



European Bureau for Conscientious Objection

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P R E S S R E L E A S E

EBCO publishes its Report 2011 on the Right to Conscientious Objection in the Council of Europe Member States

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The European Bureau for Conscientious Objection publishes today its Report 2011 on the Right to Conscientious Objection in the Council of Europe Member States. «*In this report EBCO submits evidence on the state of the human right to conscientious objection both in law and in practice in all the Member States of the Council of Europe. It also includes evidence from other sources on other relevant issues, like the Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict, the compulsory recruitment age, the voluntary recruitment age and the military expenditure*», Ms Alexia Tsouni, EBCO's Secretary said today.

On July 7th the European Court of Human Rights held that there had been a violation of Article 9 (freedom of thought, conscience and religion) of the European Convention on Human Rights in the case of conscientious objector Mr Vahan Bayatyan, an Armenian Jehovah's Witness who was convicted and imprisoned for his refusal to perform military service. "This ruling is historic because it is the first time that the European Convention on Human Rights has been interpreted so as to recognise explicitly the right to conscientious objection to military service", Mr Friedhelm Schneider, EBCO's Delegate to the Council of Europe stated when this judgment was issued.

"EBCO urges those member states of the Council of Europe which still violate the human rights of conscientious objectors to bring their legislation and practice in line with the European and international standards; and at the same time EBCO urges the Council of Europe to monitor and report periodically on their progress" Gerd Greune, EBCO's President, said today.

Among the 47 Council of Europe member states:

- 2, Albania and Georgia, have not yet signed the Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict and 2, Estonia and San Marino, have not yet ratified it.
- 5 can or do, in certain circumstances, take recruits aged under 18 into compulsory military service, or training: Austria (option to enrol for military service from the age of 17, with parental approval), Belgium (compulsory recruitment age is 17 in wartime), Estonia (17-year-olds could be liable for call-up), Russian Federation (compulsory recruitment age is 18 with basic military training at 15 or 16) and San Marino (compulsory recruitment age is 16 in time of war or emergency).
- 15 have a voluntary recruitment age under 18: Armenia, Austria, Azerbaijan, Cyprus, Estonia, France, Germany, Hungary, Ireland, Luxembourg, Moldova, Netherlands, Norway, Russian Federation and United Kingdom.

EBCO was founded in 1979 as an umbrella structure for national associations of conscientious objectors to promote the right to conscientious objection to preparations for, and participation in, war and any other type of military activity as a fundamental human right, on both a national and an international level. EBCO enjoys participatory status with the Council of Europe.

- 4 have no armed forces: Andorra, Iceland, Liechtenstein and Monaco.
- 28 have no conscription: Albania, Belgium, Bosnia and Herzegovina, Bulgaria, Croatia, Czech Republic, France, Germany, Hungary, Ireland, Italy, Latvia, Lithuania, Luxembourg, Macedonia, Malta, Montenegro, Netherlands, Poland, Portugal, Romania, San Marino, Serbia, Slovak Republic, Slovenia, Spain, Sweden and United Kingdom.
- 15 maintain conscription: Armenia, Austria, Azerbaijan, Cyprus, Denmark, Estonia, Finland, Georgia, Greece, Moldova, Norway, Russian Federation, Switzerland, Turkey and Ukraine. Among these 15 countries, 1 does not recognise the right to conscientious objection for conscripts: Turkey; 1 does recognise the right to conscientious objection for conscripts in its constitution but has no law: Azerbaijan; 11 have a law providing for a discriminatory and punitive civilian service: Armenia, Austria, Cyprus, Finland, Georgia, Greece, Moldova, Norway, Russian Federation, Switzerland and Ukraine; and 2 have a law providing for a non-discriminatory and non-punitive civilian service: Denmark and Estonia.
- 4 recognise the right to conscientious objection for professional soldiers: Germany, Netherlands, Switzerland and United Kingdom.
- 7 have in recent years sentenced conscientious objectors to imprisonment: Armenia, Azerbaijan, Finland, Greece, Norway, Turkey and United Kingdom.
- 3 prosecute conscientious objectors repeatedly for their continued refusal to serve in the army: Greece, Norway and Turkey.
- 2 do too little to prevent the ill-treatment of conscientious objectors in detention: Azerbaijan and Turkey.
- 1 has imprisoned persons for speaking in public in favour of the right of conscientious objection: Turkey.
- 5 have military expenditure larger than 3% of their GDP: Armenia, Azerbaijan, Georgia, Greece and Russian Federation.
- 1 levies military exemption taxes: Switzerland.
- Moreover, conscientious objectors who flee their country of origin because of the compulsory military service, or professional soldiers who have developed conscientious objection but cannot obtain release from the military have been refused political asylum in various European countries.

EBCO calls on all the Council of Europe member states to:

- Sign and ratify the Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict.
- Stop the compulsory recruitment of persons aged under 18 (even in a state of emergency or mobilization or war).
- Stop the voluntary recruitment of persons aged under 18.
- Stop the military training of persons aged under 18.
- End conscription and meanwhile recognise the right to conscientious objection for conscripts, serving conscripts and reservists.*
- Recognise the right to conscientious objection for professional soldiers.*
- Stop prosecuting (especially repeatedly for the same act), imprisoning and ill-treating conscientious objectors.
- Stop prosecuting, imprisoning and ill-treating persons who speak in public in favour of the right to conscientious objection or criticise the army.
- Give political asylum to persons who seek asylum because of their conscientious objection.
- Abolish military exemption taxes.
- Minimise military expenditure and recognise the right to conscientious objection to military taxes.*

*Recognise the right to conscientious objection both on religious and ideological grounds, without any religious or ideological exclusion / discrimination, providing adequate and timely information and without restrictions on accessing it.

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