

# European Union without Compulsory Military Service

## Consequences for Alternative Service

A comparative study  
on the policies in EU-member states

by Gerd Greune (resp.) and Michela Lai

European Bureau for Conscientious Objection (EBCO)  
Brussels Office

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## PREFACE

The need for compulsory military service has been rendered anachronistic and obsolete. The democratic revolutions of 1989 in Central and Eastern Europe have radically changed the post war order and the bloc confrontation, which had dominated European politics for more than 40 years. With its decisions on institutional reform and enlargement the European Council Meeting in Nice in December 2000 finally paved the way for the historic unification of Europe, which is in itself a precondition for lasting peace.

Conscription is the notion of the 19<sup>th</sup> and 20<sup>th</sup> centuries, imperatively intertwined with the concept of nation states as the sole sovereign subjects in international politics. It can no longer be the answer to an integrated Europe all set to deepen and enlarge this integration even further and to develop sustainable partnerships with the surrounding countries.

The wars that have been waged by Yugoslavia against its neighbours and in Kosovo as well as the subsequent intervention by NATO clearly indicate that the most likely scenarios of military conflicts Europe may have to cope with will not be about territorial defence. As a response the European Union is strengthening its Common Security and Defence Policy and developing civilian and military capabilities for crisis management and conflict prevention. Whatever the legitimacy of present operations may be, they will, under all predictable circumstances, not be about national defence, and hence a matter of personal choice and free will. The majority of EU member states have therefore one after the other abolished compulsory military service during the last decade.

In countries such as Germany where conscription still prevails the rationale seems to be founded more on social concerns than on military needs. After years of discrimination alternative service has become a corner stone of the existing welfare system, very often providing basic human services through a cheap labour force.

The year 2001 will be dedicated to volunteers. The United Nations have proclaimed the first year of the new millenium as the International Year of Volunteers. And at the Nice Summit the European Heads of State approved the European Social Agenda, which constitutes a major step towards the reinforcement and modernisation of the European social model. Public welfare depends both on adequately equipped and paid professionalism, and on structures which are responsive to the variety and richness of wide spread voluntarism. The historic roles of alternative services lay in the voluntary sector. Conscription is not only a breach of this principle in that it imposes illiberal obligations on free societies and people born as free and equal, it is, especially when it comes to alternative services, also an institution that lacks the phantasy and potential of attracting more than a generation of male youths between 18 and 25 into this kind of social services. There is ample evidence that far more people would be willing to offer part of their personal time to work voluntarily if established institutions would be more flexible, welcoming and supportive.

A number of EU member states have already started to restructure their compulsory alternative sector into professional and voluntary services. Both elements will be necessary to maintain basic social services if conscription is to be abolished altogether. The comparative study 'European Union without Compulsory Military Service; Consequences for Alternative Service' by Michela Lai and Gerd Greune is a timely contribution to this public debate. It shows what strategies and instruments EU member states have developed in order to cope with the challenges ahead, and sets targets and examples of best practices for other member states to follow. After all, the peace dividend will hopefully pay off. Our societies could profit from a new spirit of voluntarism, and a European peace service, repeatedly recommended by the European Parliament, could replace the old fashioned type of compulsory alternative service. This study will help to give those aspirations some of the empirical insights needed to further and inspire the debate.

Frieder Wolf-Buchert  
Heinrich Böll Foundation, Brussels Office

## INTRODUCTION AND METHODOLOGY

The European member states are in a process of radically changing their defence policies, changing from compulsory military service to voluntary professional armies. In the 90s The Netherlands and Belgium abolished conscription. France, Italy and Spain are following. With the United Kingdom, Ireland and Luxembourg having long traditions with professional armies, eight countries out of fifteen will not call their youth to arms after 2006. Austria, Denmark, Finland, Germany, Greece, Portugal and Sweden are still continuing with compulsory military and alternative services. These services are nevertheless organised in different ways and in a permanent process of adjustment to the real (military) needs.

The social relevance of the alternative services is quite different in the EU member states. In most member states the number of conscientious objectors performing alternative service did not exceed 3-5% of those available of conscript age. Most significant is the contribution of objectors doing alternative service by quantity and quality in Austria (10%), Germany and Spain (more than 50%), and Italy (40%).

This study has been influenced by the current debate in Germany on the possible consequences after the end of conscription for the social services provided by conscientious objectors. Through its comparative approach it wants to contribute to the current discussion in Germany where a number of social services rely in an important way on the contribution of objectors doing alternative service. Germany has not been part of this study as there is a wide range of documentation on this debate available.

The end of compulsory service is giving more freedom to the individual and ending the anachronism of using their working force against their will under conditions that are generally below the labour market standards. In Spain and Italy a strong discussion on the implementation of a voluntary service replacing the compulsory alternative service is under way. In Germany calculations are made by the employing organisations on how to continue the standards of social services on a voluntary and professional base. Will any of the solutions discussed in other countries be suitable for Germany? What is the point of view of the different organisations involved in these countries?

Three groups of countries have been under analysis with different starting situations:

- The case of Holland and Belgium that have already suspended conscription and with this alternative service in 1992 and 1996

- The case of Spain, Italy and France that are in the transitional period to the suspension of conscription

- The case of the Scandinavian countries, Portugal and Austria maintaining conscription

Greece has been left out as the right for conscientious objection is only formally recognised. The alternative service is considered to be punitive and has no relevance in the social system. The Greek State is discouraging its youth from serving in the non-military area.

Countries that keep compulsory services have been analysed in relation to the legal bases of the services and the areas of work only. So the descriptions remain short on countries like Austria, Denmark, Portugal and Sweden. The impact of services in The Netherlands and in Belgium has been limited and the role of voluntary service replacing former compulsory service has not been significant.

In France we are faced with a stronger debate on "national service" though the impact of the alternative service on social services has been limited. France, where compulsory military service had its origin during the time of the French revolution, is facing a much more ideological battle on the citizens' role in services of general interest than other countries.

Italy and Spain, both in a process of abolishing conscription, have similar approaches regarding the establishment of a Civilian Service legal base to compensate for the disappearance of 100,000 – 150,000 conscripted objectors. The major part of this study is directed to this development and debate.

The research has been developed under two different lines, for general information and for the specific political position:

1. The general information concerning the organisation of alternative service in the different European Member States comes from the official web-sites of the different countries and is the product of the reply to the inquiries submitted to the responsible offices. Helpful have been the organisations of COs.
2. The political position of the organisations that enrol COs in their fields have been collected through a questionnaire sent to the organisations that have been identified either thanks to the help of the responsible office for Civilian service or through the organisation of COs.

The general information concerning the different countries refers to the legislation that rules conscientious objection and alternative service, the organisation of the Civilian Service itself, the organisations involved, the statistics of the dimension of the phenomenon.

This work has been possible thanks to the collaboration of national offices responsible for Civilian service and conscientious objection, organizations employing Conscientious Objectors and associations of Conscientious Objectors. We want to thank particularly for the contribution and comments received from: Ferran Lloveras and Jordi Tolrà (Barcelona); Eric Sapin and Claude Verrel (Paris); Diego Cipriani, Licio Palazzini, (Rome); The Italian National Office for Conscientious Objection (Rome), The Swedish and Danish Ministry of Defence; Bart Horeman and Hans Dijkman (The Netherlands); The French Ministry for Employment and Social Affairs (Paris), Jan Rutgers (Brussels); Christian Mokricky (Vienna); and Tim Brown (EBCO) for his kind corrections.

Michela Lai / Gerd Greune

Brussels, 15 December 2000

## **Chapter 1**

### **AUSTRIA**

Annually some 6.000 Conscientious Objectors are serving on a compulsory basis in an alternative service, mainly in the social field. It is planned to include in a new law services in ecological and youth organisations.

The following is the result of a conversation with Mr. Stradall from the Ministry of Home Affairs in Vienna.

Military service is compulsory and to perform alternative service the conscientious objector has to apply on the grounds of individual personal reasons. The present legislation was adopted in 1975 with some modifications. A new legislation is under discussion and it is expected that the 1975 law will be amended in January 2001.

At present alternative service can be performed in the social sector: in hospitals, in non-governmental organisations, assisting disabled persons, assisting elderly people, assisting people with drugs problems, assisting refugees.

An organisation needs an agreement with the Ministry of Home Affairs to register for the employment of Conscientious Objectors.

The new regulations foresee that the employing organisation has to make financial contributions:

Organisations like the Red Cross or Civil Protection have to pay 6,000 Schilling (436.05 €) monthly for every Conscientious Objector employed; smaller non-governmental organisations have to pay 3,000 Schilling (218.02 €) per month.

The costs for health insurance, accommodation and food have to be covered by the employing organisation.

According to the new law expected to be in force by 1 January 2001 the employing organisation will receive 3,600 Schilling (262.92 €) per month and objector including food and accommodation. In practice the employing organisation providing food and accommodation will reduce the monthly pocket money to 2,350 Schilling (171.53 €) for the objector.

The organisations concerned are currently lobbying for an amelioration of the draft law to guarantee a minimum social protection for the employed Conscientious Objector. They also want to ensure the continuation of the work of smaller non-governmental organisations that are not in a position to cover the costs foreseen by the new law.

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## **Chapter 2**

# **BELGIUM**

Compulsory military service and alternative service were abolished on 31 December 1992 by amending the 1962 Law on Conscription, which became applicable only to conscripts drafted in 1993 and earlier. In practice this meant that the law no longer applied to those born in 1975 and later. Since 1 March 1995 the Belgian armed forces consist of professional volunteers only. Conscientious objection is not enshrined in the Constitution. In fact the right word to say is that conscription has been suspended only, since under particular conditions like international crisis and war, it can be re-established.

There is no legal provision for professional soldiers to apply for conscientious objection.

On 26 September 1995 peace organisations proposed to amend the Constitution to include the right to conscientious objection. This proposal was rejected.

A legal statute for Conscientious Objectors was introduced into Belgian legislation on 3 June 1964 only. Belgium was one of the last Western European countries to pass such a law.

In Belgium some 2,000 conscientious objectors had been serving in alternative services per year. 60% were employed in the social-cultural field and 40% in hospitals or social fields. The social relevance of the alternative services was marginal and there was no major impact on these services after conscription ended. In a number of employing organisations former objectors have been employed fully by the organisation after the end of the service. The service itself has been a ticket for a future job.

Contrary to many other EU member states conscientious objectors could serve also in organisations providing assistance for objectors and creating a management for the alternative service employment in different organisations. Objectors to military service had the opportunity to lobby for war resistance, against the arms trade and militarisation during their service. The Belgian authorities organised a full information system on conscientious objection funded by the federal budget.

Conscientious objectors received 12,000 BEF (297,47 €) per month including expenses for food and accommodation whereas conscripted soldiers were receiving 14,000 BEF (347,05 €) with free food and accommodation in barracks.

Military service lasted 12 months, the alternative service in the welfare sector 16 months while in the social-cultural 24 months.

Compulsory military service was suspended following the so-called 3 July 1992 Delcroix bill, a plan to reform the Belgian armed forces. The abolition of conscription was achieved by three consecutive reductions of the length of military service between 1990 and 1993. The service was reduced from 12 to 11 months in 1991, to 10 months in 1992 and to 8 months in 1993. In the same period the alternative service was curtailed from 16 to 10 months or from 20 to 12 months respectively. In the 90s only 50% of conscripts actually performed military service. Generally out of 30,000 conscripts some 2,500 applied for conscientious objection. In 1993 19,676 performed military service and 737 alternative service in the period between 1 January 1993 and 28 February 1995.

During a short debate on the abolition of conscription a number of non-governmental organisations were lobbying towards a direct financing system for a voluntary service. Peace and development organisations favoured such an agreement but the trade unions in Belgium feared that such a regulation could undermine the employment policy and opposed provisions for a voluntary service. The proposal to allow young people to serve voluntarily in non-profit organisations with a monthly pocket money of 10,000 BEF (247,90 €) to be paid by the federal budget has never been adopted.

Already before the end of conscription Belgium had been offering the opportunity for unemployed people to work in non-profit organisations (if they contracted with the administration receiving subsidies for employing persons) for a certain time in order to reduce the number of unemployed persons and to reduce social exclusion. 80,000 people are currently participating in this program. The Belgian State is reimbursing to the organisation all costs related to such an interim employment measure hoping to create permanent jobs.

#### Sabbatical year

The Belgian social system provides assistance for a sabbatical year which offers to all employed persons an interruption of the work for one year to serve on a voluntary basis in non-profit organisations in the social, cultural or development field. Such a social year does not harm the contract with the employer, can be used also for own family and children care and is more and more used by employed persons for an interim participation in voluntary services.

Belgian organisations dealing with conscientious objection in the past have turned their activities to the general promotion of peace, particularly creating curricula on peace education in schools, working for children's rights, for refugees and against racism.

The Flemish and French member organisations of the European Bureau for Conscientious Objection are interested that those who refuse to participate in military services should have a possibility to register so that in case of emergency call-ups they are protected and cannot be called to the army. They propose to create a sort of objectors registration for those who want their right to conscientious objection to be guaranteed when the current suspension of conscription might end by a governmental decision.

In fact: Belgium makes no provision for the protection of conscientious objection at the constitutional level. With the end of the call-up in 1995 the right to conscientious objection is no longer settled.

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## **Chapter 3**

# **DENMARK**

Military and alternative service are still compulsory.



### **3.1. ACCESS TO COMPULSORY ALTERNATIVE SERVICE**

#### **The legal recognition of Conscientious Objection**

As per article 81 of the Danish Constitution every physically fit male citizen has to contribute in person to defend the nation. More detailed rules for this compulsory national service are given in the National Service Law of 1980, amended in 1992 and 1998<sup>1</sup>.

The national service can be:

- military service
- National rescue preparedness service
- Development service in foreign countries for those with appropriate skills
- Alternative service

The alternative service is administered by the Conscientious Objection Administration (CO-Administration) under the Ministry of the Interior.

Danish legislation recognised conscientious objection to military service under legal order No. 1089 of 23 December 1998. CO status is granted to a person whose objection to military service is based upon his conscience. Objection can be based upon religious or ethical reasons. An application based only upon political bases will be refused.

Application for conscientious objector status must be sent in writing stating the reasons (but addressing a general matter of conscience is enough). Since 1 July 1998 the applicant has been offered a form for applying for CO status prepared by the CO-Administration.

“In order to prevent improper use of the possibility of obtaining CO status from reasons other than that of conscience, the length of the CO service has previously been longer than the military service, approximately 1/3 longer”. Until 1986 the CO service was 11 months. On 1 July 1986 the law was modified establishing equal length for the alternative service to the military service. The length of the substitute service depends on what part of the armed forces the conscript would otherwise have served in. The length of service varies from 3 days to 14 months.

The Ministry of the Interior regulates the service. It can be performed in either governmental or non-governmental organisations like hospitals, social work for the elderly and young people, for mentally and physically disabled people and cultural institutions such as museums, theatres, libraries. Besides it is possible to work in the peace movement and organisations, organisations connected with the UN, church organisations and environmental movements and organisations.

The service begins with an introductory unit of 6 days, where the conscripts are informed of their duties and their rights and of the social and practical conditions of the service. After this introduction the conscripts spend the rest of their service working in institutions.

The Conscientious objection administration has made an arrangement about employing COs for various jobs. The CO can choose during the introductory unit the sort of institution he finds most convenient as to interest, geographical position etc.

The institutions are evenly situated all over the country, which makes it possible for most of the COs to do their national service near their homes. The employment of a CO must not have any military purpose.

It is a condition, however, that the COs have to work in an area which is not usually covered by the employing organisation; they shall not be employed in vacant jobs, they may not be used in jobs demanding special skills or in institutions where they have been working before.

### **3.2. ALTERNATIVE SERVICE**

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<sup>1</sup> Cf. Legal order No. 1088 of 23 December 1998.

## Financial provision

In 2000 the budget of the CO-administration is 48,600,000 DKr (6,507,540 €). This includes the allowances for the COs. The budget for the allowances is 39,500,000 DKr (5,289,050 €).

A CO is paid 6,532.04 DKr/month (874,63 €) In addition to this the COs get a rent subsidy of maximum 1,945 DKr (260,44 €) per month from the institution or organisation where they perform their national service, if the organisation is not in the position of offering accommodation to the CO (who has the right to accommodation while performing national service).

Each year about 30,000 young men reach conscription age and about 8,000 conscripts serve in the Danish army.

### 3.3. STATISTICS

**TABLE 1 – Applications**

1995	843
1996	856
1997	938
1998	969
1999	751

**TABLE 2. COs Employed**

1995	594
1996	536
1997	720
1998	778
1999	753

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Fax. +45 58 50 11 81; e-mail : [mna@inm.dk](mailto:mna@inm.dk);

Militaernaegterforeningen, Dronningsgade 14, DK-1420 Kobenhavn; Tel: + 45 32 57 67 25; Fax: + 45 32 95 44 18

## Chapter 4

## FINLAND

Compulsory service in Finland is maintained.

Conscription in Finland was introduced into the Finnish Constitution in 1919. The right to Conscientious Objection has been legally recognised since 1931. Its present legal basis is the 1991 Civilian Alternative Service Act.

Applications for conscientious objection status must be made in writing to the ministry of Defence or the commanding officer at the time of call-up. There is no individual examination of the application and generally all of them are accepted.

Applications can also be made during the service and as a reservist. The length of substitute service is 13 months, having been reduced from 16 months in 1991. In 1998 while the period of service in the military service was reduced by two months (from 240 days to 180 days) and the average period of service by approximately one month, the period of alternative service (395 days) was not reduced at the same time despite comprehensive discussion in the Finnish parliament. Substitute service is based on the citizens' duty to take part in national defence. Substitute service is organised by the Ministry of Labour assisted by a consultative committee including representatives from the Ministry of Defence, of the bodies where substitute service may be performed and of the organisation of conscientious objectors in service. Substitute service can be performed in government organisations, municipal or community organisations, churches and non-profit organisations in the fields of social or health care, education, culture, environmental protection or rescue operations. According to the 1991 law substitute the Ministry of Labour must approve service-delivery organisations. Objectors' organisations complain that peace organisations and third world groups are usually not approved.

Conscientious objectors get during their alternative service the same payments as conscripts in the army. The payments are in most cases made by their employers.

Substitute service starts off with a two-month course on subjects like peace, international politics, the environment and the skills needed to perform the services. Representatives of objectors' organisations give lectures as well.

The armed forces recruit each year 23,000 conscripts out of 33,000 of conscript age. Around 2,000 objectors to military service are counted each year - about 6% of the available conscripts.

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## **Chapter 5**

# **FRANCE**

The deadline for the ending of conscription has been settled for the year 2002

### **3.2. ACCESS TO COMPULSORY ALTERNATIVE SERVICE**

#### **The legal recognition of Conscientious Objection**

The French legislation for military and alternative service has recently been changed as part of the process that has led to the professional army. Now there is a transitional period in which the "Code du Service National, Livre II" is still regulating the national service for young people that were born earlier than 31 December 1978.

According to the Code du Service National (CSN) young people who for personal reasons of conscience are opposed to the use of arms apply as conscientious objectors and perform an alternative service. The length of the alternative service is 20 months, the length of the military service is 10 months. In wartime conscientious objectors may be called up and serve in non-combatant units such as evacuation of the civilian population, protection of cultural goods, fire brigades. Women cannot apply for CO status, as they are not drafted.

A written application for conscientious objection must be sent to the Ministry of Defence, which notifies the applicants, whose applications have been accepted, that their files have been sent to the Ministry of Social Affairs, which organises the alternative service.

Substitute service can be performed in state institutions and NGOs. There are many forms of alternative service in the health and social sectors, youth work, environmental protection, peace and human rights organisations etc. COs can choose themselves where they want to perform substitute service and inform the Regional Administration on social and health affairs by sending a form with the agreement of the employing organisation.

The service can also be performed abroad in another European Member State on a temporary mission or in an urgent humanitarian mission. The task can be very different: help to elderly people, help to immigrants, administrative activities.

The refusal of alternative service is seen as a form of insubordination, a military violation that can be punished in peace time with a period of two months up to one year of jail. Civil tribunals specialised in military issues sentence them.

The French alternative service is open for conscientious objectors (since 1963, with a liberalisation in 1983), but also for military personnel in co-operative organisations (since 1965), and in so-called "local national services", which allow soldiers to work in a social non-military service. The public authorities wanted to limit the public influence of the conscientious objectors movement by satisfying the demand for a non-military national service of the younger generations (since the sixties) and at the same time reduce the antimilitarist aspect of conscientious objection.

In order to give an answer to the request of an alternative to the present alternative national service and enforcing the article L 111-2 of the Code of National Service, that created the voluntary civilian service, the National Assembly adopted the relevant law on 29 February 2000.

The civilian service is open to volunteers, men or women, older than 18 years and younger than 28, for a period of 6 to 24 months. The volunteers will participate in missions of protection of people, goods and the environment, in missions of general interest for social cohesion and solidarity or for international co-operation.

The voluntary service can be performed in a public or private organisation that has signed an agreement with the State.

Those who perform the voluntary service have the right to have an allowance (the amount is fixed by decree).

## **5.2. ALTERNATIVE SERVICE**

### **5.2.1. Management**

The alternative service can be performed in national and local administration, or in non-profit organisations in social or humanitarian sectors, which have been accepted by the Ministry of Social Affairs. Any non-profit organisation that is part of a recognised umbrella organisation can employ COs in its fields.

The application must be presented 15 days before the date of enrolment. The Ministry of Defence is responsible for accepting the request of the objectors controlling only the respect of the form and terms and not the contents of the application. An appeal can be presented within two months after the application has been rejected to the Administrative Tribunal and can be repeated. Final appeal can be presented to the Council of State.

### **5.2.2. Financial provision**

COs get the same pocket money as a second-class soldier. Since January 1997 the salaries for objectors in service must be paid by the employing organisation. Objectors have the right to have a clothing and food allowance.

Many organisations were no longer in the position to employ COs for financial reasons. This led to a shortage of working places. In particular smaller projects are not likely to find the necessary funds for paying the objectors. This financial disengagement of the State in this field led as a consequence to an upgrade of the non-military national service which is funded by the state and brought this service closer to regular paid employment.

Before 1997 organisations had to advance salaries and were refunded by the Ministry sometimes only one and a half-years later<sup>2</sup>. Till 1997 the allowance for clothes was 1,800 FF (274.40 €) for 20 months alternative service, and for food was 1,700 FF (259,15 €) each month.

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<sup>2</sup> But very often with delays.

### **5.3. FROM COMPULSORY TO VOLUNTARY ALTERNATIVE SERVICE**

#### **5.3.1. Abolishing conscription**

After the decision to develop a professional army, the future of national service had to be considered, too. The debate started in the National Assembly adopting a common position in favour of a professional army and the concept of military defence, and the duty of every citizen to defend the values of the State and to offer to the youngest a voluntary service.

Taking into account these principles the Government suggested maintaining a national service but to modify its objectives and its instructions for adapting it to the new stakes of the French society and to the aspiration of the young French generation. National service has not only been a way of recruiting soldiers or objectors, but also played a role for more than a century in building up a society of cohesion and solidarity in line with republican traditions.

The new national service is supposed to link the compulsory participation to the "rendezvous citoyen" and the offer to each young French citizen to perform a voluntary service for the national community. The "rendezvous citoyen" is a new institution trying to combine the tradition of national service with the new generation. In the form of a civil meeting, "a moment of privileged exchange between the Nation and its youth, it is a solemn occasion for remembering duty and rights to any young people." In fact it is a day for advertising the army to the younger public.

The "rendezvous citoyen" should:

- allow a meeting with young people of different origins
- propose an individual evaluation for each of them
- let young French people understand that they belong to a community and that their country needs them
- let them discover the role of citizens in the institutions, and face the challenges of the national community.

The "rendezvous citoyen"<sup>3</sup> was planned for 5 days for young people once and seen as part of the "educational process" and promotion of voluntary services. These citizens meetings were reduced after several preparatory experiments to one "day of call-up and preparation for defence services" which has been compulsory since October 1999, organised by military personnel in different places. Those youngsters not responding to the compulsory invitation by the military will not have access to final examinations or diplomas in state universities.

The law n. 97-1019 of 28/10/1997 has suspended for persons born after the 31 December 1978 the application of the articles L1 to L159 of the Livre II of the Code du Service National. According to the new legislation, these young people are no longer subject to compulsory military service but they have to attend a training day on the principles and the organisation of national and European defence. This training is compulsory for young girls, too. All citizens between their 16th and 18th birthdays have to participate in a day called "appel de préparation à la défense" that should allow a presentation of objectives, means and organisation of national defence, of the different forms of voluntary services and of military training.

The suspension of military service also closes the procedure of recognition of military service for all persons born after 31 December 1978. It is not possible to refuse to participate in the national day of preparation for defence for reasons of conscientious objection (since during this day the young people will have a civil status: no uniform, no military discipline, no bearing of arms).

#### **5.3.2. Alternative service legislation**

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<sup>3</sup> " Rendez-vous citoyen " was the starting project. After multiple preparatory studies, it finally became a " Day of call to preparation with the defence " which was created and implemented as from October 1999. Less expensive than the five day sessions, it is organized by soldiers in very diverse sites where the young people are convened. The young people who do not make this day cannot present themselves at the examinations and diplomas decreed by the State.

The voluntary service is a commitment to collective responsibility and individual freedom in line with reasons of generosity and solidarity. Lasting for a period from 6 to 24 months, it will be performed between the ages of 18 and 30 and in three different sectors:

1. Defence, security and prevention: the young people will participate in military defence, in the protection of people and goods, in the protection of environment;
2. Social Cohesion and solidarity: service directed to the population and in particular to the disadvantaged, like elderly and ill people, young people having problems, working for associations or public organisations in charge of the service centre of social urgency also in the territories of the French colonies ("collectivités d'outre-mer");
3. International co-operation and humanitarian aid. Young people will have to act in four main areas: diffusion of the French language and culture in the world; presence of France in international research in research laboratories abroad; the economic defence of France and the expansion of French enterprises; help for the development of different countries including environmental protection related to sustainable development.

Through an agreement with the hosting organisations regulating the activities proposed above, the State will guarantee the respect of the principles and of the aims of the voluntary service.

The voluntary civilian service is an answer to a new philosophic view of employment and benevolence. It works as a full-time engagement, regulated by a public statute but limited in time to avoid any competition with job opportunities.

In the logic of the reform of national service, voluntary service represents a new way of serving France in the 21st century, the law proclaims.

The voluntary servant will sign a contract and will have a monthly allowance fixed by decree of 3,500 FF (630 €).

#### **5.4. STATEMENTS**

##### **5.4.1. Comité de coordination pour le service civil (CCSC) - founded in 1972**

It is a widespread opinion that the adoption of the professional army can provoke a lack of responsibility of the civil society in relation to political-military strategies. Now, more than ever, a democratic control and public debate on defence policy must be organised and stimulated. Under a civil approach the question of defence is no longer the privilege of the military. Voluntary civilian service specialised in the management of conflicts can become an essential means of conflict resolution and peace-building by associative mobilisation of civil conscience and by the development of competence for individual citizens of the world in this field.

We must promote a development for transforming the ending of the military service into a real chance for peace without arms. Now that the new legislation has been approved, it is better than nothing, but it is only a small step. The law constitutes an official acknowledgement of voluntary service and can only have a beneficial effect upon the world of associations if the spirit and the logic of voluntary service are respected.

The objection to the existing regulation concerns the amount of the allowance for the volunteer in service that from our point of view is not in line with the spirit of voluntary service but more with the logic of paid work. In fact the indemnity of 3,000-3,500 FF (540-630 €) per month is too high to be considered as simple pocket money.

For preventing the risk of this logic of paid work we are proposing a charter that wants to offer a minimum of guaranteed values to the volunteers and to the hosting organisations. The charter is based on directing young people into a personalised project with the full responsibility of the hosting organisation and the volunteers.

**PROPOSAL:** "Volunteer and engineer for peace"

Create a voluntary service specialised in action for peace, the fight against violence and organised on three levels:

- 1) Basic training on the dynamic of conflicts (referring to the sources generating violence, how to neutralise it, and how to act for a peaceful settlement of a conflict and promoting its constructive evolution);
- 2) Practical experience in an associative project labelled “volunteers for peace”;
- 3) Systematic participation in international initiatives facing concrete crises (Yugoslavia, Rwanda).

This voluntary service will not be limited to young people (18-30 years).

All adult generations can participate after having followed the basic training and taking a sabbatical pause to serve as a local assistant as a challenge for the whole of their active life.

#### **5.4.2. Conseil national de la vie associative (CNVA)**

Consultative council of the Prime Minister.

Véronique Busson, member of the National Council of Associations speaks about the ambiguity of the terms “civil” and “voluntary service” and the contradictory meaning felt also during the debates in the Senate and National Assembly. To be part of a voluntary service within an enterprise is at least contradictory if you cannot prove the general interest of its services. This question remains valid for service abroad.

#### **5.4.3. - Comité de Liaison des ONG de Volontariat**

The replacement of participants in national service by volunteers shall not lead to the disappearance of voluntary service carried out by adults (+ 28). A specific decree regulates this voluntary work. The law on national service has not put in question this decree. The NGOs are therefore entitled to continue to send volunteers as before without putting them under the scheme of national service. We have to work out a national law on voluntary service in general (as a voluntary service dedicated to the general interests of society). The year 2001 being the 100<sup>th</sup> anniversary of the 1901 law on contracting the work of associations to the French State could be a good opportunity to promote a debate on voluntary services in France.

#### **5.4.4. STATISTICS**

Some figures on the number of applications for conscientious objection in France:

<b>1982</b>	<b>1,147</b>	
<b>1988</b>	<b>2,400</b>	
<b>1990</b>	<b>3,172</b>	156,950 conscripts served in the armed forces in 1996; on average less than 3% applied for conscientious objection per year
<b>1994</b>	<b>7,898</b>	
<b>1999</b>	<b>5,666</b>	

**TABLE 1**

Conscientious Objectors  
called- up

YEAR	NUMBER
1983	1147
1984	1845
1985	1783
1986	2379
1987	2387
1988	2636
1989	2841
1990	3168
1991	4060
1992	4779
1993	5503
1994	7325
1995	8973

**TABLE 2**

Conscientious Objectors in service  
September 1996 - March 1998

MINISTRY	IN SERVICE	%
Social Affairs	4 903	51,9
Youth and Sports	1 515	16,05
Culture	392	4,15
National Education	277	2,95
Higher Education	970	10,27
Environment	618	6,54
Agriculture	450	4,76
Equipment	66	0,7
Justice	19	0,2
National Forest Organisation	194	2,05
Social Security (INSEE)	35	0,37
Consumers	6	0,06
Industry	0	0

**TABLE 3**

Conscientious Objectors in service November 1998 - May 2000

Affaires Sociales	86	47	220	166	109	310	288	201	228	99	1754
Nat. Forest Org.	7	3	19	8	2	8	18	9	16	4	94
Agriculture	6	2	24	10	15	38	50	26	26	9	206
Culture	11	7	27	15	10	48	21	27	16	11	193
Education	4	5	6	8	1	17	17	7	7	6	78
Teaching	23	11	45	27	22	106	82	40	43	23	422
Environment	12	3	19	14	16	46	30	27	34	7	218
Equipment	0	1	1	0	2	4	0	1	0	1	10
Industry	0	0	0	0	0	0	0	0	0	0	0
Youth	36	24	68	57	33	95	87	60	77	34	571
Justice	2	0	2	0	4	1	0	1	0	0	10
Consumers	0	0	0	0	0	0	1	0	0	0	1
Social security	0	1	4	2	0	1	4	0	2	2	16
<b>Total</b>	<b>187</b>	<b>104</b>	<b>445</b>	<b>307</b>	<b>214</b>	<b>674</b>	<b>598</b>	<b>399</b>	<b>449</b>	<b>196</b>	<b>3573</b>

Contact: Ministère de l'emploi et de la solidarité, Bureau des objecteurs de conscience ;  
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## Chapter 6

### ITALY

Italy has decided on a deadline to end conscription by 1 January 2006

#### **6.1. ACCESS TO COMPULSORY ALTERNATIVE SERVICE**

##### **The legal recognition of Conscientious Objection**

The regulation of Conscientious Objection in Italy was changed in 1998 with "New Rules in the Field of Conscientious Objection" (law no. 230 adopted on 8/7/1998 and published in the Gazzetta Ufficiale, no. 163 of 15/7/1998) being approved. This new statute entered into force on 30/7/1998 and replaced all the existing legislation on this subject.

Article 21 of this law stated that within six months after the entry into force of the statute, the Prime Minister had to implement the new rules but he failed to do so and brought the organisation of the alternative service into turmoil.

The most important changes concerned the recognition of conscientious objection as a civil right<sup>4</sup> and the transfer of the control of the alternative service from the defence administration to the presidency of the Council of Ministers through the establishment of the National Office for Civilian Service<sup>5</sup>.

An application as a conscientious objector can only be rejected in certain specific cases, such as if the applicant is the owner of a licence to carry a firearm or if he has been convicted for an offence involving the carrying or the use of arms<sup>6</sup>.

Furthermore the new statute does not indicate what kind of reason should allow the release from military service, but only makes reference to "grounds of conscience", whereas the previous legislation expressly referred to deep religious, philosophical or moral convictions of the objector.

The National Office for Civil Service is responsible for the call-up and the allocation of the objectors and their training, for the agreement with private and public organisations<sup>7</sup> interested in employing conscientious objectors who can only be employed for particular kinds of activities<sup>8</sup> in their programs.

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<sup>4</sup> Art. 1 of act no.230 from 7.7.1998 defines the right of conscientious objection as an expression of the right of freedom of thought, conscience and religion, which is guaranteed by articles 19 and 21 of the Constitution. It becomes a subjective right that is no longer dependent for recognition upon the discretionary decision of the competent authority. In consequence the personal motivation of the objector is no longer subject to any verification as regard its sincerity and seriousness. Former legislation qualified conscientious objection as of "legitimate interest".

<sup>5</sup> According to article 8, the National Office for Civil Service, created under the Presidency of the Council of Ministers, is responsible for the organization and the management of the alternative civil service and all its competences established under the same article 8 of the act. It at the same time established the forthcoming creation of the regional office.

<sup>6</sup> Art. 2 of the act no. 230 of 7.7.1998.

<sup>7</sup> The Art. 11 defines the requirement for the organizations that want to employ conscientious objectors.

<sup>8</sup> According to the Art. 8 Par. 2, objectors can only be employed for activities of assistance, prevention, treatment and rehabilitation, social reintegration, education, cultural promotion, civil protection, co-operation for development, training in foreign trade, ecological defence, safeguard and use of the natural and artistic estate, protection and increase of the forest estate with the exception of bureaucratic-administrative jobs. Moreover, it is expressly forbidden in Article 11 Par. 4 that the objector can be used for substituting normal employees or be employed other than the compulsory disposition of law or statute of the office in which the alternative service is performed.

It is important to note that in time of war conscientious objectors are obliged to serve in the ranks of the state rescue organisation (protezione civile) or the Red Cross<sup>9</sup>. The alternative civilian service is compulsory<sup>10</sup>. The objector can indicate in time of peace in his application his preferences of the area in which and the organisation with which he would like to perform the alternative service<sup>11</sup>.

Military and alternative service have according to this new law the same length even though a training period supplementary to the normal length of the service (ten months) can be compulsory for certain kinds of activities according to a special agreement with the employing organisation. Alternative service can also be performed abroad, on the basis of bilateral agreements with the States concerned.

## **6.2. ALTERNATIVE SERVICE**

### **6.2.1. Management**

An organisation that wishes to enrol conscientious objectors must sign an agreement with the National Office for Civilian Service and must fulfil specific requirements. Public and private organisations active in the areas of social welfare, cultural, environmental and civil protection, co-operation with developing countries or foreign trade are usually recognised to employ objectors.

60% of the services are public - like hospitals, communities, health organisations, regional bodies and universities; 40% of the services are non-profit private organisation - like Red Cross, Caritas, Associazione Ricreativa Culturale Italiana (ARCI).

The application must be presented 15 days before the date of enrolment. The Ministry of Defence is responsible for taking a decision on the application of the objector within six months. According to the new statute the application is only accepted if no decision is taken within six months. Any refusal to grant the status of conscientious objection can be contested directly at the civil court. If the civil court rejects the appeal the applicant is forced to do military service.

### **6.2.2. Financial provision**

A National Fund for Civilian Service of conscientious objectors has been established to cover the expenses necessary for financing the disposition of the law 230/1998. The budget of the Fund for 1998 was 120 billion Lire (61,974,827.90 €).

The salary is also the same as for military conscripts, with the exclusion of some benefits that are granted to military personnel in order to compensate them for their status. The gross salary is around 180,000 Lire per month (93 €). The budget for 1999 was 171 billion Lire (88,314,129.45 €).

The Chamber approved for 2001 a financial provision for the National Fund for Civilian Service of 210 billion Lire (108,455,948.80 €). The budget has still to be adopted by the Senate. In 2000 the civilian service budget was the same as in 1999 and an additional 100 billion (51,645,689.90 €) should have been allocated for the new legislative procedure but due to the delay of the procedure it has not yet been spent.

Beyond the salary to the objector in service the employing organisation receives 6,000 Lire / day (3.1 €) for food and accommodation.

## **6.3. FROM COMPULSORY TO VOLUNTARY ALTERNATIVE SERVICE**

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<sup>9</sup> Art. 13. Par. 4 of the new statute

<sup>10</sup> Art. 1 establishes the duty of performing alternative service as an alternative to the performance of military service in order to fulfil the constitutional duty of the defence of the native land. The objector who has been assigned to an alternative service and refuses to perform it can be punished with six months to two years in prison (as is established in art. 14 Par. 1).

<sup>11</sup> Art. 4 Par. 2

### 6.3.1. Abolishing conscription

The political discussion concerning the reform of the Army and a new model of defence started in the early '90s in Italy. The major issue was whether to move to a professional army or to maintain compulsory military service.

Between September 1996 and November 1997 the Committee of Defence of the Chamber of Deputies prepared a study on a "Reform of the call-up and new military instruments".

Prodi's government was in favour of a "mixed model", keeping the call-up but on a reduced scale. D'Alema's government decided in 1999 to totally abolish compulsory military service. They presented a law in July 1999 prepared by the Minister of Defence Scognamiglio to the Council of Ministers approving it on 3 September 1999. After being approved by the Chamber of Deputies on 14 June 2000 it was adopted by the Senate on 24 October 2000. The political parties of centre-right and centre-left voted in favour; the Greens and the Comunisti Italiani abstained. Rifondazione Comunista voted against together with some other senators voting individually. The budget provision in the framework of the military reform has been increased by 1,000 billion Lire (516,456,890.90 €) in addition to the current defence budget.

The law established:

1. Suspension of compulsory conscription for men born after 31 December 1985 and the creation of a professional army;
2. Adoption of an experimental period of three years during which the number of military personnel will be reduced from 270,000 to 190,000 men.
3. A transitional period of seven years.

In July 1999 a decision of the Ministry of Defence to suspend the assignation of objectors to the employing organisations, already scheduled for August and September the same year, became public after interventions by objector organisations like CNECS, the Lega Obiettori di Coscienza (LOC) and the Associazione Obiettori Nonviolenti (AON). The government was out of funds: in fact under law 230/98 only 120 billion lire (61,974,827.90 €) had been allocated in 1999 covering the expenses for the services during the first seven months only.

The financial law had not included the National Fund for Civilian Service.

To save the alternative service and to respond to the demands of the respective associations the government allocated an additional 51 billion lire (26,339,301.85 €) to the financial disposal of the National Fund for Civilian Service and introduced the system of "exceeding and dispense" into the financial framework. The number of objectors in service was fixed to a maximum amount (60,000 in 1999 and 80,000 in 2000). If the applications exceed this number the National Office for Civilian Service can put them into a reserve. It has been decided that every year the President of the Council of Ministers will establish the maximum number of objectors that can be employed per year.

It is interesting to note that while the number of objectors has been increased to 80,000, the budget has not been changed in 2000<sup>12</sup>.

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<sup>12</sup> The budget allocated to the National Fund for Civilian Service is 171 billion Lire both in 1999 and 2000.

### **6.3.2. The alternative service legislation**

In August 1998 President D'Alema proposed to the Council of Ministers to maintain the institution of a national civilian service together with the reform of military service.

Whereas the proposal to abolish compulsory military service is dated November 1998, the first draft of a project on the reform of the civilian service is dated only November 1999.

The governmental draft law "Institution of a national civilian service" proposes that:

1. Starting from the date of the abolition of the compulsory call-up, civilian service will be exclusively performed on a voluntary basis.
2. In the transitional period, the civilian service will be accessible to conscientious objectors, and women, male citizens that have obtained the exemption on medical grounds or discharged from the military service and that are younger than 26 years. The maximum number of people that can be enrolled for civilian service depends on the financial resources allocated in the National Fund for Civilian Service.

Draft Law 4408 was discussed in the Committee of Constitutional Affairs in the Senate. On 8 November this Committee approved the final text and the Senate plenary will vote next.

The alternative service according to this proposal shall be linked to the promotion of social solidarity established in the Constitution, the promotion of national and international solidarity and co-operation, protection of the national estate, to contribute to the civic, social, cultural and professional training of young people.

Starting from the date of the final abolition of compulsory military service, civilian service will be performed on a voluntary basis. The service shall be open to men and women in a non-discriminatory way. The legal and economic provision should be the same as the ones established for volunteer soldiers with a maximum length of one year. In general we can say that this provision (Art. 2 Par. 3) aims to establish a comparative approach to the one used for the military allowing those performing alternative service the same duties and rights.

An organisation that wants to present projects for the voluntary civilian service must fulfil the following requirements:

1. non-profit sector
2. organising capacities and real employment opportunities for voluntary service
3. correspondence with the aim of the service established in article 1
4. Development of a continuing experience for at least three years.

The financial provision will be under the auspices of the National Fund for Civilian Service and the office in charge is the National Office for Civilian Service.

Civilian service can be performed abroad.

### **6.4. STATEMENTS**

#### **6.4.1. Confederazione nazionale enti servizio civile (CNESC)**

The organisations that are part of the CNESC are prepared to continue their work without conscientious objectors in service. The services we are offering so far will be offered in future as well, but need increasing financial support.

Those who will suffer more for the lack of objectors after the end of compulsory service, will be small local public and small private organisations. This will have consequences for their clientele. In any

case the financial law has allocated very little money for the future civilian service if you compare it to the funds invested in the defence sector and for the professional army.

The Italian press is starting to realise only in these days the reality of the current changes and is speculating about the possibility of a compulsory civilian service even after the end of compulsory military service.

Our position on the new legislation of a national civilian service:

- we would like the service to be called "professional civilian service" in order to avoid any possible misunderstanding with voluntary service on one side and the creation of a parallel structure with the reform of military service on the other;
- we believe that the number of people admitted to do the service should be no more than 80,000 per year to allow a good quality of the service itself (we agreed with the proposal of the Senator Semenzato);
- the age of the people admitted to the service should be between 18 and 30 years;
- The problem of financing activities not directly connected to the remuneration of the voluntary servant such as training, administration and structures must be solved;
- The regional and the metropolitan areas should have an important role in the project of professional civilian service for providing the logistic structures whenever necessary, training, communication, monitoring and controlling, health care and insurance;
- The role of the National Agency will remain central both for organising the agreement with the organisations, access to the service and the equal treatment of those that would like to perform this service.

#### **6.4.2. Confederazione Nazionale delle Misericordie d'Italia<sup>13</sup>**

650 Confederated Associations

330 working places for Conscientious Objectors

2500 objectors in service

- Conscientious Objectors' service has been without any doubt a valid support to our work, since the motivation of the objector is based on ethical principles in line with the charitable inspiration of our movement.
- The presence of the objector has allowed an improvement of our services with a clear advantage for the assisted population.
- In view of the regrettable development we trustfully hope to maintain in the future a civilian service on a voluntary basis.

Without objectors in service we will certainly have difficulties for our general operations particularly in the emergency field. The solution will be the request of more availability to volunteers. Other possible consequences could be a set back of the quality of the services offered so far for free to the weakest part of the population.

Our organisation will have to bear the additional expenses in this new situation. We are promoting in all our organisations a voluntary service based upon mercy and Christian solidarity, especially between young people.

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<sup>13</sup> National Confederation of Italian Mercy.

### 6.4.3. Caritas

180 dioceses

5,000 objectors employed

We believe that compulsory military service and alternative service have been very important for the Italian State as well as for the objectors that have performed the service. With the suspension of compulsory military service and of alternative service as a consequence, the Constitutional duty of defending the native land has been suspended.

The experience of military and alternative service has been important in making young people understand their duties to the Community. They have experienced how to live as active citizens.

The State is giving up a very important educational resource and a practical training at the same time, which increased in some way the length of compulsory education. In a time when social expenses have been cut for financial reasons, the State is at the same time facing the possibility of losing an important resource with the abolition of compulsory alternative service. At the same time the State has decided to create a professional army. We hope that the role of this new army will go in the direction of supporting peace and international co-operation and not of military support for the defence of Italian interests abroad. We are convinced that the right of conscientious objection must be ensured even to the professional soldiers.

As Caritas we estimated in 1998 that the objectors in the social sectors (around 25,000) have produced 32,400,000 hours of service.

Abolishing alternative service means losing an important social and civilian experience for the young people and losing a very important social resource for the Community.

Our position was to favour a compulsory civilian service in order to fulfil the Constitutional duties of the citizens. We are concerned that the legal decisions are being made in a great hurry.

The work with conscientious objectors has been developed in Caritas with the adoption of specific programs. We believe that the civilian service has an important role for the growth of the young people and we pay particular attention to the moment of training. This is the reason why we have created a special school for the trainers of objectors. Once a week the objectors meet the person responsible for their training to get a proper evaluation of their experiences.

The objectors in Caritas work together with volunteers and with the employees to deliver services to disadvantaged citizens. We offer co-operation with 50 young girls and boys younger than 20 years on a voluntary basis for a year of voluntary service.

Although we do not agree with the spirit of the new legislation that promotes a voluntary civilian service, we welcome the new disposition that avoids, if finally approved until the end of this legislation without settling a new regulation.

It is very important that the objectors will have the same legal and economic treatment as the military volunteers during the short time of service. This will ensure that the civilian service will have the same value as the military service!

We believe that the development of interesting projects and programs must come from the organisations themselves.

Caritas together with Fondazione Zancan proposed in 1992 and again in 1996 a law on compulsory civilian service. Both were in favour of keeping compulsory services and individual parliamentarians

have introduced law proposals to the Chamber. They started a public campaign in 1999 "Defending the civilian service" suggesting again to maintain the compulsory services. The Fondazione Zancan meanwhile changed its position and now advocates a voluntary service.

## 6.5. STATISTICS

**TABLE 1**

Working stations

1997	1998	1999	2000
50,015	57,620	65,579	76,464

Note: 2,614 work stations for 2000 are temporally suspended

Source: CNECS: Il rapporto CNECS sul servizio civile in Italia

**TABLE 2**

Number of employing organisations

1997	1998	1999	2000
3.846	4.320	4.838	5.277

Source: CNECS, Il rapporto CNECS sul servizio civile in Italia

**TABLE 3**

Working stations in public administration and non-profit sector

	Nov. 1998	May 1999
State and Public Administration	23.951	27.322
Non Profit	33.669	38.257
Total	57.620	65.579

Source: CNECS

**TABLE 4**

Number of CO applications per geographical location

AREA	1997	1998	1999
NORTH	34.102	41.299	
CENTER	12.246	16.779	
SOUTH	7.617	12.336	
ISLANDS	3.319	1.755	

ITALY	57.284	72.169	108.371
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Source: Presidenza del Consiglio dei Ministri, Ufficio nazionale per il servizio civile, "Relazione sulla organizzazione, sulla gestione e sullo svolgimento del servizio civile", 30 giugno 1999; Caritas

**TABLE 5**

Number of objectors employed per geographical area

AREA	1996	1997	1998
NORTH	20.011	32.173	32.253
CENTER	5.850	9.377	10.884
SOUTH	3.665	5.207	6.002
ISLAND	1.536	2.455	2.609

ITALY	31.063	49.212	51.748
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Source: Presidenza del Consiglio dei Ministri, Ufficio nazionale per il servizio civile, "Relazione sulla organizzazione, sulla gestione e sullo svolgimento del servizio civile", 30 giugno 1999.

**Note:**

*Official data related to the distribution of the objectors in the different sector of activities are not available but it can be estimated that the largest majority of the COs are employed in welfare and social-welfare sectors, followed by the sector of cultural activities, while rarely and by chance in the protection of the environment, in the defence of the forest estate and in civil protection.*

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## Chapter 7 THE NETHERLANDS

Formally, conscription still exists in the Netherlands, but in 1992 the Parliament decided to suspend the call-up. On 29 February 1996 the last conscripts were called up to perform six months service. The Dutch military forces are now completely professional. However, at any time government may introduce regulation on the length of military service and the Ministry of Defence can ensure call-up notices. With the passing of the new law on military service from 13 March 1997 conscription still exists, but there are no regulations on the performance of military or alternative service. This means registration for the draft is still taking place: all 17-year old men are entitled for a military register. Recruits are no longer summoned for medical examination and there is no military call-up. In exceptional circumstances (such as war) the new law permits the call-up of all registered conscripts under the age of 45.

As there is no obligation to perform military service, those granted CO status are not obliged to perform substitute service. Organisations related to the past conscription have been abandoned apart from Vereniging Dienstweigeras (VD), the Netherlands Association of Conscientious Objectors. The three conscript unions were dissolved. However, there are solidarity groups working on cases of suppressed objectors abroad.

### 7.1. The legal recognition of Conscientious Objection



The right to conscientious objection is established in the Dutch Constitution<sup>14</sup> that states “In the Law, the conditions are spelled out on which release from military service based on serious conscientious objections will be granted”<sup>15</sup>. It is the Law on conscientious objection to military service of 27 September 1962 (Wet gewetensbezwaren militaire dienst, Stb. 370) last amended on 13 March 1997 that regulated conscientious objection and alternative service.

Application for conscientious objection status included the submission of a written statement. The applicant had to appear before a one-person committee, which considered the application, then made a recommendation to the Minister of Defence, who finally decided. If applicants were not recognised as conscientious objectors, they received a psychiatric examination and had to appear before a three-person committee, which made the final decision. Legislation on conscientious objection is well published and information could easily be obtained from the local authorities.

## **7.2. ALTERNATIVE SERVICE - IN THE PAST**

### **7.2.1. Management**

The office responsible for the organisation of the alternative service was the TEGMD, a department of the Ministry of Social Affairs does not exist any longer. Conscription in the Netherlands was abolished mainly for military reasons combined with the fact that the method of conscription was felt outdated by the majority of the Dutch.

The activities that objectors were entitled to were not different from normal employer's activity. The length of the alternative service was one and a third time the length of the military service. When conscription ended, the length of military service was 7 months, and alternative service 9 months. There were no special work areas for objectors and the salary was the same as for military conscripts.

Most objectors performed alternative service in non-governmental organisations, local and national governments and in the welfare sector (non-profit organisations). The objector was considered as an employee and selected according to his abilities. Some objectors did some training at the employer's expense. There was also a scheme to get a reduction in training costs, organised by TEGMD. The differences between a normal employee and the conscientious objector were only a few. Officially there were many differences, because the objector's working conditions were derived from military regulations. For example, an objector could not refuse orders. In practice only a few times have there been conflicts between the employer and the objector because of the 'military discipline' structure of the work.

It happened quite often that the objector was offered the chance to stay in his working place as a normal employee. In fact many organisations looked upon substitute service as a cheap way to recruit personnel. Many objectors had a higher level of education. To have them for an initial limited time for a very low price was a simple way to get them into their work. In case of mutual satisfaction, they could keep them, or let them go after the service-period when the objector did not satisfy them.

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<sup>14</sup> Art. 98 and Art. 99

<sup>15</sup> Art. 99.

### **7.2.2. Financial provision**

A general budget for alternative service was allocated under the ruling of the TEGMD. Salaries to the objectors were paid by TEGMD, which charged the organisations employing the objector. The Dutch government never paid for the objectors in a direct way. The objector would get a fixed salary, which was in previous years even under the minimum wage and according to Dutch objectors organisations even under the social security minimum. Organisations that employed more than ten objectors got a financial bonus. The Association of Objectors joked: "get 11 COs and only pay for 10". This so-called quantum-reduction was abolished in the 90s.

### **7.3. Ending of compulsory military and alternative service**

In general the Dutch public opinion was in favour of the abolition of compulsory military and alternative service. There were some people in the military that opposed it. But the mainstream was in favour. But it is noteworthy to say that there existed different reasons. Some were in favour because they thought that the military would be better in quality if it was fully professional; some because they thought it was a waste of money and time to train new contingents of conscripts each year; some because they were against the military anyway. But most were in favour because they considered conscription as old-fashioned; that most conscripts were idle (there was no useful work for them to do), and thus it was a sin to demand from young boys to give up their career and be idle for 9 months in the military.

In the Netherlands a very strong movement of conscript unions (there were three of them) existed. One of them at one stage even started a court case against the state because the military could not find satisfactory work for all the conscripts and they accused the military of inventing stupid work just to keep them busy (things like cleaning military trucks every day).

There has never been a debate in the Netherlands about what would happen with the substitute service (the alternative service). The main reason for this lack of debate was the organisation and marginal role of the alternative service itself.

The substitute service was in fact organised in such a way that the non-governmental organisation and the government contributed financially. In the last years (since 1990) this payment increased in order to be in line with labour market prices. In such way it was no longer profitable for an organisation to have objectors and the placements went down.

### **7.4. VIEWS OF FORMER EMPLOYING ORGANIZATIONS**

There have been employing organisations that were complaining at the loss of objectors as a highly motivated cheap labour force. In particular some private non-profit organisations in the field of social welfare had difficulties, because they were no longer able to get the work done. But most employing organisations had slowly got used to the fact that the 'price' of objectors had gone up and therefore the change to normal employees was not that big for them.

### **7.5. STATISTICS**

The number of those applying for CO status has never been more than 8% of all conscripts. In the last years before the abolition of conscription the number rose, mainly because applicants tried to delay their service hoping they would never have to serve at all. The number that actually served their substitute service was around 3,000 in 1990 and slowly decreased in the later years.

**TABLE 1 - WORKING STATIONS**

<b>Areas of work</b>	<b>%</b>
<b>State institutions</b>	<b>41</b>
<b>School and science</b>	<b>14</b>
<b>Social work</b>	<b>14</b>
<b>Health institutions</b>	<b>14</b>
<b>Psychiatry</b>	<b>8</b>
<b>Peace work</b>	<b>7</b>
<b>Others</b>	<b>5</b>

**TABLE 2  
NUMBER OF APPLICATIONS**

YEAR	ASKED FOR CO STATUS	RECOGNISED	NOT RECOGNISED	% OF NOT RECOGNISED
1982	2,936	2,266	206	8.3
1983	2,705	2,171	192	8.1
1984	3,037	2,433	189	7.2
1985	2,953	2,273	148	6.1
1986	3,017	1,081	9	0.8
1987	2,906			
1988	2,705			
1989	2,900			
1990	4,050			
1991	3,919			

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## Chapter 8 PORTUGAL

Portugal is maintaining conscription.

### 8.1. ACCESS TO COMPULSORY ALTERNATIVE SERVICE The legal recognition of Conscientious Objection

The Portuguese Constitution<sup>16</sup> recognises the right to Conscientious Objection and establishes an alternative service. There is also the possibility for non-armed military service. These constitutional provisions are put in practice by law no. 7/92 from 12 May 1992.

The recognition of conscientious objection is dependent on the existence of religious, moral, human or philosophic convictions that are clearly against any use of violence for personal or collective defence<sup>17</sup>.

### 8.2. ALTERNATIVE SERVICE MANAGEMENT

<sup>16</sup> Art. 41 Par 6 and Art. 276.

<sup>17</sup> Art. 2, law 7/92.

Alternative service is compulsory and refusal to perform any compulsory service can be punished with imprisonment of up to three years<sup>18</sup>.

Those whose work includes the bearing of arms or who have a licence to bear arms or who are in any way connected with the manufacture of arms and armaments will not be recognised as Conscientious Objectors. Similarly the recognition of a Conscientious Objector can be withdrawn if they are later connected to similar professions or sports. Those who have been found guilty of a crime which was punished by more than a year's imprisonment, or who have been judged to be a danger to the public, will not be recognised as Conscientious Objectors.

Alternative service must be based on activities which are of general interest for society, in conformity with the qualification of the applicant.

The length of alternative service is ten months, including three months' compulsory training. The length of military service is seven months.

The training consists of two parts: generally about the role of alternative service, and specifically to prepare for the work of the objector.

The National Committee on Conscientious Objection decides where the objector has to serve according to his skills and qualifications; however, the CO may demand a review of this decision. Objectors work in all kinds of activity for the benefit of the public interest, including public health, drugs counselling, assistance to the elderly, protection of the environment etc.

The objector may perform his alternative service in countries which had been administered by Portugal (former colonies), or in EU countries<sup>19</sup>.

The application can be submitted at any time including wartime and also after the end of military service. However this possibility has only limited meaning because applications submitted during service or less than 30 days before the call-up date are only considered after completing military service. The National Committee for Conscientious Objection is responsible for recognising the Status of Objector<sup>20</sup>. If the status is not accorded the Committee can hear the applicant. If the Committee refuses the applicant the status, the applicant can appeal to the administrative tribunal within twenty days.

### 8.3. STATISTICS

Some figures on applications for Conscientious Objection

1992.....	501
1993.....	624
1994.....	425
1995.....	382
1996.....	more than 1,000

12,700 conscripts served in the army out of 79,000 reaching the conscription age in 1996<sup>21</sup>

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<sup>18</sup> Art. 33 par. 1 and 2 of the law 7/92.

<sup>19</sup> Art. 6 of law 7/92

<sup>20</sup> Art. 19 law 7/92.

<sup>21</sup> Refusing to bear arms, London 1998

## Chapter 9

# SPAIN

The deadline for the ending of conscription in Spain will be 31 December 2001. Spain has, for the last time, called up its young men for obligatory military service - or, in the case of conscientious objectors, to civilian, social work with local governments or non-governmental organisations. By the year 2002 Spain will have a professional army.

### 9.1. ACCESS TO COMPULSORY ALTERNATIVE SERVICE

#### The legal recognition of Conscientious Objection

Art. 30 of the Spanish Constitution recognises the right to conscientious objection. The law 48/1984 of 26/12/1984 that regulates conscientious objection and alternative service has been abrogated by the law 22/1998 of 6/7/1998 (the so-called PSS) with the new regulations for conscientious objection.

The right can be exercised under the condition of proving the existence of valid motives that support the objection<sup>22</sup>. The National Council for Conscientious Objection, depending on the Ministry of Defence, is the body responsible for judging the objector's application within a period of three months<sup>23</sup>. The Ministry of Justice and the Autonomous Communities can agree upon a different kind of collaboration for the regulation of the PSS<sup>24</sup>.

### 9.2. ALTERNATIVE SERVICE

#### 9.2.1. Management

Alternative service is compulsory<sup>25</sup> like the military service; alternative service lasts nine months<sup>26</sup>. The nature of the service is decided by the "Oficina de la Prestación Social Sustitutoria" that is dependent from the Ministry of Justice.

The areas of activities are:<sup>27</sup>

Civil protection, the protection of the environment and nature, social and health services (having particular regard to the protection of children, youth, elderly people, the disabled), ethnic minorities, prevention of delinquency, social reinsertion of alcoholics, drug addicts and ex-prisoners and promotion of healthy ways of living, services for peace and in particular help to refugees and the protection of human rights, international co-operation programs in the field of education and culture and in particular cultural promotion, literacy, library and associations or any other service activity or work that has a similar character and a general interest.

Alternative service can be performed in conformity with the disposition of the law regulating voluntary service<sup>28</sup>. Anyone with the status of conscientious objector can apply for recognition of his voluntary activities, which count for total, or partial fulfilment of the obligation to perform alternative service. Such activities must be performed in an association registered with the Ministry of Justice for hosting conscientious objectors, after receiving Conscientious Objector status.

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<sup>22</sup> Reasons are explained under Article 1 Paragraph 2 of the Law 22/1998.

<sup>23</sup> Art. 1 Par. 4 and Art.4.

<sup>24</sup> PSS Art. 12 Par. 1-2.

<sup>25</sup> An objector who refuses to perform both military and civilian service can be sentenced to a minimum of 8 years, up to a maximum of 12 years, according to Art. 527 of the Penal code.

<sup>26</sup> The PSS has established that civilian and military service should have the same length in the Art. 8, Par. 2.

<sup>27</sup> PSS, Art. 6 Par.2.

<sup>28</sup> PSS Art. 6, Par. 1.

When the social service concerns an activity that requires a special qualification, the objector, if needed, should attend a training course, which is part of the service<sup>29</sup>.

The activities performed under the PSS should not have a bad impact on the labour market<sup>30</sup>.

The service is performed in associations or non-governmental organisations<sup>31</sup> or in the public administration that have been authorised under the regulatory procedure. The non-governmental organisations must be non-profit organisations, should be of a general interest for society and active in relevant sectors. The objector will perform his service if possible in the autonomous community where he lives and in a program of his choice.

The decision of the National Council of Civilian service can be appealed at the ordinary administrative courts<sup>32</sup>.

### **9.2.2. Financial provision**

Conscientious objectors performing alternative service have the same economic treatment as soldiers. They receive 1,500 pesetas (9 €) per month. If they do not choose where to perform their civilian service and are placed outside their place of residence, the government provides them with accommodation and food. A clothes allowance can be accorded if necessary for the accomplishment of the alternative service.

## **9.3. FROM COMPULSORY TO VOLUNTARY ALTERNATIVE SERVICE**

### **9.3.1. Abolishing conscription**

Currently the political and social debate relates to the disappearance of compulsory military service in Spain and how this transitional moment is going to take place. In August 2000 the Spanish government adopted a programme of actions related to youth policies for the years 2000-2003 among them the establishment of a civilian service in Spain. So far only the government has submitted a proposal regarding the framework and characteristics of such a service

The Ministry of Defence has publicly stated that the call up in November 2000 will be the last one. As a matter of fact, the three "reemplazos" (portions of the draft that go into the barracks each few months) scheduled for 2001 will be incorporated in such a way that everybody will have fulfilled the 9 months before 31 December 2001. In fact the forthcoming schedule has already been settled but a legal decision has not been taken by one of the relevant democratic bodies.

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<sup>29</sup> PSS Art. 11.

<sup>30</sup> PSS Art. 6 Par. 3.

<sup>31</sup> PSS. Art. 7.

<sup>32</sup> Organic Law no. 8/1984 and Art. 6 Law no. 62/1978.

### 9.3.2. Alternative service legislation

#### WORKING DOCUMENT ON CIVILIAN SERVICE

proposal of the Dirección general de objeción de conciencia December 1999

Reasons for the creation of a civilian service:

Contributing to the personal, social and professional skills of young people;  
Contributing to ameliorating the quality of life of society.

Characteristics of civilian service:

- An activity performed on a voluntary basis: it is neither a legal nor a constitutional duty
- From the voluntary character of the service derives the personal commitment of performing the service and leaving the service without a valid reason will lead to the loss of facilities;
- Once agreed with performing this service, a personal strong commitment on a stable basis has to be accepted (minimum of 15 hours a week and for a minimum period of six months);
- The difference with voluntary service will be the incentive measures on the quality of civilian service and in the use for future job qualifications as an important training experience.
- The activities performed under civilian service will not be considered as a working relationship;
- Civilian service will be open to young male and female Spanish people between 18 and 30 years (in cases of intercultural exchanges, citizens from other EU nationalities can be accepted);
- Civilian service, on a non-profit basis - public or private, will be on a stable basis with a strong supervision from the public powers;
- The activities performed under civilian service should be of general interest and will aim at training the young people and allowing their future insertion into the labour market;
- Principle of subsidiarity for the content of the programs;

Main characteristics of the organisations involved in the Civilian service:

- Non-profit organisations in the public or private sector, subject to administrative control (executed through a procedure of acknowledgement as a collaborative organisation;)
- The organisation should be active in one of the following sectors:

- (a) Promotion of the participation of citizens in public, economic, cultural and social life;
- (b) Promotion of the citizen's quality of life;
- (c) Social actions for disfavoured persons or groups, in special needs, in marginalized situations, in social conflicts or in situations of risk of social exclusion;
- (d) All others related to national social and democratic values.

Training:

- Common training for all those performing civilian service: respect of social and democratic values;
- Specific training for the different sectors of activities:

Incentives:

- Professional training: courses for the direction and management of social centres; courses for directing or monitoring free time activities;
- Evaluation of civilian service as a curriculum vitae experience;
- Participation in special courses with expenses covered and in a priority regime;
- Priority in access to the school sector in teaching positions;
- Priority in the access to public funds;
- Priority in the access to social tourism;
- Advantages in public transport;

- Free access to cultural and sportive buildings and events;
- Release of certificates of qualification;
- Registration of the time spent doing civilian service;
- Fiscal advantages.

## **9.4. STATEMENTS**

### **9.4.1. Forum Civico for Civilian Service**

Due to the suppression in the near future of the present law ruling alternative service (in short PSS), the Ministry of Justice - through the office of Objection of Conscience - has drafted a working document on the Civilian Service (SC).

This document is born in a general context of a strong backward movement of social services through the welfare State. The State is withdrawing steadily from its social responsibilities and the defence of the social and economic rights of citizens, especially of the most vulnerable groups of our society. At the same time we observe with preoccupation the strong interventionist paper of the State in the participation policies.

Also, we are conscious that the ministerial text is located mainly in the specific context of the suppression of the PSS, and the realisation of a voluntary military and alternative service to save the advantages of the contribution given by conscientious objectors to the social field until now.

We understand that the principle reason to propose the SC is to avoid the unwanted effects of the disappearance of the PSS in relation to the services that have a huge impact on the different public administration sectors - more than in other sectors. The SC proposal is dominated by the idea of keeping the benefit of these services available. The given objective of the proposed SC, "contribution to the social and professional development of youth", intends to attract the interest of young people and social organisations.

We also want to emphasise the discriminatory character of the proposed SC:

- a) The proposal is directed only to Spanish and EU young citizens between 18 and 30 years, leaving out other parts of the Spanish population, immigrants and other nationalities;
- b) Such a SC model deactivates the participation of young people excluded for diverse reasons, like the lack of work, reduced social security etc., facilitating more an elitist and discriminatory status for potential applicants.

The proposed SC gives the impression that it would benefit the voluntary character, but this aspect is at the same time undermined through the system of incentives proposed. The commitment proposed to engage as a volunteer him/her actually to fulfil the service in a way which discriminates against those who have no access to it.

A model of SC, dominated by the suppression of the PSS that has suppressed in many cases regular jobs, will affect negatively the development of a policy dedicated to create new jobs, a priority in the EU and Spain.

Also, we consider that the SC proposal:

- delays the access for young people due to the commitment (number of hours and period of proposed minimum time) he/she has to fulfil
- proposes incentives, such as to facilitate the access to public administration work, to register the volunteer to allow him better access to the labour market, results in a privileged situation for the



volunteer compared to the great number of unemployed who for different reasons have no access to this service

- includes the risk of eliminating occupation possibilities and the development of new jobs - and on the contrary reduces opportunities for professionals whose work will be considered as part of a future SC

We understand that the proposed SC should not be confused with the development of a voluntary military service. In the proposed text this is stated more than once without clarification. Not to receive economic allowance is not the only quality of voluntary work. The existence of civilian workers and volunteers in the proposed programs and services of different social organisations, would generate unhealthy competition.

It becomes very difficult to accept the subsidiary principle in relation to social protection and basic services, social actions towards the disadvantaged, education or culture, areas that have been covered by the PSS and that the SC raises again. Services that we considered to be covered from a new logic in the relation between the State and the Third Sector.

Therefore, the reasons that justify the processing of a law as we have indicated should respond to the necessities raised in the ministerial text. In our opinion, the scope for these necessities should be:

- Participation and voluntary service:
- To establish mechanisms for the fortification of the associative movement like channel of social participation, processing a Law of Associations that replaces the present affective law.
- To improve and to develop the Law of the already existing voluntary military service
- To process a study on the jobs and the voluntary work that the PSS generates, to establish a service responding to real needs.
- To design a plan that brings up full strength for a real work after the suppression of the PSS.

In the scope of civic education and in values:

- To invest more and better in the present education system, so that civic education is part of school programs, favouring the learning of values like solidarity, participation or responsibility at an earlier age.

The reflection that we present/display here is provisional and it ties in with the process of reflection initiated on the part of the Ministry of Justice. Our will is to keep open the channel of dialogue and debate in the different forums in that it is summoned to us, as well as to generate a current of critical and independent opinion in the different civic, social, union organisations or from voluntary military service representatives.

What we ask is an employment plan for young people. Professional employees must execute the larger part of the jobs fulfilled by conscientious objectors. Therefore the development of the third sector in Spain in terms of employment must be a priority.

Signatory organisations:

CARITAS, COMISIONES OBRERAS, CONFEDERACION DE ASOCIACIONES DE VECINOS DE ESPAÑA, CONFEDERACION ESPAÑOLA DE SOCIACIONES DE PADRES, CONSEJO DE LA JUVENTUD DE ESPAÑA, PLATAFORMA PARA LA PROMOCION DEL VOLUNTARIADO EN ESPAÑA, PROYECTO HOMBRE, UNION FENERAL DE TRABAJADORES, UNION SINDICAL OBRERA

## NOTE

*The organisations that have employed COs and will still employ COs during the transitional period are Caritas, Confederacion de Asociaciones de Vecinos de Espana and some member organisation of the Plataforma para la Promocion del Voluntariado. UGT has employed them as well, but doesn't do it anymore.*

### 9.4.2. Fundació Autònoma Solidària<sup>33</sup>

The program for a voluntary civilian service aims to involve volunteers in mid and long-term social intervention projects organised by social entities and organisations. It might then be an instrument to strengthen society.

The axes to base Civilian Service on, as a differential option would be:

- a) It is a personal and voluntary compromise more closely related to a program than to an organisation (...)
- b) It is a mid-term to long-term compromise (...)
- c) Its contents are tasks of social interest (...)
- d) The Voluntary Civilian Service must not replace a paid job in any case (...)
- e) The Civilian Service is open to anyone (...)
- f) The Civilian Service, in the framework of a concrete social action program, must be performed in recognised organisations and entities (...)
- g) Voluntary activities in the framework of the Civilian Service have to be educational (...)
- h) Voluntary activities in the framework of the Civilian Service must be institutionally recognised (...)

## NOTE

*This document led to a political debate in Catalonia because for reasons of political autonomy the Catalan parliament has the power to legislate in this field of voluntary alternative service. This project was rejected by other social organisations (such as, for example SCI) for a number of technical reasons and for a fundamental political one: they did not believe that the project was meant for a real civilian service but rather to provide big social intervention organisations with "cheap labour".*

### 9.4.3. Moviment per la Pau and alternative service

#### A. BACKGROUND:

Ideological and strategic position towards the PSS (Alternative Civilian Service).

MPP has always favoured that the COs perform some kind of social service. Such a position has been historically grounded on four fundamental ideas:

- Conscientious Objection goes far beyond simply refusing to perform a compulsory military service. In its deep sense Conscientious Objection is the manifestation of an active compromise favouring peace and the values behind it. Such a manifestation has to be visible rather than remaining in the terrain of nice but unfruitful political speeches.
- Given this assumption, supporting a social service for COs, despite its being compulsory, is the most useful and coherent strategy to show the deep nature of Conscientious Objection to society. It is meant to overcome the negative stereotypes about Conscientious Objection that used to be spread from power, i. e. (but not only) the military.
- PSS (ACS) was meant to have a much larger audience than a selective, conscious and ideological minority – the ever-necessary avant-garde - in order to reach a significant majority of youth and to progressively gain social recognition and legitimisation.

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<sup>33</sup> Oficina d'Afers Socials (1997), Document de treball CAP A UN PROGRAMA DE SERVEI CIVIL VOLUNTARI, Universitat Autònoma de Barcelona, pp. 6-9.

- PSS thought of as a civilian service for peace, culture and disfavoured collectives, has (had to have) an educational impact on those performing it as well as a beneficial one on the communities benefiting from it.

## B. BALANCE

### (a) Positive aspects

- PSS, through offering a reasonable alternative to military service for most of the youth (not harmed by any additional personal costs as total objection and other forms of civil disobedience did), has been useful to normalise and socialise Conscientious Objection in Spain.
- In many cases PSS has proved as a socially positive instrument that led many collectives to a better life. On the other hand, PSS also gave many young people a path to participate in society through a positive and reality transforming possibility, giving them an experience of associative work that they might not have had otherwise.

### (b) Negative aspects

- The excessive and non-discriminated proliferation of doubtful quality and social interest PSS programmes has created a new CO profile (the dominant one nowadays) where the ideological motivation is very low or simply none. Consequently compromise and responsibility towards PSS itself is also none. This new reality has favoured in the 90s a negative perception of COs and Conscientious Objection in significant sectors of society, which has also been induced or boosted by the Ministry of Defence and, most regrettably, by some sectors of the pacifist and antimilitarist movement.

## C. FUTURE PERSPECTIVES:

### Position towards the end of PSS (ACS) and proposals

- Abolition of compulsory military service in Spain (due in December 2001) carries with it the abolition of PSS. An immediate consequence of the situation is among others that the needs of some disfavoured collectives benefiting from specific PSS programmes (and benefiting only from this programmes) will then be unattended.
- The end of PSS should not mean the loss of many things built around PSS that are now important and even necessary for many people. It is in this sense that a Civilian Service, freed from its compulsory and substitutive nature, has a meaning by itself beyond military service. It has a meaning in a society where the numerous needs and challenges cannot be fully addressed by the government and the traditional volunteering associations and other social entities.
- An important challenge arises with the acceptance of all these previous points: how can the positive heritage of PSS be used? What are the suitable formulae to continue with the non-discussed positive realities created by PSS? The social actors (government, trade unions, associations, etc.) should be able to answer these questions honestly, considering the common good and not their own ideological or strategic views.
- In Catalonia there is an ongoing debate on whether PSS has to be given some kind of continuation once it is ended. The proposal is to legally regulate a Civilian Service.
- Moviment per la Pau favours this initiative since it would fulfil the above-mentioned needs. The reasons are the following:
  - It is a voluntary civilian service.
  - It can be a useful tool in fighting social exclusion.
  - It can lead most citizens' will and energies into projects of general interest.
  - It will reinforce the associative networking in several fields (social, free time, culture, environment, etc.)

Therefore Moviment per la Pau favours the gradual setting up of a voluntary civilian service, on condition that several conditions are met:

- Civilian service has to be conceived as a complementary scheme to the usual volunteering entities' efforts as well as those working professionally in the fields the SC might be used. Civilian service must never diminish or replace the efforts of the above-mentioned collectives but be a complement or even a stimulus.
- The maximum social consensus is needed for the law that will regulate such service. Therefore an effort is needed to work for such consensus.
- There is a need to involve people in this service through its own objectives and the will to take part in a solidarity effort, leaving in second place the possible personal material benefits that such a service might produce.
- There must be granted a certain quality on the structures and development of SC, also economically. Therefore, if the law on SC is finally adopted the budget until now granted to PSS should be diverted to the entities organising voluntary SC schemes.

Ramon Panyella, President de Moviment per la Pau / Antiga Associació d'Objectors de Consciència

Barcelona 10 November 2000

#### 9.4.4. Statement by Jordi Tolrá<sup>34</sup>

##### Historical background

The 1978 Spanish Constitution recognised the right to conscientious objection. It also stated the possibility of the establishment of an alternative social service<sup>35</sup>. The law regulated this right in 1984<sup>36</sup> but in fact till 1988, when the PSS was amended, no alternative service was established.

In Catalonia a voluntary service has been in place for a century even during Franco's regime for educating in democratic values and for providing social and cultural support. During the dictatorship, the associative movement was also a refuge for freedom and democratic values and also a place where the values of Catalan identity (forbidden by the regime) were kept and transmitted to young generations. Voluntary work is nowadays more and more organised in the framework of structured programs: setting goals, making persons responsible for the follow up, guaranteeing training for the volunteers and covering activities of general interest in which there are new social needs or a lack of activities organised by the Catalan government or private organisations.

The service is in this form providing a benefit for the Community in general, for the organisations and for the volunteers. Although the volunteers do not receive any salary, all the expenses are covered, while the organisations can receive some economic support in terms of a grant if they apply to public "convocatorias".

Facing the situation of voluntary service, nobody is asking for something compulsory and the general position is against the adoption of a new law concerning voluntary service<sup>37</sup>.

As for what concern the alternative service, the first COs started to be employed in 1989. I can provide the example of the Autonomous University of Barcelona.

In 1987 some students introduced a proposition to the board of the University for allowing the student conscientious objectors to perform their alternative service in the students associations of the University in the organisation of cultural and sportive events. We can say that at the beginning it was mainly a device used for allowing students to continue their studies during the performing of their alternative service.

<sup>34</sup> Jordi Tolrá, Director of Fundació Autònoma Solidària of the UAB (Universitat Autònoma de Barcelona) has been an activist in the peace movement in Catalonia for more than 15 years, Co-President of EBCO.

<sup>35</sup> Art. 30, Par. 2.

<sup>36</sup> The Law on conscientious objection and alternative civil service from 28/12/1984 started to be effective in 1989.

<sup>37</sup> The law regulating voluntary service on a national level, is not effective in Catalonia due to the status of Autonomy.

While between 1989 and 1991 COs were only employed in the framework of students associations, new programs have been promoted. In the social fields facing new social needs, COs have been employed for assistance to disabled students, for support to international students and for environmental initiatives. The use of COs in these cases, started to be an instrument for the development of new social programs giving answers to new social needs. The Autonomous University of Barcelona started by having three COs and by the end of 1994 achieved a total of 100 COs performing alternative service at the same time, the total amount allowed by the written agreement between the University and the Ministry of Justice.

In 1998 the Governing Board of UAB decided to start slowly to adapt to the fact that in 2002 there will be no more COs on duty, by reducing the total amount of COs to 50. Nowadays no CO is employed. The activities that were performed by COs in the past are now performed by the university community (composed of total 45,000 students, teachers and professionals) by a combination of professional and voluntary work (sinergia), the European voluntary service (5 on a stable basis) and different kinds of practical training. Still for some services that have been performed by COs no solutions have been found, as for example the recording of books for blind people or driving the adapted van.

Two different situations can be acknowledged: first, organisations without any specific program for the employment of COs (and in this case to give a simple example, COs could have been employed in making photocopies) and, on the other side, organisations that thanks to the availability of COs, were able to promote new social work programs.

In general we can say that mainly in the public sector no specific new programs were created when using COs, while in private organisations and mainly in the third sector, new specific programs have been promoted.

In the third sector (help to elderly people, poor people, anti-drugs assistance etc.) we can find organisations that completely rely on the work of COs.

The lack of COs will be a real problem for this kind of organisation<sup>38</sup> and for the population itself. There is a real need to find a way to continue offering these kinds of services in an alternative way.

Facing the problem of how to solve the lack of objectors in the future there are several different positions:

## **Proposals**

From my point of view the adoption of a new law on civilian service should not be the first step to promote it, but maybe we should start with a pilot program. There is a need to understand the present situation, what the different solutions could be and would be available on the ground before promoting a parliamentary debate, facing the long way of adoption of a new legislation under the framework of article 30 paragraph 3 of the Spanish Constitution.

I believe in the promotion of a program for a pilot project facing the situation of alternative service for an experimental period of three years. A group of organisations chosen on the base of their experience in voluntary and alternative service (having employed COs in the past years) will carry out the organisation of civilian service, the training aspects, the activities to be promoted and the possible follow-up. In a technical way, the civilian service should last for a period of a minimum of 6 months and a maximum 12 months, offering the cover of all expenses, providing training and a qualification (in terms of diploma or equivalent certification) and offering some kind of practical advantages<sup>39</sup>.

This project could be financed through the same budget line that was used for the PSS allowing the evaluation of the situation, evaluating its working procedure and its development. At the end of this experimental period of three years, a report of the results of this experience should be presented in

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<sup>38</sup> For an example of an organization that will have serious problems in the continuation of its work, we can mention the Red Cross.

<sup>39</sup> For example, if we imagine a university offering a civilian service, people can have access to university facilities such as language classes, cultural and sports activities, special courses etc.

front of the Parliament for choosing after that the best way to be followed and eventually starting a new legislation procedure.

Why a governmental program and not a law?

- To reinforce the action of NGOs especially facing the new social challenge in a sector such as the social sector that needs a strong commitment and for which the help offered so far through the voluntary service is not enough;
- To educate people to understand civil and social values through actions (under a training program).

In my opinion a system organised in this way will be able to create new job opportunities and face the social problems that arise in modern society.

Brussels 18 November 2000

#### **9.4.5. Consejo de la Juventud de Espana sobre el servicio civil**

The Council of Youth of Spain understands that the disappearance of compulsory alternative service can have a negative effect on the quality of life of some social groups. Nevertheless, it is necessary to emphasise two aspects:

- The State has not taken care of tasks that are of its competence and that have been developed through the PSS.
- The difficulty of quantifying how many working positions of the PSS have caused a reduction of job offers.

Analysing the presentation of the NYE (the new sector for job opportunity) in comparison with the sector covered by the civilian service, we find that 8 points out of 12 overlap with the NYE. Two (3 and 12) are incompatible with the motivation of the Civilian Service and must be developed through the associations and of legislative measures. Finally, the health sector must be developed by the State to be one of the pillars of the State itself and the sector of humanitarian aid should be performed through the NGOs work.

We conclude that:

- The proposed civilian service will have a negative effect upon the job opportunity for the youth;
- We run the risk that the civilian service becomes an excuse for the State withdrawing from tasks and functions that are inherent to it
- The Civilian Service is not a formula for social participation
- The Contribution of the Civilian Service to the well-being of the Spanish society will be marginal.

## Proposals

We propose that the State deepens the development of social policies within the framework of the Welfare State. Political happiness must be designed and evaluated with criteria that guarantee homogeneity, efficiency and control and we defend the idea that this function, like the planning of these policies, should be assumed by the State.

The alternative of the CJE towards employment policies, particularly in the new deposits of use previously mentioned, is the development of a Plan of Youth Employment that increases the social expenses to the level of the rest of the European Union. It should allow comparing the rate of youth unemployment to that of the countries of our economic and cultural neighbours

We are against the creation of a new Civilian Service since we believe that two other actors already exist, associations and the voluntary service for performing the kind of work and the social intervention for which it has been created. In order to ensure that these two actors can do a serious and effective job it is necessary that the political will exist for the promotion and support of these actors. This promotion and support should happen through the present Law of Associations and by the development of the Law of the Voluntary military service of 1996, that in some cases and with certain controls, the voluntary open work improves.

## 9.5. STATISTICS

**TABLE 1 -**  
WORKING PLACES

1991	13,556
1992	29,918
1993	35,614
1994	50,321
1995	66,514
1996	91,601
1997	108,517
1998	126,143
1999	131,557

### NUMBER OF APPLICATIONS IN 1999

Total	165,866
Abroad	439

**TABLE 2 -**  
NUMBER OF ORGANIZATIONS INVOLVED

1991	469
1992	1,113
1993	1,729
1994	2,866
1995	3,632
1996	5,302
1997	7,146
1998	7,864
1999	7,550

**TABLE 3 -**  
WORKSTATION DIVIDED BETWEEN PUBLIC  
ADMINISTRATION AND NON PROFIT SECTOR

Local administration	31%
Autonomy Administration	18%
Central Administration	10%
Private organization	41%

Data for 1998

**TABLE 4 -**  
WORKING PLACES IN THE DIFFERENT  
SECTORS OF ACTIVITIES - total

Social services	53%
Sanitary service	10%
Environment	15%
Civil protection	9%
Education and culture	22%
International cooperation	1%

Data for 1998

**TABLE 5 -**  
WORKING PLACES IN THE DIFFERENT  
SECTORS OF ACTIVITIES - in %

Social services	62,776
Sanitary service	14,399
Environment	18,298
Civil protection	14,001
Education and culture	20,382
International cooperation	1,701

Data for 1999

Source: Ministerio de Justicia, Madrid, Dirección General, 2000; Fundació Autònoma Solidària, Barcelona, 2000; Societat, Barcelona, 25 September 2000.

"Charitable army lost as Spain ends conscription" by Emma Daly

In the old days, conscientious objectors used to chain themselves to the gates of army headquarters in Madrid. Since 1985 they have simply worked their obligatory 1,100 hours by serving food to the elderly or disabled; in flood prevention or crowd control; giving first aid to drug addicts or legal assistance to refugees.

Spain has, for the last time, called up its young men for obligatory military service - or, in the case of conscientious objectors, to the civilian equivalent, social work with local governments or Non-Governmental Organisations. By the year 2002, Spain will have a professional army, and la mili will cease to exist - along with the concept of obligatory do-gooding. Few will mourn its passing, but aid workers are concerned that some projects may go under without this large pool of free labour. 'It's so important to us that in the future, when we cannot make use of the objectors, we will have to change the whole way we work,' says Jes FAs Alonso of Banco de Alimentos, which provides food to the needy. His branch, in Madrid, delivers four million kilos of donated food a year to around 40,000 people living in old people's homes, orphanages, drug rehabilitation centres and the like. The food bank has 40 older volunteers, 'but we cannot distribute the food because we are not fit enough - key to this network are the objectors,' Alonso continues.

Last year more than 165,000 Spanish men were named as objectors, eligible for 123,000 places offered by the Ministry of Justice in conjunction with local governments and charities. At present, about 82,000 men are working in civil protection, environmental schemes, social and health services, international aid, education, culture and peace projects - and providing invaluable help to many organisations and institutions that care for the poor and for the disadvantaged. 'It helped me because now I have a proper job for the same NGO,' says Jos Luis Serrano, an objector who found his calling at the Asamblea de Cooperaci por la Paz and was subsequently hired as a staffer. 'But I am completely against the philosophy of coercing people, whether into the military or social work.'

The Ministry of Justice is drawing up plans to stimulate good works after 2001; it hopes to create a 'Civilian Service', a volunteer army whose members would gain some kind of benefit - perhaps tax-related - in return for their labour. But a ministry spokesman acknowledged that, without 'the coercive factor... the numbers are likely to be reduced'. The Spanish Red Cross employs 8,000 objectors working with 148,000 volunteers. 'It means we will have to adapt. The objectors are immensely helpful, and they are able to work at times when volunteers are not available,' says Adela Moya of the Red Cross. 'But we don't see it as an insuperable difficulty.'

On Wednesday the Ministry of Defence announced that 90,000 men, the youngest born on 31 December 1982, the eldest born in 1971, had been called up to the military in 2001. Only a minority of those listed will actually join the army, navy or air force - the rest will seek a delay or declare themselves to be conscientious objectors.

At the time of the final call-up, there were, the Ministry of Defence said, more than 861,000 people who had postponed their service, 700,000 of them to study.

What, journalists asked, would happen to them in 2002? There was no clear answer available - entry into the reserves was one option - but it seems likely that they will be released from their obligations at the end of 2001.

By then, Spain hopes to have 100,000 men and women under arms, all professionals. But the armed forces are having difficulties recruiting enough soldiers. The government has even dropped the IQ level required of professional soldiers, but there is no guarantee that it will even reach the proposed 2000 level of 85,000 soldiers. Fewer than 20,000 conscripts are likely to enter in 2001, the rest either delaying entry or objecting.

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## Chapter 10



# SWEDEN

Sweden is maintaining conscription. The government as well as the major parties (with the exception of the green Party) is in agreement on compulsory service

## **10.1. ACCESS TO COMPULSORY ALTERNATIVE SERVICE** **The legal recognition of Conscientious Objection**

The National Service Administration enrolls, enlists and administers those persons eligible for national service. The total number of individuals who are registered for inspection is around 50,000 per year. Swedish defence policy is based on the model of Total Defence, meaning that all inhabitants should be involved in national defence in case of emergency or war. Total defence consists of three elements: National military service, Alternative service (that includes those who apply for being recognised as conscientious objectors) and General Compulsory Service.

The right to conscientious objection has been legally recognised since 1920. Its present legal base is the 1994 Total defence Service Act, which replaced the 1966 non-military Service Act. According to the law the status of conscientious objection is to be granted if "the use of weapons against others is so contrary to the person's seriously held moral conviction that he will not fulfil his military service."

## **10.2. ALTERNATIVE SERVICE** **Management and financial provision**

Conscription only takes place within military service and civil defence service. Alternative Service may not include activities that require combat tasks. The length of the first training period is from 82 days up to 306 days.

Concerning national and alternative service all Swedish men between 19 and 24 years of age and Swedish women who volunteer for national or alternative services are to be inspected by the National Service administration.

People enlisted for alternative service will for the moment be found in operations like:

- Fire protection and rescue service including airports
- Maintenance and repair of railways and roads;
- Operations and maintenance within electricity production and the supply network
- Municipalities: information needs, technical operations, care of family and children

After having completed the basic training the conscript shall be given a war posting at a municipality (289) or authority (this year 3 - Swedish National Rail Administration, Svenska Kraft, Swedish Civil Aviation Administration and the Electrical transport system Administartio-Svenska Krafnät).

Decisions concerning war postings are made by the National Service administration. Those responsible for the war time organisations are responsible for refreshing training of the conscripts.

The total costs for alternative service duty is 260 million SKr (29,510,000 €). The conscript is paid 50 SKr (5.67 €) a day. The budget includes all costs, training costs, teachers, etc.

## **10.3 DEBATE**

The debate in Sweden concerns the question of how many civilian conscripts have to be enlisted and trained for the civilian wartime organisations and that this service is considered as part of a “grey labour market”.

In Sweden objectors are organised within an association, which is protecting the interests of those in service. The government funds the work of the association.

#### 10.4 STATISTICS<sup>40</sup>

Year	Applications	Approval	%	available places in civilian service
1966	835	781	93,5	
1968	2033	1433	70,5	
1970	2956	754	25,5	
1978	3128	1977	63,2	
1983	4495	3452	76,8	
1986	4252	3006	70,7	
1991	2438	2180	89,4	
1992	2280	2264	99,3	
1993	2536	2528	99,7	
1994	2710	2702	99,7	
1995	2350	2343	99,7	
1996	2350	2343	99,7	1500
1997	1942	1751	90,1	1600
1998	1495	1355	90,6	1600
1999	1375	1250	90,9	1800

<sup>40</sup> Information given by the Ministry of Defence in Stockholm, Department for Civil Defence Coordination in November 2000

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## 11. CONCLUSIONS AND RECOMMENDATIONS

What is the general trend for the alternative services - compulsory or voluntary?

The EU member states are withdrawing in general from their original responsibility for social protection, health services etc. due to financial constraints. More and more of these services are run by private and welfare organisations. The number of personnel working in the field of social welfare organisations all over Europe is estimated at more than 10 million including a huge participation of voluntary workers. Most of these organisations receive subsidies from the government. They fund their work through membership fees and donations and often sell their services on the market.

Compulsory alternative service has been profitable and cheap. Although the state subsidies these services to the employing organisations, they have been reduced in the 90s or even been completely

abolished; the "salaries" for conscientious objectors in service have been below the equivalent on the labour market.

It is widely recognised that the services themselves had a positive impact on both society and the objectors themselves. The discussion of a possible continuation of structures of alternative services on a voluntary basis shows that the organisations involved are focussing on the educational and solidarity effect. Young people in social services will have a better understanding of the problems and needs in their society. Furthermore innovative effects of the services filling more and more gaps to integrate disadvantaged parts of society into real life have been developed. The best example is the strengthening of the role of people with disabilities in our European societies. The value of alternative services cannot be counted on a financial basis only.

If we look into the concrete proposals for the development of non-compulsory alternative services they are all related to the strengthening of civil society. A voluntary service is attractive if it meets the engagement of the young generation. In Belgium and the Netherlands many of those serving in private non-profit NGOs continued in the same organisations as professionals. In those countries where the state discouraged young people from joining the alternative service we face a greater reluctance among the younger generation to accept public regulation for participating in activities with social responsibilities.

An alternative service as an appendix to military service has become obsolete when the length of the service is no longer practical to conduct a valuable contribution in the respective organisation. Voluntary services independent from legal provisions of enforcement or military recruitment will have a much greater flexibility and could become part of a life-long learning process and engagement.

A recent poll in Germany showed that large majorities of the German population are convinced that a voluntary engagement of young people is necessary within a democratic and social just society (88%). 79% do not agree that a voluntary service would be just a waste of time and would only postpone the personal career. In the case of abolition of compulsory military and alternative service a large majority of the population would not accept another form of general compulsory work but favours a voluntary non-profit service. 56% believe that these services should be open to young people without school certificate and 65% of young people between 14 and 17 years believe, according to this poll, that there are numerous aspects of useful work in such voluntary services.

Caritas, that ran this poll with a prominent German Institute EMNID is convinced that more than 130,000 young men and women could be found to perform voluntary service thus guaranteeing the continuation of the service standards offered so far by conscripted objectors.

A voluntary peace service has been developed by several NGOs in Germany, which offers full accommodation and food by the employing organisation, pocket money and social health protection. Pension and unemployment insurance should be guaranteed by the state. A number of additional privileges for those in service are proposed as well.

Conscientious objection as a particular contribution for peace and non-violence will not become obsolete after the end of conscription. Conscientious objectors in other parts of the world need protection and refugee status. The right of conscientious objection should be protected also for times of violence and war preferably in the respective constitutions or a European Charter of Fundamental Civil Rights. Everybody should have the right to register as conscientious objector, even when there is no conscription.

A particular contribution of voluntary non-violent peace workers has shown a relevant impact during the war in Bosnia and Herzegovina and in the reconciliation work in Kosovo, Serbia and Croatia

recently. The number of voluntary workers in international development areas is growing. Whereas the role of the armies is changing in Europe, attention has to be given to an increasing danger of interventionism. The mutual respect of national identities is not only relevant within the European Union but should be valid also in relation to our neighbours. This is the continuation of the experience we all make in our own societies working for tolerance and multi-ethnic coexistence not only because of a special professional or official duty but on a voluntary basis in whatever circumstances we are acting.

## **12. SUMMARY OF PROPOSALS OF THIS STUDY**

- Compulsory service shall be replaced by open voluntary service. This is obvious for those countries where conscription has ended. But it could also be an additional offer for societies in all EU member states.
- Voluntary service shall be open to all citizens with a certain priority for those finishing education or within a significant period of life change. The Belgian “sabbatical year” is an interesting example of offering a one year break in the job for voluntary service with a state subsidy and the guarantee to get back to the former work after the end of this year.
- Voluntary service shall be independent from state regulations and self-organised. This creates innovative activities and will not be subject to governmental or political priorities.
- Private organisations as employers for voluntary workers have proven to be most efficient and innovative. Administrative work or public service does not provide such advantages.
- Social protection for volunteers should be guaranteed by public funds to guarantee health care and social security.
- Participation in voluntary services should be honoured with supplementary benefits to create jobs and skills as a part of a life-long learning process.
- Volunteers should have a right of training and further qualification and the skills the volunteer receives during his/her service should be documented by a certificate or diploma.
- The time of service shall be incorporated in the overall time of calculation of pensions.
- Voluntary services should be internationalised to increase the understanding of other cultures and societies. The European Voluntary Service (EVS) by the European Union should be enlarged and include participants from the accession countries to increase the exchange of voluntary workers throughout Europe.
- A closer co-operation between Civilian Services in Europe on a bi-lateral (German-French Youth Office) or multi-lateral basis to increase the exchange of experiences of such services between the employing organisations
- A European Civilian Corps could be established to train young people for Human Rights monitoring and conflict-prevention projects and to establish a certain amount of working places in this field at the EU level.

## 13. ANNEX

### The European Trade Union Confederation (ETUC)

#### Alternative service and international law <sup>41</sup>

Although it appears that trade unions refrain from engaging in military questions the history of the cases before the European Committee of Social Rights of the Council of Europe clearly show that this area has for many years been neglected from the human rights aspect. At present there are three types of human rights at issue: Trade union rights in the military service; even more specifically i.e. the prohibition of forced labour in the military service; and, finally, the conscientious objectors' legal and practical situation in Greece (the instant case 8/2000)

In this case ETUC is especially aware of the human rights aspect: conscientious objectors should not be treated in any discriminatory way.

Generally speaking ETUC is relying on the indivisibility and the interdependence of international standards. ... Restrictions in international social instruments should not be used to narrow the protection guaranteed by the relevant instrument. This general principle is guaranteed in particular explicitly in respect of the

#### **1. The Convention for the Protection of Human Rights and Fundamental Freedoms**

Article 53 – Safeguard for existing human rights

*"Nothing in this Convention shall be construed as limiting or derogating from any of the human rights and fundamental freedoms which may be usurped under the laws of any High Contracting Party or any other agreement to which it is a party."*

#### **2. The ILO Constitution**

Article 19 §. 8 – Effect of Conventions and Recommendations on more favourable existing provisions

*"In no case shall the adoption of any Convention or Recommendation by the conference, or the ratification of any Convention by any Member, be deemed to affect any law, award, custom or agreement which ensures more favourable conditions to the worker concerned than those provided for in the Convention or Recommendation."*

In the instant case, furthermore, it does not seem possible to refer to older instruments (European Convention on human Rights: 1950; International Labour Organisation No. 29: 1930) in order to restrict the content of the guarantees of the European Social Charter.

The Social Charter does not provide for any express restriction concerning military service in general or conscientious objection service in particular. Neither the text nor the Appendix are referring to any possibility of restriction. In contrast to Article 1 of the European Social Charter Article 5 provides for a restriction ... and ETUC is referring to its observations asking the Committee in the end to narrow down this restriction. Consequently the committee has applied Art. 1 Para. 2 ESC to the military service as such, *"finally the Committee held that the peculiar status of the military may justify penal sanctions for breach of a voluntary engagement without constituting a breach of the prohibition of forced labour."*

#### **"Prohibition of forced labour..."**

*In relation to Section 64 of Decree No. 14000/1973 under which career officers may be denied permission to resign from their posts for up to twenty-five years, the report states that the administration has launched a review of the legislation in order to bring it into compliance with the Charter. During the reference period, though, the situation remained unchanged... As the situation did not change during the reference period, the committee concludes that Greece is still not in conformity with Article 1 Para. 2 of the Charter in respect of the prohibition of forced labour."*

This clearly shows that military service is not as such excluded from the scope of article 1 Para. 2 ESC. The European Social Charter is using the word 'worker' in a very broad sense. It is quite obvious that the interpretation of the European standards cannot be based on the internal definition of the legal status of a person who performs work. It is well known that e.g. objectors in service are defined as 'workers' in respect of the Charter. Consequently, the committee has found no problems in applying Article 1 Para. 2 ESC (career) officers in the armed forces. Under the framework of Article 1 Para. 2 ESC one might, in a certain way, compare the work of conscientious objectors with prison work; this is also not as such excluded from the scope of 'prohibition of forced labour'. The definition of 'forced or compulsory labour': The general definition has been given in conclusions III *"In the course of this examination the committee reaffirmed its previous view that the coercion of any worker to carry out work against his wishes, and without his freely expressed consent, is contrary to the Charter. The same applied to the coercion of any worker to carry out work he had previously freely agreed to do, but which he subsequently no longer wanted to carry out ..."*

The following two elements are dealing with the – excessive – working conditions and – the prohibition of trade union rights. Although violating by itself international standards, they might as such, not yet amount to 'forced labour'. But they are linked directly to penal and other similar sanctions: this is the core of the problem under article 1 Para. 2 ESC: If conscientious objectors are violating one of those provisions they are faced with heavy sanctions amounting to 'forced labour'.

<sup>41</sup> Excerpt from a ETUC statement to the European Committee on Social Rights of the Council of Europe in relation to a collective complaint by Greek Conscientious Objectors, September 2000

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### Other EBCO publications:

1. Sam Bisemans "Le Droit à l'Objection de Conscience et les Institutions Européennes », Bruxelles, Mars 1995
2. Cecilia de Rosa, Objecteurs de Conscience, Insoumis et Déserteurs des Pays issus de l'Ancienne Yougoslavie : Un Statut Indéterminé, Bruxelles, Novembre 1995
1. EBCO-Report on the Seminar "The Balkans and the Right to Refuse to Kill", Budapest, November 1996 (English/French)
2. EBCO-Report on the Seminar «Conscientious Objectors and Non-violent Conflict Resolution», Strasbourg, June 1997
3. Das Menschenrecht auf KDV und das Europäische Parlament – eine Studie über die Situation in den Beitrittsländern, Brüssel 1997
1. EBCO-Report on the Seminar "Conscientious Objectors and Deserters in Yugoslavia - a contribution against violence in Kosova", Brussels, December 1998

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## **The European Bureau for Conscientious Objection (EBCO)**

- The European Bureau for Conscientious Objection was founded in 1979 in order to co-ordinate and help national organisations in Europe campaigning for the rights of conscientious objectors to military service. EBCO has 20 member organisations in 14 European countries.
- It is EBCO's belief that the right to refuse compulsory military service is a basic human right that should be enshrined in national and international law. In EBCO's view, a conscientious objection may arise from religious, philosophical or other convictions. It is the sincerity of the conviction which matters, not its origin.
- EBCO also campaigns for the right to perform an alternative, civilian service without penalty in terms of the length or conditions of such service.
- It also campaigns for conscientious objectors to be given the automatic right of asylum when their own country does not recognise their rights. Similarly, conscientious objectors who are, or have been, in prison should be given a full pardon and be free to live and work without discrimination.
- Above all, EBCO's campaign is positive, foreseeing a Europe in which co-operation will replace confrontation, peace-building will replace preparations for war, and young men will no longer be obliged to train to kill others. In the recent wars in the Balkans, tens of thousands of young people decided to leave their home in order not to fight. At the end of the 20<sup>th</sup> century more and more states have recognised the important role of conscientious objectors in civil society.
- *EBCO is a member of the Youth Forum of the European Union, and has consultative status with the Council of Europe in Strasbourg and is supported by the European Commission in Brussels.*

## **The Aims of EBCO**

- To promote the right to conscientious objection to war preparations as a fundamental human right, at both national and international levels;
- To obtain the legal instruments which make it possible to assert this right, these legal instruments being national legislation and international agreements, in particular the European Convention for the Protection of Human Rights and Fundamental Freedoms;
- To ensure that this right is exercised normally, without giving rise to social, professional, institutional or other types of discrimination;

- To promote an alternative to military service as a concrete contribution to peace-building and understanding between peoples;
- To work to give this service an European and even an international dimension, in particular by making it possible to perform it in a foreign country, in international training sessions or in internationally oriented organizations;
- To develop the right to asylum, in the countries which have signed the European Convention on Human Rights, for conscientious objectors who are citizens of countries which do not recognize, or insufficiently recognize their rights;
- To contribute to the improvement of national legislation by the circulation of information on the countries where conscientious objectors enjoy a satisfactory situation;
- To develop the international structuring of conscientious objectors' organizations and those which promote the right to conscientious objection;
- To participate in all efforts to implement resolution no. 337 of the Parliamentary Assembly of the Council of Europe, in particular through the elimination of all restrictions on the right to conscientious objection in article 4 of the European Convention for the Protection of Human Rights and Fundamental Freedoms and in every other instrument issued by supranational European bodies;
- To have national legislation adapted in accordance with the European Parliament resolution of 7 February 1983 (and the resolutions deriving from this);
- To promote the right to conscientious objection through the Human Rights Commission within the framework of the United Nations.

### **EBCO Activities**

- ❖ EBCO works with Members of the European Parliament to prepare reports and resolutions promoting conscientious objection.
- ❖ EBCO organises conferences and seminars to inform and encourage individuals and organisations, now also particularly those in Eastern and Central Europe, where the right to conscientious objection is not yet fully recognised.
- ❖ EBCO publishes a regular newsletter, *Right to Refuse to Kill*, which gives up to date information and news about what is happening in Europe and in the European institutions; it also highlights particular cases of persecution of conscientious objectors. It gives news of coming events of interest to peace makers in Europe.

Young men are being persecuted and in some cases imprisoned because their conscience will not allow them to do military service, and their government makes no provision for them, in Croatia, Cyprus, Greece, Turkey, Russia, Serbia. EBCO is working with national organisations in many countries to bring about change *and a recognition of the basic human right to refuse to kill.*

There has been some success in recent years, with the coming into effect of a new law in Switzerland, and the passing of a new (but still unsatisfactory) law in Greece. Only continuous pressure on European and national level will bring politicians to action.

In January 1994 the Bandrés Molet and Bindi resolution approved by the **European Parliament** stated in article 16

***"[We instruct our] Committee on Civil Liberties to draw up an annual report on the application by the Member States of [our] resolutions on conscientious objection and civilian service, and to involve the European Bureau for Conscientious Objection."***

## **EBCO members**

- ❖ **Austria:** ARGE für Wehrdienstverweigerung und Gewaltfreiheit;
- ❖ **Belgium:** Jeugd en Vrede (BDJ); Confédération du Service Civil de la Jeunesse (CSCJ); M.I.R.; Mouvement Chrétien pour la Paix;
- ❖ **Denmark:** Militærnaegterforeningen;
- ❖ **Finland:** Union of Conscientious Objectors (AKL);
- ❖ **France:** Comité de Coordination du Service Civil (CCSC); Union Pacifiste de France (UPF);
- ❖ **Germany:** Deutsche Friedensgesellschaft-Vereinigte Kriegsdienstgegner/innen (DFG-VK); Evangelische Arbeitsgemeinschaft zur Betreuung der Kriegsdienstverweigerer (EAK);
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- ❖ **Italy:** Consulta Nazionale Enti per il Servizio Civile; ARCI-Servizio Civile; Movimento Nonviolento; Associazione Obiettori Nonviolenti; Caritas Servizio Civile;
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- ❖ **Portugal:** Associação Livre dos Objectores e Objectoras de Consciencia;
- ❖ **Spain:** Movimento per la Pau;
- ❖ **Sweden:** Civilpliktsrådet;
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