinite period by a law of 1993. But it was not until February 9, 1995 that the Council of Ministers had decided to send back to their homes from the following March 1 all the militiamen still under arms. Conscription is only possible in wartime.
 Conscientious objection:		1964	First recognised by Law of 3 June 1964 on the status of conscientious objectors. Although military service has been suspended, legislation relating to military service and conscientious objectors still exists. The procedure for being recognized as a conscientious objector is described in the laws on the status of conscientious objectors, coordinated on February 20, 1980. Legislation concerning conscientious objectors falls within the competence of the Federal Public Service Interior ( <a href="http://www.ibz.be/fr/contact">www.ibz.be/fr/contact</a> ; <a href="http://www.ibz.rrn.fgov.be/fr/faq/population/objecteur-de-consciencemilice">www.ibz.rrn.fgov.be/fr/faq/population/objecteur-de-consciencemilice</a> )
Service 	Military:	-	
	Civilian:	-	
Minimum 	Conscription:	-	No conscription
	Voluntary enlistment:	18	The minimum legal age to join the Defense as a soldier is 18, the age at which compulsory schooling ends.
More 	<a href="https://ebco-beoc.org/belgium">https://ebco-beoc.org/belgium</a> including the reply of the Ministry of Defence to the Questionnaire about EBCO's Annual Report 2022 (e-mail on 07/12/2022).		






### 1.2.7 BOSNIA AND HERZEGOVINA

	 Conscription:	No	Suspended / abolished in 2005.
 Conscientious objection:		1996	First recognised in parallel Defence Acts in the Federation and in the Republika Srpska.
Service	Military:	-	




	Civilian:	-	
Minimum 	Conscription:	-	No conscription
	Voluntary enlistment:	18	
More 	<a href="https://ebco-beoc.org/bosnia-herzegovina">https://ebco-beoc.org/bosnia-herzegovina</a>		







### 1.2.8 BULGARIA

	 Conscription:	No	Abolished in 2008 by amendment of the Defence and Armed Forces Act.
 Conscientious objection:		1991	<p>First recognised in Constitution, Article 59 Paragraph 2.</p> <p>Pursuant to Article 183 of the Republic of Bulgaria Defence and Armed Forces Act (RBDAFA), servicemen shall not refuse to perform their duties for religious, atheist, political or ideological reasons or disseminate religious or atheist propaganda when performing their service duties.</p> <p>Pursuant to RBDAFA, enlistment for military service occurs on the basis of a military service contract entered into with the Minister of Defence or with an official duly authorized thereby. The procedure, terms and conditions regarding the conclusion and termination of such military service contract are laid down in the Rules on the Implementation of the RBDAFA. It does not contain provision for termination of the military service contract on account of "conscientious objection" but it provides for an option for early termination of the military service contract on mutual consent of the parties or through a written notification by the service member.</p>
Service 	Military:	-	
	Civilian:	-	
Minimum 	Conscription:	-	No conscription
	Voluntary enlistment:	18	Pursuant to Article 141 of the RBDAFA, those subject to enlistment for military service








			shall be persons who have reached the age of majority, set at 18, and who are capable and in good physical and psychological condition. This is also the age of enrolment for / commencement of wartime military service in the event of declaration of state of war, martial law or a state of emergency pursuant to Article 116 of the RBDFAFA.
More 	<a href="https://ebco-beoc.org/bulgaria">https://ebco-beoc.org/bulgaria</a> including the reply of the Ministry of Defence to the Questionnaire about EBCO's Annual Report 2022 (e-mail on 31/01/2023).		

### 1.2.9 CROATIA

	 Conscription:	No	Suspended in 2008 by a governmental decision, but remains in law.
 Conscientious objection:		1990	First recognised in Constitution, Art. 47.2.
Service 	Military:	-	
	Civilian:	-	
Minimum 	Conscription:	-	No conscription
	Voluntary enlistment:	18	
More 	<a href="https://ebco-beoc.org/croatia">https://ebco-beoc.org/croatia</a>		

### 1.2.10 CYPRUS

	 Conscription:	Yes	
 Conscientious objection:		1992	First recognised by the National Guard Act, No. 2/1992, 9 <sup>th</sup> Jan.
Service 	Military:	14	
	Civilian:	19	
Minimum 	Conscription:	17	
	Voluntary enlistment:	17	Under 18: 17









More 	<a href="https://ebco-beoc.org/cyprus">https://ebco-beoc.org/cyprus</a>
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Regarding the northern, Turkish-occupied, part of Cyprus (the self-styled “Turkish Republic of North Cyprus”) please check section 1.1.1.1 European Court of Human Rights (ECtHR) about the three pending COs cases against Türkiye.

Although the right to conscientious objection is recognised by law in the Republic of Cyprus, its existence, procedure, availability, etc is not widely known, or information is not given openly. This is shown by the fact that during the past years only 3 persons served alternative civilian service on ideological grounds (for objectors on religious grounds – Jehovah’s Witnesses, the procedure is more straight forward, widely known and followed).

### 1.2.11 CZECHIA

	 Conscription:	No	Abolished in 2004 by amendment of the Military Act. Can be reintroduced in situation of threat or in wartime.
 Conscientious objection:		1992	First recognised by the Civilian Service Act, No.18/1992 - in Czechoslovakia.
Service 	Military:	-	
	Civilian:	-	
Minimum 	Conscription:	-	No conscription
	Voluntary enlistment:	18	18 years old in all cases. Conscientious objection is not applied in the context of professional armed forces.
More 	<a href="https://ebco-beoc.org/czechia">https://ebco-beoc.org/czechia</a>		


### 1.2.12 DENMARK

	 Conscription:	Yes	Highly selective conscription through a lottery, though nobody is actually drafted, since all used are volunteers.  There are no plans to suspend/abolish conscription in the near future. There are plans for female conscription. Defence Minister Jakob Ellemann-Jensen made the announcement in an interview with TV2. <sup>57</sup>
 Conscientious objection:		1917	First recognised by Alternative Service Act, 13 <sup>th</sup> Dec. The conscripts in Denmark have the right to refuse military service and



<sup>57</sup> [www.rtbef.be/article/le-danemark-veut-introduire-le-service-militaire-pour-les-femmes-11143138](http://www.rtbef.be/article/le-danemark-veut-introduire-le-service-militaire-pour-les-femmes-11143138)





		<p>service in the Danish Emergency Management Agency on the grounds of conscientious objection (CO), according to Article 1, Subsection 1, in the Act No. 226 of 13<sup>th</sup> of March 2006 of announcement of law on conscientious objectors. CO-status is granted to a person, who objects to military service and service in the Danish Emergency Management Agency based on reasons of conscience. Objection is accepted when based on religious or ethical reasons. An application solely politically based will be refused. Legislatives of the CO-service (law and departmental order): <a href="http://www.retsinformation.dk/eli/lt/2008/995">www.retsinformation.dk/eli/lt/2008/995</a></p> <p>The national law on conscientious objectors applies only on the conscripts. So, no human right to conscientious objection is recognized for the professional military.</p> <p>Professional military personnel are employed on contract, which means they can be given notice (dismissal) or they can give notice (resignation) according to the terms stated in their respective contracts. They have to obey the normal demands of their contract, which is 1-6 months' notice to break out. No reason need to be given. All contracted service men in the military are since 2015 on indefinite contracts until terminated or pension age. Even after contracts are finished or broken, they are still obligated as military reserves until pension age - with no way to say no.</p> <p>The volunteers actually serve under the rules for conscripts, and as such can apply to be transferred to CO service. The volunteer conscripts do not have a "contract", but an "agreement": <a href="https://karriere.forsvaret.dk/globalassets/pdf/aftale_om_vpl_ans-3.pdf">https://karriere.forsvaret.dk/globalassets/pdf/aftale_om_vpl_ans-3.pdf</a></p>	
<p>Service</p> 	<p>Military:</p>	<p>4</p>	<p>The duration of the military service normally varies from 4 months up to 12 months.</p>
	<p>Civilian:</p>	<p>4</p>	<p>The duration of the civilian service / conscientious objection service (CO-service) has to be equal to the duration of the military service, from which the conscript is transferred. The duration of the service normally varies from 4 months up to 12 months, so accordingly the COs have</p>



			differentiated duration of service, but to most of them, the duration of the service is 4 months.
Minimum 	Conscription:	18	The legal minimum age for conscription in a time of peace and war is 18.
	Voluntary enlistment:	18	
More 	<a href="https://ebco-beoc.org/denmark">https://ebco-beoc.org/denmark</a> including the reply of the Danish Ministry of Defence Personnel Agency to the Questionnaire about EBCO's Annual Report 2022 (e-mail on 26/01/2023), as well as the reply of the Danish Institute for Human Rights (e-mail on 19/01/2023).		

According to the reply of the Danish Ministry of Defence Personnel Agency to the Questionnaire about EBCO's Annual Report 2022 (e-mail on 26/01/2023):

*"In 2022 Danish Ministry of Defence Personnel Agency (MDPA) has received and approved 11 applications for CO-status.*

*The number of applications for CO-status in the last 5 years is described in the table down below. There were no rejected applications.*

Year	Number of applications
2018	13
2019	17
2020	4
2021	17
2022	11

*CO-status can only be granted if a conscript objects to both military service and service in the Danish Emergency Management Agency on the grounds of conscientious objection (CO), and on that ground the national laws do not recognize the selective conscientious objection.*

*Objection is accepted when based on religious or ethical reasons. An application solely politically based would be refused."*

According to the reply of Aldrig Mere Krig about EBCO's Annual Report 2022 (e-mails on 01/02/2023 & 24/04/2023):

*"Before 2004 the CO-Administration, Emergency Management Agency and administration of the possible conscripts were purely civilian, and managed by Indenrigsministeriet (Home Affairs). After 2004 all this has been transferred to the Ministry of Defense. Therefore, the alternative social civilian service system is not purely civilian anymore, since it is solely administrated by the military. Requests on referrals to alternative social civilian service shall be sent to "Værnepligtssektionen" at "Forsvarsministeriets Personalestyrelse" (CO-Administration at Danish Ministry of Defence Personnel Agency).<sup>58</sup> The official webpage <http://www.militaernaegter.dk> now redirects to the military <https://karriere.forsvaret.dk/varnepligt/varnepligten/militaernaegter/>*

*But the conscientious objection service itself is purely civilian.*

<sup>58</sup> <https://karriere.forsvaret.dk/globalassets/pdf/militarnagter/hvordan-ansoger-jeg-2.pdf>









Every male that turns 18 years has to attend the Defence Day, which is a rolling event throughout the year. Volunteers serve under the rules for conscripts, and as such can apply to be transferred to CO service. Actually most of the conscientious objectors now become objectors during their military service (11 applied to be transferred to CO service in 2022).

Women can volunteer as conscripts, but can decide to leave the service anytime they want.

A part of the volunteers is just "technically voluntary" since they got a low lottery number, and then were lured into voluntary conscription to be able to have a bit of influence on date and geography for their duty. This happens though nobody is actually forced into service, since all conscripts now are volunteers.

Since 2019 all conscripts are obligated for five more years to be loosely attached to a mobilisation force. For those serving under contract, this obligation is not five years, but until retirement age which is above 67 years."

### 1.2.13 ESTONIA

	 Conscription:	Yes	Selective conscription: approximately one third of males serve the military service. There are no plans to suspend or abolish conscription in the near future.
 Conscientious objection:		1992	First recognised at a referendum in 1992 where the Constitution was approved. It is paragraph 124 that states the right to conscientious objection.
Service 	Military:	8	The duration of the compulsory military service is 8 or 11 months, depending on the education and position provided by the Defence Forces to the conscript.
	Civilian:	12	The duration of alternative service is 12 months.
Minimum  AGE	Conscription:	18	The minimum legal age for service is 18 in all cases (during peace-time and in war time).
	Voluntary enlistment:	18	When a professional member of the military has developed a conscientious objection, he or she can leave the service with a 60 days note.
More 	<a href="https://ebco-beoc.org/estonia">https://ebco-beoc.org/estonia</a>		





Around 3,500 people are drafted per annum and serve between eight and 11 months of national service, depending on which branch of the military they are drafted into – though the air force (Õhuvägi) does not make use of conscripts. Current law already allows for 12 months long military service, but this has so far been limited to a maximum of 11 months by government regulation. The Minister of Defence has proposed the government to extend



the maximum duration of compulsory service from the current 11 months to 12 months in certain areas. <sup>59</sup>

According to media reports, the Ministry of Defence is going to increase the number of conscription call-ups to more than 4,000 by 2026. The number of call-up selectees is set by the Minister of Defence and is not subject to a decision by the Estonian government or the parliament. <sup>60</sup> Estonia's current defence budget totals 2.35 percent of its GDP. <sup>61</sup> The Ministry of Defense supports raising it to 3 percent, as well as all the political parties expected to clear the 5 percent threshold at the next parliamentary election. <sup>62</sup>

### 1.2.14 FINLAND

	 Conscription:	Yes	Approximately two thirds of males serve the military service.
 Conscientious objection:		1931	First recognised by Alternative Service Act, 4 <sup>th</sup> June.
 Service	Military:	~5.5	or ~8.5 or ~11.5 (The exact service durations in the military are 165, 255 or 347 days)
	Civilian:	~11.5	(The exact service duration in the non-military service is 347 days)
 Minimum AGE	Conscription:	18	In case of partial compulsory mobilization minimum age is 18 years. In case of general compulsory mobilization also those who are not yet served in military but turn 18 years that year can be called for service. So minimum age for general compulsory mobilization is 17 years. This includes war time.
	Voluntary enlistment:	18	
More 	<a href="https://ebco-beoc.org/finland">https://ebco-beoc.org/finland</a>		

In 2022, there were 2418 applications to non-military service, which means a significant increase from 1991 applications in 2021. In addition, 3808 reservists declared conscientious

<sup>59</sup> Conscription terms to be extended to 12 months for some specialties. (07.02.2023). Eesti Rahvusringhääling. Available at: <https://news.err.ee/1608876413/conscription-terms-to-be-extended-to-12-months-for-some-specialties>

<sup>60</sup> Estonia to raise number of conscription call-ups to more than 4,000 by 2026. (23.09.2022). Eesti Rahvusringhääling. Available at: <https://news.err.ee/1608726247/estonia-to-raise-number-of-conscription-call-ups-to-more-than-4-000-by-2026>

<sup>61</sup> Estonian defence budget 2022. (07.07.2022). Estonia's Ministry of Defence. Available at: <https://www.kaitseministeerium.ee/en/objectives-activities/defence-budget>

<sup>62</sup> Vahur, L. (01.12.2022). Estonia's parties want to raise defense spending to 3-6 percent of GDP. Eesti Rahvusringhääling. Available at: <https://news.err.ee/1608807376/estonia-s-parties-want-to-raise-defense-spending-to-3-6-percent-of-gdp>



objection and were ordered to attend a five-day supplementary service under the command of the Non-military Service Centre. The amount of applications to the supplementary service reached its historical record high (e.g. in 2021 there were 435 applications and the previous record from 2015 was only 985 applications). There were 34 prosecutions because of refusal to perform non-military service in 2022 (total objectors). There was also one prosecution due to refusing military service (another way to total objection).







### The UN Human Rights Council

In 2022 Finland was under its fourth Universal Periodic Review of the United Nations Human Rights Council. Finland received five recommendations regarding its provisions for conscientious objection to military service, more than it has ever had before. Please check section 1.1.3.3. Human Rights Council.




### Voluntary military service for women

Finnish women aged 18 to 29 may apply to the voluntary military service if their state of health is suitable for undertaking military training. Once the voluntary service has started, there is a consideration period, during which women can denounce interrupting the service without any consequences. Following this time period, they become liable for military service, and if they declare conscientious objection, they become liable for non-military service. In April 2022, the consideration period was shortened from 45 to 30 days.




### 1.2.15 FRANCE

	 Conscription:	No	Suspended under law 97-1019 of 1997. However a new "Universal National Service" programme for 15 and 16 year-olds of both sexes was introduced in June 2019 (See EBCO Report 2019).
 Conscientious objection:		1963	First recognised by Act No. 1255/63, 21 <sup>st</sup> December.
Service 	Military:	-	
	Civilian:	-	
Minimum  AGE	Conscription:	-	No conscription
	Voluntary enlistment:	16	Under 18: 17, 16 for Technical School
More 	<a href="https://ebco-beoc.org/france">https://ebco-beoc.org/france</a>		







### 1.2.16 GEORGIA

	 Conscription:	Yes	Reintroduced in 2017.
 Conscientious objection:		1992	Military Service Act, Art. 12



Service 	Military:	12	
	Civilian:	18	
Minimum 	Conscription:	18	
	Voluntary enlistment:	18	
More 	<a href="https://ebco-beoc.org/georgia">https://ebco-beoc.org/georgia</a>		

### 1.2.17 GERMANY

	 Conscription:	No	General conscription was suspended as of July 1, 2011 by the 2011 Act Amending the Law on Military Service (BT-Drs 17/4821). It remains in the Constitution and it can be reintroduced at any time in the event of war (Article 12a of the Basic Law / Constitution).
 Conscientious objection:		1949	First recognised in principle in 1949 in the "Grundgesetz" / Basic Law / Constitution of the Federal Republic of Germany: "No one may be forced to perform military service with weapons against his conscience." (Art.4 para.3 sentence 1 GG). The first provisions in the German Democratic Republic dated from 1964.
Service 	Military:	-	
	Civilian:	-	
Minimum 	Conscription:	-	No conscription
	Voluntary enlistment:	17	Under 18: 17. One can apply for recognition as a conscientious objector at any time in writing to the responsible career center of the Bundeswehr. The application for conscientious objection (KDV application) is then forwarded to the Federal Office for Family and Civil Society Tasks (BAFzA), which decides on it.
More 	<a href="https://ebco-beoc.org/germany">https://ebco-beoc.org/germany</a> including the reply of the German Institute for Human Rights (e-mail on 23/01/2023).		



According to the reply of EBCO member Evangelische Arbeitsgemeinschaft für Kriegsdienstverweigerung und Frieden (EAK) about EBCO's Annual Report 2022 (e-mail on 13/03/2023):

*In 2022 the Federal Ministry of Economics approved the exportation of military equipment amounting to 8,36 billion euros which after 2021 (9,35 billion euros) is the second highest amount in German history.<sup>63</sup> In the context of the war in Ukraine former political guidelines regulating a restrictive practice of arms trade seem to be a thing of the past.*

*However the close collaboration uniting government and armaments industry does not find its equivalent in the personal commitment of citizens to military institutions. Compared to 2021 when 201 requests to be recognised as a conscientious objector have been registered, in 2022 a quintuplication of this figure had to be observed. Unlike than in previous years in 2022 the majority of applications for recognition as conscientious objectors did not come from professional soldiers, but from non-conscripts without military experience and from reservists. Apparently the war in Ukraine made them reflect on the possibility of personal involvement in acts of war in case of reintroduction of conscription. According to the information given by a spokesman of the Ministry of Defence in 2022 a total of 1.082 applications for conscientious objector status have been sent to the responsible career centers of the Bundeswehr. In detail 593 applications were filed by non-conscripts, 266 by reservists and 223 by soldiers.<sup>64</sup>*

*It is striking that the Federal Office for Family and Civil Society Tasks (BAFzA) which is the competent authority for the recognition of conscientious objectors indicates differing figures. Its statistics list only 951 requests to be recognised as conscientious objectors. This difference (of 131 applications) is due to procedural time delays arising in the transmission of conscientious objectors' documents from the military submission instance to the civilian decision authority.*

*Extreme retardation in the processing of applications remains a major problem for soldiers who are obliged to hold out in their military unit after having filed their request on discharge on grounds of conscience. The time they have to spend in a superincumbent context of pressure and social exclusion may last 9 to 12 months especially when, as it occurs frequently, the BAFzA recognition authority puts forward doubts or questions concerning the applicant's explanatory statement on his/her conscientious objection to military service. Moreover this time frame is extended considerably if an objector refused by the BAFzA instance must induce a judicial appeals procedure.*

*„Training and service at arms are reserved for soldiers of full age.“ The cited self-commitment documented in the coalition agreement of the German government (December 2021) didn't lead to substantial consequences in 2022. The lack of necessary implementation provisions continues as well as the enlistment of underage soldiers.<sup>65</sup>*

*After Putin announced a partial mobilization of Russian reservists on 21 September, several prominent members of the German government (so the Federal Chancellor as well as the ministers of justice and the interior) declared that Russian deserters merit the support of Germany. Nancy Faeser, Minister of the interior underlined: "As a rule, deserters threatened with severe repression receive international protection in Germany."<sup>66</sup> Nevertheless the situation of Russian war resisters who succeed in fleeing to Germany remains equivocal in practice. As any asylum application their request for refugee status is decided on a by-case*

<sup>63</sup> See <https://www.handelsblatt.com/politik/deutschland/ruestung-deutsche-ruestungsexporte-2022-leicht-ruecklaeufig/28902668.html>

<sup>64</sup> See <https://www.tagesschau.de/inland/kriegsdienstverweigerer-105.html>






<sup>65</sup> Cf. EBCO Annual Report 2021 p. 35f.

<sup>66</sup> See <https://www.tagesschau.de/inland/russische-deserteure-101.html>



basis. In this context the Ministry of the interior had declared in May 2022 that Russian deserters generally comply with the requirements of refugee status (political persecution) which however is not necessarily the case for draft dodgers.<sup>67</sup> On the occasion of the parliamentary session of 29 September the parliamentary group of Die Linke brought forward the following motion: „The German Bundestag calls upon the Federal Government to take all necessary measures at national and European level to ensure that for Russian deserters and conscientious objectors who want to escape from the war in Ukraine by fleeing, safe entry into the EU or Germany is possible and that they are granted safe protection and residence status in an uncomplicated way.“<sup>68</sup> The motion was rejected by a large majority of all other parliamentary groups.

### 1.2.18 GREECE


	 Conscription:	Yes	There are no plans to suspend/abolish conscription in the near future.
 Conscientious objection:		1998	First recognised in Law No. 2510/97, and entered into force in 1998.
Service 	Military:	9 or 12	Depending on the location of the units where the conscripts fulfil their military obligations.
	Civilian:	15	
Minimum 	Conscription:	19	
	Voluntary enlistment:	18	According to the reply of the National Defense General Staff: “The personnel of the Armed Forces (Officers, NCOs, Professional Soldiers) may resign from the Armed Forces for any reason (including reasons of belief) at any time during their career. However, according to law, Officers and NCOs graduating from Military Academies and Schools are required to serve in the Armed Forces for a mandatory period of twice the years of their studies, for Officers, and five years, for NCOs. Resigning before the end of this period is possible, however these Officers and NCOs must pay a compensation to the State. Similar provisions also apply to Military Academy and School students, as well as for personnel who have received leave for studies and/or have trained in domestic or foreign schools at the Service’s cost. No minimum mandatory service period

<sup>67</sup> [https://de.connection-ev.org/pdfs/2022-05-17\\_IM.pdf](https://de.connection-ev.org/pdfs/2022-05-17_IM.pdf), cf. Statement of NGOs PRO ASYL and Connection: <https://de.connection-ev.org/article-3564>

<sup>68</sup> Deutscher Bundestag Drucksache 20/3684, <https://dserver.bundestag.de/btd/20/036/2003684.pdf>





		<p>in the Armed Forces is required for Professional Soldiers; they may resign at any time without having to pay compensation.”</p> <p>However, as it has been also highlighted by the Greek National Commission for Human Rights in its submission for a bill in 2019, which resulted in law 4609/2019, “The right of professional staff of the armed forces, insofar their beliefs have changed, to apply for recognition as conscientious objectors should not be confused with any other procedures of resignation which entail severe financial consequences”.<sup>69</sup></p>
<p>More </p>	<p><a href="https://ebco-beoc.org/greece">https://ebco-beoc.org/greece</a> including the replies of the National Defense General Staff to the Questionnaire about EBCO’s Annual Report 2022 (e-mails on 15/02/2023, 01/03/2023, and 30/03/2023).</p>	

### Serious deterioration concerning granting conscientious objector status

According to official data, revealed in 2022, in 2021 the percentage of recognition for conscientious objectors who invoke non-religious grounds had fallen to 0%, while in 2018 the percentage had reached 93 %.<sup>70</sup> The data were revealed after the National Transparency Authority (NTA) ordered the Ministry of National Defence to provide such information to an applicant for alternative civilian service.<sup>71</sup>

Following a similar petition by another applicant, the Ministry of National Defence recently provided the statistics for 2022, which reveal that only 33% of applications on ideological (non-religious) grounds were accepted.<sup>72</sup>

Furthermore, perhaps for the first time, detailed information was provided on administrative appeals to remedy decisions of rejection. The official data show that in the last decade, until 2022, only 3 of the administrative appeals submitted by applicants claiming ideological (non-religious) beliefs were granted (one in 2014, one in 2017 and one in 2022), while in 2021 all 3 such administrative appeals were rejected, confirming concerns that administrative appeals are not an effective remedy for this issue.

In addition, according to Amnesty International, there has been worrying information that the rejection of second applications for CO status and alternative service (following the rejection of the first one) continues but with a new reasoning. This is despite the relevant jurisprudence of the Council of State, Greece’s Supreme Administrative Court, that has ruled in favour of individuals whose second applications have been rejected without being examined on the merits.

<sup>69</sup> GNCHR, Observations on articles 18, 21 and 22 of the Bill of the Ministry of National Defence regarding the "Arrangements for Armed Forces Personnel" [in Greek], 19 March 2019, p. 11. Available at:

[https://www.nchr.gr/images/pdf/apofaseis/antirisisies\\_suneidisis/EEDA\\_paratiriseis\\_SxN\\_Antirrisies%20syneidisis\\_2019.pdf](https://www.nchr.gr/images/pdf/apofaseis/antirisisies_suneidisis/EEDA_paratiriseis_SxN_Antirrisies%20syneidisis_2019.pdf)

<sup>70</sup> [https://enalaktiki.files.wordpress.com/2022/05/cea3cf84ceb1cf84ceb9cf83cf84ceb9cebaceac\\_ce91cebdcceb1ceb3cebdcf8ecf81ceb9cf83ceb7cf82\\_2012-2021.pdf](https://enalaktiki.files.wordpress.com/2022/05/cea3cf84ceb1cf84ceb9cf83cf84ceb9cebaceac_ce91cebdcceb1ceb3cebdcf8ecf81ceb9cf83ceb7cf82_2012-2021.pdf)

<sup>71</sup> <https://wri-irg.org/en/story/2022/greece-victory-transparency-reveals-zero-recognition-cos-ideological-grounds-serious>

<sup>72</sup> <https://enalaktiki.wordpress.com/2023/04/03/episima-statistika-2022/>



Moreover, Amnesty International received a complaint by such an applicant, that after the rejection of his second application without examination on the merits, he was called up to enlist in the armed forces the following day. The next day he was given a call for enlistment by the police, requiring him to enlist in the armed forces on the same day. Such practices effectively reduce the margin to appeal such decisions and therefore the right to an effective remedy, and/or put applicants in risk to be immediately declared insubordinate and face serious criminal and administrative sanctions and risk of arrest.<sup>73</sup>

At least four appeals of rejected applicants for conscientious objector status were pending to the Council of State at the end of the year. Among them, there are the cases of Charis Vasileiou and Nikolas Stefanidis, which are illustrative, *inter alia*, of the discrimination faced by a particular group of conscientious objectors: those who have been raised in a Jehovah's Witness family but are not Jehovah's Witnesses themselves.<sup>74</sup> The Council of State hold a hearing for these two cases on the 6<sup>th</sup> of June 2022 and the judgement is pending.

Another case pending at the Council of State is that of Thomas Katsaros. He applied in May 2022 for conscientious objector status, requesting to perform the (punitive) alternative civilian service. His application was based on his ideological pacifist beliefs. His application was rejected in August 2022 by the Minister of National Defence, after a recommendation by a special committee with military participation, on the grounds that from the submitted documentation it is not inferred that the claimed conscientious grounds stem from a specific ideology, philosophical, religious or political, preventing him from fulfilling his military duties in arms. Thomas Katsaros submitted an administrative appeal ("aitisi therapeias") to the Minister of National Defence in September 2022. However, due to the delay in receiving a response for such appeal, and the risk to miss the deadline for judicial appeal, in November 2022 he also submitted a judicial appeal to the Council of State, the Supreme Administrative Court. Throughout the years, there is a pattern of delay of response of the Minister of National Defence to administrative appeals of rejected applicants, which entails for them a risk of missing the deadline for judicial appeal. His administrative appeal was rejected by the same Minister of National Defence in January 2023, after a recommendation by a special committee with military participation. Both the special committee and the Minister summarily rejected the appeal of dozens of pages (including new evidence, i.e., testimonies of people knowing the applicant) with a single sentence.<sup>75</sup>

In December, the Ministry of National Defence published for public consultation a bill which included, *inter alia*, an amendment in order to increase the number of military members of the committee examining applications for conscientious objector status, in contravention of all international and regional human rights standards and recommendations of human rights bodies. After reactions, *inter alia*, from Amnesty International<sup>76</sup> and the Greek National Commission for Human Rights,<sup>77</sup> the relevant problematic provision was not included in the bill when it was submitted and voted in the Parliament in early 2023.

### **Failure to implement a decision of the Human Rights Committee**

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<sup>73</sup> <https://www.amnesty.gr/news/press/article/26474/prosfata-stoiheia-deihnoyn-oti-oi-energeies-toy-ellinikoy-kratoys> [in Greek]

<sup>74</sup> For more details about the cases of Vasileiou and Stefanidis see the joint public statement of EBCO and other international organisations: <https://ebco-beoc.org/node/525>

<sup>75</sup> For more details about the case of Katsaros see the joint public statement of EBCO and other international organisations: <https://www.ebco-beoc.org/node/556>

<sup>76</sup> <https://www.amnesty.gr/news/press/article/26957/ellada-na-aposyrthei-arthro-62-poy-proteinei-metarrythmiseis-toy-nomoy> [in Greek]

<sup>77</sup> <https://www.nchr.gr/ta-nea-mas/1538-epistoli-ypetha.html> [in Greek]



Greece has not implemented, so far, the 2021 UN Human Rights Committee decision in the case of conscientious objector Lazaros Petromelidis,<sup>78</sup> which found multiple violations of the ICCPR. Greece failed to respond within the deadline of 180 days (expired in June 2022), in July was given another 180 days, and until the end of 2022 has not sent an answer. However, according to information from Mr. Petromelidis, Greece responded in January 2023. Its response shows absolute disregard for the decision of the Human Rights Committee. Greece's response says nothing about reimbursement of all sums paid as financial penalties instead of imprisonment, about adequate compensation or even about expunging Mr. Petromelidis' criminal record, as the Committee has ordered. Furthermore, Greece considers that the current relevant legislation is adequate – despite numerous recommendations by international, regional and domestic human rights institutions. In short, Greece considers that there is no need to take any individual or general measure.

### **Sentencing of a total objector**

Sentencing of total objectors by military courts, for refusing to perform the military and the (punitive) alternative civilian service, continued, in flagrant violation of international human rights law and standards.

A total objector, P.C., was sentenced for insubordination by the Military Court of Ioannina City to a suspended sentence of 6-month imprisonment. This was his second conviction for insubordination, which constitutes a further violation, i.e., of the *ne bis in idem* principle.

Several other cases of prosecution of total objectors by military courts are pending.

### **Sentencing and arrests of civilians for insubordination**

Furthermore, according to information from lawyers, military courts continued to sentence other civilians for insubordination, including persons who have completed 45 years of age and are no longer liable for military service. According to official police reports<sup>79</sup> and relevant media reports,<sup>80</sup> police continued to arrest people for insubordination.

### **Other judicial cases**

The Council of State, Greece's Supreme Administrative Court, hold a hearing about the appeal of the State against the decision of the Administrative Court of first instance to annul the administrative fine for insubordination which had been imposed to a conscientious objector, as he has later performed alternative civilian service. The judgement is pending.

### **Conscientious objection and personal data**

In January 2022, the Hellenic Data Protection Authority (HDPa) issued an important decision concerning the protection of personal data of conscientious objectors.<sup>81</sup> The decision concerns the data included in the certificate of military status issued by the military authorities; a document usually requested to certify that someone has no military duties anymore. The HDPa ruled in favour of a conscientious objector who had appealed to this independent authority against the decision of the military authorities to issue a certificate which reveals that he has been recognized as a conscientious objector and has performed alternative civilian service instead of military service. The HDPa found that the certificate of military status issued was illegal for containing unnecessary information and requested from

<sup>78</sup> <https://ebco-beoc.org/node/518>

<sup>79</sup> E.g. <https://www.astynomia.gr/2022/08/26/26-08-2022-ektetameni-astynomiki-epicheirisi-gia-tin-antimetopisi-tis-egklimatikotitas-stin-perifereia-peloponnisou/> [in Greek]  
<https://www.astynomia.gr/2022/10/05/05-10-2022-ektetameni-astynomiki-epicheirisi-gia-tin-antimetopisi-tis-egklimatikotitas-stin-perifereia-peloponnisou/> [in Greek]







<sup>80</sup> <https://andriakipress.gr/2022/09/12/syllipsi-gia-anypotaxia-stin-andro/> [in Greek]

<sup>81</sup> [https://www.dpa.gr/sites/default/files/2022-01/3\\_2022%20anonym.pdf](https://www.dpa.gr/sites/default/files/2022-01/3_2022%20anonym.pdf) [in Greek]



the Minister of National Defence to issue a new one in accordance with the principle of “data minimisation”. This principle means that a data controller should limit the collection of personal information to what is directly relevant and necessary to accomplish a specified purpose. The HDPa found that such certificate should not reveal that someone has performed alternative civilian service (meaning he is a conscientious objector), but only that he does not have military duties anymore. The same authority issued a similar decision for those who have been exempted from military service for medical reasons. Such information should not be revealed either. The only information necessary is that they do not have military duties.<sup>82</sup> The Ministry of National Defence submitted an administrative appeal (“aitisi therapeias”) against the decision of the HDPa, but the latter rejected it.

### 1.2.19 HUNGARY

	 Conscription:	No	Abolished in 2005 in peacetime by amendment of the Constitution. Can be reinstated in times of emergency.
	Conscientious objection:	1989	First recognised in Constitution, Art. 70.
Service 	Military:	-	
	Civilian:	-	
Minimum 	Conscription:	-	No conscription
	Voluntary enlistment:	18	
More 	<a href="https://ebco-beoc.org/hungary">https://ebco-beoc.org/hungary</a> including the reply of the Office of the Commissioner for Fundamental Rights of Hungary to the Questionnaire about EBCO’s Annual Report 2022 (e-mail on 10/02/2023).		

According to the reply of the IFOR Hungarian affiliate BOCS Global Think Tank Foundation about EBCO’s Annual Report 2021 (e-mail on 24/01/2022):

*The nullification law after the 1990 regime change left out conscientious objectors, so they are still not rehabilitated. For example, time spent in prison does not count as pensionable service for them. Now that hundreds of Hungarian conscientious objectors are all pensioners or approaching retirement age, it is time to stand up against the ongoing discrimination formerly imprisoned conscientious objectors are exposed to by cutting their retirement benefits. BOCS Global Think Tank Foundation is working for rehabilitation through both political lobbying and legal action, see <https://bocs.eu/co-rehabilitacio>.*







In this context it might be good to take note of a legal development to be observed in Slovakia: Jehovah's Witness (and CO) Imrich Vajda had been sentenced under the Communist Regime in 1959 and 1961. After the ECtHR Bayatyan Judgement the Constitutional Court of Slovakia acknowledged on 13 March 2014 that amnesty or restitution is a necessary legal measure for those convicted as criminals for conscientious objection to military service. Until 2018, 51 of Jehovah’s Witnesses—most of whom were sentenced from 1948 to 1989—have been completely exonerated by Slovakian courts. Since May 2017, the

<sup>82</sup> [https://www.dpa.gr/sites/default/files/2022-01/2\\_2022%20anonym.pdf](https://www.dpa.gr/sites/default/files/2022-01/2_2022%20anonym.pdf) [in Greek]








Supreme Court of the Czechia, too, annulled the verdicts for 45 Jehovah's Witnesses who refused to perform military service during the Communist regime and were convicted and sentenced.<sup>83 84</sup>

### 1.2.20 ICELAND

	 Conscription:	No	Never existed. No regular military forces. It does maintain a small paramilitary coastguard. Iceland is the only NATO member that has no standing military force; defence of Iceland remains a NATO commitment and NATO maintains an air policing presence in Icelandic airspace.
 Conscientious objection:		-	
Service 	Military:	-	
	Civilian:	-	
Minimum 	Conscription:	-	No conscription.
	Voluntary enlistment:	-	
More 	<a href="https://ebco-beoc.org/iceland">https://ebco-beoc.org/iceland</a>		

### 1.2.21 IRELAND

	 Conscription:	No	Never existed. According to article 54 of the 1954 Defence Act, during emergencies it is possible to conscript men.
 Conscientious objection:		-	
Service 	Military:	-	
	Civilian:	-	
Minimum 	Conscription:	-	No conscription
	Voluntary enlistment:	18	







<sup>83</sup> Available at: <https://www.jw.org/en/news/jw/region/global/martin-boor-exonerated-by-slovakia/>

<sup>84</sup> Available at: <https://www.jw.org/en/news/jw/region/global/courts-czech-republic-slovakia-exonerate-jehovahs-witnesses/>






More 	<a href="https://ebco-beoc.org/ireland">https://ebco-beoc.org/ireland</a>
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### 1.2.22 ITALY

	 Conscription:	No	Suspended in 2005 by law 226 of 2004.
	Conscientious objection:	1972	First recognised by Act No. 772/1972.
Service 	Military:	-	
	Civilian:	-	
Minimum 	Conscription:	-	No conscription
	Voluntary enlistment:	18	
More 	<a href="https://ebco-beoc.org/italy">https://ebco-beoc.org/italy</a>		

### 1.2.23 LATVIA

	 Conscription:	No	<p>Abolished in 2006 by a decision of the Latvian parliament. Since 2007 Latvia had only professional voluntary military service. However, the Latvian parliament (Saeima) adopted the State Defence Service Law in the third reading on 5 April 2023. After the final reading, the new law will regulate the roll out of state defence service across Latvia.</p> <p>The proposed law also re-establishes alternative service, considering the rights of conscientious objectors.</p> <p>Also, Latvia introduced a new kind of project, called "Total Defence" in 2017, and a National Defence Course was introduced into the secondary school system with effect from January 2021 (see EBCO Report 2020).</p>
	Conscientious objection:	1990	First recognised by the Law on Substitute Service of the Latvian Soviet Socialist Republic. It was passed in 1990, couple of months before the restoration of the independence of the Republic of Latvia and it introduced the Alternative Service as a possibility to opt-out the Soviet mandatory



			<p>military service. The law stated that the purpose of the Alternative Service is to ensure the freedom of conscience and beliefs of a person. Since then till 2007 (when conscription was abolished) the Alternative Service option was available for those who were objecting military service.</p> <p>Considering that Latvia currently has only professional military service, a serving member of the military can freely and at any time terminate the service contract on the basis of mutual agreement with the Latvian National Armed Forces.</p>
Service 	Military:	-	
	Civilian:	-	
Minimum 	Conscription:	-	No conscription
	Voluntary enlistment:	16	The minimum age of recruitment in Latvian National Armed Forces is 18. The same minimum legal age applies to mobilization during war time. However, the National Defence Course has been developed for students in secondary schools who are 16-18 years old, and it will be mandatory starting from 2024-25 school year.
More 	<a href="https://ebco-beoc.org/latvia">https://ebco-beoc.org/latvia</a> including the reply of the Ministry of Defence to the Questionnaire about EBCO's Annual Report 2022 (e-mail on 02/12/2022).		

One of the priorities of the Ministry of Defense (MoD) in 2022 is related to the development of national defense training in Latvia. This lesson is already being taught in 97 schools, including almost 4,200 students in 10<sup>th</sup> grade and almost 1,200 in 11<sup>th</sup> grade.<sup>85</sup>

On January 13 2022, in the final reading, the Saeima adopted amendments to the Law on National Defense Training and the Youth Guard, which entitle those serving in the institutions of the Ministry of the Interior (MoI) to become teachers of national defense training.<sup>86</sup>

In 2024, when the national defense education is expected to be compulsory for all secondary school students, it will cover approximately 32 to 34 thousand young people; a class of around 8,000 young guards. This means that more than 40,000 young people need to be trained. To do this, at least 270 instructors are needed. More than half are currently

<sup>85</sup> [https://www-lsm-lv.translate.google.com/raksts/zinas/latvija/aizsardzibas-ministrija-plano-sogad-dubultot-valsts-aizsardzibas-macibu-grupu-skaitu.a439618/?utm\\_source=lsm&utm\\_medium=theme&utm\\_campaign=theme&x\\_tr\\_sl=auto&x\\_tr\\_tl=en&x\\_tr\\_hl=en](https://www-lsm-lv.translate.google.com/raksts/zinas/latvija/aizsardzibas-ministrija-plano-sogad-dubultot-valsts-aizsardzibas-macibu-grupu-skaitu.a439618/?utm_source=lsm&utm_medium=theme&utm_campaign=theme&x_tr_sl=auto&x_tr_tl=en&x_tr_hl=en)

<sup>86</sup> [https://www-sargs-lv.translate.google.com/lv/nozares-politika/2022-01-13/valsts-aizsardzibas-macibu-lauj-pasnigt-ari-ieklietu-darbiniekam?x\\_tr\\_sl=auto&x\\_tr\\_tl=en&x\\_tr\\_hl=en](https://www-sargs-lv.translate.google.com/lv/nozares-politika/2022-01-13/valsts-aizsardzibas-macibu-lauj-pasnigt-ari-ieklietu-darbiniekam?x_tr_sl=auto&x_tr_tl=en&x_tr_hl=en)



completed.<sup>87</sup>

According to the reply of the Ministry of Defence to the Questionnaire about EBCO's Annual Report 2022 (e-mail on 02/12/2022):

*The National Defence Course is an integral part of the secondary education curriculum. The main document specifying its content is the State education standard. The State education standard is developed by the Ministry of Education and Science and approved by the Cabinet of Ministers. Currently, in the State education standard the National Defence Course is categorized as a special course, meaning that it is voluntary course, but starting from 2024-25 school year this course will be mandatory for all secondary school students.*

*At the moment each secondary school voluntarily decides on introducing the National Defence Course in their curricula. Up till now, the National Defence Course is taught in more than 97 secondary schools. National Defence Course's teachers are employed by the Cadet Force Centre, a civil institution under the Ministry of Defence.*

*The content of the National Defence Course was developed by the Cadet Force Centre in close collaboration with the National Centre for Education, an institution under the Ministry of Education and Science. The content is publicly available both on the webpage of the National Centre for Education and on the webpage of Cadet Force Centre. Additionally, the Cadet Force Centre provides the teachers with detailed plan, instructions and guidelines for every single lesson.*

*The National Defence Course consists of several modules where students are taught a range of theoretical and practical skills. Those modules are:*

- *Security and defence of a nation-state, role of civil society and civic engagement;*
- *Resilience in crises, leadership and command;*
- *Skills and competencies for defence.*

*Additionally, students can engage in extracurricular activities (summer camps). Participation in those camps is voluntary.*

*The course has been developed for students in 10<sup>11</sup> and 11<sup>1</sup> grade (or 2nd and 3<sup>rd</sup> study year in vocational education). Usually, students in those grades are 16-18 years old. As it was mentioned above, the National Defence Course will be mandatory for students in secondary schools only starting from 2024-25 school year.*

*It is important to note that secondary education is not compulsory in Latvia, although the proportion of the population who complete it is high.*

*The National Defence Course is 140 academic hours long. The course is implemented in 2 academic years.*

*Cadet Force Centre is a civil institution subordinated to the Minister of Defence. In addition to higher pedagogical education and qualification to teach defence skills to qualify for teaching the National Defence Course, the teacher has to fulfil several extra requirements (e.g. complete the Course on the Rights of the Child etc.).*

*Module "Skills and competences for defence" includes the topic "Safe handling of weapons, shooting with a pneumatic weapon". The time allocated for this topic altogether is 31 academic hours. During those lessons students learn about weapons, development of weapons through history, operating principles of weapons, moral responsibility using weapons and safety rules. To acquire practical skills students try out shooting with a*

<sup>87</sup> [https://www-sargs-lv.translate.goog/lv/jaunsardze/2022-01-20/jaunsardzes-centra-vaditajs-uzskats-ka-valsts-aizsardzibas-maciba-militarize? x\\_tr sl=auto& x\\_tr tl=en& x\\_tr hl=en](https://www-sargs-lv.translate.goog/lv/jaunsardze/2022-01-20/jaunsardzes-centra-vaditajs-uzskats-ka-valsts-aizsardzibas-maciba-militarize? x_tr sl=auto& x_tr tl=en& x_tr hl=en)





pneumatic weapon (a weapon that fires using air pressure).







The law on the National Defence Course and Cadet Force states that for students who, due to their religious or philosophical beliefs or due to other objective circumstances, are unable to participate in particular activities that are a part of the National Defence Course, the teacher provides alternative study topics and individually adjusts the study process. There are no consequences for this choice.

The objectives and content of the National Defence Course is in line with values and ideals embedded in the Convention on the Rights of the Child. Article 29 of the Convention on the Rights of the Child especially emphasizes that a child's education should help their personality, talents and mental and physical abilities to their fullest potential. It should also build their respect for other people and the world around them and they should respect the values of their own country. Education should prepare children for responsible life in a free society.



The purpose of the new law is to guarantee an opportunity for a child or a young person to acquire knowledge, skills and abilities suitable for their age and interests.

The activities included in the National Defence Course don't lead to any obligations regarding National Armed Forces. The minimum age of recruitment in Latvian National Armed Forces is 18 and Latvia has fully voluntary military service (no conscription)."





### 1.2.24 LIECHTENSTEIN

	 Conscription:	No	Never existed. No regular military forces. National Police maintain close relations with neighboring forces.
 Conscientious objection:		-	
Service 	Military:	-	
	Civilian:	-	
Minimum 	Conscription:	-	No conscription
	Voluntary enlistment:	-	
More 	<a href="https://ebco-beoc.org/liechtenstein">https://ebco-beoc.org/liechtenstein</a>		

### 1.2.25 LITHUANIA

	 Conscription:	Yes	Reintroduced in 2015 (following Russia's annexation of Crimea and the start of the war in Ukraine's Donbass; previously suspended in 2009). Highly selective conscription: approximately 3,800 conscripts are called annually from the pool of all the potential draftees (~30,000).
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 Conscientious objection:		1990	First recognised by the Law on Substitute Service of the Lithuanian Soviet Socialist Republic.
Service 	Military:	9	
	Civilian:	10	* Important note: The European Court of Human Rights found that the "alternative national defence service is intrinsically linked to military service, and therefore cannot be seen as separate civilian service" (judgment on 7 June 2022 in the case of Teliatnikov v. Lithuania).
Minimum 	Conscription:	18	
	Voluntary enlistment:	18	
More 	<a href="https://ebco-beoc.org/lithuania">https://ebco-beoc.org/lithuania</a>		

Please check section 1.1.1.1 European Court of Human Rights (ECtHR).

The Ministry of Defence draws lists of people to be called for military conscription. In 2023, the pool includes around 54,000 men aged 18-23 who are eligible for military service. The number of people to be conscripted to serve in various units of the Lithuanian military in 2023 will be 3,828. The lists are drawn up randomly, using a piece of computer software.<sup>88</sup>

The Defence Ministry has proposed to shorten the compulsory service to six months from the current nine months and increase the number of conscripts to 5,000. The reform would increase the number of conscripts from 3,800 to 5,000 in 2027, and the number of active reserve soldiers from 27 000 to 40 000 soldiers in the long run. The reform would also introduce a three-month conscription for young people who have completed their studies or, as an alternative, a three-year service on weekends in the National Defence Volunteer Force.<sup>89</sup>




## 1.2.26 LUXEMBOURG

	 Conscription:	No	Abolished in 1967 by law.
 Conscientious objection:		1963	First recognised by Act of 23 <sup>rd</sup> July, Art. 8.







<sup>88</sup> Lithuania's 2023 military conscription lists to be drawn up Thursday. (05.01.2023). Lithuanian Radio and Television (LRT). Available at: <https://www.lrt.lt/en/news-in-english/19/1859973/lithuania-s-2023-military-conscription-lists-to-be-drawn-up-thursday>

<sup>89</sup> Lithuania mulls shortening military service, drafting more conscripts. (05.01.2023). Lithuanian Radio and Television (LRT). Available at: <https://www.lrt.lt/en/news-in-english/19/1860132/lithuania-mulls-shortening-military-service-drafting-more-conscripts>



Service 	Military:	-	
	Civilian:	-	
Minimum 	Conscription:	-	No conscription.
	Voluntary enlistment:	18	
More 	<a href="https://ebco-beoc.org/luxembourg">https://ebco-beoc.org/luxembourg</a>		

### 1.2.27 MALTA

	 Conscription:	No	Never existed. Since Malta's Independence in 1964, Maltese legislation, the Armed Forces of Malta Act never included conscription.
 Conscientious objection:		-	
Service 	Military:	-	
	Civilian:	-	
Minimum 	Conscription:	-	No conscription.
	Voluntary enlistment:	18	
More 	<a href="https://ebco-beoc.org/malta">https://ebco-beoc.org/malta</a> including the reply of the Ministry of Defence to the Questionnaire about EBCO's Annual Report 2022 (e-mail on 23/01/2023).		

According to the reply of the Ministry for Home Affairs, National Security and Law Enforcement to the Questionnaire about EBCO's Annual Report 2022 (e-mail on 23/01/2023):







*"As the right to conscientious objection is not a right per se but derived from an interpretation of the right to freedom of thought, conscience, and religion, it features accordingly in the Constitution of Malta under Article 40. Article 35 addresses conscientious objection in terms of military personnel with regards to forced labour by stating that this exception does not include any labour required of a member of disciplined forced in pursuance of his duties as such or, in the case of a person who has conscientious objections to service as a member of a naval, military or air force, any labour that that person is required by law to perform in place of such service. It therefore would suggest that conscientious objection in this regard is acknowledged even though Maltese legislation does not explicitly provide for it. The lawfulness of the labour is key.*

*To note, Chapter 220 of the Laws of Malta titled 'Malta Armed Forces Act' provides for in Article 47 'Disobedience to particular orders' that wilful defiance of authority, disobedience*



to a lawful command given or sent to the soldier personally shall on conviction by a court martial be liable to imprisonment. Once again this refers to the lawfulness of the labour, but it does not explicitly refer to an order which goes against article 40 of the Constitution. One will take it that if this situation arises, Malta would follow the international principles and standards on the matter."

### 1.2.28 MOLDOVA

	 Conscriptio:	Yes	The Government Decision number 601/2018 regarding the Program "Professional Army 2018-2021", which essentially stipulated for the professionalization of the National Army was approved, but due to the transition period, at the moment, it is under uncertainty.
 Conscientious objection:		1992	First recognised by the Law on Religions number. 979/1992.
 Service	Military:	12	For conscripts with high education it is 6 months.
	Civilian:	12	For citizens with high education is 6 months.
 Minimum AGE	Conscription:	18	
	Voluntary enlistment:	17	Under 18 for military schools: 17 for Military School.
More 	<a href="https://ebco-beoc.org/moldova">https://ebco-beoc.org/moldova</a> including the reply of the Ombudsman to the Questionnaire about EBCO's Annual Report 2022 (e-mail on 08/02/2023).		

According to the reply of the Ombudsman to the Questionnaire about EBCO's Annual Report 2022 (e-mail on 08/02/2023):

*"The Ombudsman highlights two problems from the year 2022 arising within the People's Advocate Office.*

*The first issue concerns the forced incorporation into the armed forces of people from the Transnistrian region (unrecognized separatist territory, part of the Republic of Moldova) whose conscience prevents them from taking part in military activities.*

*In fact, following the amendments of December 30, 2019, in the "Law of the Transnistrian unrecognized region regarding alternative civil service," priority is given to incorporation into alternative civil service within the armed forces units. Thus, persons who refuse armed service for religious reasons are incorporated into the civil service within the military units in the Transnistrian region. This fact goes against the religious beliefs of some denominations.*

*Thus, people who care for religious reasons have passed the training in civil protection training and the voluntary sanitary training of the Red Cross on the right side of the Dniester and are exempt according to art. 32 paragraph (1) point b) of the Law no. 1245 /20022 from the military service within the term, upon returning with permanent living in the Transnistrian region, they are forcibly conscripted into the "Transnistrian armed forces."*









Therefore, if the person for religious confessional reasons requests to perform alternative civilian service in civil institutions/organizations or refuses to perform alternative service as civilian personnel in military formations for confessional reasons, he risks being convicted according to the Transnistrian "criminal code."

Another case registered within the People's Advocate Office that requires increased attention is the Baranov case. The Ombudsman registered the request submitted by Mr. Vitalii Baranov (the father) in the interests of his son Maxim Baranov regarding the violation of the right to perform civil service instead of military service within the term, manifested by his incorporation under the conditions that he was a member of a militant religious community for peace. The Law allowed him to perform (alternative) civil service.




In this case, the People's Advocate sent a request based on art.23. para. 1 of Law 52/2014 to the Ministry of Defense for organizing the control of all the circumstances in order to be elucidated. Following the intervention of the People's Advocate, the responsible authorities suspended the decision of the recruitment-incorporation commission of the municipality of Chisinau regarding the incorporation of the recruit into military service. They released him from military service within the deadline.

We want to mention that in 2022, 325 citizens were incorporated into the civil service for pacifist reasons and 111 for religious reasons."




### 1.2.29 MONACO

	 Conscription:	No	Never existed. No regular military forces. Defense is the responsibility of France.
 Conscientious objection:		-	
Service 	Military:	-	
	Civilian:	-	
Minimum  AGE	Conscription:	-	No conscription
	Voluntary enlistment:	-	
More 	<a href="https://ebco-beoc.org/monaco">https://ebco-beoc.org/monaco</a>		







### 1.2.30 MONTENEGRO

	 Conscription:	No	Suspended in 2006 by decision of the President of Montenegro (30/08/2006).
 Conscientious objection:		1992	First recognised in Constitution, Article 58 (in Serbia & Montenegro times). Also recognised in the Constitution of Montenegro, Article 48, which entered into force in October 2007.



Service 	Military:	-	
	Civilian:	-	
Minimum 	Conscription:	-	No conscription
	Voluntary enlistment:	18	Theoretically, conscientious objection would violate the provisions of Article 22 of the Law on the Armed Forces of Montenegro (full and timely execution of military and other duties in the Army) and commit a disciplinary offence under Article 157 paragraph 1 of the Law (failure to execute orders or untimely and negligent performance of service or duty in the service).
More 	<a href="https://ebco-beoc.org/montenegro">https://ebco-beoc.org/montenegro</a>		

### 1.2.31 NETHERLANDS

	 Conscription:	No	Suspended in 1997, but the law on conscription still exists. At the age of 17, all citizens receive a letter stating they have been registered for service. They can be called up in case of war.
	Conscientious objection:	1922	First recognised by Constitutional amendment.
Service 	Military:	-	
	Civilian:	-	
Minimum 	Conscription:	-	No conscription
	Voluntary enlistment:	17	Under 18: 17
More 	<a href="https://ebco-beoc.org/netherlands">https://ebco-beoc.org/netherlands</a>		

According to the reply of IFOR about EBCO's Annual Report 2022 (e-mail on 08/02/2023):

*"In the Netherlands we see a considerable rise of the military budget. The idea of re-introducing the practice of conscription, now including girls, is heard in the public debate, especially from the side of the so-called "Christian" parties.*

*Military education can start at the age of 15. Certain schools present courses for the physical and technical skills the army needs. This education includes practical learning periods within the army. Enlisting in the army can after that take place at the age of 17."*



### 1.2.32 NORTH MACEDONIA

	Conscription:	No	Suspended / abolished in 2007.
Conscientious objection:		2001	First recognised in Defence Act, Art. 8.
Service 	Military:	-	
	Civilian:	-	
Minimum 	Conscription:	-	No conscription
	Voluntary enlistment:	18	
More	<a href="https://ebco-beoc.org/north-macedonia">https://ebco-beoc.org/north-macedonia</a>		

### 1.2.33 NORWAY

	Conscription:	Yes	Highly selective conscription (from the pool of around 60 000 less than 10 000 are chosen annually). Norway introduced compulsory military service for women in 2015, as the first NATO member state. There are no plans to suspend/abolish conscription in the near future.
Conscientious objection:		1922	In 1922, Norway got an amendment to the Military Penal Code on exemption from military service, and with this recognised the right to conscientious objection to military service.
Service 	Military:	12	Conscripts are required to serve up to 19 months of military service, cf. the Norwegian Act relating to conscription and service in the Armed Forces, etc. (Lov om verneplikt og tjeneste i Forsvaret m.m. (forsvarsloven)), section 18. However, basic military service are usually 12 months.
	Civilian:	-	Conscientious objectors get an exemption from service in the military. Moreover, there is no alternative civilian service for conscientious objectors (it was abolished in 2012). The process of application for conscientious objector status is described in Chapter 4, sections 36-42 of <i>forsvarsloven</i> . Applicants, who have had their applications









			<p>approved, are granted exemption from serving in the Norwegian Armed Forces. Those who are approved may be ordered to serve in the Civil Defence (Sivilforsvaret) until the year they turn 55. They get a 3-week start up course, and then serve 2 days a year as training. If there is a crisis, they will be called in for service.</p>
<p>Minimum</p>	<p>Conscription:</p>	<p>19</p>	<p>Norwegian citizens who are eligible for service in the military have conscription from the year they turn 19, cf. <i>forsvarsloven</i> section 6.</p>
	<p>Voluntary enlistment:</p>	<p>18</p>	<p>There is also an extended conscription through voluntary service and training in the military, cf. <i>forsvarsloven</i> section 12. The provision covers those who voluntarily apply to serve or train in the military. The minimum age for voluntary enlistment is 18 years old. Those who receive training are, for example, vocational apprentices.</p> <p>From the age of 16 people may be admitted to the Home Guard, cf. <i>forsvarsloven</i> section 24. This currently applies to young people who are admitted to the Home Guard Youth. They may not enter into a contract that entails a duty to serve in the Home Guard until they have turned 19 years of age. In accordance with section 4 of <i>forsvarsloven</i> those under the age of 18 who serve in the military (the Home Guard Youth) shall not be given training in or participate in combat-related activities.</p> <p>When Norway is at war, in the case of imminent threat of war, or the order for general mobilization is given, those under the age of 18 are immediately released from service.</p> <p>If professional military personnel become conscientious objectors during their service, and thus wish to end their service contract, they are free to terminate their contract based on the regular rules of contract law and labour law.</p>
<p>More </p>	<p><a href="https://ebco-beoc.org/norway">https://ebco-beoc.org/norway</a> including the reply of the Parliamentary Ombud to the Questionnaire about EBCO's Annual Report 2022 (e-mail on 06/02/2023).</p>		





### 1.2.34 POLAND

	 Conscription:	No	Suspended in 2009 by amendment of the Constitution.
 Conscientious objection:		1988	First recognised in Constitution, Art. 85.
Service 	Military:	-	
	Civilian:	-	
Minimum  AGE	Conscription:	-	No conscription
	Voluntary enlistment:	18	In accordance to the Article 58 point 1 of the law about the common military service the volunteers can report when completing 18 year of age. During mobilization and war the minimum age of conscripts is just like peacetime – 18 years. The law does not consider the human rights regarding conscientious objection for the professional member of the military.
More 	<a href="https://ebco-beoc.org/poland">https://ebco-beoc.org/poland</a> including the reply of the Commissioner for Human Rights to the Questionnaire about EBCO's Annual Report 2022 (e-mail on 10/02/2023).		

According to the reply of the Commissioner for Human Rights to the Questionnaire about EBCO's Annual Report 2022 (e-mail on 10/02/2023):

*According to the case law of the Polish administrative courts, the services for defense purposes (świadczenia na rzecz obrony) cannot be equated with military service and are not covered by constitutional and international norms on conscientious objection<sup>90</sup>. Therefore, no exemption can be granted from them on grounds of conscience. This position has been lately confirmed in two rulings of the Supreme Administrative Court of Poland<sup>91</sup>. Although it can be argued that the relationship between some national defense services and the military sphere may be sufficiently strong to attract the guarantees arising from Article 9 of the European Convention on Human Rights<sup>92</sup>, this line of argumentation has not been reflected in the Polish case law yet. Taking into consideration the legal practice to date, this may continue to pose certain problems particularly for Jehovah's Witnesses."*






<sup>90</sup> See more: W. Brzozowski, "Sprzeciw sumienia wobec świadczeń na rzecz obrony" [Conscientious objection to national defence services], Przegląd Sądowy, 3/2022, pp. 35-52 (hereinafter referred to as "W. Brzozowski 2022").

<sup>91</sup> II OSK 1259/18 (issued 12.03.2020) and II OSK 1434/18 (issued 1.12.2020).


<sup>92</sup> W. Brzozowski 2022, 46 ff.



## 1.2.35 PORTUGAL

	 Conscription:	No	<p>The conscription ended in December 2004. It was abolished by the Law 174/99, from September 21, which established that in peace time military service is voluntary.</p> <p>This Law provided, in article 59, that compulsory military service was gradually eliminated within a maximum period of 4 years from its entry into force, which took place in November 2000 with the approval and entry into force of the regulation of military service law.</p>
 Conscientious objection:		1976	<p>The right to conscientious objection to military service was recognised for the first time in 1976, by the Portuguese Constitution (Article 41) which established that "Conscientious objectors will render unarmed military service or civil service appropriate to their situation."</p> <p>Article 276 of the Portuguese Constitution establishes that conscientious objectors to military service will perform civic service of duration and hardship equivalent to that of armed military service.</p> <p>The right to conscientious objection to military service is recognized in peace time, in compulsory mobilization (general or partial) and in war time.</p>
Service 	Military:	-	
	Civilian:	-	
Minimum 	Conscription:	-	No conscription
	Voluntary enlistment:	18	<p>According to Law No. 174/99 (Military Service Law), the minimum age for military service in peacetime is 18. According to the same Law, the period in which Portuguese citizens are subject to military obligations runs from the first day of the year in which they turn 18 years old to the last day of the year in which they turn 25 years old. Nevertheless, in time of war, the maximum age limit set for the military duties can be changed by law. The Constitution still maintains the right to conscientious objection, which allows voluntary military</p>








			personnel to exercise this right. Article 40 of Law No. 174/99 (Military Service Law) establishes that for citizens subject by law to military service, it is grounds for exemption from military duties to be recognised as conscientious objectors.
More 	<a href="https://ebco-beoc.org/portugal">https://ebco-beoc.org/portugal</a> including the reply of the Ministry of Defence to the Questionnaire about EBCO’s Annual Report 2022 (e-mail on 06/12/2022).		

According to the reply of the Ministry of Defence to the Questionnaire about EBCO’s Annual Report 2022 (e-mail on 06/12/2022):


*"As the provision of military service is voluntary, there will be only exceptional situations in which a military becomes a conscientious objector. Portuguese law does not establish any limitation, and in this case the recognition of conscientious objection implies that the military leaves the Armed Forces.*

*The Military Service Law establishes that all young people in the year they turn 18 have the duty to attend the National Defense Day. The aim of this obligation is to make young people aware of the issue of national defense and publicize the role of the Armed Forces in the military defense of the Republic. Young people can request the application of the status of conscientious objection in order to be exempted from the participation in the National Defense Day."*

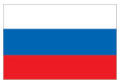





### 1.2.36 ROMANIA

	 Conscriptio:	No	Suspended in January 1 <sup>st</sup> 2007 during peacetime but not during state of siege, mobilization or war according to Art. 2 of Act 395/2005 on delay of compulsory military service in peace time and passing to voluntary based military service.
 Conscientious objection:		1996	First recognised in Art. 4 of Act No. 46/1996 on governing preparation of the population for defence.
Service 	Military:	-	
	Civilian:	-	
Minimum  AGE	Conscriptio:	-	No conscription
	Voluntary enlistment:	18	During peacetime, state of mobilization and war, the minimum age for a voluntary basis recruitment is 18, for both men and women. During state of siege, mobilization and war, the minimum legal age for men’s conscription is 20.  The active duty military personnel may not



			refuse to accomplish its legal obligations by invoking the conscientious objection. According to Act. 80/1995 on the military personnel statute, exercising some rights and liberties is restricted or limited to active duty military personnel (for example, Art. 29 - point d - of this act says "Joining religious cults is free, except to those which, according to la law, [...] affect the pursuit of the profession".
More 	<a href="https://ebco-beoc.org/romania">https://ebco-beoc.org/romania</a>		

### 1.2.37 RUSSIAN FEDERATION (former member state)

	 Conscription:	Yes	
 Conscientious objection:		1993	First recognised in Constitution, Art. 59.3.
Service 	Military:	12	
	Civilian:	21	Or 18 months for alternative service in organizations affiliated to armed forces, such as military factories and construction departments.
Minimum 	Conscription:	18	
	Voluntary enlistment:	16	Under 18 for military schools: 16 for Military School
More 	<a href="https://ebco-beoc.org/russia">https://ebco-beoc.org/russia</a>		

Please check section 1.1.1.1 European Court of Human Rights (ECtHR).

A Russian citizen has the right to apply for an alternative civilian service (ACS).



According to the local Movement of Conscientious Objectors (MCO)<sup>93</sup> statistics, in 50% of cases people are denied ACS.<sup>94</sup> Persons serving in the military, whether as conscripts or professional soldiers, cannot apply for conscientious objection.

Additionally, the current persecution of Jehovah's Witnesses affects their right to conscientious objection to military service.

The assessment of applications for conscientious objector status continues to be not entirely under the control of civilian authorities with a lack of independence and impartiality in the procedure.<sup>95</sup> In addition, ACS remains punitive and discriminatory.

The so-called "hidden mobilization", a practice which bypasses the procedure provided for by law, continues.<sup>96</sup>

At the end of May 2022, the age limit for possible conscription of contract soldiers has been raised to 65.<sup>97</sup>

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<sup>93</sup> The [Movement of conscientious objectors](#) (MCO) is a non-profit anti-war organization founded in 2014 to support the right for conscious objection to military service and to avoid the "hidden mobilization" that is currently taking place.

Since the beginning of war in Ukraine MCO:

— [statement](#) on February 24, 2022 which called for an immediate end to the war unleashed by Russia,

— [collect all the cases](#) of soldiers who refused to fight in Ukraine,

— [petition](#) against compulsory military service which got more than 25000 supporters.

<sup>94</sup> The two most common grounds are: missing the deadline for filing an application and the fact that the Draft commission has evidence that the recruit has no convictions against military service.

According to the law, in case of denial the Draft commission must issue a reasoned refusal. However, such cases are isolated.

<sup>95</sup> By the law, the decision to replace compulsory military service by an alternative civilian service or a decision to deny such a replacement is made by the Draft commission.

The chairman of the Draft commission is the head or deputy head of the municipality but the military commissar is also the deputy chairman of such commission.

In practice, the organizational work of the Draft commission is carried out by the Military commissariat. Draftees file applications to the Military commissariat which conducts personal files of draftees and carries out a calling to the draftee who submitted the application. The chairman of the Draft commission does not control this process in any way.

The chairman and other members of the Draft commission, who do not work permanently in the Military commissariat often, are poorly oriented in the legislation in the field of conscription and conscientious objection and fully rely on the opinion of the military commissar and other employees of the Military commissariat.

Furthermore, the Draft commission has no funding and its sessions are held at the premises of the Military commissariat.

In practice, the Draft commission is dependent on the Military commissariat and cannot take impartial decisions.

<sup>96</sup> Draft periods in Russia take place twice a year: in spring and in autumn. It consists of a medical examination, a meeting of the Draft commission to resolve the issue of sending to military service and sending to military service itself. All these three events, according to the law, must be held separately from each other, and for each of them the conscript is called by a summons. Summons must be handed to the person personally; the conscript must sign for its receipt.

In practice, summons to conscripts are sent to the mailbox without a signature. The date of appearance may be indicated outside the draft periods. And instead of the specific purpose of the call, the summon indicates the general wording "clarification of data".

When visiting a Military commissariat in such a situation, a conscript can be called up for military service immediately on the day of the visit.

<sup>97</sup> <https://www.rferl.org/a/russia-raises-military-age/31867388.html>



Military commissariats put pressure on recruits, telling them that asking for civilian service is unlawful. The government proclaimed that ACS is not possible during mobilization but according to art. 59 of the Constitution citizens have the right to ACS in the case the military service contradicts their beliefs.<sup>98</sup>

There is currently no law that establishes the procedure for ACS during mobilisation and a bill has been submitted to the Duma in early October<sup>99</sup>. Nevertheless the Constitutional Court in 1996 stated that this right "is directly applicable and must be ensured regardless of whether or not a relevant federal law has been enacted".<sup>100</sup>

In September a new bill introduced the concepts of "mobilization, martial law and wartime"<sup>101</sup> and stated a jail terms of up to 15 years for wartime acts, including surrendering and desertion.<sup>102</sup>

Failure to show up for mobilisation is an administrative offence<sup>103</sup> with a fine of 3,000 roubles.<sup>104</sup>

On September 21<sup>st</sup>, Russian President announced the start of Russia's so-called "partial mobilization".<sup>105</sup> About 200,000 Russian citizens left the country in the week after the mobilisation alone.<sup>106</sup>

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<sup>98</sup> Constitution of the Russian Federation, Article 59(3):

A citizen of the Russian Federation shall have the right to alternative civilian service if his convictions or religious beliefs conflict with military service, as well as in other cases established by federal law.

Constitution of the Russian Federation, Article 28:

Guarantees everyone freedom of conscience and freedom of religion, including the right ... to freely choose, hold and disseminate religious and other beliefs and to act in conformity with them.

Constitution of the Russian Federation, Article 29(3):

No one shall be compelled to ... renounce [his opinions and beliefs].

<sup>99</sup> Law on ACS, Article 9: The organisation and performance of alternative civilian service during mobilisation, martial law and wartime shall be determined by federal constitutional laws, other federal laws and other normative legal acts of the Russian Federation adopted in accordance with them.

<sup>100</sup> Ruling No. 63-O of 22 May 1996, explained that the right of citizens whose beliefs or religious beliefs conflict with military service to be replaced by alternative civilian service, as well as all other human and civil rights and freedoms, is directly applicable and must be ensured regardless of whether or not a relevant federal law has been enacted, literally, as set forth in the said constitutional norm.

<sup>101</sup> Previously not mentioned in the Russian Criminal Code.

<sup>102</sup> <https://www.themoscowtimes.com/2022/09/20/russian-lawmakers-approve-long-jail-terms-for-military-surrender-refusal-to-serve-a78843>

<sup>103</sup> Under Article 21.5 of the Code of Administrative Offences.

<sup>104</sup> From the moment the medical commission is passed and the order of the military commissariat for mobilisation is announced, the state considers the person to be a serviceman and may apply the new amendments on evasion to him.

<sup>105</sup> Russian authorities announced that they planned to call up about 300,000 people from the reserves.

Dozhd TV has [reported](#) that mobilization will happen in three stages: September 26–October 10; October 11–25; and October 26–November 10.

According to article 20 of the Federal Law "On mobilization training and mobilization in the Russian Federation", the call for mobilization must be organized by the independent Mobilization Commissions, which are civilian bodies. However, all decisions on mobilization are made by the Military Commissar. According to the defense ministry's announcement, only people who have already served, have military specializations, and have prior combat experience will be drafted. However, information regularly appears in Russia about people who do not meet those criteria being conscripted.

<sup>106</sup> <https://en.connection-ev.org/article-3624>



Journalists and human-rights activists reported that police officers have stopped and questioned men<sup>107</sup>, collected their data, and handed them draft letters.<sup>108</sup>

It is also concerning that Moscow authorities demanded that hotel and hostel operators hand over information on male guests.<sup>109</sup>

The police is extensively used to hunt down potential recruits in the streets and in the practice of raids and arbitrary detentions.<sup>110</sup>

Caught people are threatened with criminal prosecution if they refuse to go to the military unit.

Hundreds of military personnel are refusing to participate in combat operations in Ukraine<sup>111</sup> and there are information about their arbitrary detention and cruel treatment.<sup>112</sup>

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<sup>107</sup> For instance near Moscow metro stations and in St. Petersburg.

<sup>108</sup> Moscow's military commissariat [denies](#) reports of draft letters being handed out by subway stations. According to the city's military commissar Maxim Loktev, the "ambushes" had nothing to do with mobilization and are part of regular "investigative activities" "for catching criminals." Loktev acknowledged, though, that draft dodgers fall within the scope of this law-enforcement work.

<https://meduza.io/en/news/2022/10/14/moscow-men-ambushed-and-drafted-near-subway-stations-draft-office-denies-these-reports>

<sup>109</sup> The administrative head of the Filyovsky Park district demanded that Moscow hotel and hostel owners provide information on male guests between the ages of 18 and 55. Evgeny Stupin, lawyer for the Moscow City Duma, [posted](#) a photo of the document.

The document states that data on guests "will be used to identify citizens who are not fulfilling their military duties." It required the information – full name, date of birth, passport data, and registered address – by October 12.

<https://meduza.io/en/news/2022/10/15/moscow-authorities-demand-that-hotel-and-hostel-operators-hand-over-information-on-male-guests>

There have been earlier reports of police raids on Moscow hostels and hotels. Mediazona reported that on October 8, police cordoned off the Travel Inn hostel and start to check guest's documents.

On October 14, publications Kholod and Verstka reported that an enlistment office in Moscow's Danilovsky district held at least 12 men, who had been brought there from hostels in the capital, for 24 hours. Three of them were residents of Bashkortosan. They were released, but instructed to return within two days, according to Kholod. It is not known what became of the other men who were taken in.

<sup>110</sup> Since the beginning of the mobilization, a widespread practice in large cities is that police officers stop men on the streets, check their documents, and try to hand a subpoena. Lately, another practice was introduced in the form of [raids](#). On October 9, the police came to the 'heating center' for the homeless in Moscow and detained several dozen people. There were also raids at workers' dormitories. In St. Petersburg, police officers blocked exits of several residential buildings and handed out subpoenas.

Summons are issued to all caught citizens without respecting the territorial principle. This means that medical and any other documents that are in the military commissariat at the place of registration of a citizen are simply not considered by the military commissariat, where a person is taken after a raid.

<sup>111</sup> <https://www.wsj.com/articles/documents-reveal-hundreds-of-russian-troops-broke-ranks-over-ukraine-orders-11654094212>

<https://www.moscowtimes.ru/2022/07/18/sotni-voennosluzhaschih-iz-dagestana-otkazalis-voevat-v-ukraine-a22359>

<https://news.doxajournal.ru/novosti/v-kurskoj-oblasti-dobrovolcy-nachali-otzyvat-dokumenty-posle-ukrainskih-udarov-po-rossijskim-skladam/>

<sup>112</sup> On July 28, five members of the Presidential Human Rights Council (Alexander Asmolov, Nikolai Svanidze, Alexander Verkhovsky, Alexander Sokurov, and Natalia Yevdokimova) wrote an appeal to the military prosecutor's office with a demand to check the information about cruel treatment of Russian servicemen who wanted to refuse to take part in the war in Ukraine. The appeal was drawn up based on statements by relatives of servicemen.

<https://novayagazeta.eu/articles/2022/08/12/voiska-vyshli-iz-stroia>



According to the Russian Movement of Conscientious Objectors (MCO) <sup>113</sup>:

### **Anti-War Action and Consequences Suffered by Protesters**

The military invasion of Ukraine has prompted anti-war protests, which Russian authorities have met with an unprecedented and escalating severity. The police and security services have utilized a brutal and extensive repertoire of punitive measures against those expressing anti-war sentiments, culminating in the most significant wave of political repression under Putin's regime.

The February 2023 report from OVD-Info highlights a staggering number of arrests in 2022, nearly 20,000, all for anti-war sentiments. This includes 177 for internet activity, 141 for symbols, 324 made post-protest, and 26 for public statements or private conversations, even including positions held by relatives. The authorities have expanded their surveillance and suppression of dissent, using facial recognition technology to pre-emptively detain activists at public events. This practice extends their previous method of tracking individuals post-protest, with 141 people detained through facial recognition alone and authorities confirming its use against rally participants.

The suppression of protests is both systemic and violent. At least 413 instances of police use of force have been reported, ranging from physical violence, such as beating, strangling, and injuring the detainees, to the use of stun guns. Disturbingly, multiple instances of sexual violence against arrested women, who constitute 46% of individuals detained for their anti-war stance, and non-binary individuals have been reported. The issue is compounded by the police's refusal to provide medical assistance in many cities. The violence continues even after arrest, with detainees frequently subjected to further abuse in departmental custody.

The Russian legal system has been manipulated to serve as a tool for repression. In the first half of 2022, arrests for participation in actions were administrative in 22% of cases, compared to 12.5% in 2021. The authorities have increased their use of Criminal Code articles to prosecute anti-war protesters. For example, Article 207.3 was used against individuals such as Aleksandra Skochilenko, a St. Petersburg painter and LGBTQ person, for swapping store price tags with anti-war texts, and Vladimir Kara-Murza, a Moscow politician, for his speech to the Arizona House of Representatives. Article 280.3 has been used for "discrediting" the Russian military. This rise indicates a growing state willingness to exploit legal mechanisms to quash dissent.

Authorities have initiated the largest mass criminal prosecution wave in Russian history, with 447 people persecuted over 363 days for their anti-war stance. Those disseminating information contrary to the official government narrative regarding the war have been specifically targeted. The primary categories of "fakes," or information deemed deliberately false by investigators and courts, revolve around the war's realities, such as the murder of Ukrainian civilians, the shelling of civilian objects, Russian military personnel deaths, and other Russian military war crimes. Some of the harshest sentences for expressing anti-war sentiments include:

- Ilya Yashin, a Moscow City Duma deputy, sentenced to 8 years and 6 months for an online stream about Russian military crimes in Bucha.
- Alexey Gorin, another Moscow City Duma deputy, received a 6-year and 11-month penal colony sentence for his comments about the impropriety of holding a children's drawing contest amid the ongoing war and the deaths of Ukrainian children.

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<sup>113</sup> Established in 2014, the MCO is a non-profit organisation dedicated to assisting young people in legally avoiding conscription into the army. MCO's work encompasses the development of informational materials for recruits, provision of consultations, and data collection on conscription. <https://stoparmy.org/en/>





- Maria Ponomarenko, a journalist, was sentenced to 6 years for a post about the destroyed drama theater in Mariupol.
- Egor Skorohodov (Igor Maltsev), a Saint Petersburg activist, was sentenced to 3 years and 8 months in a penal colony for burning a scarecrow in camouflage with a bag on its head saying "Take me!"

Furthermore, at least 5,846 cases under Article 20.3.3 of the Code of Administrative Offences (on "discrediting the Armed Forces") have been brought before Russian courts. Of these, a total of 4,559 cases resulted in a punitive sentence, with fines collectively exceeding 100,000,000 rubles (based on 3,091 court decisions where the payable amount is known).

Protests have undergone a significant transformation, shifting from large-scale street demonstrations to individual pickets, distribution of anti-war leaflets, graffiti, destruction of pro-war symbols, anti-war sentiment expression on social networks, and the launch of anti-war initiatives and projects. Despite this change, the authorities' response remains severe, with protesters facing police visits, confiscation of posters and symbols, and administrative liability, even if they evade detention.

Regardless of the severe repression, individuals continue to find ways to voice their opposition to the conflict and challenge the government's narrative. However, the authorities' heavy-handed approach is creating a climate of fear and intimidation, making it increasingly difficult for people to express their views. The use of the Criminal Code to prosecute protesters and activists is particularly concerning, indicating a concerted effort to criminalize dissent and silence opposition voices. The sentences handed down to those expressing anti-war sentiments are deeply troubling, with individuals receiving lengthy prison terms for relatively minor offenses. The rising use of fines and punitive measures to silence critics has become a common practice in Russia, with the number of cases brought under Article 20.3.3 of the Code of Administrative Offences demonstrating the government's willingness to employ any means necessary to maintain control. It is crucial for the international community to continue voicing its opposition to these abuses and support those fighting for their rights and freedoms in Russia.

### **Changes in Legislation during Wartime**

The repercussions faced by those opposing Russia's military actions through anti-war protests highlight a disturbing trend of civic liberties and fundamental human rights suppression in the country. Over 15,000 people were arrested within the first two months of the invasion, from February 24 to April 23, 2023, demonstrating an unprecedented scale and severity of consequences.

The Russian government's systematic oppression in response to anti-war protests has featured an escalation in legal and punitive measures. The fines for violating rally laws have skyrocketed from 1,000 to 300,000 rubles, a 300-fold increase, underlining the government's financial attempt to squelch dissent. The addition of up to 30 days' arrests and compulsory labor further intensifies the deterrent.

Article 212.1 of the Criminal Code, dubbed the "Dadin" clause, introduced following significant anti-war protests against Ukraine in 2014, has become a formidable instrument in curtailing protests. The law penalizes "repeated violation of the established procedure for organizing or holding a meeting, rally, demonstration, march, or picket," thereby setting a perilous precedent as it targets not only specific individuals but also potential rally and demonstration participants.

Moreover, the expedited decision-making process has enabled the Russian government to swiftly pass restrictive legislation. A notable example is the enactment of bills on "discrediting" Russian military actions and "fake news" regarding the Russian Armed Forces



on March 4, the ninth day of the invasion. Despite initial claims that these measures wouldn't target those using the "no to war" slogan, calls for peace have become a basis for both administrative and criminal prosecution.

Critical stages of discussion and public deliberation have been bypassed in the legislative process. For instance, amendments to Article 20.3.3 were surreptitiously appended to a bill on fire safety rules in forests. This stealthy tactic displays a concerning disregard for open dialogue and civic participation in legislative matters.

The enforcement of these laws has been prompt and resolute. The first reports of protocols drafted and court trials initiated under the administrative article on discrediting the military surfaced mere days after the bills were signed into law. This rapid action illustrates the Russian government's grim resolve to silence dissenting voices.

New and broadened legislation on "threats to state security" further stifles civil liberties. For example, Article 275.1 of the Criminal Code now encompasses provisions on "confidential" collaboration with foreign states and organizations, resulting in more severe punishments and posing a threat to international cooperation and dialogue.

Reacting to evolving protest actions, like setting military recruitment offices ablaze, the Russian government has altered legislation. The article on sabotage now includes norms aimed at disrupting military and defense complex activities, leading to hefty charges and penalties.

The crackdown on digital spaces and the broadening definition of extremism has led to a decline in space for public discourse. Online platforms, crucial for dissent and organization, have faced intense scrutiny and censorship, further restricting freedom of expression and association.

The most recent legislative development in Russia, involving the legalization of electronic military summonses and the criminalization of disregarding them, has sparked serious concerns among legal experts and human rights advocates. The bill was approved by the State Duma on April 11th and passed through second and third readings in a single day, with President Putin signing it into law on April 14th, 2023. The extraordinarily swift passage of the bill by the State Duma, in just 23 minutes, has been criticized as a blatant display of the authorities' disregard for proper legal procedures and due process. The hasty approval of a law that broadens the scope of mass conscription without adequate debate or public input raises alarming questions about the state of democracy and the rule of law in contemporary Russia.

In conclusion, the actions and ensuing repercussions suffered by anti-war protesters highlight a concerning trajectory of eroding democratic norms and escalating autocratic control in Russia. The implications of this trend, for both domestic civil society and international human rights standards, are deeply disconcerting and demand vigilant attention from the global community. The accelerated changes in legislation, paired with their swift and severe enforcement, underscore an urgent need for international bodies to closely monitor, address, and counter these worrying developments.

### **Conscription and Mobilization**

The conscription and mobilization processes in Russia throughout 2022 and 2023 have been mired in numerous human rights violations and marked by significant changes to the legal framework that impinge upon the rights of draftees. The Movement of Conscientious Objectors has documented hundreds of individuals either seeking to withdraw their participation in aggressive military actions or striving to avoid military service altogether. Prior to mobilization, soldiers could request the termination of their contracts with the Ministry of Defense, a right invoked by hundreds seeking to conscientiously object. However,



once mobilization commenced, contract termination became unattainable, leaving the MCO dealing with thousands of individuals on the frontline either insisting on their right to alternative civilian service or demanding demobilization on medical grounds.

In reaction to this surge of conscientious objectors, military commanders resorted to creating illicit detention centers, colloquially known as "cellars," where those refusing frontline service are unlawfully detained, often under torturous conditions. Notable instances of such illegal detentions took place in Bryanka in July and Zaitsevo in November 2022, with approximately 300 individuals unlawfully held in each camp. To date, over 13 such camps, officially termed as Psychological Rehabilitation Centers by Russian authorities, have been identified. The conditions for alternative civilian service within Russia remain punitive and discriminatory, typified by extended terms, poor living conditions, and low remuneration.

In theory, mobilization in Russia should be managed by independent Mobilization Commissions, civilian entities. However, in practice, the Military Commissar makes virtually all mobilization decisions. In most regions, civil society remains ignorant of the Mobilization Commissions' members since the orders to form these commissions are not made public. Following the announcement of mobilization, human rights defenders reported mass abductions of people from hostels, subways, homeless shelters, and residential building entrances. Caught citizens were threatened with criminal prosecution if they refused to report to the military unit. Although the maximum penalty for evading mobilization is a modest fine of 10 to 50 euros, fear often coerces individuals into acceptance.

Under the Russian Constitution, citizens retain the right to request the replacement of military service with alternative civilian service during mobilization. However, Russia has not legislated how alternative civilian service operates during mobilization, resulting in mass applications for alternative service without the authorities' capacity to process them.

Regarding standard conscription, draftees are more legally protected than those mobilized, as the procedure has remained relatively unchanged for the past 30 years. Still, this system is not without its human rights infractions, with the lack of an independent civil decision-making body being a significant concern. The Draft Commission, responsible for decisions to replace compulsory military service with alternative civil service, is formed based on municipalities but lacks funding and holds its sessions at the Military Commissariat. Thus, in effect, the Military Commissariat's representatives decide on applications to substitute military service with alternative civil service.

In April 2023, the State Duma passed amendments legalizing electronic summonses for conscription through a personal account on "Gosuslugi." While this could streamline mobilization, it raises concerns about citizens' rights and freedom of movement restrictions. Penalties for failing to report to the recruitment center on the specified day are severe, with consequences potentially affecting an individual's future ability to support themselves and their families.

In addition, the penalties for failing to appear at the recruitment center on the specified day are severe, including being barred from becoming individual entrepreneurs, managing real estate, driving a car, or taking a loan. These restrictions may have long-term consequences for individuals who fail to appear for conscription, potentially affecting their ability to support themselves and their families in the future.

Furthermore, the creation of a register for individuals liable for military service, containing personal information such as health and education records, residence and employment details, and foreign citizenship or residence permits, poses data privacy and protection concerns. The collection and use of such personal data must be stringently regulated to prevent misuse, and citizens should be thoroughly informed about how their data is being used and safeguarded.



Overall, the Russian process of conscription and mobilization has been riddled with issues and human rights abuses. The unlawful detention and torture of conscientious objectors, coupled with the absence of an independent civil decision-making body for the Draft Commission, underscore the urgent need for reform and heightened accountability in the conscription process. The punitive nature of alternative civilian service, as well as the harsh penalties for failing to report for conscription, call for careful examination and revision. While the new amendments legalizing electronic summonses for conscription may offer some efficiency advantages, they must be introduced with proper legal oversight and protections to ensure citizens' rights and freedoms are not unduly compromised.

### **Conscientious Objection during Wartime**

The handling and punishment of conscientious objectors in Russia during wartime are marked by considerable concerns, as recent reports on Russian garrison courts reveal. These courts have dealt with 708 cases initiated under criminal articles that were made more stringent following the start of mobilization, including unauthorized abandonment of military service, disobedience of orders, and desertion. Judgments have been issued in 360 of these cases. Unauthorized abandonment is the most frequent charge, accounting for 629 cases, with more than half of these soldiers being absent for over a month. Objectors and deserters are often subjected to show trials to intimidate other soldiers, with arrests taking place in front of their units, verdicts being announced within military units, and judges delivering "preventive talks."

Yet, these cases are often concealed from the public. Verdicts are frequently not published, and sentencing details and statistics are withheld under the guise of military secrecy. This lack of transparency around trials is alarming and poses questions about the openness and accountability of the Russian military justice system. A significant number of service members, over a third of the known sentences under the AWOL article, receive suspended sentences, allowing them to be returned to the front lines. Meanwhile, those refusing to participate in the war without deserting their units are charged with disobeying orders. The number of such defendants is rising, with 25 cases currently pending in the courts. However, legal experts suggest that non-compliance with orders is a preferable option for conscientious objectors, as the penalties for not executing orders are generally less severe than those for other mobilization-related offenses.

Despite the escalating number of cases against conscientious objectors, a high proportion of those convicted receive suspended sentences and are reassigned to the front lines. Soldiers who leave their units during wartime for reasons such as visiting loved ones or lack of understanding of the implications typically face less harsh punishments than those deserting to evade being deployed to the front lines. The courts' stance on this matter is still evolving, with no unified position established yet.

The handling of conscientious objectors by the Russian military raises significant concerns regarding the military justice system and soldiers' rights. The use of show trials for objectors and deserters as an intimidation tactic, coupled with the frequent concealment of such cases from the public eye, highlight a dearth of transparency and accountability in the military justice system. The common practice of issuing suspended sentences and reassigning service members to the front lines also raises questions about the efficacy of these sentences in deterring such conduct. The increasing number of cases against conscientious objectors underscores the challenges faced by those endeavoring to exercise their human rights while serving in the military.

The case of Senior Lieutenant Vasiliev, who faced criminal charges under the newly enacted law allowing the incarceration of soldiers refusing to execute orders for up to three years, has sparked international controversy and debate. Vasiliev's case underscores the critical



importance of soldiers' rights and the necessity for military personnel to have the autonomy to make personal life decisions. His actions have encouraged others to pursue good and effect positive change, emphasizing the significance of empathy, kindness, and compassion in shaping a better world for all.

In conclusion, the treatment of conscientious objectors by the Russian military remains a contentious issue. The escalating number of cases against such individuals, the lack of transparency in the trials, and the common practice of issuing suspended sentences and reassigning service members to the front lines all raise concerns about the nature of the military justice system and the rights of soldiers. The case of Senior Lieutenant Vasiliev serves as a potent reminder of the importance of soldiers' rights and the necessity for military personnel to exercise their human rights while serving in the military.

### **Obstruction to work of NGOs**

The period of 2022/23 has witnessed a substantial escalation in the pressures exerted on anti-militaristic NGOs in Russia. The Russian government has actively leveraged labels such as "foreign agents," "undesirable organizations," and "terrorist or extremist" to target organizations and individuals expressing anti-war sentiments and resisting governmental actions. As of December 2022, the "foreign agents" list included over 200 individuals, 55 media organizations/journalists, and 63 NGOs, totaling 348 entities. Additionally, 25 organizations were declared "undesirable" within the year.

The tendency to label organizations as "foreign agents" and "undesirable" intensified following the outbreak of the war. These designations were strategically employed to stifle civil society and anti-war protests. A law enacted in June 2022 established a single register and list of restrictions for all "foreign agents". The broad nature of the law, which lawmakers view as an advantage, simplified its application. This gave authorities ample grounds for adding entities to the register and a wide array of tools for controlling the activities of "foreign agents" and obstructing their work.

The "foreign agent" label has had a detrimental impact on individuals and organizations, resulting in numerous difficulties in their respective fields. Many have lost jobs, business partnerships, and contacts due to the toxic connotations associated with being a "foreign agent". The "undesirable organization" status is even more damaging, prohibiting the continuation of the organization's activities and criminalizing any association with the organization, including sharing posts or links, and particularly donations.

The Russian government has also targeted non-profits and other human rights groups via means beyond the "foreign agent" and "undesirable organization" laws, including blocking and censorship. All independent mass media websites, at least 265, have been blocked, alongside resources associated with anti-war activists, human rights defenders, and human rights organizations. Meta has been labeled an extremist organization, and access to Facebook, Twitter, and Instagram has been blocked in Russia. The authorities utilize advanced mass blocking technology and expansive laws to purge the internet of any content they deem objectionable.

Beyond labeling and blocking, the state has exploited fines and legal ambiguities to repress civil society. The Journalists' Union was dissolved for breaching the "foreign agent" law regulations, and the Sakharov Center was fined for an alleged absence of the "foreign agent" marking on its videos. The Moscow Helsinki Group, despite avoiding foreign financing to elude the register, was nonetheless ordered to dissolve by the Moscow City Court for operating outside of its registration region. Due to legal ambiguities, such procedural justifications can be applied extensively.



The intensified persecution of anti-militaristic NGOs has seriously impeded their operations. Individuals and organizations face myriad difficulties in their fields of activity due to the labeling of "foreign agents" and "undesirable organizations," as well as the blocking of websites and resources. The legal ambiguity and procedural justifications employed to repress civil society have hampered NGOs' operations, while the expansive terms of the law have effectively criminalized any potential activity, work, or communication with entities outside Russia, fostering a stigma around "foreign influence."

### **MCO's Efforts and Key Cases**

The Movement of Conscientious Objectors (MCO) has been at the forefront of assisting individuals to resist mobilization and abstain from participating in the war, with numerous successful campaigns during 2022/23. In July 2022, when news broke about a concentration camp for conscientious objectors in the Bryanka village of Ukraine's Luhansk region, MCO initiated a public campaign for its closure. Soldiers who declined participation in the special operation were to be sent back to their permanent deployment location, but were instead coerced into continuing the operation. After two weeks of persistent public campaigning, the camp was closed, marking a significant accomplishment for MCO.

In November 2022, another similar camp was discovered in the Zaitsevo village in Ukraine's Donetsk region. Approximately 300 mobilized individuals were detained and subjected to their commanders' violence, with no communication with the outside world. MCO promptly launched a public campaign, urging subscribers to lodge complaints with the Military Prosecutor's Office and providing a sample complaint. After two weeks, this camp was also closed, mirroring the Bryanka success, which MCO perceives as another achievement.

MCO's impact is also evident in the personal narratives of two conscientious objectors. Kirill Berezin, an orphan supported by his grandmother, publicly declared his refusal to partake in the war and sought alternative civilian service. However, he was mobilized into the military on September 24, 2022, without consideration of his alternative service application by the draft board. Despite enduring mockery and threats, Kirill managed to submit his alternative civilian service application on October 5 while in military service. A close friend of Kirill's penned an appeal, which MCO posted on their channel, urging people to lodge complaints in support of Kirill to the Military Prosecutor's Office. Although Kirill's legal fight was unsuccessful, the public resonance and complaints ensured that he was not sent to the front. He currently serves within the Russian Federation.

Mikhail Ashichev, another conscientious objector, became the first person in Russia to record a draft commission meeting. The commission denied his request for alternative civilian service, claiming no relevant legislative acts, and forwarded the case to the police. Mikhail demanded a decision on mobilization and information about the commission's composition. His recording and subsequent video publication led to attempts to hold him administratively responsible for discrediting Russia's armed forces. After several unsuccessful attempts to summon and mobilize Ashichev, the draft board accepted his application for alternative civilian service and stopped pursuing him. MCO publicized this story as widely as possible, urging their subscribers to share and distribute Mikhail's video.

Three other crucial stories showcase not only men's conscientious objection but the courage and determination of women willing to fight for their partners, defend their rights against all odds, and bring them home alive. On September 26, 2022, Ekaterina's husband, Vladimir Shevtsov, was mobilized and sent to a collection point in Sevastopol on the same day without a military medical commission. Ekaterina sought MCO's advice, and they jointly persuaded Vladimir to apply for alternative civilian service (ACS). Despite facing significant pressure from the command and being labeled a traitor by his colleagues, he did not withdraw his



application. On January 7, 2023, Vladimir Shevtsov was reassigned as a driver in a military unit and returned to his hometown.

On September 27, 2022, Aygul and Ruslan Shayakhmetov received a summons at work. The following day, they visited the military enlistment office together. Despite Ruslan's chronic illnesses, he was immediately sent to the barracks without a medical examination.

Aygul sought assistance from human rights defenders - MCO, Conscience Call, Memorial. Lawyers promptly joined the case, providing advice on drafting a power of attorney and filing a statement for alternative civilian service. Aygul submitted applications to various institutions and initiated lawsuits. Despite Ruslan being sent to a combat zone and refusing to take up arms, her diligent efforts led to his return home on January 28, 2023, where he is currently awaiting a medical examination.

Another instance involves Nastya, who tried to dissuade her boyfriend, Misha, from reporting to the military enlistment office. Independently, she drafted a statement for him to apply for alternative civilian service and sent it. However, due to pressure from relatives, Misha joined a military unit. In desperation, Nastya sought MCO's help, and with their assistance, Misha returned to the military enlistment office and was removed from the unit's lists. By the evening, he was back home. MCO's psychological and legal support played a crucial role in ensuring a positive outcome for this case.

MCO has made considerable progress in 2022/23, advocating for individuals' freedom of conscience, and assisting them to resist mobilization and abstain from war participation. The organization's efforts are integral in promoting human rights and fostering a culture of peace and non-violence in Russia.

## Conclusion

In conclusion, the increasingly tense situation in Russia regarding conscientious objectors and anti-militaristic NGOs presents a significant challenge to human rights and democratic principles. The Russian military's handling of conscientious objectors reveals a deeply concerning lack of transparency and accountability, while the government's aggressive targeting of NGOs illustrates an alarming assault on civil liberties and free speech.

However, amidst these challenging circumstances, inspiration is found in the resilience and courage of individuals who are asserting their rights. The experiences of conscientious objectors like Kirill and Mikhail, as well as the tireless advocacy by partners such as Ekaterina, Aygul, and Nastya, are stark reminders of the personal stakes involved and the strength of human spirit.







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### 1.2.38 SAN MARINO

	 Conscription:	No	Never existed. No regular military forces. Defense is the responsibility of Italy.
 Conscientious objection:		-	
Service 	Military:	-	
	Civilian:	-	
Minimum 	Conscription:	-	No conscription.
	Voluntary enlistment:	-	
More 	<a href="https://ebco-beoc.org/san-marino">https://ebco-beoc.org/san-marino</a>		







### 1.2.39 SERBIA

	 Conscription:	No	Suspended / abolished in 2011.
 Conscientious objection:		1992	First recognised in Constitution, Art. 58 (in Serbia & Montenegro times)
Service 	Military:	-	
	Civilian:	-	
Minimum 	Conscription:	-	No conscription
	Voluntary enlistment:	18	
More 	<a href="https://ebco-beoc.org/serbia">https://ebco-beoc.org/serbia</a>		









### 1.2.40 SLOVAK REPUBLIC

	 Conscription:	No	Abolished in 2005, but it is legally retained and can be reinstated in case of emergency. The relevant law is the Act No. 569/2005 Coll. on alternative service in time of war or war state.
 Conscientious objection:		1992	First recognised in Civilian Service Act, No.18/1992 (in Czechoslovakia times).
Service 	Military:	-	
	Civilian:	-	
Minimum  AGE	Conscription:	-	No conscription
	Voluntary enlistment:	18	Conscientious objection is not regulated towards the professional army service.
More 	<a href="https://ebco-beoc.org/slovakia">https://ebco-beoc.org/slovakia</a>		

### 1.2.41 SLOVENIA

	 Conscription:	No	Abolished in 2003 for peacetime, after the Act Amending the Military Service Act entered into force.
 Conscientious objection:		1991	First recognised by the Military Service Act (Official Journal of the Republic of Slovenia, n° 18/91). With the adoption of the Act Amending the Military Service Act (Official Journal of the Republic of Slovenia, n° 74/95) the right to conscientious objection was also expanded to soldiers doing their military service and conscripts who had completed their military service. Hence every individual obliged to do military service – i.e. conscripts, soldiers doing their military service and conscripts in the reserve component could exercise the right to conscientious objection at any time during the period of their military duty.
Service 	Military:	-	
	Civilian:	-	



Minimum 	Conscription:	-	No conscription
	Voluntary enlistment:	18	<p>Professional members of the military cannot exercise the right to conscientious objection. Since 2010, the Republic of Slovenia has only had professional armed forces, the contract reserve and volunteer soldiers doing voluntary military service.</p> <p>Persons, whose human right to conscientious objection to military service is recognised or is in the process of being recognised, cannot become contract service members of the reserve component of the Slovenian Armed Forces. In the event that a contract service member exercises his/her human right to conscientious objection to military service during the contract period, the contract will expire. The same rule applies for volunteer soldiers and professional members of the military.</p>
More	<a href="https://ebco-beoc.org/slovenia">https://ebco-beoc.org/slovenia</a> including the reply of the Human Rights Ombudsman of the Republic of Slovenia (e-mail on 31/01/2023).		





### 1.2.42 SPAIN

	Conscription:	No	Suspended in 2002 by Royal Decree 247/2001, of 9 March.
Conscientious objection:		1978	First recognised in the Constitution.
Service 	Military:	-	
	Civilian:	-	
Minimum 	Conscription:	-	No conscription
	Voluntary enlistment:	18	
More	<a href="https://ebco-beoc.org/spain">https://ebco-beoc.org/spain</a>		

### 1.2.43 SWEDEN

	Conscription:	Yes	Sweden reintroduced conscription in 2017 with effect from January 1 <sup>st</sup> 2018 (previously suspended in 2010) and extended it to
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			women. Highly selective conscription: most persons serving the military service are volunteers.
	Conscientious objection:	1920	First recognised by Alternative Service Schemes Act, 21 <sup>st</sup> May.
Service 	Military:	11	
	Civilian:	-	At present there are no military services as a conscientious objector and the civil conscription is not activated, meaning that in practical terms the individual will not do any service. Persons that have applied for unarmed status can be called for civil defence training later on, if/once the circumstances for the civil defence changes.
Minimum 	Conscription:	19	The obligation to perform conscription into the Armed Forces applies for Swedish citizens from the calendar year he or she turns nineteen. All inhabitants between 16 - 70 years old are obliged to participate in national defence in case of emergency or war.
	Voluntary enlistment:	18	An officer or a professional soldier has a contract and therefore has the possibility to discharge or leaving for any reasons.
More 	<a href="https://ebco-beoc.org/sweden">https://ebco-beoc.org/sweden</a> including the reply of the Swedish Institute for Human Rights to the Questionnaire about EBCO's Annual Report 2022 (e-mail on 25/01/2023).		

According to the reply of [Svenska Freds](#) about EBCO's Annual Report 2022 (e-mail on 10/02/2023):

*"The conscription law remains the same, meaning that citizens turning 18 are obliged to provide the Swedish Defense Recruitment Agency (Plikt- och prövningsverket) with information as well as muster and undergo military training if called to do so<sup>114</sup>. In 2022, 5583 individuals were enrolled, out of which 84% were called in accordance with the conscription law, while 16% applied for enrollment themselves<sup>115</sup>.*

*According to the Swedish Defense Recruitment Agency, 161 conscripts have been reported to the prosecutor's office for breaking the general law of compulsory military service in 2022.*

<sup>114</sup> The law of conscription, Lagen (1994:1809) om totalförsvarsplikt. <https://rkrattsbaser.gov.se/sfst?bet=1994:1809>

<sup>115</sup> The Swedish Defense Recruitment Agency (Plikt- och prövningsverket), Mönstring och prövning till grundutbildningsomgång 2022/23, 2021/0856:3



*The reason for this was invalid absence from the muster, i.e. military selection tryouts<sup>116</sup>. In a survey conducted by the Swedish Defence Recruitment Agency, only 53% of the respondents were aware that attending the muster if called is mandatory<sup>117</sup>.*

*Furthermore, the Swedish Defense Recruitment Agency reports that 71 conscripts applied for weapon free status in 2022. 69 out of 71 applications were approved and two were rejected. Additionally, 36 individuals who had completed their military service and received a war-time placement applied for weapon free status in 2022. Out of these, 33 were approved, two were rejected, and one was written off<sup>118</sup>. In total, the Swedish Defense Recruitment Agency received 107 applications for weapon free status in 2022, compared to 45 in 2021.*

*Those who receive weapon free status can be called for civil conscription, meaning that they can be placed within the civil defense<sup>119</sup>. The civil conscription has not been active since 2010, so as of right now there is no training within the civil defense. However, during 2022 there has been increased talks on the need for civil conscription and in the beginning of 2023, the Swedish government announced that they are planning on reactivating the civil conscription. The Swedish Civil Contingencies Agency (Myndigheten för samhällsskydd och beredskap) has been tasked with preparing reactivating the civil conscription in the municipal rescue service<sup>120</sup>.*

*Currently, approximately 5000-6000 youths are undergoing military service each year. According to the current defense decision, the number of youths called for conscription will increase to 8000 by 2025. However, there is political unity that 8000 conscripts each year is not enough as both the previous and current government have expressed that more youths should be prepared to do military service. For example, the new government has argued that 8 000 is insufficient, and has altered the goal to increase the number called for conscription each year to 10000 individuals for between 2030-2035<sup>121</sup>. Ever since compulsory military service was reactivated in 2017, a person's motivation to undergo military service has been taken into consideration. However, one of the reasons to why military conscription was reactivated had to do with the fact that the Swedish Armed Forces (Försvarsmakten) could not cover the personnel need for the defense by voluntary recruits<sup>122</sup>, i.e youths' interest to undergo military training was too low. When the numbers called for military service will increase in the coming years, there is a higher risk that youths that do not want to undergo military training will be forced to do so by law. The Swedish Defence Recruitment Agency has already expressed that they will have to call more unmotivated youth to meet the goal of 8000 conscripts. Also, the Swedish Armed Forces (Försvarsmakten) announced in early 2023 that more unmotivated youths will be called to military service<sup>123</sup>. Swedish Peace and Arbitration Society (SPAS) takes this very seriously and continues to stand up for the right to refuse participation in the military system.*

<sup>116</sup> The Swedish Defense Recruitment Agency (Plikt- och prövningsverket), E-mail contact

<sup>117</sup> The Swedish Defense Recruitment Agency (Plikt- och prövningsverket), Mönstring och prövning till grundutbildningsomgång 2022/23, 2021/0856:3

<sup>118</sup> The Swedish Defense Recruitment Agency (Plikt- och prövningsverket), E-mail contact

<sup>119</sup> The Swedish Defense Recruitment Agency (Plikt- och prövningsverket) <https://plikverket.se/monstring-och-varnplikt/monstring/att-vara-vapenfri>

<sup>120</sup> The Swedish Government <https://www.regeringen.se/regeringsuppdrag/2023/01/uppdrag-msb-att-genomfora-atgarder-att-forbereda-aktivering-av-civilplikten-inom-raddningstjanst/>

<sup>121</sup> The Swedish public service, news agency <https://www.svt.se/nyheter/inrikes/regeringen-vill-att-fler-gor-lumpen-kan-bli-10-000-varnpliktiga-om-aret>

<sup>122</sup> Governmental investigation on personnel supply for the military defense (2016). <https://www.regeringen.se/rattsliga-dokument/statens-offentliga-utredningar/2016/09/201663/>







<sup>123</sup> Radio Sweden <https://sverigesradio.se/artikel/fler-omotiverade-behover-gora-varnplikten>



Media coverage of conscientious objectors has continuously been low through 2022. There have been a few reports of conscripts risking being punished with fines or prison up to a year, for example, a man in his twenties who did not attend the military service<sup>124</sup>.

The domestic security political debate is increasingly militarized, and intensified after Russia’s horrific and unlawful invasion of Ukraine and in relation to the submission of the Swedish Nato application. Regarding a Swedish Nato membership, the implications for conscripts are unclear. The government has appointed an investigation aiming to review the legislation, in order to determine to what extent it is possible to send conscripts abroad. Currently, the law states that conscripts are to be used to defend Sweden. The Minister of Defence has referred to this as a question of definition, while ensuring that voluntariness will continuously play an important part for conscripts in this issue<sup>125</sup>. SPAS has urged the investigation examining the issue to determine that conscripts will not be sent to fight in Nato’s wars<sup>126</sup>. During 2022, SPAS has received an increased number of questions regarding conscription and weapon free status, and from people who are worried how a potential Swedish Nato membership will affect them.”

### 1.2.44 SWITZERLAND

	 Conscription:	Yes	There are no plans to abolish or suspend conscription in the near future.
 Conscientious objection:	1992	In 1992, a mandatory referendum was held regarding the proposition to modify the Swiss Constitution in order to create a civilian service. Swiss voters approved by 82.5%. Hence, the Swiss Constitution was modified by introducing the following phrase in Art. 59 lit. 1: "Alternative civilian service shall be provided for by law." <sup>127</sup>	
Service 	Military:	~9	262 days
	Civilian:	~13	390 days
Minimum 	Conscription:	18	
	Voluntary enlistment:	18	
More 	<a href="https://ebco-beoc.org/switzerland">https://ebco-beoc.org/switzerland</a> including the reply of the Federal Office for Civilian Service to the Questionnaire about EBCO’s Annual Report 2022 (e-mail on 06/02/2023).		

<sup>124</sup> The Swedish public service, news agency <https://www.svt.se/nyheter/lokalt/orebro/dok-inte-upp-for-att-gora-lumpen-riskerar-fangelsestraff>

<sup>125</sup> The Swedish public service, news agency <https://www.svt.se/nyheter/inrikes/regeringen-vill-att-fler-gor-lumpen-kan-bli-10-000-varnpliktiga-om-aret>

<sup>126</sup> Aftonbladet, newspaper <https://www.aftonbladet.se/debatt/a/ab45IM/svenska-freds-varnpliktiga-far-inte-tvingas-strida-for-nato>

<sup>127</sup> <https://www.admin.ch/opc/en/classified-compilation/19995395/index.html#a59>



At the request of a far right-wing political party the Swiss National Council (large chamber of the Swiss Parliament) has yet again decided on several adaptations to the civilian alternative service (Zivildienst) law in 2022, in order to restrict access to, and worsen the conditions of serving in alternative civilian service. This is only two and a half years after it had proposed a package of restrictions in 2019. The declared intention of the adaptations is to prevent young men from accessing their right to Conscientious Objector status. One proposed adaptation is to subordinate conscientious objectors under the command of the civil defence troops. The threat to re-establish the examination of conscience is also on the agenda again. A prohibition to apply for civilian service to those who are already in military service is supposedly to avoid weakening the army. Furthermore, increasing the length of civilian alternative service is also intended. This will result in an increased duration of up to 200% or more, depending on the time of application.

The status quo is: a civilian service of 13 months in several periods in places of assignment recognized by the Confederation. Typical areas of work are healthcare and social services, environmental protection and research, development aid programmes and emergency relief in catastrophes. Admission is by written request. Service duration of 150% compared to military service is regarded as proof of a conflict of conscience.

Compulsory military service can be performed in a single 12-month period or in several periods as before.

During the COVID-19 crisis military and civilian alternative service personnel have, as in other countries, been deployed in large numbers to vaccination centres etc. All employers are required to give employees leave on 80% pay while they perform military service every year or two. Press reports indicate that a small number - about 1% of conscripts each year are deemed fit for unarmed duty only; as with a firearm they would be a danger to themselves and others.

According to the reply of the Federal Office for Civilian Service to the Questionnaire about EBCO's Annual Report 2022 (e-mail on 06/02/2023):

*"The duration of the military service is determined by a conscript's military rank. A Private E-1, for instance, serves for a total of 245 days. In any case, civilian service duty generally lasts 50% longer than military service. Civilian service duty lasts longer than military service for conscripts who apply.*

*Prior to recruitment, all conscripts are called-up for a mandatory information day (usually at age 18). Regarding this information day, art. 15a lit. 2 of the Federal Act on Alternative Civilian Service (SR 824.0) as well as art. 11 lit. 3 of the Ordinance on the Compulsory Military Service (SR 512.21) prescribe that conscripts are also to be informed about civilian service as an option in case of conscientious objections to military service. The information day is organized by military personnel. However, the information material (posters, film, flyers) is provided by the Federal Office for Civilian Service (see below). Call-up papers do not contain any information about civilian service.*

*The procedure for a conscript to apply for alternative civilian service remains generally the same in all times and can be summarized as follows:*

- *An application may only be submitted once recruitment has been completed and ability to perform regular military service has been established.*
- *Conscripts with conscientious objections may then submit an online request for admission to civilian service. Since 2009, applicants are not required to provide detailed evidence of their conscientious objection to military service and there is no further enquiry. Readiness to undertake civilian service is regarded as sufficient proof for conscientious objection.*



- *Within three months of submitting their application, conscripts must attend a one-day introductory course. In this course, employees of the Federal Office for Civilian Service inform them about the duties and rights that come along with civilian service.*
- *After attending the introductory course, applicants are requested to confirm their application online within two weeks.*
- *Subsequently, applicants are admitted to civilian service – provided that the application form has been correctly completed and the admission procedure has been followed as described above.*

*The Federal Department of Economic Affairs, Education and Research (EAER) is responsible for civilian service issues; its Federal Office for Civilian Service processes applications and administers the civilian service system in general. It is composed entirely of civilian public servants.*

*The following table shows the number of applications and admissions from 2018 to 2021. As for 2022, the numbers will be available by the end of February on our website and in a press release:*

<b>Year</b>	<b>Applications</b>	<b>Admissions</b>
2021	8'239	6'148
2020	6'951	5'254
2019	8'342	6'088
2018	8'248	6'205

*Please note that applications to civilian service are not "rejected" per se. The discrepancy between the number of applications and the number of acceptances is due to uncompleted admission procedures, e.g. because application forms were incomplete, the mandatory introduction course was not attended or the application was not definitively confirmed. Furthermore, conscripts may apply for civilian service as many times as they wish and at any time. Some conscripts, thus, submit several applications, thereby increasing the total number of applications.*

*The Federal Office for Civilian Service is responsible for civilian service issues. It is an entirely non-military authority pertaining to the Federal Department of Economic Affairs, Education and Research (EAER).*

*Alternative civilian service is performed outside the Swiss Armed Forces in public and private civilian institutions of public utility recognized by the Federal Office for Civilian Service as official partner organizations. Conscientious objectors serve civilian purposes and are assigned to duties of public interest. They are mainly active in the following fields: health and social services, nature conservation and environmental protection, education, cultural heritage conservation, forestry and agriculture, development cooperation and humanitarian aid.*

*According to the Federal Act on the Armed Forces (SR 510.10), the minimum legal age for both con-scription and voluntary enlistment is 18 years (Article 7 of said Act). Concerning the legal minimum age for conscription, the Swiss Conscription system does not make any distinction between peace time and war time. However, the Swiss Government can extend the duration of conscripted service if the situation requires this.*

*All conscientious objectors can apply for alternative civilian service at all times, even if they are actively serving in the Swiss Armed Forces. The application procedure remains the same as described above. However, conscripts who develop conscientious objections whilst actively serving continue their military service until they are formally admitted to civilian service.*

*The following table shows the number of applications to civilian service submitted by conscripts either during recruit school or after as well as the number of admissions. As*









mentioned above, applications to civilian service are not "rejected" and some conscripts apply for civilian service several times.

Year	during recruit school		after recruit school	
	applications	admissions	applications	admissions
2021	1'507	878	2'771	1'953
2020	1'355	731	2'199	1'596
2019	1'818	931	2'734	2'018
2018	1'740	904	2'877	2'264

There are no plans to abolish or suspend conscription in the near future."

### 1.2.45 TÜRKIYE

	 Conscription:	Yes	
	Conscientious objection:	-	
	Military:	6	Since 2019, there is the option of paid service: if one pays around €4900, he can serve for 1 month (including only basic training).
	Civilian:	-	Not available.
	Conscription:	20	
	Voluntary enlistment:	17	17 for the registration to the 'National Defence University'.
More 	<a href="https://ebco-beoc.org/Türkiye">https://ebco-beoc.org/Türkiye</a>		

Please check section 1.1.1.1 European Court of Human Rights (ECtHR) and section 1.1.1.2 Committee of Ministers.

Türkiye is the only member state in the Council of Europe that has not recognised the right to conscientious objection to military service, or at least indicated the intention of making alternative service available. Türkiye continues to prosecute conscientious objectors and to ignore the judgements which the European Court of Human Rights (ECtHR) has pronounced since 2006 in favour of Turkish conscientious objectors, in what the Committee of Ministers has named the "Ülke group" of cases. Many different penalties are imposed on those who refuse to perform military service. As a result, conscientious objectors face ongoing arrest warrants; a life-long cycle of prosecutions and imprisonment, and a situation of "civil death" which excludes them from social, cultural and economic life.

The Conscientious Objection Association in Türkiye, a member of EBCO, had to close down at the end of 2021 due to increasing pressure on civil society organizations in Türkiye. Following the official closure of the association, activists and experts working on the right to conscientious objection in Türkiye started to continue their work in the field as a civil





initiative. Since early 2022, Vicdani Ret İzleme,<sup>128</sup> an initiative working in the field of conscientious objection, has been monitoring and reporting on the current situation of conscientious objectors in Türkiye, the human rights violations they experience, and the judicial processes they go through. The initiative advocates for the recognition of the right to conscientious objection in Türkiye.

Throughout 2022, Conscientious Objection Watch produced periodic bulletins<sup>129</sup> for a year to document and make visible the current situation of conscientious objectors in Türkiye.

In 2022, a total of 27 people in Türkiye declared their conscientious objection by contacting Conscientious Objection Watch.

### **Human Rights Violations, Restrictions and Prosecutions of Conscientious Objectors in Türkiye in 2022**

- In January 2022, conscientious objector Şendoğan Yazıcı was sentenced<sup>130</sup> to 1 month and 20 days in prison by the Borçka Criminal Court of First Instance.
- In February 2022, conscientious objector Reha Eskidir was sentenced to imprisonment under Article 63 of the Military Penal Code No. 1632 on the grounds that he was a "draft evader". During the hearing at Zonguldak 3rd Criminal Court of First Instance, the court sentenced him<sup>131</sup> to 5 months and 18 days in prison.
- In May 2022, conscientious objector lawyer Gökhan Soysal's bank account was confiscated<sup>132</sup> due to an administrative fine imposed on him for not joining the military. At the same time in May, Gökhan Soysal filed an individual application to the Constitutional Court<sup>133</sup>, stating that he had been discriminated against because he was a conscientious objector.
- At the meeting of the Cabinet of Ministers held on 23.05.2022, it's announced that "the way to benefit" from paid military service would be opened for draft evaders and evaders. Until this date, draft evaders and evaders, were unable to benefit from paid military service. With the decision from the Cabinet of Ministers, paid military service was also offered as an "alternative" for draft evaders and evaders. Conscientious Objection Monitoring Organisation issued a statement<sup>134</sup> on the issue. The statement is as follows: *"The option of paid military service does not address the violations of Article 9 found by the ECtHR due to the lack of alternative service. In addition, anyone who wants to benefit from paid military service must fulfil one month of basic military training. This training includes wearing a uniform, obeying orders and all the routine requirements of ordinary military service. These conditions are unacceptable for people who absolutely refuse military service and wearing a uniform."*
- In October 2022, a previous prison sentence against conscientious objector Reha Eskidir was finalised. Eskidir had been sentenced to 5 months and 18 days in October

<sup>128</sup> <https://www.instagram.com/vicdaniretizleme/>

<sup>129</sup> <https://vicdaniret.org/category/yayinlar/>

<sup>130</sup> <https://vicdaniret.org/vicdani-retci-sendogan-yaziciya-1-ay-20-gun-hapis-cezasi/>

<sup>131</sup> <https://vicdaniret.org/vicdani-retci-reha-eskidire-hapis-cezasi-ve-kamu-haklarindan-mahkumiyet/>

<sup>132</sup> <https://vicdaniret.org/vicdani-retci-avukat-gokhan-soysalin-banka-hesabi-bloke-edildi/>

<sup>133</sup> <https://vicdaniret.org/vicdani-retci-ayrimciliga-ugradigini-belirterek-anayasa-mahkemesine-basvurdu/>

<sup>134</sup> <https://vicdaniret.org/vicdani-ret-izleme-bedelli-askerlik-uygulamasi-vicdani-retciler-icin-bir-alternatif-degildir/>









2021 on the grounds of "being a draft evader". This sentence was finalised <sup>135</sup> in October 2022 in violation of the Code of Criminal Procedure.

- In November 2022, conscientious objector Cemal Karakuş was sentenced again <sup>136</sup> by the Çorum 3rd Criminal Court of First Instance on the same charge on the grounds that he had previously been tried and sentenced by the Alaca Criminal Court of First Instance for not joining the military. In the same month, conscientious objector Seyda Can Yılmaz was sentenced <sup>137</sup> to 2 months by Ankara 52nd Criminal Court of First Instance for not going to military service on the grounds that he was a draft evader.
- In December 2022, conscientious objector İnan Mayıs Aru was sentenced for not going to military service on the grounds that he was a draft evader. Aru was sentenced <sup>138</sup> to a total of 10 months imprisonment and a judicial fine of 500 liras, 6 separate sentences from 6 separate cases filed against him. In the same month, an investigation was launched against conscientious objector Hüseyin Civan on charges of "Opposing the Military Service Law".

All the cases, sentences and investigations in Türkiye throughout 2022 have once again revealed the lawlessness in which conscientious objectors in Türkiye are trapped. But in spite of everything, The European Parliament's mention of the situation of conscientious objectors in Türkiye and the violation of the right to conscientious objection in its resolution <sup>139</sup> of 7 June 2022 on the 2021 Commission Report on Türkiye was promising in terms of putting the violation of the right to conscientious objection in Türkiye on the agenda of international human rights mechanisms.

#### 1.2.46 UKRAINE

	 Conscription:	Yes	Reintroduced in 2014 (earlier suspended in 2012).
	Conscientious objection:	1991	First recognised in the Law of Ukraine "On Alternative (Non-Military) Service" № 1975-XII of 12 December 1991.
Service 	Military: *Suspended	18	12 months for holders of master's degree.
	Civilian: *Suspended	27	18 months for holders of master's degree.
Minimum 	Conscription:	18	Compulsory in the age of 18-26.
	Voluntary enlistment:	17	Under 18 for military schools: 17 for cadets
More 	<a href="https://ebco-beoc.org/ukraine">https://ebco-beoc.org/ukraine</a>		

Conscientious objection to military service in Ukraine, insufficiently protected by Ukrainian law before 2022, was effectively denied on disputed legal grounds (with small number of

<sup>135</sup> <https://vicdaniret.org/vicdani-retci-reha-eskidire-verilen-ceza-usule-aykiri-olarak-kesinlestirildi/>

<sup>136</sup> <https://vicdaniret.org/vicdani-retci-cemal-karakusa-ayni-suclamayla-yeniden-ceza-verildi/>

<sup>137</sup> <https://vicdaniret.org/vicdani-retci-seyda-can-yilmaza-askere-gitmedigi-icin-ceza-verildi/>

<sup>138</sup> <https://vicdaniret.org/vicdani-retci-inan-mayis-aruya-6-ayri-davadan-ceza-verildi/>

<sup>139</sup> [https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=OJ:JOC\\_2022\\_493\\_R\\_0002](https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=OJ:JOC_2022_493_R_0002)



exceptions) by wartime policies after introduction of martial law because of full-scale Russian invasion on 24 February 2022. Conscientious objectors risk to be forcibly conscripted, detained, persecuted for their refusal to take arms, suffer from social stigma, lack of legal recognition and access to alternative service, inability to leave the country.

International critique of wartime and previous human rights violations related to compulsory military service, including EBCO's call to release immediately and unconditionally prisoner of conscience Vitaliy Alexeenko<sup>140</sup>, apparently, was ignored by the government of Ukraine – as in previous years, before full-scale invasion, recommendations of international human rights institutions and organizations regarding protection of the right to conscientious objection were apparently ignored by the government and law enforcement agencies of Ukraine, relevant legislation was not changed in accordance with international human rights standards and perpetrators of arbitrary detentions of conscripts were not held accountable. In result, harsh stopping and arrests of conscripts at the streets, their abduction and arbitrary detention became usual and even partially legalized practice<sup>141</sup>, despite some scandalous cases are formally investigated<sup>142</sup><sup>143</sup> (there is no information regarding trials on perpetrators).

After introduction of martial law, regular term-limited conscription planned for 2022 by presidential decree in December 2021 was cancelled by a presidential decree in April 2022. Instead, term of service of conscripts was prolonged until the end of martial law, which continues with no signs of ending when this report was written, and military mobilization measures were taken (with new draftees conscripted for indefinite term) to increase size of army four times, so its current size exceeds one million of soldiers.

Conscription in Ukraine during martial law and military mobilization engages all males in the age from 18 to 60 with mandatory military registration of males from the age of 16 and female professionals in medicine or pharmacy. Military registration includes medical examination of fitness for service, and in absence of reasons for deferral, especially when personnel is needed because of losses on frontline, anybody could be conscripted immediately when declared fit to serve. In a number of cases military medics scandalously failed to found unfit crippled and seriously ill people. For these reasons many people fear to undergo military registration even when served with an order (summons) and failure to appear could entail a significant fine. To coerce people for military registration, regulations regarding presenting proofs of it in many spheres of civilian life are introduced. For example, military ID is usually asked for mandatory registration of place of residence, to access education, employment, marriage, social security benefits and other state services.

All males in age from 18 to 60 are considered subjects to military service unless exempted, they can't change place of residence without permission of the local military commissar and

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<sup>140</sup> Ukraine: Vitaly Alkeseenko is a prisoner of conscience and should be released immediately and unconditionally, <https://ebco-beoc.org/node/553>

<sup>141</sup> Robeyko Olga, "The lawyer commented on the video, when Ukrainians are taken by force to military commissariats," UNIAN, 18.03.23 (in Ukrainian), <https://www.unian.ua/society/viyskovozobov-yazanih-ukrajinciv-pakuyut-v-avto-y-tyagnut-do-viyskkomatu-advokat-poyasniv-chi-zakonno-ce-12183474.html>

<sup>142</sup> Hard detention of a man during the delivery of conscription orders in Odesa: an official investigation is scheduled (video), TSN 23.01.23 (in Ukrainian), <https://tsn.ua/ukrayina/zhorstke-zatrimannya-viyskovozobov-yazanogo-v-odesi-priznachenno-sluzhbovu-perevirku-video-2249212.html>

<sup>143</sup> Tetyana Lozovenko, Valentina Romanenko. "A man from Odesa was harshly detained by the Military Commissariat in the middle of the street. The South Operative Commandment says: the guilty will be punished". Ukrainska Pravda, 14 February 2023 (in Ukrainian), <https://www.pravda.com.ua/news/2023/02/14/7389339/>



prohibited from leaving Ukraine, with some exceptions; as was noted by UN human rights monitors, this policy is questionable both in its legality and reasonableness of breaching human rights<sup>144145</sup>.

Legal recognition of conscientious objection in Ukraine is regulated by the restrictive 1991 law of Ukraine on alternative non-military service<sup>146</sup>, usually applied by the military recruitment centers and by local administrations, responsible for organization of the alternative service, in varying interpretations. Going beyond these restrictive regulations, it is theoretically possible to invoke broader norms of Art. 35 (4) of the 1996 Constitution of Ukraine, Art. 18 of ICCPR and Art. 9 of ECHR which formally are part of Ukrainian legislation, but in the most cases such appeal to broader norms is ignored or rejected with reference to restrictive regulations of the said law, even by courts, with very few exceptions. Ukrainian government is not willing to comply with international human rights law in this regard and imposed restrictions on the right of freedom of expression for public critique of Armed Forces of Ukraine and advocacy of conscientious objection to military service in Ukraine<sup>147</sup>.

Practice of denial to recognize conscientious objection in military recruitment offices is explained by a letter of the Ministry of Defence of Ukraine of 21 August 2022 which says: "Due to martial law, since 24.02.2022 the temporary military service in Ukraine is no longer implemented. Therefore, the implementation of alternative service is not applicable."<sup>148</sup> However, even Ukrainian national human rights institution recognizes illegitimacy of such practices. According to the letter of the Commissioner for Human Rights of the Verkhovna Rada of Ukraine Dmytro Lubinets to the Executive Secretary of the Civic Organization "Ukrainian Pacifist Movement" Yuriy Sheliashenko No. 241.8/Ш/160.7/23/23/55 dated 03.03.2023: "legal norms according to which the right of the State to oblige its citizens to undergo military service is not absolute and is limited to the right of every person to refuse to perform military service, in particular for reasons of religion, are established in international treaties, the consent to the binding legal force of which was given by the Verkhovna Rada of Ukraine, in particular in the article 9 of the Convention on the Protection of Human Rights and Fundamental Freedoms (hereinafter referred to as the Convention), as well as Article 18 of the International Covenant on Civil and Political Rights. At the same time, the right to refuse military service based on religious beliefs is absolute. Therefore, the state cannot impose restrictions on the freedom to practice one's religion through compulsory military service. Although the procedure for resolving the issue of referral to alternative (non-military) service is regulated by the provisions of the Law of Ukraine "On Alternative (non-

<sup>144</sup> <https://www.ohchr.org/en/documents/country-reports/situation-human-rights-ukraine-context-armed-attack-russian-federation>

<sup>145</sup> Amy Maguire, "Why banning men from leaving Ukraine violates their human rights," <https://theconversation.com/why-banning-men-from-leaving-ukraine-violates-their-human-rights-178411> ; "Sasha and Nikita are two young pacifists who don't want to fight and are now stranded in Lviv as internally displaced persons. They are not allowed to leave the country - all Ukrainian males between the ages of 18 and 60 are forbidden from doing so," (in German), <https://www.instagram.com/p/CaxMFGOKfW7/c/17920321619132077/>

<sup>146</sup> Main problems of the said 1991 law are that the right to conscientious objection to military service is not recognized for (1) those who hold non-religious beliefs incompatible with military service, (2) those who do not belong to religious organizations of particular 10 confessions specified in governmental decree, and (3) those who developed conscientious objection while conducting military service. Also, it envisages disproportionate length of alternative service, 1.5 times longer than military service, in absence of plausible explanations of such disproportion. Procedure of application for alternative service too lacks of fairness.

<sup>147</sup> <https://www.ohchr.org/sites/default/files/documents/issues/2022-07-12/ukrainian-pacifist-movement-HRC50.pdf>

<sup>148</sup> Ukraine suspended right to conscientious objection to military service. Connection e.V. (05.09.2022). <https://en.connection-ev.org/article-3614>



military) Service", which does not contain legal norms regarding the conscription of citizens of Ukraine for military service during mobilization for a special period - the Constitution of Ukraine and international treaties have higher legal force (superiority over other domestic legislative acts), and therefore the right of a person to alternative service (i.e., exemption from military service upon conscription) is absolute and cannot be limited due to the absence (lack of regulation by the laws of Ukraine) of the procedure for replacing military service with alternative service during martial law"<sup>149</sup>

Since privileged confessions, traditionally allowed to alternative service, established special relations with military authorities, they are not willing to advocate right to refuse to kill publicly and almost never describe themselves as pacifist churches. In reward for such loyalty, public support of army and war effort, humanitarian aid to army and population, and sometimes because of corruption arrangements, such small and insular communities, or at least members of their leading families, could be spared from some burdens of mobilization, and their male clergy even could be allowed to travel abroad. There are signs of pressure on religious communities by the military, for example, when recruitment center successfully challenges in the court inaction of police in rare case when police refuses to open criminal investigation after a crime report accusing in draft evasion a CO who belongs to one of privileged churches.

While the army insists, that during martial law alternative service is not allowed, local administrations (turned into local military administrations with introduction of martial law) more or less embrace this position but may deviate from it. Using their discretion, local military administrations in some cases: allowed some COs to continue their alternative service under martial law (at least in 18 oblasts of 24 and Kyiv city); prolonged term of alternative service until the end of martial law saving COs from obligation to undergo military registration and risk to be conscripted after the end of their alternative service (Brovary Raion of Kyiv Oblast); granted or held pending applications for alternative service under martial law (Dnipropetrovsk, Chernihiv and Sumy Oblasts, Kyiv city). There are, however, lot of cases when local administrations rejected applications of conscientious objectors or terminated alternative service under martial law. For example, in 2022 local military administrations of Ivano-Frankivsk region rejected 117 (i.e. 100% of) applications for alternative service, 104 of which were lodged under martial law. In Kyiv oblast, some COs were allowed to continue alternative service but for others it was terminated.

Annual survey of Ukrainian Pacifist Movement revealed 53% decrease at the end of 2022 in number of conscientious objectors at alternative service among regions where local military administrations provided relevant numbers (among those who refused, one answer was "information became a weapon and its dissemination now could damage safety of people"). Lacking updated information from Volyn, Mykolaiv, Poltava, Rivne, Kherson and Cherkasy Oblasts, we can confirm that 617 COs conducted alternative service in Ukraine in 2022, comparing to 1659 in 2021.

***Number of reported COs on alternative service by regions of Ukraine in 2022, comparing to 2021***

Region / # of COs, year	2022	2021
Chernihiv Oblast	6	17
Chernivtsi Oblast	33	150
Dnipropetrovsk Oblast	29	54
Donetsk Oblast	27	52

<sup>149</sup> Letter of Ukrainian Parliament Commissioner for Human Rights Dmytro Lubinets, 3 March 2023, <https://t.me/sheliazhenko/137>



Ivano-Frankivsk Oblast	78	141
Kharkiv Oblast	68	93
Khmelnyskyi Oblast	43	112
Kirovohrad Oblast	28	37
Kyiv (city)	32	46
Kyiv Oblast	24	43
Luhansk Oblast	1	11
Lviv Oblast	74	130
Odessa Oblast	37	41
Sumy Oblast	26	35
Ternopil Oblast	25	33
Vinnytsia Oblast	12	36
Zakarpattia Oblast	39	61
Zaporizhzhia Oblast	21	52
Zhytomyr Oblast	14	30

Oppressive treatment of objectors, lack of respect to human rights and peace culture in society which allows to exist shameful stigma around refusal to serve in army are factors that erode difference between conscientious objection and draft evasion. Without proper peace studies, legitimization of conscientious objection and development of legal popular peace movements, transparently financed, ethically consistent and, at least, tolerated (if not joined) by elite, this immoral erosion is inevitable.

In such circumstances, usual ways to avoid compulsory military service, apart of picking from tight circle of legal exemptions and deferrals (among which, perhaps only the enrolment to higher education institutions is accessible by choice; number of male students on paid courses increased almost twice), are evasion of military registration, any visits to recruitment offices or any encounters with officers serving summons (some people prefer to sit home for that purpose).

Also, there is a shadow market extorting bribes from evaders, selling corruption services such as fraudulent exemptions and cross border smuggling.

Number of people fined for attempts to cross the border illegally increased from 2159 in 2021 to 5707 in 2022; according to the State Border Guard of Ukraine, during a year of martial law, as on March 2023, number of people stopped when attempting to leave Ukraine bypassing checkpoints was 11 000 and 4 000 of "evaders" additionally were stopped at border checkpoints when trying to leave Ukraine with forged documents or in other illegal manner. Usually, people purchase anonymous instructions how to cross the border, in that way traffickers protect themselves, but there were 120 sentenced for trafficking in 2022 comparing to 60 in 2021. Choice in favor of black market is understandable, because the war is breaking lives; one student prohibited from leaving Ukraine threatened to commit suicide, other students organized regular protests at Shegyni checkpoint and were beaten by the border guards.

In 2022 for several thousands of dollars it was possible to buy on the black market a permission to go abroad as driver of humanitarian aid truck, even if you don't have driver's license. Practices of unjust enrichment of military commissars, entitled to permit people to go abroad at their discretion, and other officers and officials by corruption related to conscription is well-known, and law enforcement agencies regularly report about arrests, but nobody dares to change rules of the cruel "game" making it fairer for those who refuse to kill.



**Number of persons, sentenced by courts for crimes related to evasion of military service in Ukraine**

<b>Art. of Criminal Code of Ukraine / Year</b>	<b>2022</b>	<b>2021</b>	<b>2020</b>	<b>2019</b>	<b>2018</b>	<b>2017</b>	<b>2016</b>	<b>2015</b>	<b>2014</b>	<b>2013</b>	<b>2012</b>
335 (evasion of conscription)	112	152	182	313	215	136	86	38	7	22	19
336 (evasion of conscription during mobilization, special time, by reservists)	186	2	1	11	13	45	220	935	139	0	0
337 (evasion of military registration or military gatherings)	12	34	73	156	110	21	3	2	0	0	0
407 (unauthorized abandonment of military unit)	1036	1407	1506	2189	2267	2128	1937	1545	153	22	29
408 (desertion)	154	220	152	239	224	381	307	171	29	2	1
409 (evasion of military service by self-harm or alike)	19	8	8	3	3	6	25	92	23	11	11

Conscientious objectors, even when their statements about beliefs incompatible with military service are documented by investigation or the court, are usually treated as regular draft evaders subject to Art. 336 of the Criminal Code of Ukraine: evasion of conscription during mobilization, in special time, by reservists is punishable with three to five years of imprisonment. Procedural law allows the court to suspend the sentence, replace incarceration with probation or shorten it.

Vitaly Alekseenko, a Protestant Christian conscientious objector and internally displaced person, was sentenced to one year of imprisonment for his refusal to kill and jailed after the court of cassation upheld the sentence<sup>150</sup>. EBCO's President Alexia Tsouni visited the prisoner of conscience in the state institution "Kolomyiska Correctional Colony (No. 41)" and delivered to him postcards with messages of solidarity from a series of individuals and organisations in different countries (Belgium, France, Germany, Greece, Italy, Netherlands, Türkiye and Ukraine), as well as photos of protest actions against his imprisonment at the Ukrainian embassies worldwide.<sup>151</sup> At the public hearing of European Parliament, EBCO's Vice President Sam Biesemans urged for his immediate and unconditional release, Dietmar Köster MEP expressed support to the call<sup>152</sup>. Supreme Court scheduled hearings in Alekseenko's case on 25th May 2023 but refused to suspend his sentence on time of proceedings.

Andrii Vyshnevetsky, a Christian pacifist, is held at frontline unit of the Armed Forces of Ukraine despite he declared conscientious objection and asked for discharge. Commandment of Ground Forces denied him a right of discharge on the grounds of conscience, referring to current regulations of military service by the law and presidential decrees. He submitted a lawsuit asking the Supreme Court to order President Zelensky to establish the procedure of discharge from military service on the grounds of conscience, hearings in his case are scheduled for 22nd May 2023.

Ruslan Kotsaba, a journalist and Christian pacifist accused in treason and obstruction of army's activities because of a YouTube blog posted in 2015 calling to boycott military

<sup>150</sup> Felix Corley. UKRAINE: Conscientious objector now jailed. Forum 18 (27 February 2023), [https://www.forum18.org/archive.php?article\\_id=2813](https://www.forum18.org/archive.php?article_id=2813)

<sup>151</sup> <https://ebco-beoc.org/node/560>

<sup>152</sup> <https://ebco-beoc.org/node/555>



mobilization for armed conflict in eastern Ukraine, is still under a trial at the time of preparation of this report. He was held in pretrial detention over 500 days<sup>153</sup>, proclaimed prisoner of conscience by Amnesty International and political prisoner by U.S. Department of State, acquitted and released in 2016, then under a pressure of armed mob higher court quashed his verdict and ordered retrial during which violent mobs twice attacked him and his lawyer with impunity, even after they injured his eye with a brilliant green dye. In 2022, Kotsaba managed to leave Ukraine and participates in his hearings online from Ukrainian embassy in United States, but he fears that the court under growing political pressure could initiate his extradition to Ukraine. His lawyer Svitlana Novytska explains a rush to sentence him suggesting that he, like other perceived “pro-Russian” figures, could be mistakenly considered as valuable stock for POW exchange with Russia, despite it is unlikely to be true since he publicly criticized Putin for aggressive war. EBCO called to drop all charges against Ruslan Kotsaba<sup>154,155</sup>.

Mykhailo Yavorsky, a Christian conscientious objector who stated that he cannot pick up a weapon, wear a military uniform and kill people given his faith and relationship with God, was sentenced to one-year imprisonment on 6 April 2023 by the Ivano-Frankivsk city court. He intends to appeal; EBCO calls for his acquittal<sup>156</sup>.

Hennadii Tomniuk, a Christian conscientious objector denouncing all wars and violence in his publications, a member of Evangelical Christian-Baptist church teachings of which are incompatible with military service, received suspended three-year prison sentence<sup>157</sup>. Appellate court refused both prosecutor’s complaint asking to change suspended sentence (probation) with imprisonment and Tomniuk’s complaint asking to acquit him.

A number of other objectors were also punished by courts with probation for their refusal to kill: Andrii Kucher, an entrepreneur who refused to kill because of his pacifist views, was sentenced for suspended 4-year prison term; Dmytro Kucherov, a Protestant conscientious objector, member of the Source of Life Church, Andrii Martiniuk, a Christian conscientious objector, Oleksandr Korobko and Maryan Kapats who refused to kill were sentenced for suspended 3-year prison terms.

During interactive dialogues regarding UN High Commissioner’s for Human Rights reports on situation in Ukraine IFOR expressed concerns regarding violations of human right to conscientious objection to military service in Ukraine where general mobilization to the army is enforced without any exceptions for conscientious objectors and call-up orders are handed out in public places including churches. IFOR reported about the current suspension of the right to conscientious objection in Ukraine, the consequent detention sentences, the travel ban for all men aged 18-60 and repression of student protests against the prohibition to study abroad. Also, IFOR expressed concerns regarding forced mobilization of conscripts in

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<sup>153</sup> <https://www.ifor.org/news/2022/4/15/ifor-submission-for-the-un-ohchr-quadrennial-report-on-conscientious-objection-to-military-service>

<sup>154</sup> <https://ebco-beoc.org/node/536>

<sup>155</sup> <https://www.ifor.org/news/2022/7/19/ifor-joins-international-press-release-on-the-case-of-pacifist-journalist-ruslan-kotsaba>

<sup>156</sup> <https://ebco-beoc.org/node/561>

<sup>157</sup> IFOR stands up at the UN for conscientious objectors in Ukraine and refers the cases of Vitalii Alexeenko, Hennadii Tomniuk and Andrii Vyshnevetsky March 31, 2023

<https://www.ifor.org/news/2023/3/31/ifor-stands-up-at-the-un-for-conscientious-objectors-in-ukraine-and-refers-the-cases-of-vitalii-alexeenko-hennadii-tomniuk-and-andrii-vyshnevetsky>








Ukrainian occupied territories by the Russian Federation, which include imprisonment for those who refuse to enlist<sup>158159160</sup>.

In concluding observations on the 8th periodic report of Ukraine<sup>161</sup> Human Rights Committee stressed that alternatives to military service should be available to all conscientious objectors without discrimination as to the nature of their beliefs justifying the objection (be they religious beliefs or non-religious beliefs grounded in conscience), and should be neither punitive nor discriminatory in nature or duration by comparison with military service. However, Ukraine took no measures to change legislation according to these recommendations. Answering to letters of Ukrainian Pacifist Movements to Verkhovna Rada (parliament) of Ukraine in September 2022 regarding progress in implementation of these recommendations, parliamentary committee on human rights redirected the letter to the Ministry of Justice which, in turn, responded the question is in jurisdiction of Ministry of Defense, and parliamentary committee on national security, defense and intelligence responded that proposals to change legislation to meet international human rights standards will be disseminated among MPs. However, in February 2023 parliamentary committee on human rights informed that questions of alternative nonmilitary service are in purview of the committee on national security, defense and intelligence, which wrote that alternative service could be allowed only instead of term-limited (peacetime) conscription, citing outdated statutory law without any references to human rights.

Also, in concluding observations on the 8th periodic report of Ukraine the Human Rights Committee expressed concern about reports that conscripts, including conscientious objectors, are hunted down and delivered to military assembly points against their will and about conscripts being subjected to arbitrary detention; it is also expressed concern about the lack of information on investigations into such cases and on the prosecution of those responsible. Ukraine failed to meet the recommendation that the State party should ensure that cases of abduction and arbitrary detention of conscripts are promptly, thoroughly and independently investigated, that perpetrators are prosecuted and punished and that victims are provided with effective remedies, including adequate compensation. In response to a request about such investigations and measures taken, Office of General Prosecutor of Ukraine which supervises all criminal investigations in Ukraine in a letter of 10 February 2023 wrote that it has no public information regarding this question.

### 1.2.47 UNITED KINGDOM

	 Conscription:	No	Abolished in 1963. Conscription was legislated for via the National Service Act 1948 and preceding wartime legislation.
 Conscientious objection:		1916	The UK has a long tradition of recognising the right of individuals not to fight and, in 1916, due to the combined efforts of politicians and peace organisations, such as the Quakers, the Military Service Act (27 <sup>th</sup>




<sup>158</sup> <https://www.ifor.org/news/2022/7/5/ifor-addresses-the-un-human-rights-council-on-the-right-to-conscientious-objection-and-the-war-in-ukraine>

<sup>159</sup> <https://www.ifor.org/news/2022/10/7/ifor-speaks-at-the-un-on-conscientious-objection-violations-and-peacebuilding-efforts-in-ukraine>






<sup>160</sup> <https://www.ifor.org/news/2022/4/2/war-should-be-abolished-ifor-speaks-up-at-the-un-on-the-right-to-conscientious-objection-in-wartime>

<sup>161</sup> Concluding observations of the UN Human Rights Committee regarding the Eighth Periodic Report of Ukraine dated 9 February 2022, URL: <https://digitallibrary.un.org/record/3957960?ln=en>



			Jan 1916) saw the UK become the first country to give legal recognition to individual conscience, which was subsequently enshrined in the Universal Declaration of Human Rights. The Act allowed for objectors to be absolutely exempted, to perform alternative civilian service, or to serve as a non-combatant in the army's Non-Combatant Corps, according to the extent to which they could convince a Military Service Tribunal of the quality of their objection.
Service 	Military:	-	
	Civilian:	-	
Minimum 	Conscription:	-	No conscription
	Voluntary enlistment:	16	Under 18: the minimum age for officer entrants into Service is 17 and for other ranks is 16. Parental consent must be obtained for those under the age of 18 before an application can proceed. All members of the Armed Forces may apply to leave their Service on grounds of conscience.
More 	<a href="https://ebco-beoc.org/united-kingdom">https://ebco-beoc.org/united-kingdom</a> including the reply of the Equality and Human Rights Commission to the Questionnaire about EBCO's Annual Report 2022 (e-mail on 24/01/2023).		

**1.2.48 BELARUS (candidate member state)**

	 Conscription:	Yes	
 Conscientious objection:		1994	First recognised in Constitution, Art. 57. First Alternative Service Law in 2015.
Service 	Military:	18	12 months for holders of higher education and officers, 6 months for graduates of officers' training at military faculties.
	Civilian:	36	24 for holders of higher education.
Minimum 	Conscription:	18	
	Voluntary enlistment:	16	Under 18 for military schools: 16 for Military Academies



More

<https://ebco-beoc.org/belarus>

In 2022 there has been an increase of the militarization of the society, in particular through military training programs of children and the institution of *military-patriotic clubs for children and youth*.<sup>162</sup> According to the statistics, in the summer of 2022 over 18.000 children underwent training in militarized patriotic camps, where children as young as 6 have been trained to use firearms, for instance. Those camps result to be under the patronage of the Ministry of Defense, Ministry of Internal Affairs and Ministry of Emergency Situations.<sup>163</sup>

Ongoing violations of the human right to conscientious objection to military service have been registered.<sup>164</sup> For instance, on August 18, 2022, a criminal case was brought against two women in Vitebsk who tried to protect their son and nephew from military service. They have been arrested and face up to seven years in prison<sup>165</sup>.

In August-December 2022, there have been at least six cases of men charged under Article 435, Part 1 of the Criminal Code (evasion of regular call-up to active military service). One of them was fined 2,240 BYN (approximately 907 EUR)<sup>166</sup>. On September 29, 2022, a 24-year-old man who wanted to avoid military service and went to Poland was tried. He was detained on his return to Belarus and sentenced to a two-month arrest<sup>167</sup>.

Although in September 2022 it was stated that there would be no mobilization in Belarus, starting from October it has been declared that Belarus would participate in a 'special operation' and joint activities with the Russian militaries started<sup>168</sup>.

On October 12, 2022, the Belarusian parliament adopted in the first reading a draft law which, among other things, updated the grounds for granting the right to defer conscription, reducing the number of persons receiving deferment of conscription.

Additionally, death penalty has been reintroduced and for instance in May 2022, an amendment to the Criminal Code introduced death penalty for attempted acts of terrorism.

<sup>162</sup> <https://president.gov.by/ru/documents/ukaz-no-160-ot-4-maya-2022-g>

<sup>163</sup> [http://world\\_of\\_law.pravo.by/text.asp?RN=W21124351](http://world_of_law.pravo.by/text.asp?RN=W21124351)

[http://world\\_of\\_law.pravo.by/text.asp?RN=C20400662](http://world_of_law.pravo.by/text.asp?RN=C20400662)

<https://www.belta.by/president/view/v-belarusi-uregulirovana-dejatelnost-voenno-patrioticheskikh-klubov-dlja-detej-i-molodezhi-499658-2022/>

<https://www.sb.by/articles/kurs-molodogo-boytsa-forpost.html>

<sup>164</sup> <https://news.house/43956>

<sup>165</sup> <https://nash-dom.info/95234>

<sup>166</sup> <https://pinsknews.by/archives/28663>

<sup>167</sup> <https://nash-dom.info/112247>

<https://minsknews.by/minchanin-buduchi-prizyvnikom-uehal-v-polshu-no-nakazaniya-izbezhat-emu-vse-ravno-ne-udalos/>

<sup>168</sup> <https://news.house/56492>

<https://news.house/56428>

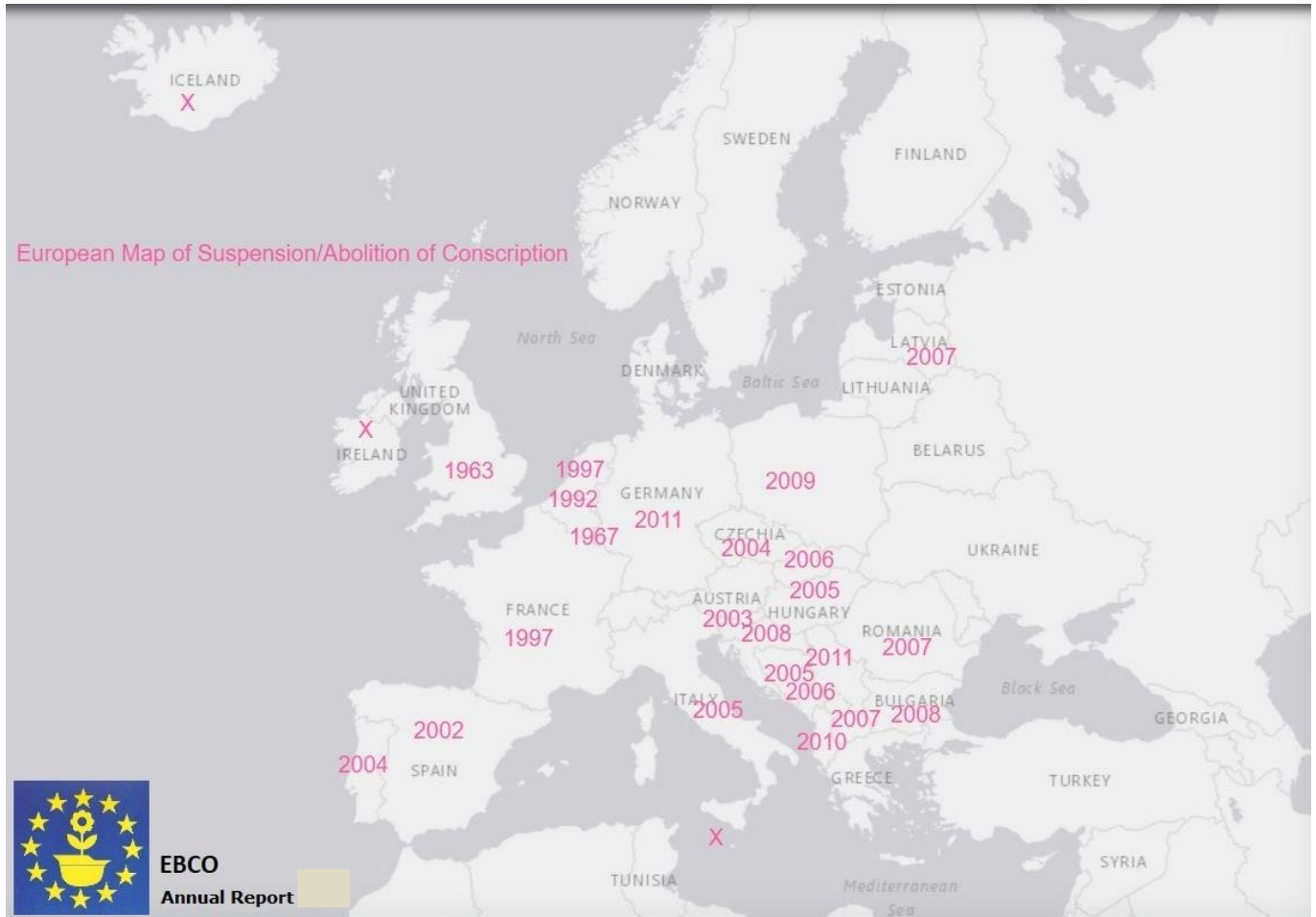


## 2. OVERVIEW OF NATIONAL PROVISIONS

### 2.1 CONSCRIPTION

In 1960, conscription was almost universal in what is now the Council of Europe area.<sup>169</sup> The following map and table show the date on which it was abolished/suspended.

**Map 1. European map of abolition / suspension of conscription**



**Table 1. Abolition / suspension of conscription in states within the Council of Europe area**

Country	Time of abolition / suspension (ascending order)	Notes
<b>Andorra</b>	-	Conscription never existed.
<b>Iceland</b>	-	Conscription never existed.
<b>Ireland</b>	-	Conscription never existed in any part of Ireland, even when the entire island was part of the UK. There is however provision in article 54 of the

<sup>169</sup> The “Council of Europe area” includes Belarus, whose membership was suspended in 1997, and Kosovo, which declared its independence from Serbia in 2008, and is recognised by most, but not all CoE member states as independent. Both are included as relevant in all the analyses in this section.



		1954 Defence Act, to enable male conscription during emergencies.
<b>Liechtenstein</b>	-	Conscription never existed.
<b>Malta</b>	-	Conscription never existed.
<b>Monaco</b>	-	Conscription never existed.
<b>San Marino</b>	-	Conscription never existed.
<b>United Kingdom</b>	1963	Conscription was abolished in 1963.
<b>Luxembourg</b>	1967	Conscription was abolished in 1967 by law.
<b>Belgium</b>	1992	Conscription was suspended in 1992 in peacetime.
<b>Netherlands</b>	1997	Conscription was suspended in 1997, but the law on conscription still exists. At the age of 17, all citizens receive a letter stating they have been registered for service. They can be called up in case of war.
<b>France</b>	1997	Conscription was suspended in 1997 according to the law 97-1019. The law itself envisages the reintroduction when needed to defend the nation. In 2019 a new Universal National Service for 15- and 16-year-olds was introduced.
<b>Spain</b>	2002	Conscription was suspended in 2002 by Royal Decree 247/2001, of 9 March.
<b>Slovenia</b>	2003	Conscription was abolished in 2003 in peacetime.
<b>Czechia</b>	2004	Conscription was suspended in 2004 by amendment of the Military Act, and it can be reintroduced in situation of threat or in wartime.
<b>Portugal</b>	2004	Conscription was abolished in 2004 in peacetime according to law 174/99.
<b>Hungary</b>	2005	Conscription was abolished in 2005 in peacetime by amendment of the Constitution.
<b>Italy</b>	2005	Conscription was suspended in 2005 by law 226 of 2004.
<b>Bosnia &amp; Herzegovina</b>	2005	
<b>Montenegro</b>	2006	Conscription was suspended in 2006 by decision of the President of Montenegro (30/08/2006) following independence from Serbia.
<b>Slovakia</b>	2006	Conscription was suspended in 2006 but it is legally retained and can be reinstated in case of emergency.
<b>Latvia</b>	2007	Conscription was suspended in 2007. A new kind of project, called "Total Defence", was introduced in 2017.
<b>Romania</b>	2007	Conscription was suspended in 2007 in peacetime by law 395/2005. During wartime conscription is compulsory for men.



<b>North Macedonia</b>	2007	
<b>Bulgaria</b>	2008	Conscription was abolished in 2008 by amendment of the Defence and Armed Forces Act.
<b>Croatia</b>	2008	Conscription was suspended in 2008 by a governmental decision. In 2019 a short-term military service was introduced, but although described as "conscriptio" this remains strictly voluntary.
<b>Kosovo</b>	2008	Kosovo declared independence in 2008. Since then conscription to the Serbian armed forces no longer applied, and was not replaced.
<b>Poland</b>	2009	Conscription was abolished in 2009 by amendment of the Constitution.
<b>Albania</b>	2010	
<b>Serbia</b>	2011	
<b>Germany</b>	2011	Conscription was suspended in 2011 by a parliamentary decision. It remains in the Constitution and it can be reintroduced at any time.

In 18 of the 48 states in this area, conscription is still enforced. They are: Armenia, Austria, Azerbaijan, Belarus, Cyprus, Denmark, Estonia, Finland, Georgia (suspended but then reintroduced in 2017), Greece, Lithuania (suspended in 2010 but then reintroduced in 2015), Moldova, Norway, Russia, Sweden (reintroduced in 2018), Switzerland, Türkiye and Ukraine (suspended but then reintroduced in 2014). Of former Soviet Republics, only in Latvia is conscription currently suspended.

In most other states it has been merely suspended; the appropriate legislation remains on the statute book, and could be rapidly reactivated in case of war or national emergency.

In practice, the meaning of conscription varies considerably between states. For example, Sweden's reintroduced system is so selective that it is not currently envisaged that anyone who does not volunteer will be called up. But this would rapidly change if the number of volunteers forthcoming was not great enough to fulfil the military's manpower needs. Sometimes the word is used in a completely meaningless fashion.

Among Council of Europe members, Andorra, Liechtenstein, Monaco and San Marino maintain a token military for ceremonial purposes only, and Iceland has never had a military, although it does maintain a small paramilitary coastguard. In none of these countries has conscription ever applied. The same is also true of Malta and Ireland.

Conscription is also imposed by the *de facto* authorities in a number of territories which are not internationally recognised: Abkhazia and South Ossetia (Georgia), Nagorno-Karabakh (Azerbaijan), Transdniestria (Moldova), and the self-styled "Turkish Republic of Northern Cyprus" and "Peoples Republics" of Donetsk and Luhansk (Ukraine).



## 2.2 CONSCRIPTS AND CONTRACT OR PROFESSIONAL SOLDIERS

Data on the precise number of conscripts serving in many countries are not readily available. The latest estimates, generally from the International Institute of Strategic Studies (IISS), are shown in the table below, as compared with the number of “career” soldiers. (The IISS focuses more closely on military “hardware” than on personnel, for which its figures are updated less often.)

**Table 2. Number and percentage of conscripts** <sup>170</sup>

Country	Total active strength of armed forces	Of which conscripts	% (descending order)	Date of estimate
<b>Switzerland</b>	19,550	16,450	84.1%	2022
<b>Ukraine</b> <sup>171</sup>	688,000	538,000	78.2%	2022
<b>Türkiye</b> <sup>172</sup>			72.5%	2015
<b>Finland</b>	19,250	11,750	61.0%	2022
<b>Cyprus</b>			59.4%	2020
<b>Estonia</b>	7,200	3,500	48.6%	2022
<b>Russia</b> <sup>173</sup>	1,190,000	550,000	46.2%	2022
<b>Armenia</b>	42,900	18,950	44.2%	2022

<sup>170</sup> Except where otherwise stated, figures are for November 2022 as quoted in the Military Balance 2023, <https://www.iiss.org/publications/the-military-balance>

<sup>171</sup> The number of professional soldiers in the Ukrainian army has been estimated as approximately 150,000. This is based on figures supplied by the Ministry of Defence for the EBCO Report 2021, which showed that the number of conscripts recruited had dropped from just under 34,000 in 2019 to just under 28,000 in 2021. Taken with the 18-month period of service this would have implied that in the period before the Russian invasion approximately 45,000 conscripts were serving at one time.

<sup>172</sup> Since 2015, the latest year for which we have an estimate of the proportion of conscripts, the manpower of the Turkish armed forces has fallen from 511,00 to some 355,000, largely as a result of purges following the failed coup attempt of July 2016. It is not known what effect this has had on the proportion of conscripts.

<sup>173</sup> According to the European Union Agency for Asylum’s December 2022 report: The Russian Federation. Military Service. The number of conscripts called up in the normal manner in 2022 was 254,500 – 135,500 in the Spring and 120,000 in the Autumn. To this we have added the 300,000 called up in the “reserve mobilisation” announced in September.



Country	Total active strength of armed forces	Of which conscripts	% (descending order)	Date of estimate
<b>Moldova</b>	5,150	2,200	42.7%	2022
<b>Greece</b>	132,200	47,400	35.9%	2022
<b>Norway</b>	24,500	8,450	33.3%	2022
<b>Sweden</b>	14,600	4,000	27.4%	2022
<b>Lithuania</b>	23,000	5,650	24.6%	2022
<b>Georgia</b>	20,650	4,350	21.1%	2022

Figures for Cyprus, Ukraine, Moldova and Georgia refer to government forces only; we have no estimates of the number of conscripts serving in Austria, Azerbaijan, Belarus or Denmark.

For both Russia and Ukraine, we define those mobilised against their will as conscripts, whatever their formal status. (The Russian mobilisation, for example, was officially described as of “reservists”, who were no longer liable to conscription in the normal way, and in the current mobilisation Ukraine has suspended its normal military service.) We also assume that the increase in voluntary recruitment in both countries does not significantly affect the very large numbers and general proportions reported here.

Table 3 gives an alternative measure of militarisation, comparing for each country the entire armed forces manpower (whether conscript, contract, or professional) with the young male population, who furnish the overwhelming majority of recruits. If conscription were truly universal (which of course medical exemptions alone make impossible) and each conscript served for one year, the conscript ratio would equal 100%. If the term of service were six months, it would be 50%; if two years 200%, and so on. Likewise, an overall ratio of 100% would be achieved if 10% of those available were to sign up on a voluntary basis for an average of ten years each.

Where part of a State is outside effective government control, we have modified the national population figures appropriately.<sup>174</sup> We have also completely separated the figures for Kosovo from those for Serbia; Kosovo’s international status remains ambiguous, but the EU firmly guarantees its independence from Serbia.

<sup>174</sup> The population estimates used, generally those quoted by Wikipedia in March 2023, are: Crimea 2,417,000; Donetsk 2,302,000; Luhansk 1,464,000; “TRNC” 383,000; Nagorno-Karabakh 120,000 (BBC estimate, February 2023); Abkhazia and South Ossetia 300,000; Transdniestria 469,000.



Table 3. Armed forces compared with potential number of recruits <sup>175</sup>

Country	Annual cohort of males reaching 18	Total armed forces active strength	As % (descending order)
<b>Ukraine (govt)</b> <i>(Donetsk &amp; Luhansk)</i>	186,725 <i>18,830</i>	688,000 <i>34,000 (2021)</i>	368.5 (conscripts 247.2%+) <i>180.6 (conscript nos. unknown)</i>
<b>Armenia</b>	17,406	42,900	246.5 (conscripts 108.9%)
<b>Cyprus Republic</b> <i>("TRNC")</i>	5,107 <i>2,145</i>	12,000 <i>3,000</i>	235.0 (conscripts 145%?) <i>140.0 (conscript nos. unknown)</i>
<b>Greece</b>	58,990	132,200	224.1 (conscripts 80.3%)
<b>Lithuania</b>	13,420	23,000	171.4 (conscripts 42.1%)
<b>Russia</b>	766,919	1,190,000	155.2 (conscripts 74.3%)
<b>Estonia</b>	6,297	7,200	114.3 (conscripts 55.6%)
<b>Belarus (2021)</b>	45,317	47,950	105.8 (conscript nos. unknown)
<b>Bulgaria</b>	35,740	36,950	103.4
<b>Serbia</b>	27,250	28,150	103.3
<b>Azerbaijan (govt)</b> <i>(Nagorno-Karabakh)</i>	75,724 <i>888</i>	64,050 <i>not known, but conscription imposed</i>	84.6 (conscript nos. unknown)
<b>Georgia (govt)</b> <i>(Abkhazia, S.Ossetia)</i>	25,040 <i>1,612</i>	20,650 <i>not known, but conscription imposed</i>	82.5 (conscripts 17.4%)
<b>Malta</b>	2,134	1,700	79.7
<b>Croatia</b>	20,945	16,700	79.7
<b>Norway</b>	32,213	25,400	78.9 (conscripts 26.2%)
<b>Romania</b>	100,008	71,500	71.5
<b>Latvia</b>	9,578	6,600	68.9

<sup>175</sup> Figures for November 2022 derived from those given by the International Institute for Strategic Studies in "The Military Balance 2023", except as modified in Table 2. Where estimates are available for numbers in areas outside Government control these are given separately in *italics*.



<b>North Macedonia</b>	11,934	8,000	67.0
<b>Slovakia</b>	27,155	17,950	66.1
<b>Slovenia</b>	10,084	6,400	63.5
<b>Montenegro</b>	3,751	2,350	62.6
<b>Poland</b>	182,846	114,050	62.4
<b>Hungary</b>	52,218	32,250	61.6
<b>Finland</b>	31,371	19,250	61.4 (conscripts 37.4%)
<b>Bosnia-Herzegovina</b>	17,554	10,500	59.8
<b>Italy</b>	293,261	161,050	54.9
<b>Austria</b>	42,782	23,300	54.5 (conscript nos. unknown)
<b>Türkiye</b>	664,384	355,200	53.5 (conscript nos. unknown)
<b>Czechia</b>	53,525	26,600	49.7
<b>Spain</b>	254,680	124,150	48.7
<b>Portugal</b>	55,306	26,700	48.3
<b>France</b>	423,491	203,250	48.0
<b>Germany</b>	387,858	183,150	47.2
<b>Switzerland</b>	42,545	19,550	46.0 (conscripts 38.7%)
<b>Denmark</b>	35,526	15,400	43.3 (conscript nos. unknown)
<b>Albania</b>	19,189	7,500	39.1
<b>United Kingdom</b>	393,188	150,350	38.2
<b>Belgium</b>	68,713	23,200	33.8
<b>Netherlands</b>	100.926	33,600	33.3
<b>Moldova (govt) (Transdnistria)</b>	16,908 2,720	5,150 <i>not known, but conscription imposed</i>	30.5 (conscripts 13.0%)



<b>Ireland</b>	33,760	8,200	24.3
<b>Sweden</b>	60,807	14,600	24.0 (conscripts 6.6%)
<b>Kosovo</b>	10,489	2,500 <sup>176</sup>	23.8
<b>Luxembourg</b>	3,640	410	11.3
<b>Iceland</b>	2,291	250 <sup>177</sup>	10.9

<sup>176</sup> Paramilitary security force.

<sup>177</sup> Paramilitary coastguards.

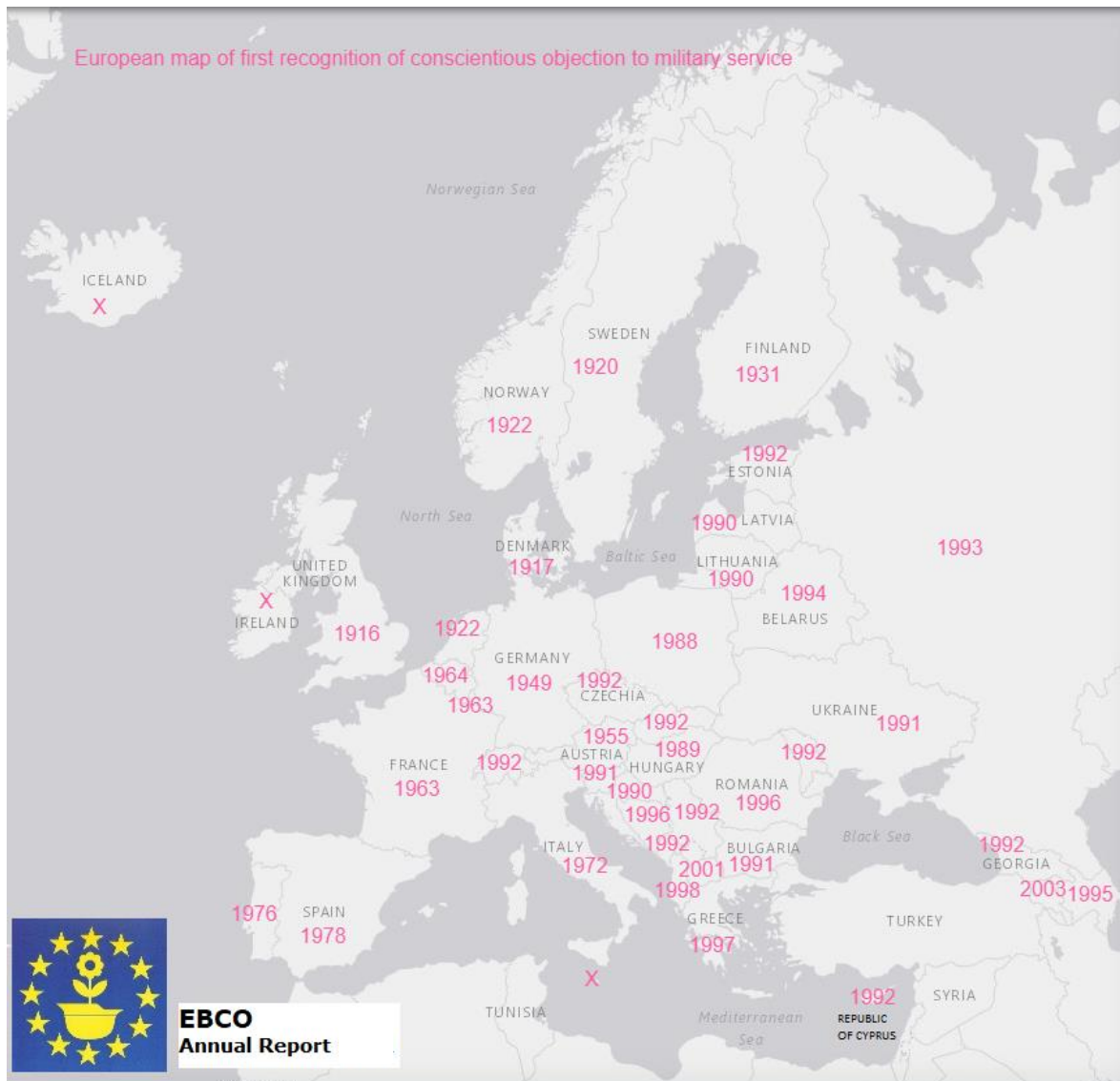


## 2.3 RECOGNITION OF CONSCIENTIOUS OBJECTION

With the solitary exception of Türkiye, all Council of Europe states, which have ever had conscription, have explicitly recognised conscientious objection.

The following map and table give the date, either in legislation or a constitutional document, of the first reference to conscientious objection to military service. This should not be taken as implying full recognition, or provisions in line with modern international standards. For example, constitutional provisions in Bulgaria, Russia and Belarus were not implemented for many years; similar provisions have still to be implemented in Azerbaijan. In many cases the initial legislation applied only to certain religious minorities and/or merely made an unarmed military service available. Despite legal recognition, the persecution of conscientious objectors often persisted – and persists. It should be noted that recognition of conscientious objection is also beginning to reach places which are not internationally-recognised – most notably Transdniestria.<sup>178</sup>

**Map 2. European map of first recognition of conscientious objection to military service**



<sup>178</sup> See EBCO Annual Report 2014, Chapter 1.2.6 Moldova. Available at: <http://ebco-beoc.org/sites/ebco-beoc.org/files/attachments/2014-EBCO-REPORT-EUROPE.pdf>



**Table 4. First Recognition of Conscientious Objection to Military Service in States within the Council of Europe area <sup>179</sup>**

Year (ascending order)	Country	Provision
1916	<b>United Kingdom</b>	Military Service Act, 27 <sup>th</sup> Jan.
1917	<b>Denmark</b>	Alternative Service Act, 13 <sup>th</sup> Dec.
1920	<b>Sweden</b>	Alternative Service Schemes Act, 21 <sup>st</sup> May
1922	<b>Netherlands</b>	Constitutional amendment
1922	<b>Norway</b>	Civilian Conscript Workers Act, 24 <sup>th</sup> March
1931	<b>Finland</b>	Alternative Service Act, 4 <sup>th</sup> June
1949	<b>Germany</b>	In principle in the Grundgesetz "Basic Law" of the Federal Republic of Germany, Art. 4. The first provisions in the German Democratic Republic dated from 1964.
1955	<b>Austria</b>	National Service Act
1963	<b>France</b>	Act No. 1255/63, 21 <sup>st</sup> December
1963	<b>Luxembourg</b>	Act of 23 <sup>rd</sup> July, Art. 8
1964	<b>Belgium</b>	Act of 3 <sup>rd</sup> June
1972	<b>Italy</b>	Act No. 772/1972
1976	<b>Portugal</b>	Constitution, Article 41
1978	<b>Spain</b>	Constitution
1988	<b>Poland</b>	Constitution, Art. 85
1989	<b>Hungary</b>	Constitution, Art. 70
1990	<b>Croatia</b>	Constitution, Article 47.2
1990	<b>Latvia</b>	Law on Substitute Service of the Latvian Soviet Socialist Republic.

<sup>179</sup> Even if Belarus is not in Council of Europe area, when available, tables indicate Belarusian information.



Year (ascending order)	Country	Provision
1990	<b>Lithuania</b>	Law on Alternative Service of the Lithuanian Soviet Socialist Republic.
1991	<b>Bulgaria</b>	Constitution, Article 59.2
1991	<b>Slovenia</b>	Military Service Act (Official Journal of the Republic of Slovenia, n°18/91).
1991	<b>Ukraine</b>	Law "On Alternative (Non-Military) Service"
1992	<b>Estonia</b>	Constitution, Article 124
1992	<b>Moldova</b>	Alternative Service Act, No. 633/91
1992	<b>Republic of Cyprus</b>	National Guard Act, No. 2/1992, 9 <sup>th</sup> Jan.
1992	<b>Czechia and Slovakia</b>	(Czechoslovakian) Civilian Service Act, No.18/1992
1992	<b>Georgia</b>	Military Service Act, Art. 12
1992	<b>Serbia (including Kosovo) and Montenegro</b>	Constitution, Art. 58 – Montenegro gained independence in 2006; Kosovo declared independence in 2008.
1992	<b>Switzerland</b>	Constitutional amendment by introducing the following phrase in Art. 59 lit. 1: "Alternative civilian service shall be provided for by law."
1993	<b>Russia</b>	Constitution, Art. 59.3
1994	<b>Belarus</b>	Constitution, Art. 57. First Alternative Service Law in 2015.
1995	<b>Azerbaijan</b>	Constitution, Art. 76
1996	<b>Bosnia &amp; Herzegovina</b>	Parallel Defence Acts in the Federation and in the Republika Srpska
1996	<b>Romania</b>	Act No. 46/1996, Art. 4
1997	<b>Greece</b>	Law No. 2510/97
1998	<b>Albania</b>	Constitution, Art. 166
2001	<b>North Macedonia</b>	Defence Act, Art. 8
2003	<b>Armenia</b>	Alternative Service Act



## 2.4 COMPULSORY MILITARY SERVICE AND CIVILIAN SERVICE

Map 3. European map of conscientious objection to military service



For the countries which retain conscription, the relative durations are shown in the following table. The duration of military service quoted is that of the normal basic military service in the army, before any adjustments to reflect rank, educational qualifications, etc.

**Table 5. Duration of military and civilian service (in months) in states within the Council of Europe area**

Country	Military service duration	Civilian service duration	Ratio to military service duration (ascending order)	Gender
Norway	12	No alternative service required of conscientious objectors.		Men are obliged by law.
Sweden	11	Civil conscription is not activated.		Men and women are obliged by law.
Denmark	4	4	1	Men are obliged by law. Women may participate.



<b>Moldova</b>	12	12	1	Men are obliged by law.
<b>Estonia</b>	8-11	12	1-1.5	Men are obliged by law. The Defence Forces Service Act of 2013 states that women can volunteer.
<b>Finland</b>	~5.5, 8.5 or 11.5	~11.5	1-2.1	Men are obliged by law. Women can volunteer.
<b>Lithuania</b>	9	10 <i>(Not genuine civilian)</i>	1.1	Men are obliged by law.
<b>Greece</b>	9 or 12	15	1.25-1.7	Men are obliged by law.
<b>Republic of Cyprus ("TRNC")</b>	14 <i>(12-15)</i>	19 <i>(No alternative civilian service available)</i>	1.4 <i>(No alternative civilian service available)</i>	Men are obliged by law.
<b>Austria</b>	6	9	1.5	Men are obliged by law.
<b>Switzerland</b>	~9	~13	1.5	Men are obliged by law. Women can volunteer.
<b>Ukraine</b>	18 or 12	27 or 18	1.5	Men are obliged by law.
<b>Georgia</b>	12	18	1.5	Men are obliged by law.
<b>Armenia</b>	24	36	1.5	Men are obliged by law.
<b>Russia</b>	12	21	1.75	Men are obliged by law.
<b>Belarus</b>	18 or 12 or 6	36 or 24	2	Men are obliged by law.





<b>Türkiye</b>	6	No alternative civilian service available.	Men are obliged by law.
<b>Azerbaijan</b>	18	No alternative civilian service available.	Men are obliged by law.



## 2.5 MILITARY EXPENDITURE








Yet another measure of militarisation is given by military expenditure. Table 6 shows the figures for the Council of Europe area in 2022 as reported by the Stockholm International Peace Research Institute (SIPRI).<sup>180</sup>

The biggest proportional increases in 2022 were in **Ukraine** (640,4%), **Luxembourg** (40%), **Kosovo** (35,2%), **Lithuania** (32,6%), **Russia** (31,1%), **Albania** (29,6%), **Finland** (28,5%), and **Armenia** (28,4%). The biggest proportional decreases in 2022 were in **Türkiye** (-31,6%), **Hungary** (-15,9%), **Austria** (-13,6%), **Bosnia & Herzegovina** (-12,0%), and **Portugal** (10,2%). (The year-on-year figures are obviously subject to variation as a result of the timing of large capital expenditures.)

Of course, the crude expenditure figures, while giving some indication of military might, do not indicate how dominant a part military expenditure plays in the economy. Therefore, for each country the military expenditure per head of population and as a share of GDP are listed. On which measure should one rely? In fact, none taken on its own provides the whole story. The dramatic decline in Turkish military expenditure, for instance, mainly reflects the depreciation of the Turkish Lira against the dollar. All should be seen together.

For the first time ever, SIPRI reported a figure for EU military expenditure. " In July 2022, the European Defence Fund (EDF), the instrument announced by the Commission to foster research and development collaboration among companies across EU member states, announced the results of its 2021 call for proposals, with £1.3m [0.3% of GDP] being split among 61 projects. (...) The EDF is funded through member states contributions to the EU budget and are thus not part of the member states [own] military expenditure."




















**Table 6. Military expenditure in states within the Council of Europe area**<sup>181</sup>

Country	Military Expenditure US\$ million 2022	% change in 2022	US\$ per capita	% of GDP
 <b>Albania</b>	288,7	29,6%	100,7	1,6%
 <b>Armenia</b>	795,2	28,4%	267,6	4,3%
 <b>Austria</b>	3625,6	-13,6%	399,9	0,8%
 <b>Azerbaijan</b>	2991,0	10,6%	290,4	4,5%
 <b>Belarus</b>	820,8	7,6%	87,0	1,2%
 <b>Belgium</b>	6867,0	10,1%	588,5	1,2%
 <b>Bosnia &amp; Herzegovina</b>	184,5	-12,0%	56,8	0,8%




















<sup>180</sup> Figures derived from the SIPRI Military Expenditure Database (Current USD). Available at: <https://www.sipri.org/databases/milex>

<sup>181</sup> Ibid



Country		Military Expenditure US\$ million 2022	% change in 2022	US\$ per capita	% of GDP
	<b>Bulgaria</b>	1336,0	4,8%	195,2	1,5%
	<b>Croatia</b>	1308,5	-3,9%	322,4	2,2%
	<b>Republic of Cyprus</b>	494,2	-8,8%	404,1	1,8%
	<b>Czechia</b>	4005,4	1,8%	373,0	1,4%
	<b>Denmark</b>	5467,9	3,7%	937,1	1,4%
	<b>Estonia</b>	810,9	8,3%	613,4	2,1%
	<b>Finland</b>	4822,9	28,5%	868,2	1,7%
	<b>France</b>	53638,7	-5,3%	817,9	1,9%
	<b>Georgia</b>	360,3	19,9%	90,8	1,4%
	<b>Germany</b>	55759,7	-1,3%	664,7	1,4%
	<b>Greece</b>	8104,9	-2,4%	785,6	3,7%
	<b>Hungary</b>	2572,2	-15,9%	267,8	1,5%
	<b>Iceland</b>	0,0	0%	0	0%
	<b>Ireland</b>	1164,3	-8,2%	231,9	0,2%
	<b>Italy</b>	33489,7	-7,6%	555,7	1,7%
	<b>Kosovo</b>	107,6	35,2%	55,0	1,1%
	<b>Latvia</b>	848,8	3,1%	459,0	2,0%
	<b>Lithuania</b>	1732,3	32,6%	650,7	2,5%
	<b>Luxembourg</b>	564,6	40,0%	879,5	0,7%



Country		Military Expenditure US\$ million 2022	% change in 2022	US\$ per capita	% of GDP
	<b>Malta</b>	87,0	-1,1%	195,9	0,5%
	<b>Moldova</b>	47,7	-8,7%	11,9	0,3%
	<b>Montenegro</b>	98,0	7,5%	156,1	1,6%
	<b>Netherlands</b>	15606,6	11,9%	906,8	1,6%
	<b>North Macedonia</b>	225,0	9,4%	108,1	1,6%
	<b>Norway</b>	8388,4	-0,6%	1522,1	1,6%
	<b>Poland</b>	16573,1	9,7%	439,1	2,4%
	<b>Portugal</b>	3500,3	-10,2%	345,2	1,4%
	<b>Romania</b>	5186,7	-2,1%	272,5	1,7%
	<b>Russia</b>	86373,1	31,1%	592,4	4,1%
	<b>Serbia</b>	1426,4	12,2%	164,8	2,3%
	<b>Slovakia</b>	1994,2	-3,4%	365,2	1,8%
	<b>Slovenia</b>	735,2	-3,6%	353,8	1,2%
	<b>Spain</b>	20306,6	3,9%	434,7	1,5%
	<b>Sweden</b>	7722,5	1,8%	755,7	1,3%
	<b>Switzerland</b>	6145,2	-1,1%	700,4	0,8%
	<b>Türkiye</b>	10644,6	-31,6%	124,4	1,2%
	<b>Ukraine</b>	43997,7	640,4%	1018,7	33,5%
	<b>United Kingdom</b>	68462,6	1,4%	999,5	2,2%



**Total global military expenditure** increased by 3.7 per cent in real terms in 2022, to reach a new high of \$2240 billion. **Military expenditure in Europe** saw its steepest year-on-year increase in at least 30 years. The three largest spenders in 2022—the **United States, China** and **Russia**—accounted for 56 per cent of the world total.

World military spending grew for the eighth consecutive year in 2022 to an all-time high of \$2240 billion. By far the sharpest rise in spending (+13 per cent) was seen in Europe and was largely accounted for by **Russian and Ukrainian** spending. However, military aid to Ukraine and concerns about a heightened threat from Russia strongly influenced many other states' spending decisions, as did tensions in East Asia.

Military expenditure by states in **Central and Western Europe** totalled \$345 billion in 2022. In real terms, spending by these states for the first time surpassed that in 1989, as the cold war was ending, and was 30 per cent higher than in 2013. Several states significantly increased their military spending following Russia's invasion of Ukraine in February 2022, while others announced plans to raise spending levels over periods of up to a decade. <sup>182</sup>

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<sup>182</sup> Ibid
















## 2.6 JUVENILE RECRUITMENT















The following table of recruitment ages shows that although the Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict encourages States to end all recruitment of persons below the age of 18, a disturbing number of European States still recruit volunteers at younger ages, while others have military educational establishments where students even aged under 18 are treated as members of the armed forces.

Worse, some allow conscripts to enlist before their 18<sup>th</sup> birthday, arguably in itself breaching the protocol and potentially putting them at risk of active deployment before the age of 18, which is certainly prohibited.













**Table 7. Minimum armed forces enlistment age in practice in states within the Council of Europe area**

	Country	Minimum conscription age	Minimum voluntary enlistment age
	<b>Albania</b>	No conscription	19
	<b>Armenia</b>	18	Under 18 for military schools: 17 for cadets
	<b>Austria</b>	18	Under 18: 17 on request
	<b>Azerbaijan</b>	18	Under 18 for military schools: 17 for cadets
	<b>Belarus</b>	18	Under 18 for military schools: 16 for Military Academies
	<b>Belgium</b>	No conscription	18
	<b>Bosnia &amp; Herzegovina</b>	No conscription	18
	<b>Bulgaria</b>	No conscription	18
	<b>Croatia</b>	No conscription	18
	<b>Republic of Cyprus</b>	17	Under 18: 17
	<b>Czechia</b>	No conscription	18
	<b>Denmark</b>	18	18
	<b>Estonia</b>	18	18



	Country	Minimum conscription age	Minimum voluntary enlistment age
	<b>Finland</b>	18	18
	<b>France</b>	No conscription	Under 18: 17, 16 for Technical School
	<b>Georgia</b>	18	18
	<b>Germany</b>	No conscription	Under 18: 17
	<b>Greece</b>	19	18
	<b>Hungary</b>	No conscription	18
	<b>Iceland</b>	No conscription	No armed forces
	<b>Ireland</b>	No conscription	18
	<b>Italy</b>	No conscription	18
	<b>Latvia</b>	No conscription	18
	<b>Lithuania</b>	19	18
	<b>Luxembourg</b>	No conscription	18
	<b>Malta</b>	No conscription	18
	<b>Moldova</b>	18	Under 18 for military schools: 17 for Military School
	<b>Montenegro</b>	No conscription	18
	<b>Netherlands</b>	No conscription	Under 18: 17
	<b>North Macedonia</b>	No conscription	18
	<b>Norway</b>	18	18
	<b>Poland</b>	No conscription	18



	Country	Minimum conscription age	Minimum voluntary enlistment age
	<b>Portugal</b>	No conscription	18
	<b>Romania</b>	No conscription	18
	<b>Russia</b>	18	Under 18 for military schools: 16 for Military School
	<b>Serbia</b>	No conscription	18
	<b>Slovakia</b>	No conscription	18
	<b>Slovenia</b>	No conscription	18
	<b>Spain</b>	No conscription	18
	<b>Sweden</b>	18	18
	<b>Switzerland</b>	18	18
	<b>Türkiye</b>	19	
	<b>Ukraine</b>	18	Under 18 for military schools: 17 for cadets
	<b>United Kingdom</b>	No conscription	Under 18: 16

Source: <http://childsoldiersworldindex.org/minimum-ages>, January 2021, updated by EBCO in April 2023

Careful reading of the legislation in both Greece and Cyprus shows that a person is defined as reaching the age of 18 on the first of January of the year of the 18<sup>th</sup> birthday. In Greece the conscription age is officially 19, thus effectively 18, but voluntary recruitment is permitted from the beginning of the year of the 18<sup>th</sup> birthday.

In Cyprus, the conscription age is 18, meaning, under the legislative definition, that all men become liable for conscription at the age of 17. This is a clear violation of Article 2 of the Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict (OPAC).

Worse, the age for voluntary recruitment is set at 17 – meaning potentially 16 – and as in Austria there is provision for conscripts to opt to perform their obligatory military service from the age of 17. In the case of Cyprus, this therefore means that some *conscripts* may be enlisting at the age of 16.





It is ironic that at a time when some states claim to be reintroducing conscription, but actually taking only volunteers, others try to pass off as volunteers those who opt to perform obligatory service early. But if they are more logically defined as conscripts, their recruitment below the age of 18 is a breach of OPAC.

In both the United Kingdom and Germany, all recruitment is voluntary, but recruits are accepted – indeed sought – in the UK from the age of sixteen and in Germany from seventeen.

In its submission for the Universal Periodic Review of the United Kingdom,<sup>183</sup> the Child Rights Information Network (CRIN) reports:

“In 2020–21, the UK enlisted 3,260 children aged under 18. 7 in 10 of these recruits joined the army, making up a quarter of its intake; more soldiers are recruited at 16 than any other age. Army recruits aged under 18 have a ‘tendency to live in poorer areas’, and are sought ‘particularly for the Infantry’; the lower-skilled, higher-risk jobs...

“Child recruits have no right to leave the armed forces during the first six weeks, after which a 14-day notice period applies. After the first six months, a three-month notice period applies until the age of 18, at which point the discharge window closes until the age of 22.

“In the army, once the initial discharge window closes, the minimum period of service applied to enlisted children is up to two years longer than that applied to enlisted adults. Specifically, whereas soldiers who enlist as adults and serve for four years may leave the army, those enlisted as children who serve for four years cannot; they become eligible to leave only once they turn 22.

“30% of child recruits in the army drop out of training.

“Research by Glasgow University, published in 2021, compared long-term mental health outcomes of child recruits and same-age civilians. The study found that child recruits enlisted from around 1995 had between two and three times the odds of long-term posttraumatic stress disorder compared to civilians from similar social backgrounds.

“Similar research by King’s College, London, also published in 2021, found that, since 2003, soldiers recruited aged 16–17½ have had ‘twice the odds of alcohol misuse and twice the odds of reporting episodes of lifetime self-harm’ relative to those recruited at older ages.

“The main army training centre for child recruits is subject to multiple allegations of abuse by its staff; 60 formal complaints of violence by instructors against recruits have been recorded since 2014. [A recent report by CRIN on this subject is referenced in “new publications” section below.]

“Between 2015 and 2020, girls under 18 in the armed forces made 41 formal complaints of sexual assault or rape to the police. This equivalent to a rate of 2.5%, double that found among civilian girls of the same age.”

CRIN continues its campaign to win Parliamentary support for a raising of the minimum recruitment age to 18 in all circumstances.

Parallel information for Germany is contained in the submission made by Terre des Hommes Germany to the UN Committee on the Rights of the Child.

“Since 2011 till 2021, the German Armed Forces, the Bundeswehr, have recruited more than 15,000 17-year-old boys and girls as soldiers. In 2021, 1239 minors (1000 boys and 239 girls) have been recruited – an increase of 8% compared to 2020 (1148 minors). The minor soldiers receive the same military training as adults and are often housed together with

<sup>183</sup> <https://www.ohchr.org/en/hr-bodies/upr/gb-stakeholders-info-s41>



them; the legal protection of minors and the Youth Employment Protection Act are not respected. Even if they are not sent on foreign missions before they reach the age of majority and are not allowed to perform armed guard duty, they are exposed to severe risks.”

“In the three years alone from 2018 to 2020, at least eight underage soldiers were injured in accidents, one committed suicide, and 17 reported that they had been victims of so-called “crimes against sexual self-determination,” i.e. verbal or physical sexual violence. These are only the reported cases, the number of unreported cases is likely to be high. In almost a third of the cases of sexual violence, superiors are suspected of the crime, which points to abuse of power and a systemic problem by the military structures.

“In addition, according to the ministry, almost one in four Bundeswehr soldiers without deployment experience suffers from mental illness. Data on underage soldiers is not available, but it can be assumed that they are disproportionately affected, since scientific studies have shown that young people are particularly mentally unstable and sensitive.” They quote the specific case of an underage soldier who developed a stress-induced preliminary stage of schizophrenia because of the psychological stress he suffered during his time in the German Armed Forces.

Tellingly, they also report, quoting a radio interview, that “Due to the obvious problems with minor soldiers, the current Military Commissioner Eva Högl is a supporter of lifting the recruitment age to 18”.



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## 2.7 SERVING MEMBERS OF THE MILITARY

As reported under Germany, a total of 1,082 requests from serving members of the military for recognition as conscientious objectors were lodged in 2022, up from 201 the previous year. Comparable statistics do not exist for other States, because none have such clearly-defined procedures for making such requests. One has to assume that were the possibility to become available elsewhere, a similar level of demand would be revealed.

Meanwhile, also in Germany, the appeal of former US serviceman André Shepherd against the refusal of his asylum claim, referred back to the German authorities in 2015 by the EU Court of Justice remains pending, as it has since 2017.



## 2.8 CONSCIENTIOUS OBJECTORS AND ASYLUM

There is ample political and legal backing for the granting of asylum to conscientious objectors to military service.

The UN Commission on Human Rights, in operational paragraph 7 of its Resolution 1998/77, states: “[the Commission] encourages States, subject to the circumstances of the individual case meeting the other requirements of the definition of a refugee as set out in the 1951 Convention<sup>184</sup> (...) to consider granting asylum to those conscientious objectors compelled to leave their country of origin because they fear persecution owing to their refusal to perform military service where there is no provision, or no adequate provision, for conscientious objection to military service”.

Detailed guidance on the application of refugee law in such cases, taking into account advances in State practice, international standards, and human rights jurisprudence, has been given by the UN High Commission for Refugees first in the “Handbook”,<sup>185</sup> the text of which dates from 1979, although it has twice been reissued unamended, and then in the “Guidelines”<sup>186</sup> published in 2014. For EU States it has been supplemented by Qualification Directive 2004/83.

The issue first attracted wide attention at the time of the Yugoslav Wars in the 1990s. Both the European Parliament<sup>187</sup> and the Parliamentary Assembly of the Council of Europe (PACE)<sup>188</sup> passed resolutions as a result of which many member States granted asylum to objectors fleeing that conflict. It is worth quoting Paragraph 13 of the PACE resolution in which member states are invited:

a. to bear in mind, when examining requests for protection from deserters and draft resisters from the former Yugoslavia, the serious risks of persecution these persons would run if they returned;

b. to examine all applications for asylum submitted by deserters and draft resisters from the former Yugoslavia with reference to the United Nations Convention relating to the Status of Refugees and the recommendations of the Office of the United Nations High Commissioner for Refugees as set out in the Handbook on procedures and criteria for determining refugee status;

c. to refrain from deporting, or even from threatening to deport, deserters and draft resisters from the former Yugoslavia until such time as an amnesty has been declared and they can return home in complete safety;

d. to consider each case involving the return of deserters and draft resisters in the light of Article 3 of the European Convention on Human Rights, which states that “no one shall be subjected to torture or inhuman or degrading treatment or punishment”.

<sup>184</sup> “a person who owing to well-founded fear of being persecuted for reasons of race, religion, nationality, membership of a particular social group or political opinion, is outside the country of his nationality and is unable or, owing to such fear, is unwilling to avail himself of the protection of that country; or who, not having a nationality and being outside the country of his former habitual residence as a result of such events, is unable or, owing to such fear, is unwilling to return to it.”

<sup>185</sup> Handbook on Procedures and Criteria for Determining Refugee Status under the 1951 Convention and the 1967 Protocol relating to the Status of Refugees

<sup>186</sup> Guidelines for International Protection, No. 10: Claims to Refugee Status related to Military Service within the context of Article 1A (2) of the 1951 Convention and/or the 1967 Protocol relating to the Status of Refugees, 2014.

<sup>187</sup> Official Journal of the European Communities, C 315, 22 November 1993 p. 234, Resolution of 28<sup>th</sup> October 1993

<sup>188</sup> Resolution 1042, 1<sup>st</sup> July 1994



Over the subsequent years there have been numerous cases where conscientious objectors have – sometimes with the help of EBCO – successfully sought political asylum in EU countries. For instance, as detailed in past Reports, conscientious objectors from Türkiye have obtained asylum in France, Germany and Italy (and one might also add Halil Savda who obtained asylum in Cyprus having had to flee Türkiye as a result of persecution over his advocacy of conscientious objection), objectors from Syria and Eritrea are known to have obtained asylum in Germany, at least one South Korean in France and, before the Russian invasion, at least three conscientious objectors from Ukraine in Italy. Sadly, there have also been failures; most recently we had to report the case of a conscientious objector from Azerbaijan with a strong case whose application for asylum in Belgium was refused in 2020.

In the last year, this issue has come to the fore on a scale which could dwarf the Yugoslav precedent, with the possibility of many thousands of asylum applications from persons avoiding service in the war in Ukraine.

Following the Russian invasion on 24<sup>th</sup> February, the Ukrainian response with regard to conscientious objection was threefold. A general mobilisation was declared; the existing military service provisions (which included a civilian service alternative for conscientious objectors, although woefully inadequate, being available only to members of ten named religious denominations, comprising in total a mere 1.3% of the national population) were suspended, and all men below the age of 60 were barred from leaving the country – or indeed from relocating from their usual address.

In Russia after the invasion military recruitment initially continued to rely on Spring and Autumn call-ups of young men reaching the age of 18, with conscientious objectors able to apply to perform Alternative Civilian Service, the conditions of which however were punitively burdensome compared to those of military service. However on 21<sup>st</sup> September President Putin announced a “partial reserve mobilisation” (accompanied by a postponement by one month of the normal Autumn call-up). Although this was supposedly to be of trained military personnel with relevant skills, all accounts indicate that it was implemented indiscriminately and that many persons who had never performed military service found themselves called-up. Contrary to the international standards, as this was defined as a reserve mobilisation, no opportunity of alternative civilian service was made available.

Belarus is also affected. It has openly supported the Russian action, and made its territory available for the launch of the invasion. So far it has not been directly drawn into the conflict, or announced a mobilisation similar to that in Russia, but both remain a distinct prospect. As recently as 16<sup>th</sup> February 2023, Belarussian President Lukashenko was quoted by Reuters as saying “I am ready to fight with the Russians from the territory of Belarus in only one case: If even one soldier comes onto the territory of Belarus to kill my people. If they commit aggression against Belarus, the response will be the most severe, and the war will take on a completely different nature.” And already in February 2021, like Russians in the new mobilisation, a Belarusian Jehovah’s Witness, Dimitry Mozol, was punished for refusing call-up to reserve training when he had not previously performed military service and so been able to apply for recognition as a conscientious objector.

As a conservative estimate, Connection e.V. calculated in September 2022, shortly after the announcement of the new mobilisation, that more than 150,000 men subject to military service had left Russia, more than 145,000 had left Ukraine and more than 22,000 had left Belarus, The figure for Ukraine has of February 2023 been updated to 175,000;<sup>189</sup> other sources estimate that perhaps as many as 700,000 people, mainly men seeking to avoid

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<sup>189</sup> Friedrich, R. “Germany: Federal Office for Migration rejects asylum for Russian refusers: Russia, Belarus, Ukraine: What about the protection of refusers?”, 17th February 2023, <https://en.connection-ev.org/article-3736>



recruitment, left Russia in the month after mobilisation was declared, so it is clear that the 150,000 figure for Russia will eventually need to be very substantially revised upwards. It is impossible at this stage to say how many of these cases will eventually result in asylum applications in Europe. It must however be emphasised that numbers are essentially irrelevant. The return of anyone against his or her will to face recruitment into warring forces is a tragedy.

Shortly after the Russian invasion, the EU issued Decision 2022/382<sup>190</sup> which has the effect that all displaced residents of Ukraine and their families should be given leave to remain for one year – a period which could in the light of circumstances be twice expanded for a further six months, in order to postpone any decisions about refugee status. It now seems clear that this time period will need to be extended, but such protection will continue to apply equally to men of “military age” who have succeeded in leaving Ukraine. However, conscientious objectors will need more than temporary protection, for even if returned only after the end of hostilities they would still face punishment – up to three years’ imprisonment for refusing call-up, up to twelve years where the objection was not manifested until after enlistment. And over and above any formal penalties men who have remained outside the country are likely to face considerable general social persecution on return.

For Russians, the biggest problem is in getting to a position from which an EU asylum application could be lodged. By the time of the mobilisation there were no longer any direct flights, and the member States with land borders had closed them to all Russians. To arrive in the EU thus involves a tortuous journey usually starting typically with arrival in Kazakhstan, Georgia or Türkiye – and for Russian citizens there is moreover no automatic right of entry. And there is always the additional problem posed by the Dublin accords, which require that any asylum application be lodged in the first EU State reached.

Conscientious objectors who can prove that they would be recruited on return to Ukraine, Russia or Belarus ought to qualify automatically for asylum. They face persecution, which according to the Guidelines (para 18), arises “where the individual would be forced to undertake military service or participate in hostilities against their conscience, or risk being subjected to prosecution and disproportionate or arbitrary punishment for refusing to do so”.

It is irrelevant that in Russia much, and in Ukraine all, of the current recruitment is described as “mobilisation”, it is its obligatory nature which constitutes persecution. Nor are persons who have indeed already undertaken military service and are recalled as reservists, nor deserters who (as in these States) had no opportunity to apply for release from service on grounds of conscience, excluded from protection as conscientious objectors. Paragraph 8 of the Guidelines recalls that the right “applies to absolute, partial, or selective objectors, volunteers as well as conscripts before and after joining the armed forces; during peace time and during armed conflict. It includes objection to military service based on moral, ethical, humanitarian or similar motives.”. Under Article 19 of the Guidelines, the protection extends also to those who in Russia and Belarus might have had access to Alternative Civilian Service, as the arrangements in both countries have been found by the UN Human Rights Committee to be punitive.

Such persecution could almost always be defined as on the basis of religion, which under the Qualification Directive “shall in particular include the holding of theistic, non-theistic and atheistic beliefs, the participation in, or abstention from, formal worship in private or in public, either alone or in community with others, other religious acts or expressions of view,

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<sup>190</sup> Implementing decision 2022/382 - Existence of a mass influx of displaced persons from Ukraine within the meaning of Article 5 of Directive 2001/55/EC, and having the effect of introducing temporary protection, 4th March, 2022



or forms of personal or communal conduct based on or mandated by any religious belief;" (Article 10.2b).

It may however also be established that conscientious objectors are singled out for persecution on the basis of perceived political opinion or membership of a particular social group. "Selective objectors" to the Russian invasion of Ukraine would certainly fall into the former category, but it is arguable that in the eyes of the State conscientious objection, or the pacifism on which it is based is, often seen as in itself representing a political position. As for membership of a particular social group, the EU Directive states: "a group shall be considered to form a particular social group where in particular: — members of that group share an innate characteristic, or a common background that cannot be changed, or share a characteristic or belief that is so fundamental to identity or conscience that a person should not be forced to renounce it, and that group has a distinct identity in the relevant country, because it is perceived as being different by the surrounding society". In the context of the current conflict, conscientious objectors who have left their country could surely meet all the requirements of this definition.

"Refugee claims relating to military service may also be expressed as an objection to (i) a particular armed conflict or (ii) the means and methods of warfare [the conduct of a party to a conflict]. The first objection refers to the unlawful use of force [jus ad bellum], while the second refers to the means and methods of warfare as regulated by international humanitarian law [jus in bello], as well as international human rights and international criminal law. Collectively such objections relate to being forced to participate in conflict activities that are considered by the applicant to be contrary to the basic rules of human conduct." (Guidelines, para 26).

The Handbook had already stated "Where (...) the type of military action, with which an individual does not wish to be associated is condemned by the international community as contrary to basic rules of human conduct, punishment for desertion or draft evasion could (...) in itself be regarded as persecution." (Para 171)

Classic cases decided according to these principles were those of *Ciric* in Canada in 1994 regarding the Yugoslav wars,<sup>191</sup> and, regarding the likelihood of being involved in war crimes or crimes against humanity, *Krotov* in the UK in 2004, regarding a deserter from the Russian army in the Chechnya<sup>192</sup>.

It might also be observed that where illegality is "objectively" found to exist, the objection need not necessarily be based on grounds of conscience, although such arguments will in practice usually strengthen the case. In particular, given that a person who commits war crimes or crimes against humanity cannot invoke the defence of superior orders and is automatically debarred from recognition as a refugee, it is therefore logical that those who would face a real risk of being obliged, on threat of punishment, to participate directly or indirectly in such crimes are entitled to refugee protection on such grounds.

Objectors to participating in the Russian invasion of Ukraine can readily cite as proof of international condemnation, starting with the EU Council's decision on the day of the invasion, and followed by UN General Assembly resolutions of 2<sup>nd</sup> March 2022 entitled 'Aggression against Ukraine', and 23<sup>rd</sup> February 2023 "calling for an end to the war and Russia's immediate withdrawal from the territory of Ukraine", and the European Parliament Resolution 2051 of 6<sup>th</sup> October 2022 "on Russia's escalation of its war of aggression against Ukraine", and ample evidence of war crimes and crimes against humanity, for instance in the

<sup>191</sup> *Ciric v Canada*, Canadian Federal Court, A-877-92, 13th December, 1993.

<sup>192</sup> *Krotov v Secretary of State for the Home Department*, EWCA Civ69, 11th February 2004.



report of the investigative mission conducted between 1<sup>st</sup> April and 25th June 2022 by the Organisation for Security and Co-operation in Europe<sup>193</sup>.

However, obtaining refugee status has never been easy for conscientious objectors, and success is never guaranteed. The crucial findings of fact in individual cases and the application of the guidelines are done by national authorities which are notoriously reluctant to grant asylum when they can find any argument for not doing so. They may quibble about whether the objection is "genuine", whether the fear of persecution is indeed "well-founded", or about the "objective" situation with regard to legality or the likelihood of recruitment. Particularly in a situation developing as rapidly as the present one, they may also be basing their judgements on outdated "Country of Origin" information – for example the latest guidance from the UK Home Office on Russia dates from August 2022, and even so contains only limited information about developments since the invasion of Ukraine. Fortunately in December 2022 the European Union Agency for Asylum published updated guidelines on military service in the Russian Federation which provide invaluable evidence of the generally indiscriminate nature of the recent mobilisation, but also of the tendency to specifically target disadvantaged minorities and those seeking to leave the country, and also evidence that despite official policy statements, conscripts had been widely deployed to Ukraine, sometimes having been persuaded after after four months' training to sign a military service contract and then having been reclassified. They also document conditions in the Russian armed forces, which like those in Russian prisons, can provide strong arguments against returning anyone affected whether or not asylum is granted.

Precedents so far in the adjudication of individual cases are mixed:

At the beginning of March 2022, the Court of Cassation in Italy added to the case law there by overturning a 2020 decision by the Court in Turin to refuse refugee status to a conscientious objector from Ukraine who had arrived in 2017. The Court of Cassation not only found that even the then-applicable legislation on conscientious objection (which of course has now been suspended) was wholly inadequate; it moreover noted the evidence of "violations and war crimes committed by both sides" in the ongoing, ostensibly civil, conflict before the Russian invasion, and ruled that "A conscientious objector who refuses to serve in the army in his country of origin must be granted political refugee status if his enlistment entails the risk of involvement, even indirectly, in a conflict characterised by the commission, or high probability, of war crimes or crimes against humanity".<sup>194</sup>

By contrast, even before the Russian invasion German courts had refused all applications from Ukrainian conscientious objectors. And despite the fact that the Ministry of the Interior had declared in May 2022 that Russian deserters generally comply with the requirements of refugee status (political persecution) this finding did not necessarily extend to draft dodgers,<sup>195</sup> thus at the end of January 2023, the Federal Office for Migration and Refugees rejected the asylum application of a Russian who had evaded possible recruitment, writing in the decision: "It cannot be assumed with any considerable probability that the applicant, a (40-plus-year-old) national of the Russian Federation who, according to his statements, has not performed any military service and thus does not have any previous military knowledge or any other (militarily relevant) special knowledge, would be conscripted into the armed forces against his will at all. According to § 22 of the Federal Law 'On Conscription and Military Service', all male Russian citizens between the ages of 18 and 27 are called up

<sup>193</sup> OSCE, ODIHR, Report on violation of International Humanitarian and Human Rights Law, war crimes and crimes against humanity, 14 July 2022

<sup>194</sup> <https://www.quotidianopiemontese.it/2022/03/06/la-cassazione-accoglie-la-richiesta-di-asilo-di-un-ucraino-fuggito-dal-donbass-per-evitare-larruolamento/>

<sup>195</sup> Contribution for the EBCO Report from EAK, Germany; the text (in German) of the relevant decision can be read at: [https://de.connection-ev.org/pdfs/2022-05-17\\_IM.pdf](https://de.connection-ev.org/pdfs/2022-05-17_IM.pdf),





for compulsory service in the Russian army. On the basis of the available information, it does not appear that the Russian Federation would call up additional age groups beyond the above-mentioned age group for the armed forces in the context of a partial or general mobilisation, or that such a mobilisation would be imminent in the foreseeable future. Such mobilisation is also considered unlikely in other respects, especially as it would be incompatible with the Russian narrative of a planned, limited 'special operation' and would be difficult to convey domestically."<sup>196</sup> This risk assessment might well have seemed reasonable on the information available a year ago, but it now seems woefully out-of-date.

It is likely that each case will painstakingly have to be argued individually. EBCO stands ready to do what it can to give advice and support to claimants, and to persuade those judging claims not to mislead themselves either on facts or on the interpretation of the existing guidance.

Meanwhile, although not binding on adjudicating authorities, statements of political support for those seeking asylum would be as helpful now as they were at the time of the Yugoslav wars.<sup>197</sup>

From the start, EBCO has been active in advocating that no-one who has fled to avoid involvement on either side in the war - conscientious objectors, deserters, or others - should be in danger of being returned.

In June 2022, we joined with War Resisters' International, Connection eV and the International Fellowship of Reconciliation to launch an appeal, backed by over sixty organisations in twenty countries, to the European Parliament and the Parliamentary Assembly of the Council of Europe that they to pass resolutions which, we suggested, should call on member states to:

- "- ensure that Russian and Belarusian military men and women who have evaded military service and thus possible war deployment in Ukraine, or who have deserted, are granted asylum in the member states in a manner in line with the Qualification Directive;
- ensure that Ukrainian conscientious objectors, who have been refused recognition in Ukraine, as well as to military men and women evading possible acts in violation of international law on the side of Ukraine are granted protection;
- [and] to develop programs and projects which seek to provide possibilities for training or further education for deserters and draft evaders."

On 21<sup>st</sup> September, the International Day of Peace (ironically the very day on Russia chose to announce the new mobilisation), the same four organisations publicly launched the #ObjectWarCampaign, which calls on all citizens everywhere to join the global effort to ensure protection and asylum to conscientious objectors and deserters from Russia, Belarus and Ukraine involved in the current war in the region". noting that on April 6, 2022, the President of the European Council, Charles Michel, had called on Russian soldiers to desert and promised them protection under refugee law - a promise which had not yet been fulfilled.

A petition has been prepared, addressed to Charles Michel along with President of the European Commission Ursula von der Leyen, and the President of the European Parliament Roberta Metsola. The text reads:

"We ask you to:

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<sup>196</sup> Friedrich, R, Connection eV, op cit

<sup>197</sup> It should also be remembered that, with the Yugoslav situation in mind, UN Commission on Human Rights Resolution called on States to include conscientious objectors in post-conflict amnesties. At the time of writing, however, it is hard to foresee such amnesties in either Ukraine or Russia.



- Grant protection and asylum to deserters and conscientious objectors from Belarus and the Russian Federation!
- Urge the Ukrainian government to stop persecuting conscientious objectors to military service and to guarantee them a full right to conscientious objection!
- Open the borders to those who oppose war at great personal risk in their country!

“Why is this important?”

“For more than half a year, the Russian Federation has been waging a war of aggression in Ukraine, with devastating consequences. There seems to be no end in sight. Yet we know that men and women on all sides are evading the crimes of war. Tens of thousands are fleeing the Russian Federation and Belarus to avoid being recruited for the war. Thousands are leaving Ukraine because they see their human right to conscientious objection in danger. They are all our hope for overcoming violence.”

The still unfulfilled promise by the President of the European Council was echoed at the end of September by the German Interior Minister, who was quoted as saying “Anyone who courageously opposes the regime of President Vladimir Putin and therefore puts themselves in great danger can apply for asylum in Germany because of political persecution,” adding “As a rule, deserters threatened with severe repression receive international protection in Germany.”<sup>198</sup> France similarly indicated that it would look favourably on claims from persons fleeing Russia because of opposition to the Ukraine war – and what opposition can be more effective than refusing to fight?

In the German Parliament on 29th September the parliamentary group of Die Linke brought forward the following motion: “The German Bundestag calls upon the Federal Government to take all necessary measures at national and European level to ensure that for Russian deserters and conscientious objectors who want to escape from the war in Ukraine by fleeing, safe entry into the EU or Germany is possible and that they are granted safe protection and residence status in an uncomplicated way.” It was however rejected by a large majority of all other parliamentary groups.<sup>199</sup>

Nevertheless, so far the only reference by the European Parliament to asylum applies only to Russia and is even so exceptionally guarded in wording - Para 13 of Resolution 2051 “Calls on the Member States to fully implement the Commission’s guidelines on general visa issuance in relation to Russian applicants and controls of Russian citizens at the external borders, in full compliance with EU and international law, and to ensure that every asylum application by *inter alia* dissidents, deserters, draft dodgers and activists is dealt with on an individual basis, taking into account the security concerns of the host Member State and acting in accordance with the EU asylum *acquis*; calls on the Council and the Commission to closely monitor the situation in relation to Russian visas;”

As the #ObjectWarCampaign organisations state in a joint press release to mark the anniversary of the Russian invasion, those trying to flee their countries to evade the crimes of war are the hope of all of us that violence will be overcome. “Therefore, **the European Union should grant protection and asylum to all deserters and conscientious objectors! The Union should urge the Ukrainian government to stop persecuting conscientious objectors to military service and to guarantee them a full right to conscientious objection! And the European Union should open the borders to those who oppose war at great personal risk in their country!**”

<sup>198</sup> See <https://www.tagesschau.de/inland/russische-deserteure-101.html>

<sup>199</sup> Contribution for the EBCO Report from EAK, Germany, quoting Deutscher Bundestag Drucksache 20/3684, <https://dserver.bundestag.de/btd/20/036/2003684.pdf>



### 3. NEW PUBLICATIONS

The Analytical Report of the UN High Commissioner on Human Rights on Conscientious objection to military service (UN document A/HRC/50/43), presented to the Human Rights Council in June 2022, is an authoritative update on developments globally on the issue - both in standards and practice.

In July 2022 the Child Rights Information Network in the UK published "British army: Welfare concerns at the Army Foundation College, Harrogate"<sup>200</sup> compiling evidence of physical and sexual abuse at this institution where 16 and 17 year old recruits go for training, of inadequate investigation and remedy, and of the long-term mental health impact on juvenile recruits."

In August Gelassenheit Publications and the World Council of Churches Press published "Ecumenism and Peace: from Theory and Practice to Pilgrimage and Companionship", by Fernando Enns, Mennonite member of the WCC Central Committee, which includes an account of the successful campaign to raising the issue of conscientious objection to military service at the World Council of Churches in which he played a prominent role.

December saw the publication of "A Missing Piece for Peace: Bringing together the Right to Peace ND Freedom of Conscientious Objection to Military Service", edited by Michael Wiener and David Fernandez-Puyana and published by the University of Peace, San Jose, Costa Rica. Among those who contributed chapters are the new UN Special Rapporteur on Freedom of Religion or Belief, Professor Nazila Ghanea, and her two predecessors, Professor Ahmed Shaheed and Professor Heiner Bielefeldt, and Professor Gentian Zyberi of the UN Human Rights Committee. Rachel Brett wrote a chapter entitled "Contribution of civil society to shaping freedom of conscientious objection to military service", and Derek Brett one on "Human rights advocacy and implementation of freedom of conscientious objection". Among the individual stories featured in short pieces entitled "voice" were those of Lazaros Petromilides and Angelos Nikolopoulos in Greece, Murat Kanatli in Cyprus and Robin Brookes, member of the "Peacetax Seven" in the UK who campaigned against funding military expenditure through their taxes.

In December 2022 the EU Asylum Agency produced new Country of Origin guidance on "The Russian Federation - Military Service"<sup>201</sup>. This is probably the most comprehensive source available on all aspects of military service in Russia, and on deployment to Ukraine and gives a thorough analysis of the practical implementation of the mobilisation of Autumn 2022.

In Greece, October saw the publication of a very important book by Michalis Maragkakis, the first conscientious objector in Greece on ideological grounds, about the history of the conscientious objectors' movement in this country: "Αρνηση Στράτευσης: Οδοιπορικό για τους Αντιρρησίες Συνειδήσης 1986-2022" ("Refusal to enlist: A travelogue about Conscientious Objectors 1986-2022"), Firebrand, Athens, 2022. The edition also contains texts by various pioneers of the conscientious objectors' movement in Greece, including Thanasis Makris, Spyros Psychas, Dimitris St. Peroulas, Yannis Gklarnetatzis; a preface by Athanasios Kalafatis, Associate Professor of Economic History in the University of Piraeus; texts by Michael Tsapogas, lawyer at the Greek Ombudsman, and Alexia Tsouni, Vice-Chair of Amnesty International Greece; a text about the anti-war struggle inside the army, by lawyer Ioannis Papadimas; a text about the evolution of the Greek legislation on conscientious objection, by Georgios Karatzas; and an afterword by the editor of the book, Thodoris Iliopoulos. The book is available in Greek by the Firebrand Editions<sup>202</sup> and in Greek bookstores.

<sup>200</sup>

<https://static1.squarespace.com/static/5afadb22e17ba3eddf90c02f/t/62d93391e2e9d369325b63f9/1658401682302/>

<sup>201</sup> <https://euaa.europa.eu/publications/russian-federation-military-service>

<sup>202</sup> [www.facebook.com/people/%CE%95%CE%BA%CE%B4%CF%8C%CF%83%CE%B5%CE%B9%CF%82-Firebrand/100060057901143/](https://www.facebook.com/people/%CE%95%CE%BA%CE%B4%CF%8C%CF%83%CE%B5%CE%B9%CF%82-Firebrand/100060057901143/)



## 4. RECOMMENDATIONS

EBCO will be presenting this report to the European Parliament, to the Parliamentary Assembly and the Commissioner for Human Rights of the Council of Europe, and to various State authorities. In each case EBCO accompanies it with a set of targeted recommendations.

Meanwhile EBCO repeats its general recommendations, applicable to all European States:

- 1) if they have not already done so, to **abolish all compulsory military service**, and meanwhile refrain from prosecuting or otherwise harassing conscientious objectors, with no further action required from such persons; or - secondly - providing a non-punitive and non-discriminatory alternative service of purely civilian nature;
- 2) to **legally recognise the right to conscientious objection to military service** and ensure that it is possible for all conscientious objectors to avoid enlistment in the armed forces and for all serving members of the armed forces or reservists to obtain release without penalties should they develop conscientious objections, and that the civil, economic and political rights of conscientious objectors are fully protected;
- 3) to immediately cease any recruitment into the armed forces of **persons aged under 18** and stop any military-type training of such persons;
- 4) to accept **applications for asylum** from all persons seeking to escape military service in any country where there is no adequate provision for conscientious objectors, and especially where they are in danger of being otherwise forced to participate in armed conflict;
- 5) to decrease **military expenditure** and increase social spending, and to make available to citizens with conscientious objections means of specifying that no part of the taxes which they have personally paid is directed towards military expenditure;
- 6) to introduce **peace education** in all parts of the education system.



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## 5. THANKS

EBCO wishes to sincerely thank all governments, national human rights institutions, as well as international and national non-governmental organisations and solidarity groups who responded to the request of EBCO for provision of information.