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Annual Report

**Conscientious Objection
to Military Service
in Europe
2023/24**





Brussels, 15th May 2024

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Foreword by Alexia Tsouni, EBCO President

For the second year, this report is necessarily dominated by the **war in Ukraine**, with a large part of the space being taken up with reports of developments in **Ukraine, Russia and Belarus** and the situation of refugees from these countries. EBCO continues working on the **#ObjectWarCampaign**, which was jointly launched by Connection e.V., War Resisters' International (WRI), International Fellowship of Reconciliation (IFOR), and European Bureau for Conscientious Objection (EBCO).

This Annual Report covers developments from 2023 up to the start of April 2024.

It might seem surprising that we do not report on the conflict in **Gaza** since October 2023 and the war crimes which have dominated the world's attention. EBCO of course stands in solidarity with **Israeli conscientious objectors** and all victims of this armed conflict, and EBCO members have held and participated in a number of activities in support of the Israeli conscientious objectors and the non-violent activists from both sides for a just peace. Nevertheless, Israel/Palestine does not fall within the Council of Europe region, so has no place in this report.

Likewise, a number of conflicts continue elsewhere – **Sudan, Ethiopia, the Democratic Republic of Congo, Myanmar** – with as great or even greater death tolls, but receive much less attention, but these too lie outside our mandate.

Within Europe, the clouds of war are gathering. It is not just in the belligerent countries, and Belarus which seems poised to join directly in support of Russia; elsewhere there is talk of preparedness for war, of increasing military spending, recruitment (eg Denmark), of bringing back conscription or extending it to women. The very right of conscientious objection to military service is coming under threat. Nowhere is the deterioration in the situation illustrated more vividly than in the map on page 165. Since last year's edition, Latvia has passed from the "blue" area of countries without conscription to "green"; Ukraine from "green" to "red" – countries with conscription but no provision for conscientious objection. It happens in more subtle ways, too.

Last year we reported on the case of *Tetlianikov v Lithuania* in which the **European Court of Human Rights** found that the alternative service which had been made available since the reinstatement of conscription in 2014 was in effect unarmed military service; in other countries, too, notably **Latvia** and **Sweden**, and under proposals which keep being revived in **Switzerland**, there is talk of integrating alternative service for conscientious objectors more closely with civil defence, and thus into the system of national preparedness for war. Programmes of military training within the secondary school system are being introduced and expanded, usually with no provision for conscientious objection. So those are voluntary – or in the case of **France**, potentially compulsory programmes for youth which prepare for and encourage military recruitment (*Service National Universel*).

The whole justification for conscientious objection in time of peace is that the *raison d'être* of armed forces is to prepare for war. It is therefore paradoxical that as war looms, the right of conscientious objection should come under threat. With a view to the actual and potential risks in this regard, we



introduce in this year's report an important new section on "**Conscientious objection in time of war or other national emergency.**"




























To an extent far greater than ever before, we have to report the **harassment of EBCO members and contributors to this report for their work associated with EBCO**. In **Ukraine**, **Yurii Sheliashenko**, Executive Secretary of the **Ukrainian Pacifist Movement** and EBCO Board member, has been placed under continually-extended house arrest and suffered the seizure of his computer and smartphone while investigated by the state security service, seemingly on ridiculous charges of "justifying Russian aggression". In **Russia**, the **Movement of Conscientious Objectors** and its Director and EBCO Board member **Saša Belik**, have been declared a "foreign agent", severely hampering their ability to raise funds and to operate in support of conscientious objectors. And **Olga Karatch**, Director of "**Our House**" and EBCO Board member, who already faces long imprisonment should she return to Belarus on charges springing from her overt anti-regime activism, is finding her sanctuary in Lithuania threatened by the authorities' refusal to grant her asylum, seemingly because of her tireless advocacy for Belarusians fleeing the possibility of military mobilisation.

Amid these new and growing threats, we must also not forget the continuing denial of the right of conscientious objection to military service in **Azerbaijan** and **Türkiye**, where those who have not performed military service continue to live in an indefinite state of civil death.

However, let us end on a positive note with our report of yet another **European Court of Human Rights** judgement in a conscientious objection case against **Türkiye**, this time for the activities of the self-styled "**Turkish Republic of Northern Cyprus**", which also denies the right of conscientious objection in a case concerning EBCO Board member **Murat Kanatlı** and Co-coordinator of the **Initiative for Conscientious Objection in Cyprus**. This is a case which broke new grounds in international jurisprudence, firmly confirming that the right of conscientious objection to military service applies equally to reserve mobilisation as to first-time call-up.



Table of Contents

1. DEVELOPMENTS IN INTERNATIONAL BODIES & JURISPRUDENCE.....	8
1.1. COUNCIL OF EUROPE.....	8
1.1.1. European Court of Human Rights (ECtHR).....	8
1.1.2. Committee of Ministers.....	12
1.1.3. Steering Committee on Human Rights.....	14
1.2. EUROPEAN UNION.....	15
1.2.1. Court of Justice of the European Union.....	15
1.2.2. European Parliament.....	16
1.3. UNITED NATIONS.....	18
1.3.1. Office of the High Commissioner for Human Rights.....	18
1.3.2. Treaty Bodies.....	18
1.3.3. Human Rights Council.....	23
1.3.4. UN Human Rights 75 Youth Declaration.....	32
2. SITUATION IN INDIVIDUAL COUNTRIES.....	33
2.1. ALBANIA .....	34
2.2. ANDORRA .....	35
2.3. ARMENIA .....	36
2.4. AUSTRIA .....	41
2.5. AZERBAIJAN .....	43
2.6. BELARUS .....	45
2.7. BELGIUM .....	58
2.8. BOSNIA AND HERZEGOVINA .....	61
2.9. BULGARIA .....	62
2.10. CROATIA .....	64
2.11. CYPRUS .....	65
2.12. CZECHIA .....	68
2.13. DENMARK .....	70
2.14. ESTONIA .....	72
2.15. FINLAND .....	74
2.16. FRANCE .....	77
2.17. GEORGIA .....	79
2.18. GERMANY .....	82
2.19. GREECE .....	84
2.20. HUNGARY .....	94
2.21. ICELAND .....	95
2.22. IRELAND .....	96
2.23. ITALY .....	97
2.24. KOSOVO .....	99
2.25. LATVIA .....	101
2.26. LIECHTENSTEIN .....	104
2.27. LITHUANIA .....	104



2.28. LUXEMBOURG 	106
2.29. MALTA 	107
2.30. MOLDOVA (“Republic of Moldova”) 	108
2.31. MONACO 	109
2.32. MONTENEGRO 	109
2.33. NETHERLANDS 	111
2.34. NORTH MACEDONIA 	112
2.35. NORWAY 	113
2.36. POLAND 	116
2.37. PORTUGAL 	118
2.38. ROMANIA 	121
2.39. RUSSIAN FEDERATION (former member state) 	124
2.40. SAN MARINO 	132
2.41. SERBIA 	132
2.42. SLOVAKIA 	136
2.43. SLOVENIA 	137
2.44. SPAIN 	138
2.45. SWEDEN 	139
2.46. SWITZERLAND 	142
2.47. TÜRKIYE 	146
2.48. UKRAINE 	150
2.49. UNITED KINGDOM 	161
3. OVERVIEW OF NATIONAL PROVISIONS.....	162
3.1. HISTORICAL TIMELINE: CONSCRIPTION AND RECOGNITION OF CONSCIENTIOUS OBJECTION.....	162
3.2. CONSCRIPTS AND CONTRACT OR PROFESSIONAL SOLDIERS.....	164
3.3. COMPULSORY MILITARY SERVICE AND CIVILIAN SERVICE.....	168
3.4. MILITARY EXPENDITURE.....	169
3.5. JUVENILE RECRUITMENT.....	171
3.6. SERVING MEMBERS OF THE MILITARY.....	174
3.7. CONSCIENTIOUS OBJECTORS AS REFUGEES.....	176
3.8. CONSCIENTIOUS OBJECTION IN TIME OF WAR AND OTHER NATIONAL EMERGENCIES.....	187
4. NEW PUBLICATIONS.....	191
5. RECOMMENDATIONS.....	193
6. THANKS.....	194



1. DEVELOPMENTS IN INTERNATIONAL BODIES & JURISPRUDENCE

1.1. COUNCIL OF EUROPE

COUNCIL OF EUROPE



CONSEIL DE L'EUROPE

It will be noted that consideration of Belarus' application for membership of the Council of Europe was suspended in 1997, and that the Russian Federation ceased to be a member of the Council of Europe on 16th March 2022.

Likewise, Belarus has never been party to the European Convention on Human Rights. Moreover, the Russian Federation ceased to be a High Contracting Party to the Convention as from 16 September 2022 but remains under a binding international law obligation to execute the judgements of the European Court of Human Rights delivered against it.¹

1.1.1. European Court of Human Rights (ECtHR)



Judgements

Kanatli v Türkiye

No judgements of the court in the course of 2023 related to conscientious objection to military service. However on 12th March 2024, it finally ruled on the case of *Kanatli v Türkiye*² finding, unanimously (thus including the Turkish judge) that there had been a violation of Article 9 (freedom of thought, conscience, and religion) of the European Convention on Human Rights and Fundamental Freedoms in that Murat Kanatlı had been convicted for refusing, on grounds of conscientious objection, to perform the one day of military service for which he had been called up in 2009 under the Military Service Act of the self-styled "Turkish Republic of Northern Cyprus"

¹ <https://rm.coe.int/letter-for-the-attention-of-mr-sergey-lavrov-minister-for-foreign-affa/1680a956f6>

² European Court of Human Rights, Second Section, Arrêt, *Affaire Kanatli c. Türkiye*, <https://hudoc.echr.coe.int/?i=001-231540>. Judgement available only in French, see Press Release issued by Registrar of the Court, No.059(2024).



(TRNC). The case was brought against Türkiye, the parties agreeing that for the purposes of the Convention, and in line with the previous jurisprudence of the Court³ the “TRNC” fell within the “jurisdiction” of Türkiye.

A reminder of the facts. Murat Kanatlı had performed his obligatory military service in the “TNRC” in 2005, and had responded to the annual call-up to report for one day’s reservist service in 2006, 2007 and 2008. (Murat points out that although the call-up is for one day only, which is usually spent playing cards in the barracks, its purpose is to provide a preset timetable of call-ups which can at any time be transformed into a general mobilisation.) In 2009, however, he decided to refuse. As the press release issued by the Registrar of the Court puts it: “In 2008 Mr Kanatli became the Cypriot representative of the European Bureau for Conscientious Objection ... In 2009 he was elected to the board of EBCO and refused to perform his military service as a reservist that year, explaining that he had become a conscientious objector as of 15th May, 2008.” (As far as we know, this is the first time that EBCO membership has been cited in a judgement of the Court, and we are glad that it was accepted as conclusive proof of the validity of the applicant’s conscientious objection credentials!)

The case against him was opened in the Security Forces Court in 2011, was adjourned pending a ruling from the Supreme Military Administrative Court on the constitutionality of the relevant legislation, which was delivered in 2013, and the case having been resumed, in 2014 Kanatlı was sentenced to a fine “of roughly 167 euros” which could be converted to ten days’ imprisonment in the event of non-payment, a sentence which was confirmed on appeal. He duly refused to pay and served the ten days’ imprisonment.

Further prosecutions were initiated regarding his refusal to perform reservist service in the two subsequent years before he reached the maximum age limit for liability. However when the conviction regarding 2009 was referred to the European Court of Human Rights, the Attorney General of the “TRNC” decided to drop the charges regarding subsequent years and requested a discontinuance order.

In its decision: “The Court noted that the applicant was unable to lodge – let alone substantiate – an application for exemption and thus was liable to prosecution if he refused to perform his military service.”

In view of the evidence, the Court considered that “the applicant’s objection to performing his military service ... had been motivated by convictions of sufficient cogency to attract the guarantees of Article 9 of the Convention.”

“The Court pointed out that freedom of conscience, just like the freedom to have or adopt a religion or belief of one’s choice, was protected unreservedly and was one of the core rights guaranteed by Article 9 of the Convention.

“In the present case, the applicant had complained not only about specific actions on the part of the State, but also and above all about its failure to secure the right of conscientious objection.

³ See paragraph 25 of the judgement.



“The relevant national legislation – which provided for compulsory military service in the armed forces, including as a reservist – made no provision for potential conscientious objectors to perform an alternative form of service.

“Thus ... the applicant had faced criminal proceedings, which had resulted in his conviction and imprisonment.

“Admittedly, the present case did not concern compulsory military service, but rather service as a reservist, which only lasted a single day, although it was liable to reach up to 30 days a year.

“As the national courts had noted, service as a reservist was an extension of military service ... Moreover the Government had not submitted that the service was hierarchically and institutionally different from the army.

“The Court had previously found that a system which provided for no alternative service or any effective and accessible procedure for the examination of a claim of conscientious objection could not be seen as having struck a fair balance between the general interest of society and that of conscientious objectors. No convincing argument having been put forward by the Government, the court saw no reason to depart from its case law in the present case.”

In view of the fact that the issues raised by the case concerned first and foremost Article 9 of the Convention, and had all been examined under that Article, the Court did not consider it necessary to examine the separate alleged violations of articles 5, 6, 13 and 14 of the Convention⁴.

What is particularly noteworthy about this judgement is that it represents the first time that the international jurisprudence has been applied in a case involving reserve service, and on the part of a person who had previously performed military service. It is reassuring that the Court was so firm in finding that these aspects had no bearing on the principles involved, and that likewise it did not allow itself to be distracted by the apparently trivial nature of the service at issue.

It is also notable that, unlike a number of previous cases, the Court did not go out of its way to refer to conscientious objection to military service as a “manifestation” of religion or belief. It would perhaps be premature to interpret this as meaning that it now accepts the view of the UN Human Rights that the right of conscientious objection to military service is inherent in the freedom of conscience, but it would certainly not be inconsistent with such a shift.

Pending cases:

Two further cases regarding the “Turkish Republic of Northern Cyprus” are still pending before the Court. In both the facts are similar to those in *Kanatlı*, so it is to be expected that they will be decided following this precedent.

They are:

⁴ Paragraph 72 of the judgement.



1. Haluk Selam Tufanli v. Türkiye (case number 29367/15⁵). The application concerns the refusal of the applicant, a conscientious objector, to attend reservist service for military mobilisation training in 2011. On 02/06/2015 Haluk Selam Tufanlı submitted an application to the ECtHR against Türkiye for violations of articles 5 §§ 1, 4 and 5, 9 and 13 of the European Convention of Human Rights: (Art. 5) Right to liberty and security, (Art. 9) Freedom of thought, conscience and religion, (Art. 13) Right to an effective remedy.
2. Halil Karapasaoglu v. Türkiye (case number 40627/19) was accepted by the ECtHR on 10/01/2020.⁶ On 05/07/2019 Halil Karapaşaoğlu submitted an application to the ECtHR against Türkiye for violations of articles 5, 6 and 9 of the European Convention of Human Rights: (Art. 5) Right to liberty and security, (Art. 6) Right to a fair trial, (Art. 9) Freedom of thought, conscience and religion. This related to his refusal of military mobilisation in 2018.

 There is also a pending case from **Lithuania**:

Application no. 15816/20 **Erikas Rutkauskas v Lithuania**⁷.

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

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

⁵ Available at: <https://hudoc.echr.coe.int/eng?i=001-208228>

⁶ Available at: <https://in-cyprus.com/echr-accepts-application-from-turkish-cypriot-conscientious-objector/>

⁷ <https://hudoc.echr.coe.int/eng?i=001-222480>



1.1.2. Committee of Ministers

🇹🇷 **Türkiye:** As reported in the EBCO Report 2022/3, on 17th April 2023 the Conscientious Objection Watch, War Resisters' International, The European Bureau for Conscientious Objection, Connection e.V and International Fellowship of Reconciliation jointly submitted to the Committee of Ministers a Rule 9.2 Submission on the implementation of the judgments under the **Ülke Group of cases against Türkiye**.⁸

At their 1468th Meeting, on 6th to 8th June 2023, the Ministers Deputies considered this group of cases.

"The Deputies

1. recalled that these cases concern the applicants' repetitive prosecutions and convictions for refusing to carry out compulsory military service as pacifists and conscientious objectors, as a result of which they are compelled to lead clandestine lives amounting to "civil death", and the absence of a procedure to establish their status as conscientious objectors;

As regards individual measures

2. recalling that the applicants in the cases **Enver Aydemir, Feti Demirtaş** and **Halil Savda** are no longer under the obligation to carry out military service, have no criminal record or pending proceedings against them, and have not had administrative fines imposed upon them, decided to close their supervision of the execution of these cases and adopted Final Resolution [CM/ResDH\(2023\)145](#);

3. deeply regretted that Osman Murat Ülke, Yunus Erçep and Ersin Ölgün are still considered draft evaders, hence continue to face the threat of criminal and administrative proceedings as well as a situation of "civil death"; noting also that criminal proceedings against Mehmet Tarhan have been pending since 2005 and that the constitutional complaint of Baris Görmez is also pending, strongly urged the Turkish authorities to take all necessary measures to ensure that all negative consequences of the violations found by the Court are rapidly eliminated in respect of all these applicants;

As regards general measures


4. noting that "paid military service" and reduction of the length of compulsory military service do not constitute an alternative to mandatory military service which would remedy the fundamental problems identified by the Court in these cases, expressed profound regret that no progress has been achieved since the delivery of the **Ülke** judgement in 2006 in taking targeted measures to prevent future similar violations;

5. strongly urged the Turkish authorities to provide an action plan with concrete proposals for legislative amendments to address the Court's findings in this group before the next examination of these cases,

⁸ Available at: <https://ebco-beoc.org/node/562>



6. in view of the longstanding issues examined in these cases and the lack of progress achieved so far, decided to resume consideration of these cases at their DH meeting in June 2024 at the latest and, in the absence of concrete information allowing for a positive assessment of the general measures, instructed the Secretariat to prepare a draft interim resolution for examination at that meeting.⁹

 **Azerbaijan:** At their 1483rd. Meeting, on 5th to 7th December 2023, the Ministers Deputies considered follow-up on the case of **Mushfig Mammadov and Others v. Azerbaijan.**

“The Deputies

1. recalled that this case concerns the applicants’ prosecution and criminal conviction, between 2006 and 2015, for their refusal, as conscientious objectors, to perform compulsory military service;

As regards individual measures

2. noted with satisfaction the undertaking by the authorities to implement necessary measures aimed at preventing any potential convictions of fourth and fifth applicants for their refusal to perform military service and invited them to provide further information on the measures taken in this regard;

3. called on the authorities to remedy the negative consequences of the applicants’ criminal convictions on account of their refusal to perform military service, including elimination of their criminal records and stressed that the issue of individual measures is closely linked to the urgent adoption of general measures;

As regards general measures

4. took note of the authorities’ intention to initiate domestic consultations for preparation of draft legislation on alternative civilian service in Azerbaijan;

5. stressed the urgent need to adopt legislation on alternatives to military service in line with the commitment entered into by Azerbaijan upon its accession to the Council of Europe, bearing in mind the risk of criminal prosecution faced by the applicants and all persons in a similar situation;

6. called therefore on the authorities to urgently adopt such legislation, without delay, and to ensure its compliance with the Convention standards;

7. encouraged the authorities to make use of the technical support and expertise available through the Council of Europe on the matter;

8. invited the authorities to keep the Committee informed on all relevant developments and decided to resume consideration of this case at one of their DH meetings in 2025.

⁹ [CM/Del/Dec\(2023\)1468/H46-36](#) / 06 June 2023



1.1.3. Steering Committee on Human Rights

The Council of Europe's Steering Committee on Human Rights held a workshop on human rights of members of the armed forces to raise awareness on this subject and ensure better protection of human and social rights in the military forces, with reference to the Committee of Ministers Recommendation [CM/Rec\(2010\)4](#). Stakeholders discussed current challenges in protecting the rights of military personnel and identified ways to enhance protection of their human rights in light of international standards. Among the participants was Friedhelm Schneider, ex-President of EBCO, who spoke to the title "The right to conscientious objection to military service: where do we stand in Europe?" The full programme and the presentations may be found [here](#).

It may be noted that since the questionnaire distributed in 2012, there has been no State-by-State follow-up on the situation of human rights in the armed forces.



1.2. EUROPEAN UNION

1.2.1. Court of Justice of the European Union

A judgement of the Court of Justice EU can constitute a new element justifying a fresh examination of the substance of the asylum application

8 February 2024/Press Release of the CJEU/Judgment of the Court in Case C-216/22 | Bundesrepublik Deutschland (Admissibility of a subsequent application)

A judgement of the Court of Justice which significantly adds to the likelihood of an asylum seeker qualifying as a beneficiary of refugee status or subsidiary protection justifies his or her subsequent application being examined on the merits and cannot be rejected as inadmissible. Member States may authorise their courts or tribunals, where they annul a decision which rejected the subsequent application as inadmissible, to rule themselves on that application and, where appropriate, grant it.

A Syrian national who left his country in 2012 and feared being recalled to serve in the **armed forces** or arrested if he refused to fulfil his **military obligations** there was granted, in 2017, subsidiary protection in Germany. However, he was refused refugee status .

In the wake of a judgement of the Court of Justice concerning the situation of **Syrian conscientious objectors**, he lodged a further asylum application (a 'subsequent application'). He argued that that judgement constituted a change in the legal position in his favour. That subsequent application, however, was rejected as inadmissible, that is to say without examining whether the conditions required to qualify for refugee status were met.

The individual concerned challenged that refusal before a German court. That court asked the Court, inter alia, whether it is compatible with EU law to consider that, in principle, only an amendment to the applicable provisions, and not a judicial decision, can constitute a new element justifying, where appropriate, a full examination of the subsequent application.

The Court answers that, in principle, **any judgement of the Court can constitute a new element justifying a full re-examination if the conditions required to qualify for refugee status are met**. That applies also for a judgement which is limited to interpreting a provision of EU law already in force at the time that a decision on a previous application was adopted. The date on which the judgement was delivered is irrelevant. **However, in order for a judgement of the Court to constitute a full re-examination, it must significantly add to the likelihood of the applicant qualifying as a beneficiary of refugee status.**

As regards the remainder of the procedure in the event that a national court or tribunal annuls a decision rejecting a subsequent application as inadmissible, the Court further states that **Member States may, without being obliged to do so, authorise their courts or tribunals to rule themselves on that application and, where appropriate, grant refugee status.**

Full text of the judgement: <https://curia.europa.eu/juris/documents.jsf?num=C-216/22>



1.2.2. European Parliament

Resolution on the War in Ukraine

The position of the European Parliament regarding people leaving Russia and Belarus in order to find protection in EU Member States is mentioned in paragraph 30 of the resolution of 16 February 2023 on one year of Russian invasion and war of aggression against Ukraine, namely:

“30. Expresses its solidarity and support for the courageous people in Russia and Belarus protesting Russia’s war of aggression against Ukraine; demands that Member States protect and grant asylum to Russians and Belarusians being persecuted for speaking out against or protesting the war, as well as Russian and Belarusian deserters and conscientious objectors;”¹⁰

Hearing of the Sub-Committee on Human Rights

This event, on 2nd March, addressed the topic “Conscientious objection as a human right and in particular, Russian conscientious objectors”.

This Committee, Chaired by Udo Bullmann, is in charge of Human Rights **outside** the area of the EU (it is the Committee on Civil Liberties who has the responsibility for HR inside the EU).

Presentations were made by **Michael Wiener**, Human Rights Officer, Office of the United Nations High Commissioner for Human Rights; **Sam Biesemans**, Vice-President, European Bureau for Conscientious Objection; **Sergey Krivenko**, Member of the Board of "Memorial International" and head of the Russian NGO "Grazhdanin, armia, pravo" ("Citizen, Army, Law"); **Saša Belik**, Advocacy officer, Sphere Foundation; **Milana Shesterikova**, Head of International Office, Russian Youth Democratic Movement “Vesna”; **Kanstantsin Staradubets**, External communication manager, Human Rights Center “Viasna”

Sam Biesemans introduced first of all **EBCO** and the human right to conscientious objection to preparations for, and participation in, war and any other type of military activity as a fundamental human right. He underlined that the Charter of Fundamental Rights of the European **Union** does not sufficiently safeguard the respect of this right. He highlighted the previous relevant resolutions of the European Parliament and called for a new one to reflect the current situation. He also presented the joint international #ObjectWarCampaign: Russia, Belarus, Ukraine: Protection and asylum for deserters and conscientious objectors to military service. He finally urged for the immediate and unconditional release of Ukrainian Christian conscientious objector Vitaly Alkeseenko¹¹.

Alexander (Saša) **Belik** speaking in the name of the Russian NGO “Sphere”, said:

“Less men — less soldiers. I would like to join the demands of ObjectWarCampaign and ask the European Parliament to issue a resolution confirming the right for an asylum to deserters and conscientious objectors from Belarus and the Russian Federation.

¹⁰ https://www.europarl.europa.eu/doceo/document/TA-9-2023-0056_EN.html

¹¹ See <https://ebco-beoc.org/node/553>



“Step up the support for the Russian anti-war community. Distribute the best practices of Lithuania and Germany which are issuing humanitarian visas and residence permits to human rights activists and dissidents from Russia. That helps people to continue their work without a 6 month gap to wait for the decision about asylum.”

The full English language video recording of the event is available [here](#), with more languages available (from 10:29:43 until the end) [here](#).

Open Letter of 17 MEPs

Seventeen Members of the European Parliament, belonging to four political groups (S&D, Greens/EFA, Renew and GUE/NGL) sent on 24th July 2023 an Open letter addressed to Charles Michel, President of the European Council; Ursula Von der Leyen, President of the European Commission and Josep Borrell, Vice President of the European Commission/High Representative. calling for action for the protection of and granting of asylum by EU Member States to Russian conscientious objectors.

The Open Letter, signed by: Udo Bullmann, S&D; Charles Goerens, Renew; Bernard Guetta, Renew; Dietmar Köster, S&D; Hannah Neumann, Greens/EFA; Isabel Santos, S&D; Miguel Urbán Crespo, GUE/NGL; Brando Benifei, S&D; Milan Brglez, S&D; Matthias Ecke, S&D; Cornelia Ernst, GUE/NGL; José Gusmão, GUE/NGL; Erik Marquardt, Greens/EFA; Marisa Matias, GUE/NGL; Matjaž Nemeč, S&D; Nikos Papandreu, S&D; Mounir Satouri, Greens/EFA, said:

“We appeal the Commission and the EU Member States, to carry out further consultations on the common visa policy vis-a-vis Russians, with a view to adapting the guidelines for issuing entry visas to Russians and to reviewing asylum procedures applying to Russians fleeing their country, due to their refusal to serve in Russian armed forces.”¹²

¹² The full text is available on the EBCO website at: <https://ebco-beoc.org/node/603>



1.3. UNITED NATIONS

1.3.1. Office of the High Commissioner for Human Rights

Conscientious Objection to Military Service: Follow up to Resolution 51/6

As mandated in Resolution 51/6 of September 2022 (see [EBCO Report 2022/3, p. 19](#)) the Office of the UN Commissioner for Human Rights (OHCHR) held a half-day thematic workshop on October 31st 2023 on “good practices and recent developments in the implementation of the right to conscientious objection to military service in law and in practice”. Full details are available [here](#).

Introductory remarks were made by His Excellency Gordan Markotić, Permanent Representative of Croatia to the United Nations Office in Geneva.

Panellists were: Nazila Ghanea, Special Rapporteur on freedom of religion or belief; Marcia Kran, member of the UN Human Rights Committee; H.E. Gustavo Adolfo Gallon Giraldo, Permanent Representative of Colombia to the United Nations Office in Geneva; Suk-Tae Lee, lawyer, former judge of the Republic of Korea Constitutional Court and member of the Council of Europe Venice Commission; Rachel Brett, visiting fellow, University of Essex.

The speakers from States were particularly aptly chosen: Croatia has taken the lead in proposing resolutions on conscientious objection to military service at the Human Rights Council; Gustavo Gallon, appointed as Ambassador in Geneva following the election of the Petri government, had as founding Director of the Colombian Commission for Jurists been prominent in the campaign for recognition of the right of conscientious objection in Colombia, but for many years had been under official surveillance in his own country; Suk-Tae Lee represented both the Constitutional Court in Korea, the latest to have recognised the right of conscientious objection, but also the Council of Europe’s Venice Commission, which plays a vital role in monitoring legislation from European States.

A number of EBCO members and representatives of its partners attended in person or on-line and made interventions from the floor.

It is hoped that the proceedings will be of assistance in the production by OHCHR of the report, also mandated in Resolution 50/6, “on legal and policy frameworks to uphold human rights in the context of conscientious objection to military service in accordance with States’ obligations under international human rights law and applicable international human rights standards”.

1.3.2. Treaty Bodies

Human Rights Committee


Jurisprudence


No individual cases concerning conscientious objectors were decided by the Committee in 2023.



Consideration of State Party Reports

In the course of 2023, the Committee considered, among others, the reports of **Egypt** and **Turkmenistan** (137th Session, March), **Brazil**, **Colombia**, and **Cyprus** (138th Session, June) and **Kuwait** and **Republic of (ie South) Korea** (139th Session, October).

 In its Concluding Observations on **Brazil**, the Committee “regrets that an alternative civil service for those who refuse to perform military service owing to conscientious objections has not been implemented and that some conscientious objectors have had their political rights suspended, such as being removed from the electoral roll” and recommend that the State Party “Ensure a non-discriminatory and non-punitive alternative civilian service.”¹³

 In **Colombia**, following a decision of the Constitutional Court back in 2009, legislation recognising the right of conscientious objection to military service has at last been brought in, and a so-called “Civilian Service for Peace” is being established. Conscientious objectors in Colombia are however very wary of the militarised nature of the proposed service, and point to continued irregularities in the military recruitment system, which can result in objectors being forcibly conscripted off the street.

In its Concluding Observations “The Committee welcomes the creation of the Social Service for Peace through Law No. 2272 of November 4, 2022, as an alternative to mandatory military service. However, there is concern about information indicating that said service will possibly be in charge of the Ministry of Defense and that military officials would intervene in its administration, which would contradict its alternative nature to military service. While taking note of the information provided by the State party on the cessation of obligatory recruitment of young people to enter military service, the Committee is concerned about allegations indicating that irregular recruitment practices in military service persist, which could constitute cases of arbitrary detentions.

“Taking into account the Committee's previous recommendations, the State party should take additional measures to ensure that, in practice, no person is subjected to arbitrary detention, in particular arbitrary detention for the purposes of military recruitment. Likewise, the State party must guarantee that the right of individuals to conscientious objection to military service within the framework of Law No. 1861 of 2017 be respected, ensuring an agile process to define the military situation and offering guarantees of non-discrimination. The State party must also, in the development and implementation of the Social Service for Peace, ensure that broad and substantive consultations are carried out with civil organisations, that alternatives to military service are accessible to all conscientious objectors without any discrimination regarding to the nature of the convictions justifying the objection (religious beliefs or non-religious convictions based on conscience) and that such alternatives are not punitive or discriminatory in their character or duration compared to military service.”¹⁴


 On **Cyprus**, a submission by Conscience and Peace Tax International had hoped that in October 2023 the Committee would encourage the State Party to bring the terms and conditions of


¹³ CCPR/C/BRA/CO/3, 6th September 2023, paras 49 and 50.


¹⁴ CCPR/C/COL/CO/8, 4th September 2023 (available in Spanish only), paragraphs 32 and 33 (Google Translate).



alternative civilian service into closer conformity with the international standards, and to repeal the provision allowing the arrangements to be suspended in time of war or national emergency, but in the event the topic did not feature in the Concluding Observations.

 In its Concluding Observations on **Egypt**, among other aspects of religious persecution, the Committee expressed concern “that no provision is made in Egyptian law to allow for conscientious objection to compulsory military service and that without an exemption certificate, conscientious objectors are unable to access educational institutions, obtain a passport or leave the country.” and recommended that it “adopt legislation to recognize the right to conscientious objection to military service and allow conscientious objectors access to alternative civilian service of a non-discriminatory and non-punitive nature”¹⁵.

 Regarding **Kuwait**, the Committee expressed its concern “about the National Military Service Act No. 20/2015 that establishes a mandatory military service, without providing the possibility for alternative service”, and recommends that it should “adopt legislation to recognize the right to conscientious objection to military service and allow conscientious objectors access to alternative civilian services of a non-discriminatory and non-punitive nature.”¹⁶

 Over the years, the **Republic of Korea** has played an important part in the development of the Committee’s jurisprudence in its consideration of a sequence of cases brought to it by, in aggregate, almost five hundred Jehovah’s Witnesses who were imprisoned for their conscientious objection in the years when there was no recognition. Only in 2018 did the Constitutional Court finally recognise the right and order the National Assembly to bring in legislation, which finally appeared at the end of 2019. Unfortunately, however, the new alternative service arrangements are the most punitive to be found anywhere in the world; whereas conscientious objectors were previously routinely imprisoned for eighteen months, the alternative service consists of performing the same work in prisons for twice as long – three years – and subject to only partly less restricted liberty; the only improvement is that they are no longer considered criminals.


The Committee, predictably did not consider these provisions adequate, and in its Concluding Observations, although it welcomes “the introduction of an alternative service system through the adoption of the Act on Assignment to and Performance of Alternative Service on 27 December 2019, which came into effect in January 2020.”, but expresses concern “that the current alternative service system sets the service period at 36 months, seems discriminatory and punitive compared to active-duty service (18-21 months) and that alternative service is limited to service in correctional facilities. The Committee takes note of persons who have refused alternative service, whose claims are now pending before the Constitutional Court, and that serving members of armed forces are not permitted to express objections of conscience. While welcoming that, further to the Constitutional Court’s decision of 28 June 2018, conscientious objectors have been released from prison and had their criminal records expunged, the Committee is concerned at the reported lack of compensation provided to them, contrary to its previous recommendations and Views (arts. 17 and 18),” and recommends “The State party should eliminate the discriminatory treatment of conscientious objectors compared to those enrolled in military service by reducing the excessively long duration of


¹⁵ CCPR/C/EGY/CO/5, 14th April 2023, paras 43 and 44(d).

¹⁶ CCPR/C/KWT/CO/4, 3rd November 2023, paras 40 and 41(b).



alternative service and expand alternative service to locations other than correctional facilities. It should also consider amending its legislation to recognize the right to conscientious objection of active members of the armed forces and, in line with the Committee's previous recommendations and Views, to provide compensation to conscientious objectors who, further to the Constitutional Court's decision of 28 June 2018, have been released from prison and had their criminal records expunged."¹⁷

 Finally, regarding **Turkmenistan**, the Committee criticised general repressive measures taken against the Jehovah's Witness community, and particularly recalled its "views" on communications regarding a number of individual cases of Jehovah's Witness conscientious objectors. In its Concluding Observations "The Committee notes the information provided by the State party delegation indicating that the number of criminal prosecutions under article 219 (draft evasion) of the Criminal Code had decreased tenfold during the reporting period. However, the Committee regrets the lack of recognition of the right to conscientious objection to compulsory military service and the lack of provision of alternatives to military service, as previously communicated in the Views adopted by the Committee" and recommends that the State party should "adopt the legislation necessary to recognize the right to conscientious objection to compulsory military service and ensure that alternative service is not punitive or discriminatory in nature or duration in comparison with military service."¹⁸

 In the course of the year, the Committee also adopted "Lists of Issues Prior to Report" under the "simplified reporting procedure" on, among others, the **Republic of Moldova**. Moldova's report addressing this List of Issues will probably be submitted in 2024 or 2025 and examined subsequently. In the List of Issues, the Committee asks "Please explain how requiring conscientious objectors to register with a religious or pacifist organisation in order to be recognised is compatible with article 18 of the Covenant. Please clarify whether civilian alternative service would remain available to conscientious objectors in time of general mobilisation or war."¹⁹

¹⁷ CCPR/C/KOR/CO/5, 3rd November 2023, paras 51 and 52.

¹⁸ CCPR/C/TKM/CO/3, 12th April 2023, paras 40 and 41.

¹⁹ CCPR/C/MDA/QPR/4, 2nd August 2023, para 18.



Committee on the Rights of the Child

🇬🇧 In its June Session, the Committee on the Rights of the Child considered the combined 6th and 7th Periodic Reports of the **United Kingdom**, and returned to the issues it had already raised under the Optional Protocol on the involvement of children in armed conflict. Paragraph 56 of the Committee's Concluding Observations, reads:

"Noting with concern reports of the advertising and marketing of military service aimed at children and the overrepresentation of socioeconomically disadvantaged children in the armed forces, the Committee recalls its previous recommendations and recommends that the State party:

- (a) Consider withdrawing its interpretative declaration on article 1 to the Optional Protocol on the involvement of children in armed conflict;
- (b) Consider raising the minimum age of voluntary recruitment into the armed forces to 18 years;
- (c) Prohibit all forms of advertising and marketing of military service targeted at children, particularly in schools, and the targeting of children belonging to ethnic minority groups and socioeconomically disadvantaged children;
- (d) Ensure that safeguards for voluntary recruitment are sufficient, including by ensuring that no child from a separated family is recruited with the consent of only one parent;
- (e) Ensure that children currently enlisted in the armed forces do not serve a minimum period that is longer than those who enlisted as adults and that they have the right to leave the armed forces with no notice period;
- (f) Promptly investigate any reports of sexual abuse, sexual harassment and other forms of violence against children in the armed forces, particularly during armed forces training, and ensure that perpetrators are prosecuted and sanctioned;
- (g) Take measures to address the reported heavy mental health burden among child recruits, including the incidence of suicide among infantry personnel who enlisted when they were under the age of 18 years;
- (h) Ensure that all children under 18 years of age receive special protection under the *Joint Doctrine Publication 1–10, Captured Persons*, including by amending the definition of the child in line with the Convention;
- (i) Ensure the early and effective identification upon their entry into the State party of all asylum-seeking, refugee and migrant children who may have been recruited or used in armed conflicts abroad;
- (j) Prohibit the export of arms, including small arms and components for weapons systems, to countries in which children are known to be recruited or used in hostilities.²⁰

²⁰ CRC/C/GBR/CO/6-7, 22nd June 2023, para 56.



1.3.3. Human Rights Council

Country Reports and Resolutions

Eritrea

The situation with regard to military service in Eritrea is a longstanding concern of the Human Rights Council. As the latest report by the Special Rapporteur on the situation of Human Rights in Eritrea points out: 27 “Eritrea has a policy of indefinite national service, which includes a civil service component and a compulsory military service component. Despite the numerous recommendations made by human rights bodies, the commission of inquiry on human rights in Eritrea and the Special Rapporteur and the recommendations ensuing from the 2019 Universal Periodic Review, no progress has been made towards reforming national service, ensuring that the legal limits for its duration are respected or protecting the rights of citizens serving in the programme.

“While Eritrea maintains that national service is unfairly judged, the Special Rapporteur continues to receive numerous and credible reports of grave human rights violations in the context of forced national/military service. The Special Rapporteur continued to document accounts of Eritrean refugees and asylum-seekers who escaped or survived national service. They recounted their lived experiences of torture or inhuman or degrading treatment, sexual and gender-based violence, forced labour and abusive conditions. The right to conscientious objection is not recognised in Eritrea, and deserters and draft evaders continued to be subjected to arbitrary detention in highly punitive conditions, enforced disappearance and torture.

“Eritrean asylum-seekers and refugees interviewed by the Special Rapporteur continued to point to national service as the main driver of forced migration from Eritrea. The national service programme, which was ostensibly put in place for the furtherance of national development, is in practice undermining development by forcing young persons to leave the country.

“The patterns of conscription outlined by the Special Rapporteur in 2021 and 2022, as a result of the involvement of Eritrea in the war in Tigray, continued and intensified during the reporting period. The Special Rapporteur identified an upsurge in forced recruitment between mid- and late 2022, as well as the use of increasingly coercive practices to mobilise the population and force individuals to participate in military action in Ethiopia.

“Until November 2022, the war in Tigray, which commenced in November 2020, was still ongoing, as was conscription for deployment to the warfront. The Eritrean army conducted large-scale conscription operations across the country. The Special Rapporteur received information about heavy round-ups, or “giffa” in Tigrinya, which escalated in August 2022.

“Eritrean conscripts continued to be forced to participate in national/military service under threat of severe punishment to themselves and their families. The authorities compelled families to hand over family members, including children, for conscription into national service or deployment to Tigray. The Special Rapporteur was told by many witnesses about the increasing pressure placed on the families of draft evaders, and of collective punishment of entire families or of individual family members, in order to force those who try to avoid conscription to report for duty.



In some cases, families were forcibly evicted from their homes. Security forces carried out round-ups and door-to-door searches in efforts to identify persons that they considered to be draft evaders. However, at times, the authorities found that the concerned individuals had already fled, often seeking refuge in forests and woodlands. Witnesses reported that, while families were initially fined for failing to produce their relatives for conscription, since mid-2022 the Government had resorted to evicting families from their homes, including children, pregnant women and older persons, locking in their belongings, confiscating their livestock and even detaining family members. Moreover, if neighbours attempted to assist or house those evicted, they were threatened by the authorities. As a result, families were left destitute and were forced to erect makeshift shelters to protect themselves from the elements. Family members were also arbitrarily detained in order to force their relatives to report for duty.

According to information received by the Special Rapporteur, in the second week of August, Eritrean soldiers rounded up, ill-treated and detained residents of five villages, Akrur, Adi-Finie, Hebo, Adi-Qontsi and May-Ela, situated in the Segeneiti subregion, and in the neighbouring villages of Ma'ereba and Adi-Abu'ur in the Hadegti subregion. Reportedly, the families of draft evaders were targeted: they were tortured, evicted from their homes and had their farming equipment, livestock, grain and vegetables confiscated. In September 2022, reservists over 50 years of age, and according to reports up to 70 years old, were called upon to serve in Tigray and in the border areas with Ethiopia. Similar incidents were reported in Megaila, Digsä, Brahaketi and some parts of Asmara, which took place around August 2022.²¹

The Special Rapporteur went on to discuss the wider repercussions of the National military service scheme:

"National service continued to have negative impacts on economic, social and cultural rights, including on the rights to quality education, decent work, an adequate standard of living, including adequate housing, and private and family life."²²

"The increase in widespread and indiscriminate round-ups resulted, among other things, in a significant number of school-age children being removed from school and conscripted into the military. Furthermore, in order to avoid conscription, children are abandoning their studies to go into hiding and/or flee the country at an ever-younger age. The requirement that all young boys and girls undertake their last year of secondary education at Sawa military academy to complete military training also continued to discourage students from finalising their studies. Witnesses told the Special Rapporteur that the quality of the education that students receive at Sawa is inadequate and the majority of students do not attain the necessary grades for further education. As a result, they are recruited directly into national/military service. Persistent ill-treatment of students by Sawa military officials, including instances of sexual harassment and sexual violence against women and girls, have a negative impact on their right to receive education in a secure and conducive environment.

"The University of Asmara was closed in 2006 and higher learning was replaced by colleges. However, their qualifications are not internationally recognized. As a result, young Eritreans who flee

²¹ A/HRC/53/20, 9th May 2023, paras 27-34.

²² Ibid, para 35.



the country face difficulties in having their studies recognized. The Eritrean authorities also retain graduates' certificates, in order to confine young, educate Eritreans within the country's borders by restricting their prospects for success abroad.

"Forced conscription has changed life in Eritrea in a fundamental way. Family life has been severely affected. Forced conscription has generated an environment of fear and destroyed the Eritrean social fabric. Eritreans conscripted into the military often go for years without seeing their families, and children grow up with absent fathers. It was reported to the Special Rapporteur that women and girls often become pregnant at a young age to avoid military service. Young boys and men forced to flee the country are also torn apart from their families. Draft evaders face arrest, detention and enforced disappearance. Witnesses interviewed by the Special Rapporteur highlighted the psychological toll on Eritrean families, especially on mothers, as children are usually removed from their custody while the male members of the family are not present as they are usually already performing national service. A witness told the Special Rapporteur: "When you build a house, they take it, when you have children, they take them."

"Mothers often have to raise children by themselves, placing a heavy burden on Eritrean women. The low wages received by conscripted individuals, both in the military and civilian national service, create dire financial challenges for families. This situation severely affects the right of Eritreans to an adequate standard of living for themselves and their families, including the rights to adequate food, clothing and housing, and to the continuous improvement of living conditions."²³

The brief Resolution⁴ renewing the mandate did not include a specific reference to conscientious objection but did express "grave concern ... at the policy of forced and indefinite conscription into national/military service and at the grave human rights violations committed in the context of national service."

Russian Federation

Crimea and Sevastopol

The report from the High Commissioner on Human Rights on the "Situation of human rights in the temporarily occupied Autonomous Republic of Crimea and the city of Sevastopol, Ukraine."²⁴ highlighted conscription into the Russian armed forces of the population of the occupied area:

*Under international humanitarian law, an occupying Power may not compel protected persons to serve in its armed or auxiliary forces. No pressure or propaganda which is aimed at securing voluntary enlistment is permitted.

"On 21 September 2022, the President of the Russian Federation issued an order to start a campaign of conscription into the armed forces, which extended to Ukrainian nationals residing in Crimea. Although the exact number of Ukrainian nationals conscripted from Crimea remains unclear, OHCHR has noted numerous reports of male Crimean residents being conscripted into the Russian armed forces and taken to participate in the Russian military offensive against Ukraine. In addition to

²³ Ibid, paras 37-41.

²⁴ A/HRC/53/64, 26th May 2023, paras 39-42.



conscription, the Russian Federation conducted two regular military drafts in 2022, conscripting male Crimean residents into military service. This brings to 16 the overall number of drafts conducted since the beginning of the occupation in 2014. According to official announcements from the Russian authorities, 2,500 men from Crimea were conscripted in the final military draft of 2022.

“Criminal prosecution against military draft evasion continued to be used to enforce conscription. Russian criminal law, as applied by the occupying authorities of the Russian Federation, prescribes fines, correctional labour and up to two years’ imprisonment for draft evasion. Conviction for draft evasion does not absolve a person from the obligation to complete military service. OHCHR documented 112 draft evasion cases registered with the courts against men in 2022, compared with 123 such cases in 2021 and 78 in 2020. Among the cases registered in 2022, OHCHR documented 72 cases where the defendant had been sanctioned either by means of a criminal conviction and a fine (71) or a court fine with the termination of the criminal proceedings (1). The fines ranged from 8,000 to 180,000 roubles. Men were typically convicted for failure to report at their local military draft commission upon receiving an official summons. In one case, the central district court in Simferopol convicted and imposed a fine of 50,000 roubles on a second-year university student with no source of income. In another case, the same court convicted and imposed a fine of 35,000 roubles on a university student who had failed to appear before the military draft commission. As at 31 December 2022, OHCHR had documented a total of 284 court-imposed sanctions for draft evasion during the occupation of Crimea.”

[It may be noted that the terminology used could create some confusion when compared with other reports. “Conscription” as used here refers to what has otherwise been termed “mobilisation”. The word would usually be used instead to refer to what are here called “regular military drafts”]

Special Rapporteur

When the Special Rapporteur on Human Rights in the Russian Federation, Mariana Katzerova, presented her Report in September, she made specific comments with regard to conscientious objection to military service in the context of military mobilisation:

“Federal Law No. 113-FZ of 25 July 2002 ‘on alternative civilian service’ allows conscientious objection for army conscripts under mandatory military service, but not to reservists and others called up during military mobilizations, such as that announced in September 2022. Many reservists who have been mobilised were denied their right to conscientious objection by military commissions, despite a 1996 Constitutional Court decision that the right to alternative civilian service must be respected.

“Although mobilisation is purportedly regulated by Federal Law No. 31-FZ of 26 February 1997 ‘on mobilisation in the Russian Federation’, many men have been mobilised by deception, the use of force, or by taking advantage of their vulnerability. Mobilised men have been immediately sent to military units, with or without their consent and without regard for their age, health or family situation. Those refusing to fight have been put in “detention centres for the mobilised” in Russian-occupied areas of Ukraine and threatened with execution, violence or a prison sentence if they did not return to the front lines.



“Mobilisation has been particularly aggressive in the most remote and poor regions of the Russian Federation with minimal population, disproportionately mobilising men from minority ethnic groups and Indigenous peoples with populations of less than 10,000 (such as the Yukagirs and peoples of Dagestan). The authorities have imposed travel restrictions, blocking exit routes from towns and villages during mobilisation sweeps. They have broken into people’s homes at night and taken away all the male working-age population from whole villages.

“Changes were made to legislation in order to lift restrictions on mobilising persons convicted of serious crimes and to legalise the use of prisoners in armed conflict. The new law also released prisoners from criminal liability for their crimes if they joined the ‘special military operation’; however, it also eliminated the requirement for prisons to notify victims of the early release, erased criminal records and could even lead to the reinstatement of parental rights, all issues of particular concern in relation to gender-based violence crimes, which have seen a marked increase since February 2022. The Russian Federation lacks legislation addressing domestic violence or measures for its prevention.

In February 2023, the Wagner Group announced it had ceased recruiting prisoners from Russian prisons for its mercenary forces fighting in Ukraine; by then it had successfully recruited about 40,000 prisoners. Since February 2023, the Ministry of Defence has itself recruited around 25,000 prisoners. In June 2023, President Putin ordered Wagner Group mercenaries to join the Russian army, return home or go to Belarus.”²⁵

In her conclusions, the Special Rapporteur called upon the Russian Federation to “Ensure respect for the right to conscientious objection to military service – in law and in practice – and provide unhindered access to alternative civilian service or conscientious objectors, both conscripts and reservists, and particularly those mobilized to participate in the war on Ukraine; investigate any allegations of harassment, use of force, torture and ill-treatment or other human rights violations by military officials against recruits and reservists in the conduct of the ongoing mobilization campaign, and bring perpetrators to justice.”

Military recruitment issues were not reflected in the subsequent resolution Resolution No. 23 of 12th October), the principal purpose of which was to renew the mandate. However the Council did express concern at targeted shutdowns of NGOs by the use of the laws of so-called “foreign agents”, “extremism” and “undesirable organisations”.²⁶

Ukraine

Ms Katzerova’s careful distinction between the availability of conscientious objection provisions in the concept of normal conscription and of wartime mobilisation (see “Russian Federation” immediately above) could well have been made also with regard to Ukraine, where the introduction of general mobilisation following the Russian invasion had in practice been accompanied by an end to the recognition of conscientious objectors. Sadly, however, although there was a debate on the human rights situation in Ukraine following the Russian invasion in every Session of the Council, this was mentioned only in oral statements by CPTI and IFOR.


²⁵ A/HRC/54/54, 15th September, 2023, paras 96.

²⁶ Ibid, para 112(s).




Universal Periodic Review (UPR)

In the course of 2023 recommendations on conscientious objection to military service were made in the UPR reviews of **Israel, Republic of Korea, and Switzerland** (May), **Israel** (May) and the **Russian Federation, and Turkmenistan** (November),

 **Israel** received recommendations from Costa Rica that it “Put an end the practice of punishing and imprisoning conscientious objectors to military service”²⁷ and from Panama that it “Inform the population about the right to conscientious objection to military service, through awareness-raising campaigns that include the procedures and criteria for granting exemptions, as well as the possibility of alternative service”²⁸. The latter recommendation it “supported in part”, with the explanation that “Arrangements for requests of exemption from military service for reasons of conscience are well known to security service candidates, and information about the Committee of examination of requests for exemption for reasons of conscience is published on the IDF website, including its mode of operation. However, the IDF does not publish campaigns to encourage referrals to the committee”; the former it merely “noted” – tantamount to rejection.

This has been a good example of a combination of advocacy efforts at the international and local level. The International Fellowship of Reconciliation (IFOR) has hosted at the UN in Geneva two young conscientious objectors, Nave and Einat, who have been able to present first hand to diplomats their personal imprisonment experience and the situation of this right in their country and eventually to take the floor during the UPR pre-session organised ahead of the formal session by UPR Info.

 The inadequate arrangements in the **Republic of Korea** (see its subsequent consideration by the Human Rights Committee Section [1.3.2](#) above) led to overlapping recommendations from no fewer than thirteen States, some of which (eg. Malawi, Cyprus, Estonia) were addressing the issue in the UPR for the first time.

Malawi recommended that it “Take steps on alternative service to ensure the observance of the rights to freedom of thought, belief, conscience and religion.”²⁹

Estonia, that it “Improve civilian alternatives to the military service for conscientious objectors”³⁰;

Slovakia, that it “Take steps to implement alternative service for conscientious objectors to military service in line with international standards”³¹;

Cyprus, that it “Allow conscientious objectors to carry out an appropriate alternative service of a genuinely civilian character”³²;

²⁷ A/HRC/54/16, para 39.174.

²⁸ Ibid, para 39.173.

²⁹ A/HRC/53/11, 23rd March 2023, para 139.68.

³⁰ Ibid, para 139.85.

³¹ Ibid, para 139.78.

³² Ibid, para 139.82.



and Poland that it “Continue efforts towards making alternative service for conscientious objectors of a non-punitive and civilian character”³³

Australia, Canada, Panama and Croatia went into more details about alternative service arrangements:

“Provide alternative service options for conscientious objectors by introducing an alternative non-punitive service of genuine civilian character, under civilian control and of a length comparable to military service and ensure that alternative service is offered without unreasonable delay”³⁴ (Australia);

“Allow conscientious objectors to serve for a length comparable to that of military service and with a variety of options to serve, taking into account the range of talent and skills that conscientious objectors can contribute to the nation”³⁵ (Canada);

“Adopt provisions for conscientious objectors to carry out an appropriate alternative and non-punitive service of a genuinely civilian character and of a comparable length to military service, with any additional extension based on reasonable and objective criteria”³⁶ (Panama);

“Ensure that conscientious objectors to military service can carry out genuinely civilian and non-punitive alternative service without discrimination, by reducing the length of alternative service and expanding the places of possible service”³⁷ (Croatia).

While duplicating some of the other wording, Spain and Uruguay called for an end of the imprisonment of conscientious objectors:

Spain recommended that the Republic of Korea “Ensure that no conscientious objector to military service is imprisoned or deprived of their liberty and that objectors are offered a genuinely civilian and non-punitive alternative in line with international law”³⁸;

Uruguay that it “End the detention of conscientious objectors to military service and ensure that civilian alternatives to military service are not punitive or discriminatory and remain under civilian control”³⁹;

finally, Argentina and Luxembourg also called for the release of, and reparation to, imprisoned conscientious objectors:

“Provide for the release of all imprisoned conscientious objectors, expunge the criminal records of conscientious objectors and provide them with adequate reparation”⁴⁰ (Argentina);

³³ Ibid, para 139.88.

³⁴ Ibid, para 139.86.

³⁵ Ibid, para 139.76.

³⁶ Ibid, para 139.79.

³⁷ Ibid, para 139.87.

³⁸ Ibid, para 139.77.


³⁹ Ibid, para 139.84.

⁴⁰ Ibid, para 139.81.





“Release all conscientious objectors in detention, expunge their criminal records and grant them appropriate reparation”⁴¹ (Luxembourg).

While in general merely “noting” the recommendations in this area, the Republic of Korea claimed that the recommendations from Uruguay, Argentina and Luxembourg regarding the release of imprisoned conscientious objectors had already been implemented.


 **The Russian Federation** received recommendations from Costa Rica that it “Respect the right to conscientious objection to military service and establish legal norms to enable alternative civilian service”⁴² and from Croatia that it “Conduct investigations into all allegations of illegal detention of military personnel, including mobilised reservists, for refusing to participate in the hostilities, including for reasons of conscience, and immediately release any such detainees, including conscientious objectors to military service”⁴³.

Unfortunately, the former was expressed in too broad terms, and Russia was able to accept it – it would doubtless claim that it already has legal norms in place, even though in the context of the mobilisation against Ukraine the right of conscientious objection to military service was blatantly ignored. The latter it accepted “in part”, without specifying which part.

 **Switzerland** received a recommendation from Cyprus that it “End all discriminatory treatment of conscientious objectors who opt for alternative civilian service”⁴⁴.

 In the review of **Turkmenistan**, Panama recommended that it “Adopt the necessary legislation to recognize the right to conscientious objection to compulsory military service and ensure that alternative civilian service is not punitive or discriminatory in nature or duration in comparison with military service of conscientious objection to military service”⁴⁵ – a recommendation which Turkmenistan merely “noted”. The USA did not make any recommendation on the subject but in its oral intervention it welcomed discussions between the Turkmen authorities and the Jehovah’s Witnesses on possible alternative service. If indeed such talks are taking place after years of persecution of Jehovah’s Witnesses this is of course good news, but we must be on our guard to make sure that any eventual legislation covers all conscientious objectors, not just Jehovah’s Witnesses.

Although they did not relate to conscientious objection, UPR recommendations to two other States, **Colombia** and **Germany**, both in the course of the November Session, are of interest.

 **Colombia’s** proposed “Civilian Service for Peace” (see Human Rights Committee section) was not directly addressed in the UPR, but Costa Rica recommended that it “Abolish compulsory military service”⁴⁶ It may be noted also that Liechtenstein recommended that Colombia “Implement the Safe Schools Declaration in coordination with local authorities and discontinue the organisation of

⁴¹ Ibid, para 139.83.

⁴² A/HRC/55/14, 21st December, 2013, para 35.134.

⁴³ Ibid, para 35.133.


⁴⁴ A/HRC/52/12, 31st March, 2023, para 39.140.

⁴⁵ A/HRC/55/4, 22nd December, 2023, para 100.44.


⁴⁶ A/HRC/55/7, 29th December, 2023, para 116.57.



civilian-military activities with children⁴⁷ (The Safe Schools Declaration of 2007 protects schools, particularly in time of armed conflict, from being used in any respect for military purposes.)

 As for **Germany**, it received a recommendation from Sweden that it “Cease recruiting minors into the armed forces, in line with the recommendations of the Committee on the Rights of the Child⁴⁸ Juvenile recruitment has not featured much in UPR recommendations, and never before for Germany; this is an excellent example of the recommendations of Treaty Bodies (see the account of the Committee on the Rights of the Child consideration of Germany in last year’s EBCO Report) being followed up in the UPR.

Special Procedures

 The new Special Rapporteur on Freedom of Religion or Belief, Nazila Ghanea, undertook her first Country Visit, to **Tajikistan**, in April 2023.

She raised with the Tajik authorities the banning of the Jehovah’s Witnesses in 2007, which had been largely prompted by their refusal to perform military service – indeed when the ban had been challenged before the courts, the principal reason given for upholding it had been that “individual Jehovah’s Witnesses had requested the provision of a civil service as an alternative to military service”. The Special Rapporteur noted that at the time of her visit a further appeal for a review of the ban was before the courts, following the Views of the UN Human Rights Committee in 2022, in which it had found that the ban had found was not justified under Article 18 of the International Covenant on Civil and Political Rights and furthermore constituted a violation of Article 22 (Freedom of Association) in the case of the individual complainants.⁴⁹ Sadly, she noted in her report, the ban had been upheld by the Military Division of the Supreme Court on 31st August 2023’ which had denied any obligation to implement the Human Rights Committee’s Views.

In her recommendations, as well as calling for widespread reconsideration of the implementation of the Religions Act, the Special Rapporteur specifically called on Tajikistan to “Step up efforts to adopt legislation recognising the right of conscientious objection to military service without discrimination as to the nature of the beliefs (religious or non-religious beliefs grounded in conscience) justifying the objection, and to ensure that alternative service is not punitive or discriminatory in nature of duration by comparison with military service.”⁵⁰

⁴⁷ Ibid, para 116.44.

⁴⁸ A/HRC/55/10, 22nd December, 2023, para 140.262.

⁴⁹ Adirkayev et al v. Tajikistan, CCPR/C/135/D/2843/2014.

⁵⁰ A/HRC/55/47/Add,1, 18th January 2024, para 91.



1.3.4. UN Human Rights 75 Youth Declaration

Among the activities celebrating the 75th anniversary of the Universal Declaration of Human Rights was the preparation of a “Youth Declaration” In the section about “specifically about youth” the Declaration called on “governments, businesses, civil society, international organisations, the United Nations, and those in position of power to ... Acknowledge and protect the right of youth to refuse on grounds of conscience to perform military service or, as appropriate, to seek release from such service without discrimination as to their religious or non-religious beliefs on which their conscientious objection is based.”

Although this is far less detailed than the wording in the submission to the drafting of the declaration by Conscience and Peace Tax International, this is welcome as the first explicit mention for some decades of conscientious objection to military service as a youth right.

The Youth Declaration is to feed into the “Summit on the Future” to be held late in 2024; it will be important to monitor whether the acknowledgment of the right of conscientious objection is duly reflected in the proceedings of the Summit.

The full text of the Declaration can be accessed [here](#).



2. SITUATION IN INDIVIDUAL COUNTRIES

In this section we give for each European country, in alphabetical order, an update of the current situation regarding military recruitment and conscientious objection, together with the latest statistics, followed, where appropriate, by an account of developments since the beginning of 2023, or, failing that, a note of EBCO's principal concerns in the country.

The area covered is effectively the "Council of Europe area", except that two States within the area are included which have themselves never been members of the Council of Europe: Belarus applied for membership in 1993 but consideration of its application has been suspended since 1997 on account of lack of progress in abolishing the death penalty, while Kosovo's 2008 declaration of independence from Serbia has been recognised by the EU and the majority of States worldwide but, mainly because of Serbian opposition, it has not been admitted to the Council of Europe or the UN as a member. Moreover Russia withdrew from the Council of Europe in 2022, but EBCO continues to work on it.

The major issue Europe-wide is currently the position of those from Russia, Ukraine and Belarus who are seeking to avoid enlistment into the Russia-Ukraine war. This concerns both the source countries and those where people are seeking asylum or other protection; to minimise repetition this issue is principally treated in the update from the Object War Campaign in [Section 3.7](#).



2.1. ALBANIA

[\[See country page on EBCO website\]](#)

Conscription currently imposed?	No	Suspended 2010 under Article 42 of Law 9999, Could be reinstated in time of war.	
Conscientious objection first recognised	1998	Constitution, Articles 166 and 167 First provisions in Law no. 9047 (10.07.2003) "On military service"	
CO release of professional soldiers	–	No provisions	
Minimum recruitment age	18	18 in case of general/partial mobilisation	
Population	Total	% males 15-19	Thus approx. annual cohort reaching 18
	3,102,000	2.9	17,992
Armed forces	Total strength	Of which conscripts	Compared to annual cohort above
	4,650	-	Total strength is 25.8% of cohort
Military expenditure	\$ (% change from 2022)	Per capita	% of GDP
	398m (+73.9%)	\$140	1.7%

Current situation

Feedback from the state

From the Ministry of Defence reply to the EBCO Questionnaire.

Law No. 59, established in 2012, governs the military career in the Armed Forces of the Republic of Albania. According to this law, the duration of service after the recruitment phase and completion of the basic course is defined by an initial contract lasting for a period of three years.

The annual recruitment process, initiated in 2010, comprises three stages each year. On average, approximately 800 individuals are recruited annually, although not all successfully complete the mandatory basic courses. In 2022, 594 individuals attained recruit status, with 454 opting for voluntary recruitment. Among the voluntary recruits, 12% were women, with an average age of 22.29 years. The recruitment age falls within the range of 18 to 27 years.

Legislation governing the release of armed forces personnel:



-
- Law no. 9210, dated 23.03.2004, "On the status of military personnel of the FA"
 - Law no. 59, dated 2014, "On the career in FA"
 - Military service contracts with the head of the institution/structure

11 personnel were released in 2023 at their personal request due to diverse family reasons: 6 officers, 3 non-commissioned officers and 2 soldiers.

No programmes which could be seen as preparatory to military recruitment are an obligatory part of the secondary education curriculum.

2.2. ANDORRA

[\[See country page on EBCO website\]](#)

Peacetime conscription never existed. No regular military forces. Defence is the responsibility of France and Spain. Article 38 of the 1993 Constitution however states that the State may create by law duties of community service to pursue tasks of general interest. Andorra has a volunteer ceremonial army and the national police that recruits adults through a public competition. The 1984 decree on Sometent, establishing mandatory paramilitary service in case of emergencies, was repealed, the Sometent became civil service for citizens in age 18-60 appointed by local authorities under the 2022 law on civil protection.



2.3. ARMENIA

[\[See country page on EBCO website\]](#)

Conscription currently imposed?	Yes		
Conscientious objection first recognised	2003	Law on Alternative Service (unarmed military service) Law on Alternative Service 2013 (alternative civilian service)	
Current provisions	Law on Military Service and the Status of Servicemen Law on Alternative Service 2013		
Duration	Military service	Civilian service (% of military)	
	24 months	36 months (150%) Unarmed military service 30 months	
CO release of professional soldiers	Not permitted		
Minimum recruitment age	18	Admission to military schools at 17	
Population	Total	% males 15-19	Thus approx. annual cohort reaching 18
	2,989,000	2.9%	17,336
Armed forces	Total strength	Of which conscripts	Compared to annual cohort above
	42,900	18,950 (44.2%)	Total strength is 247.5% of cohort Conscripts are 109.3% of cohort
Military expenditure	\$ (% change from 2022)	Per capita	% of GDP
	\$1,330m (+67.2%)	\$478.6	5.5%

Current situation

The European Court of Human Rights (ECtHR), in *Bayatyan v Armenia*⁵¹ ruled for the first time that a conscientious objector could not be punished for refusing military service when no alternative was available, as Vahan Bayatyan had been in 2003.

⁵¹ Application No.23459/03, Grand Chamber Judgment of 7th July, 2011



By the time of the ECtHR ruling, in 2011, things on the ground had moved on. Armenia had finally promulgated legislation recognising conscientious objection to military service and in 2005 the first cohort of conscientious objectors, all except one, like Bayatyan, Jehovah's Witnesses, had embarked on the new alternative service. They were however soon disillusioned. They found that all aspects of the alternative service were strictly controlled by the military; they were required to wear military-style clothing. By the end of the year all had withdrawn, complaining that the supposedly civilian alternative service was in fact unarmed military service. As if eager to prove their point, Armenia initially imprisoned seventeen of them for "desertion from military service". In a further case,⁵² the ECtHR found that these detentions were unlawful, lacking any basis in the Law on Alternative Service.

Subsequently, Jehovah's Witnesses refused to perform both military service and the inadequate alternative service and, the Law on Alternative Service having been amended appropriately, continued to be imprisoned; in total perhaps 275 of more than 450 Jehovah's Witness conscientious objectors imprisoned in Armenia up until 2013 had refused both military and alternative service.

An amended draft of an alternative service law was eventually found satisfactory by the Venice Commission of the Council of Europe in early 2013, and the new Law came into force in June that year. The provisions were supposedly available to all conscientious objectors, although there were some doubts about how the genuineness of the objections would be assessed. On balance, the Jehovah's Witnesses found that the alternative service available was of a genuinely civilian nature, and they were happy to accept it despite its punitive duration – 50% greater than that of military service. Several hundred Jehovah's Witnesses have since performed alternative service, with no problems. Only Belarus and Azerbaijan among European States were left without a civilian alternative to military service. (For a more detailed account of the past history and analysis of the 2013 Law, [see section 3.1 of the EBCO Report, 2013](#))

Feedback from the state

«Mandatory military conscription is carried out in the Republic of Armenia, the relations and procedures related to which are regulated by the Law of the Republic of Armenia "On Military service and the Status of Servicemen". Part 4 of Article 5 of the Law of the Republic of Armenia "On Military Service and the Status of a Serviceman" also defines a compulsory soldier on a voluntary basis, for female citizens for a period of 6 months.

Part 3 of Article 41 of the Constitution of the Republic of Armenia stipulates that every citizen, whose religious beliefs are opposed to military service, has an alternative for compulsory military service. The right to replace with alternative Service in accordance with Article 5, Part 7 of the RA Law "On Military Service and the Status of servicemen". Conscription for alternative service is free in accordance with Article 19-1 and 4 parts of this law. Relations related to the replacement of mandatory military service by a citizen of the Republic of Armenia with an alternative service are regulated by the Law of the Republic of Armenia "On Military Service and the status of Servicemen", according to Article 3 of which, a citizen of the Republic of Armenia, whose religious faiths are against maintaining carrying, keeping, guarding or using weapons, can switch to alternative military

⁵² Khachatryan and Others v. Armenia (application no. 23978/06), Chamber Judgment of 27th November, 2012.



service. And the citizen of the Republic of Armenia whose religious faith or beliefs are opposed to military service in general, can go to alternative labour service. According to Article 5 of the same law, the term of alternative military service is 30 months, and the term of alternative voluntary service is 36 months. The implementation of alternative military service is organised and controlled by the Ministry of Defense of the Republic of Armenia, and the organisation of alternative labor service by the Ministry of Justice of the Republic of Armenia. Article 19 of the RA Law on "Alternative Service" stipulates that alternative military service is provided with a monthly monetary allowance. For the rank-and-file of the compulsory service, ... and for the alternative worker, in the amount of 30 thousand drams. Article 461 of the Criminal Code of the Republic of Armenia stipulates the same responsibility in the case of evasion of both compulsory military service and alternative service. According to the requirements of the "Alternative Service" Law of the Republic of Armenia, a citizen of the Republic of Armenia entering compulsory military service cannot refuse his service and choose an alternative service.

The number of conscripts is considered secret information.

According to Part 18, Part 1 of the RA Law On Military Service and the Status of Servicemen, the coeducational school, pre-professional, vocational, secondary vocational educational institutions intended for reconciliation of citizens to military service are ready according to the procedure established by the Government of the Republic of Armenia. The procedure for organising the above-mentioned process is defined by the decision of the Government of the Republic of Armenia N2079 of December 29, 2022. In addition, by order of the Minister of Education, Science, Culture and Sports of the Republic of Armenia, the Subject "Preliminary Military Training" has been introduced in educational institutions [providing] formation of a person with consciousness, moral and psychological qualities and behavioural manifestations, ready to protect the homeland.»

Recent developments

In a rapid military campaign in September 2023, Azerbaijan retook control of the Armenian enclave of Nagorno-Karabakh, which had preserved de facto independence since 1988 through two earlier wars. Almost all of the Armenian-majority population fled to Armenia proper; negotiations regarding safe return and restitution of property are ongoing. Armenia alleges that Azerbaijan is actively preparing a further military assault on the territory of Armenia itself, and is accordingly bolstering its military readiness, including increasing the level of its military expenditure.

On February 12, 2024, amendments to the Law of the Republic of Armenia "On Military Service and the Status of Servicemen" came into force. According to these amendments, citizens of the Republic of Armenia who are male and aged between 27 and 37 years are subject to mandatory military service.

The law applies to individuals who:

1. Evaded military service before the age of 27. Consequently, individuals can serve in the Armed Forces of Armenia for 2 years and be exempted from prosecution or pay a fee up to 15 million Armenian drams (\$37,900). The amount of the fine varies, with corresponding reductions in the term of military service or complete exemption from military service.



2. Obtained citizenship of the Republic of Armenia after the age of 27.
3. Are not registered for military service for various reasons and therefore subject to military service.

Those who have served a minimum of 1 year in the armed forces of another country or completed 1.5 years of alternative service before acquiring Armenian citizenship are exempted from service.

Additionally, recent amendments allow women to voluntarily serve in the army for a period of six months and receive compensation of 1 million drams for their service.

Information regarding conscientious objection rights and procedures is provided to conscripts. However, there have been reports of human rights concerns raised by the Vanadzor Office of the Helsinki Citizens' Assembly. They note that individuals are sometimes enlisted into service without thorough medical examinations. For instance, not all conscripts with health issues are directed to medical assessments, and complaints are not always registered, resulting in some conscripts not undergoing examinations. Furthermore, some young individuals are asked to provide their own health documents for decision-making by the military commissariat. However, when conscripts lack the financial means for self-funded examinations, health issues may remain undetected. Another issue arises when conscripts visit medical institutions for self-funded assessments; some medical establishments refuse to examine them upon learning of their conscription status, stating the need for a referral from the territorial division.

A case in 2023 reopened concerns as to whether the alternative service was in practice, as stipulated in the law of 2013, really available to all conscientious objectors irrespective of the beliefs on which the objection was based.

Davit Tigrani Nazaretyan (born 23rd July 2003), a member of a Council of Churches Baptist congregation in Arinj, a town next to Yerevan, was first called up in autumn 2021, while he was still in education and his call-up was deferred until 2022, according to the subsequent court decision. On receipt of the deferred call-up he went on 24th June 2022 to Yerevan's No. 2 Regional Division of the Conscription Service and stated that because of his religious principles, he wanted to opt for alternative civilian service. In his response of 27th June, Serop Armenakyan, the head of Yerevan's No. 2 Regional Division, said that Nazaretyan's application for alternative civilian service would not be considered as it should have been lodged before the call-up period, by 1st June 2022.

On 27th June, Nazaretyan submitted a further statement: "I am informing you that I, Davit Nazaretyan, want to switch to alternative service, but I was informed that the deadline for submitting applications has already passed. I refuse to receive the Armed Forces conscription notice, at the same time I am informed that after the end of the conscription period, the materials regarding me will be sent to investigative bodies." Nazaretyan applied for alternative civilian service several more times in 2022, but each time military officials rejected the application, claiming it was not well-founded.

On 12th August 2022, criminal proceedings were initiated against Nazaretyan under Criminal Code Article 461, Part 1 ("Avoidance of mandatory military or alternative service or conscription"). He was



formally charged on 4th October. Three days later, he was banned from leaving the country, as a "preventative measure".

In early 2023, while the criminal investigation was already underway, Nazaretyan was summoned to appear before the Alternative Service Commission. This is a state body made up of deputy ministers from a range of ministries, as well as Vardan Astsatryan of the government's Department for Ethnic Minorities and Religious Affairs. On 23rd January, the Commission interviewed more than ten applicants for alternative civilian service, including Nazaretyan, whose application for alternative service it rejected on the grounds that "the applicant failed to prove that his duty to perform mandatory military service is in serious conflict with his conscience or deep and real religious belief or other beliefs." The other applicants, all Jehovah's Witnesses, were successful.

It might have been thought that this represented the final decision of the State. Nevertheless the documentation in his case was subsequently passed for analysis to the Theology Faculty at Yerevan State University, which is closely linked to the Armenian Apostolic Church. Their conclusion, dated 17th April, stated, "If we take into account the fact that he presents himself as a follower of the Evangelical Baptist Church and considers himself a 'Christian', then we can state that hatred of weapons is not characteristic of Christianity, otherwise the Christian world system as a religio-political entity cannot be established. ... The creed of the Baptist Church and the analysis of the presented case materials allow us to state that Nazaretyan's freedom of thought, conscience and religion would not be restricted by military service." This interpretation differs from the church's interpretation of its own creed, under which refusal of military service is "a personal decision for each church member based on their conscience". Perhaps also it stops just short of the conclusion that the Jehovah's Witnesses rejection of weapons, which is undisputed, would prevent the authorities from seeing them as Christian.

On 4th July there was a first hearing in the criminal case against Nazaretyan, which had been suspended; on 25th October the case was concluded with a guilty verdict and a sentence of two years' imprisonment, subject to appeal. On 7th February 2024, his appeal was rejected by Yerevan Criminal Court of Appeal. He is appealing further to the Court of Cassation, and imprisonment continues to be deferred pending this appeal.

There are three separate aspects to this case, whose interrelationship has never been made clear. First there is the prosecution for refusing military service, allegedly because of late application for alternative civilian service. Second is the consideration of his application for alternative civilian service. Would that, if successful, have overturned any conviction on the earlier charge? Then there was the reference to the Theology Faculty. Would that, in turn, have overturned the decision of the Alternative Service Commission? Underlying it all is a disturbing implication that, despite the wording of the law, the Armenian authorities are interpreting conscientious objection not as a matter of individual belief, but of denominational membership.

The result, however, is clear. An application for alternative service from a member of a denomination other than the Jehovah's Witnesses, whose campaign led to its institution, has been blocked at three levels. Nazaretyan is not in fact the first person to apply for alternative service under the Act, who is not a Jehovah's Witness, but the only two others which have been reported, both Molokhans, were both convicted under Article 461.1; Maksim Mikhaili Telegin was sentenced in March 2021 to twelve



months' imprisonment, but was released under an amnesty after serving three months; Ivan Nikolai Mikhailov was sentenced to two years' imprisonment in November 2019, but on 5th April 2023 the Court of Cassation finally overturned the conviction, and the sentence was never implemented.

2.4. AUSTRIA

[\[See country page on EBCO website\]](#)

Conscription currently imposed?	Yes		
Conscientious objection first recognised	1955	National Service Act 1955 (unarmed military service) Civilian Service Act (Zivildienstgesetz) 1974 (alternative civilian service)	
Current provisions	Zivildienstgesetz 1974, last amended as Act 106/2005		
Duration	Military service	Civilian service (% of military)	
	6 months	9 months (150%)	
CO release of professional soldiers	–	No specific provisions	
Minimum recruitment age			
Population	Total	% males 15-19	Thus approx. annual cohort reaching 18
	8,941,000	2.4	42,917
Armed forces	Total strength	Of which conscripts	Compared to annual cohort above
	22,200	15,544 (70.0%)	Total strength is 51.7% of cohort Conscripts are 36.2% of cohort
Military expenditure	\$ (% change from 2022)	Per capita	% of GDP
	\$4,410m (22.1%)	\$492.2	0.8%



Current situation

Feedback from organisations

As reported by the organisation Internationaler Versöhnungsbund⁵³:

Beginning on January of 2021, a “partially fit” (Teiltauglichkeit) for service category has been introduced to increase the number of men deemed as fit for service, and reduce the numbers deemed fully unfit. Although the [official government website](#) does not provide a precise explanation of what encompasses partial fitness, it refers to performing service through simpler tasks such as “in offices, in army kitchens or in IT departments if the appropriate knowledge is available”.

Since the introduction of this service category in 2021 until the end of 2023, around 900 of those deemed partially fit have decided for alternative civilian service (Bundeskanzleramt).

The basic compulsory military service for all men 18-35 remains 6 months long.

[2023 statistics](#) show:

- 31516 deemed eligible
- 639 deemed partially fit
- 9989 deemed unfit for service (i.e. neither military nor civil service requirement)
- 15544 started their compulsory basic military service in 2023.

On 27th April 2023, a **voluntary** basic military service for women, with [212 voluntary registrations in 2023](#).

The current legislation for alternative civilian service (Zivildienst) has been active since 1975 and states a 9 month duration. [2023 statistics](#) report 16871 civil service declarations (ca. 53% of those eligible for military service).

Recent developments

On 27th April 2023, a **voluntary** basic military service for women, with [212 voluntary registrations in 2023](#), has been introduced.

⁵³ More info about the organisation at: <https://www.versoehnungsbund.at/>



2.5. AZERBAIJAN

[\[See country page on EBCO website\]](#)

Conscription currently imposed?	Yes		
Conscientious objection first recognised	1995	Constitution, Article 76. Implementing legislation not yet promulgated (see below)	
Current provisions			
Duration (months)	Military service	Civilian service (% of military)	
	18	None available	
CO release of professional soldiers	Not permitted		
Minimum recruitment age	18	Admission to military schools at 17	
Population	Total	% males 15-19	Thus approx. annual cohort reaching 18
	10,605,000	3.8	80,598
Armed forces	Total strength	Of which conscripts	Compared to annual cohort above
	64,050	Not known	79.5%
Military expenditure	\$ (% change from 2022)	Per capita	% of GDP
	\$3,562m (+19.1%)	\$342	4.6%

Current situation

Azerbaijan undertook on accession to the Council of Europe in 2001 that it would adopt a law on alternative service in compliance with European standards by January 2003. It has still not done so, despite the findings of the European Court on Human Rights in the cases of *Mushfig Mammadov and others v. Azerbaijan* and *Mehdiyev and Abilov v. Azerbaijan*. It should be noted in particular that in Para. 97 of the Mammadov judgement the ECtHR found that the necessity to defend territorial integrity is not a sufficient reason for the failure to provide an alternative civilian service.

Recent developments

The conflict over the status of the Armenian-majority enclave of Nagorno-Karabakh which had fluctuated between open warfare and a tense stand-off ever since Nagorno-Karabakh, backed only



by Armenia, had in 1988 declared independence, was apparently brought to an end in September 2023 when in a rapid military campaign Azerbaijan retook control of the entire enclave, seemingly without engaging with the Armenian armed forces as such. Most members of the Armenian-majority population fled to Armenia proper; negotiations regarding safe return and restitution of property are ongoing. Tensions with Armenia remain high, but a resumption of armed conflict does not appear imminent.

In its latest report on Azerbaijan, adopted on 29 March 2023 and made public on 21 June,⁵⁴ the Council of Europe's European Commission against Racism and Intolerance (ECRI) noted its continuing concern over the situation of conscientious objectors, particularly over those who had been jailed. It said the regime had taken "no further steps" since ECRI raised the issue in its 2019 report.

ECRI reminded Azerbaijan of the Mammadov judgement, noting that its implementation was still pending. It added: "ECRI strongly encourages the authorities to consider the observations made by the Court under Article 46 of the [European] Convention [on Human Rights], which called for legislative action on civilian service as an alternative to military service in Azerbaijan."

In its response to ECRI on the initial draft of the report, Azerbaijan noted: "The working group has been established in the Milli Majlis for the purpose of drafting the law 'On Alternative Service'." This working group was also referred to in the Action Plan presented to Council of Ministers ([see CoE section](#)).

On 8th June 2023, the Supreme Court rejected the final appeal of Jehovah's Witness Seymur Mammedov against his conviction for refusing compulsory military service on grounds of conscience.

Mammedov had been the most recent conscientious objector to be sentenced to imprisonment in Azerbaijan. On 22nd September 2022, thus after both the Mushfiq (no relation) Mammedov and Mehdiyev and Abilov judgements of the European Court of Human Rights, he was sentenced by Goranboy District Court to nine months' imprisonment under Article 321.1 of the Criminal Code for evading military service, despite having made clear his readiness to perform a civilian alternative service. The conviction was upheld on an appeal heard by Ganca Appeal Court on 12th December 2022, but the sentence was commuted to a suspended sentence of twelve months, to take effect from that date and he was released after nearly twelve weeks of imprisonment, during which he had not had been allowed access to a Bible or to receive letters. He was fitted with an electronic tag for the duration of the suspended sentence, and will continue to have a criminal record on its completion. It is understood that he too is now considering an application to the European Court of Human Rights.⁵⁵

It might be noted that during 2022 another Jehovah's Witness, Royal Karimov, had been forcibly conscripted two days after his eighteenth birthday, despite expressing his conscientious objection and willingness to undertake alternative civilian service, and had been kept in his military unit for more than three months before being released having been found to be medically unfit.

⁵⁴ <https://rm.coe.int/sixth-report-on-azerbaijan/1680ab9e35>

⁵⁵ Corley, F., "Azerbaijan: Yet another conscientious objector case set for Strasbourg?", Forum 18 News Service, <https://www.forum18.org>, 23rd July, 2023.



2.6. BELARUS

[\[See country page on EBCO website\]](#)

Conscription currently imposed?	Yes		
Conscientious objection first recognised	1994	Constitution, Article 57 Alternative Service Law, 2015	
Current provisions	Alternative Service Law, 2015		
Duration	Military service	Civilian service (% of military)	
	18 months 12 months for graduates	36 months (200%) 24 months for graduates (200%)	
CO release of professional soldiers	Not permitted (even for reservists)		
Minimum recruitment age	18	Admission to military academies from 16	
Population	Total	% males 15-19	Thus approx. annual cohort reaching 18
	9,540,000	2.6	49,608
Armed forces	Total strength	Of which conscripts	Compared to annual cohort above
	48,600	not known	98.0%
Military expenditure	\$ (% change from 2022)	Per capita	% of GDP
	\$1,403m (+27.0%)	\$147.7	1.8%

As reported by the Belarusian organisation, International Center for Civil Initiatives "Our House"⁵⁶:

Conscientious objection to military service is a fundamental human right under the International Covenant on Civil and Political Rights. However, Belarusian conscientious objectors face dire circumstances, including the introduction of the death penalty for desertion and tightening of legislation on military deferments. Only a limited segment of religious men qualifies for alternative civilian service, while many face criminal prosecution for refusing to join the army.

Seeking refuge in other countries is challenging, as Russia and Lithuania have been extraditing and deporting Belarusian conscientious objectors, citing national security concerns. In 2023, around 300

⁵⁶ More info about the organisation at: <https://news.house/>



Belarusians were deported from Lithuania based on their past association with the Belarusian army. This situation highlights human rights violations and political manipulations against conscientious objectors. It is crucial to remember that conscientious objection to military service is a fundamental human right protected under Article 18 of the International Covenant on Civil and Political Rights. The Human Rights Committee's General Comment No. 22 (1993) recognizes that using weapons may clash with this right to freedom of conscience and the right to express one's beliefs.

Furthermore, the report finds that the Belarusian regime is intensively training children as young as 6 for potential military actions, with a focus on orphans, children with special needs, and marginalised families. Over 18,000 children participated in military training in 2022, and this poses a long-term threat to Ukraine and potentially the European Union.

Belarusian conscientious objectors encounter considerable obstacles when seeking to legalise their status, both within Belarus and in other countries. As a result, exercising the right to conscientious objection for a Belarusian individual is nearly unattainable given the prevailing conditions. The lack of awareness on this issue contributes to their plight, warranting urgent attention to protect their rights.

Common repressive situation for conscientious objectors in Belarus: According to the law «On military duty and military service» in the Republic of Belarus, an appeal on fixed-term military service is subject to men aged between 18 and 27 years, who are registered or obliged to register in military records and not serving in the reserves. The Belarusian army today has 48,000 soldiers and 12,000 border guards.⁵⁷

Every young man in Belarus is obliged to serve in the Belarusian army if he has no medical contraindications or official deferment. People with higher education must serve for a year, without higher education – for a year and a half. The conscription into the army is conducted twice a year: in spring and in autumn. Every year about 10 thousand young men are called up to compulsory military service in Belarus.

Due to all the events related to the war, from the beginning of 2022 until today, on the one hand, the Belarusian authorities have been paying increased attention to conscription and increasing the number of conscripts (for example, by easing the medical requirements for military service). On the other hand, more and more Belarusians themselves are actively avoiding conscription and military service.

Article 435 of the Criminal Code of Belarus criminalises evading military service. Part 1 of this article stipulates a fine, arrest, restriction of liberty for up to two years or imprisonment for the same term. In the case of evading conscription by willfully inflicting oneself an injury, simulation of sickness, forgery of documents, or other deceit, Part 2 of the above-mentioned article applies. It carries a penalty of restriction of liberty for up to five years or imprisonment for the same period.

On the whole, the Criminal Code has several articles that stipulate criminal liability for evading military conscription: evasion from call-up to military service on the mobilisation (Art. 434), evasion of regular call-up to active military service (Art. 435), failure of a reservist or person liable for military

⁵⁷ <https://news.house/57447>



service to appear for military training or special classes (Art. 436), avoidance of military registration by a conscript or person liable for military duty (Art. 437). The punishment is various: a fine, arrest, restriction of liberty for up to five years or imprisonment for the same term.

Overall, in Belarus, the number of criminal cases related to evasion of both conscription and military service is not publicised, as it is classified information.

Conscription is used as one of the frequent repressive practices of the Belarusian regime for young male protest activists.

The Belarusian army is often criticised for its harsh conditions and poor treatment of soldiers. Those who are conscripted serve for a year to a year and a half and have limited means of communication. There are reports of propaganda, torture, and prohibitions, and family visits are infrequent. For instance, if a soldier is caught with a mobile phone, they can face punishment that includes 15 days in solitary confinement. Sadly, the oppressive environment, humiliation, and abuse in the Belarusian army have in some cases stretched to extrajudicial executions, and have also led to a number of suicides.

What is the number of conscientious objectors in Belarus? "Our House" estimates that currently around 5000 young men in Belarus are trying to avoid military service.

We base this figure on information from state media, particularly from an interview with Vladimir Osipov, the head of the conscription department at the military enlistment office of Rechitsa and Loyev districts. He stated the following, *"According to the plan for Rechitsa district, we need to call up about two hundred people, and we already have around a hundred. Additionally, approximately seventy people are undergoing medical examination. Considering that the medical criteria have changed, the percentage of fitness for service has increased from about forty to eighty. There is a concept of 'suitable for military service with some restrictions', which means that, for example, a person with flat feet can serve as a driver, signalman – in positions where legs are not heavily used. Currently, we have just over twenty people who are being sought for an extended period, and one person who is hiding on the territory of the Russian Federation."*

We have information that a similar situation with Belarusian conscientious objectors exists in all districts. There are 118 districts in Belarus. If each district has an average of more than 20 draft evaders, then we already have at least 2500 people. Moreover, in the capital and regional centres, there are traditionally many more individuals who are unwilling to serve in the army than in the provinces. So, confidently, we can double the previous figure. In total, there are approximately 5000 draft evaders in Belarus. It is also important to flag that not all draft evaders are conscientious objectors but in a situation where there is not effective access to an alternative civilian service many will be.

It is worth highlighting such a repressive practice as a public show trial of "draft evaders" – traditionally, public trials are conducted for Belarusian conscientious objectors, to which teenagers of draft age are forcibly brought along with their parents and potential objectors.



For Belarusian conscientious objectors, there is also a legislative prohibition on employment – employers are not allowed to hire a man without him presenting a military identity card or a document stating his exemption from military service.⁵⁸

Relaxation of health requirements for conscription: On January 20, 2023, the Ministry of Defense of the Republic of Belarus claimed that the Ministry of Defense and the Ministry of Public Health were working on corrections of health requirements for people supposed to join military service and the list of health conditions making people considered unfit for military service. The corrections will affect all the military categories: conscripts, contract soldiers, reservists, students of military higher educational establishments.

– *It was motivated by a number of reasons. First of all, by the great number of petitions arriving from citizens who consider that the health demands are too high and they do not allow young people make their dream to become a military man true,* – claimed the Deputy Chief of Medical Unit of the Main Military Medical Clinical Centre of the Armed Forces of Belarus, Sviatlana Kashura.

On **February 4, 2023**, a joint resolution of the Ministry of Defense and the Ministry of Public Health was published⁵⁹ and entered into force, making amendments to the instruction of determining requirements to the state of health of citizens subject to military duty.⁶⁰

People's militia: On February 20, 2023, Aliaksandr Lukashenka held a Security Council meeting.⁶¹ One of the documents submitted for consideration by the Security Council was the draft law «On People's Militia».

Lukashenka explained that an effective national defence system had been built in Belarus, and the basis of it is the army. Fight with crime, defence of public order and public security are the sphere of interest of the Ministry of Internal Affairs both in peace and in war time. In order to ensure the functioning of the state bodies, organisations, economic entities, and infrastructure of Belarus in wartime, territorial troops have been created.

«*Yet, the situation is not simple. I have already said multiple times: every man (and not only man) should at least know how to handle weapons. At least, to protect his family, his house, his native corner of land in case of necessity and, if needed, his country, as without it there will be no corner, no house, nothing else. Many understand that*», Lukashenka underlined.

⁵⁸ <https://nash-dom.info/114592>

⁵⁹ <https://pravo.by/document/?guid=12551&p0=W22339478&p1=1&p5=0>

⁶⁰ Now, Belarusians with a body mass over 100 kg are found unfit for military service in special operation forces of the Armed Forces. Before, the limit was 90 kg. Besides that, young people with obesity of the second degree and body mass index 37 kg/m² are recognized as fit for compulsory military service. Before that, they received the status of NGM (*unfit for military service in peacetime, partially fit for military service in war time*). People with myopia of any eye in one of the meridians from 6.0 to 8.0 diopters, with haemorrhoids without prolapse of nodes, with mild form of bronchial asthma (*or without attacks for over 5 years*), with some forms of platypodia or foot deformity are also found fit for military service. The amendments to the instruction also affected the conscripts with diseases of the endocrine system, eating disorders, diseases of the nervous system and heart, skin diseases, spinal diseases.

⁶¹ <https://president.gov.by/ru/events/zasedanie-soveta-bezopasnosti-1676879659>



The Defense Minister, Viktor Khrenin, said that the main task of the people's militia will be defence of their local area and law enforcement together with the police.⁶² The draft law «On People's Militia» was elaborated by the Ministry of Defence together with the Ministry of Internal Affairs. The draft law provides that the composition, number and tasks of the people's militia will be defined by local authorities.

According to the law, volunteers that join the people's militia, will be placed at their place of residence and carry out their work tasks.

On February 25, 2023, the Chairman of the Security Council, Alexander Volfovich, informed that participants of the people's militia will possess fire arms and keep them at home.⁶³ That is provided by the draft law «On People's Militia» discussed with the participation of Lukashenka.

The people's militia is going to be organised by the local authorities and led by units of internal affairs. In case of martial law, the tasks of the militia will be to defend order, fight banditism and marauding, sabotage and reconnaissance groups.

He added that people will serve in the people's militia on a voluntary basis, without being dismissed from their jobs. On the decision of their employer, they are going to be released from work for the time of performing their duties in the militia squads. At the same time, they are going to keep the salary.

Service in the people's militia does not exempt a citizen from military service: if needed, those who are fit can be subject to mobilisation to the army. On the contrary, on March 3, 2023, Interior Minister Ivan Kubrakov said in an interview that those people, who could not be recruited for certain reasons in the armed forces, would be "conscripted" into the people's volunteer army.

"Who will be drafted into the people's volunteer army? These will be people who cannot be mobilised for certain reasons. These will be people who have reached the age of retirement, but they'll be ready to defend their homeland, ready to protect their homes and families. It doesn't matter if it's a woman or a man. Women, by the way, are sometimes with more combative nature than men," Kubrakov said.⁶⁴

On May 4, 2023, independent mass media found out that people's militia units, actively created by the rulers of Belarus, are indeed created illegally: there is just no corresponding legislation in the country.⁶⁵

On March 9, 2023, Alexander Lukashenko approved a draft law on the People's Volunteer Corps, which established "the legal basis for the voluntary citizen participation in the enforcement of martial law". It was stated in the Security Council Resolution No. 2, which was published on the National Legal Internet Portal on March 6. The Minister of Defense, Viktor Khrenin, has to prepare amendments and recommendations within a month and send this draft law to the various instances

⁶² <https://news.zerkalo.io/life/32990.html>

⁶³ <https://www.tvr.by/videogallery/informatsionno-analiticheskie/vopros-nomer-odin/osobennost-obnovlyennoy-kontseptsii-natsionalnoy-bezopasnosti-biologicheskoe-oruzhie/>

⁶⁴ <https://sputnik.by/20230303/kubrakov-khochu-chtoby-vse-militsionery-vozvrashchalis-domoy-zhivymi-i-zdorov-ymi-1072844548.html>

⁶⁵ <https://news.zerkalo.io/life/38391.html>



for final approval by the relevant agencies. According to Lukashenko's plans, the size of the people's volunteer army will be between 100-150 thousand.

On April 12, 2023, the Secretary of the Security Council, Alexander Volfovich, announced that the people's militias in Belarus would be responsible for tasks related to the introduction of martial law, as well as combating sabotage and reconnaissance groups.⁶⁶

On June 15, 2023, the House of Representatives approved in the second reading the bill on people's militia. According to the statement of Deputy Yevgeny Zaytsev, the bill will allow volunteers to keep weapons with them.⁶⁷

Amendments to the Criminal Code: On February 21, 2023, the deputies of the House of Representatives of the National Assembly approved amendments to the Criminal Code, including criminal liability for discrediting the army and the death penalty for high treason. Before that, a draft law had been adopted "On Amendments to the Criminal Code". The objective of preparing the draft law was to take proactive measures against offences of extremist or terrorist character by introducing amendments to the Criminal Code and the Code of Criminal Procedure. Mentioning "offences of extremist or terrorist character" directly indicates trying to suppress any contacts between human rights defenders, media, and members of the armed forces, threatening the latter with the probability of the death penalty.

The press service of the House of Representatives indicated that the draft law "On the amendment of criminal codes" was needed to produce a "deterrent effect on destructive elements" (the term used by the Belarusian's propaganda to refer to human rights defenders and independent media in exile) and "to demonstrate a decisive fight against high treason".

The Article 369-1 of the Criminal Code is supplemented by a qualifying factor providing for the «establishment of responsibility for dissemination of knowingly false information discrediting the Armed Forces, other troops and military formations, paramilitary organisations of the Republic of Belarus».

Also, new articles have been added, including Article 289-1 "Propaganda of terrorism" (which is typically used to label the dissemination of any information about the activities of human rights organisations and independent media in exile that it has deemed "extremist"), and Article 375-2 "Violation of requirements for the protection of state secrets". Now, law enforcement officials have the right to detain individuals suspected of high treason, conspiracy, espionage, agent activity, or acts of terrorism under Articles 356-358-1 of the Criminal Code for a period of 20 days from the moment of arrest. However, Article 125 of the Criminal Code was amended with a corresponding note that releases individuals from criminal liability if they participated in the preparation of an attack on an institution under international protection (meaning foreign embassies in Belarus) and assisted in preventing the crime by timely warning the state bodies or by other means.

Besides that, the Criminal Code was supplemented by Article 375-2 "Violation of the requirements for the protection of state secrets". In simpler terms, this means that there is criminal liability for

⁶⁶ <https://t.me/modmilby/25632>

⁶⁷ <https://ctv.by/narodnoe-opolchenie-belarusi-smozhet-hranit-oruzhie-doma>



providing any help to a serviceman attempting to escape from the army and leave the country. Providing such a help to a deserter fleeing Belarus and going abroad could result in up to 5 years of imprisonment.

On March 14, 2023, the law "On Amendments to the Codes on Criminal Liability" was published on the National Legal Internet Portal of Belarus.⁶⁸ The amendments to the criminal liability codes, which include the death penalty for officials and military personnel convicted of state treason, as well as criminal liability for terrorism propaganda and discrediting the army, will come into effect from March 25, 2023.

Criminal liability for "state treason" committed by a public official extends to all individuals holding government positions. Moreover, for "state treason" committed by a public official or military serviceman, the possibility of imposing the exceptional punishment of the death penalty is introduced.

The detention period for individuals suspected of committing state treason, conspiracy, or other actions aimed at seizing state power, espionage, and clandestine activities is increased from three to ten days.

Reserve officers: on March 10, 2023, Alexander Lukashenko signed Decree No. 66 'On call-up of reserve officers for active duty'.⁶⁹ The document assumes conscription of up to 230 men under the age of 27 into the armed forces and call-up of up to 20 persons into bodies of the border service. By implication, all conscripts must have previously been trained in appropriate training programmes for reserve officers at military departments or faculties, received a commission as an officer and be enlisted in the reserve.

New conscription procedures: on April 3, 2023 on the Alexander Lukashenko's order, the Ministry of Defense began another check readiness of the Belarussian Armed Forces. The overall supervision for checking was entrusted to the State Secretariat of the Belarusian Security Council. Conscripts were supposed to start arriving at military registration and enlistment offices in Belarus on April 4, 2023. However, in some places, such as Brest, military services reported that they hadn't had enough time to prepare properly and send out summonses. As a result, men who had not served and were in the reserve were sent to deliver the summonses instead. These men were "invited" to make such urgent deliveries to military recruitment offices instead of their main jobs. Those who tried to refuse were threatened that they would face pressure and would be fired from their jobs.⁷⁰

On April 10, 2023, Alexander Volfovich, the State Secretary of the Belarussian Security Council, stated during a meeting with the heads of higher education institutions that he considered it expedient to return to the practice of conscripting students into the army.⁷¹

⁶⁸ <https://pravo.by/document/?guid=3961&p0=H12300256>

⁶⁹ <https://president.gov.by/ru/events/podpisan-ukaz-o-prizyve-oficerov-zapasa-na-voennuyu-sluzhbu-1678459733>

⁷⁰ <https://news.house/57484>

⁷¹ <https://www.belta.by/society/view/volfovich-segodnja-po-vsemu-miru-idet-borba-za-molodye-umy-560431-2023/>



On May 16, 2023, amendments to the law "On military duty and military service" were published in Belarus. It was amended and received the status of a law. The most important amendment that has been made is that studying abroad is no longer considered to be a ground for deferment from military duty.

Only those students who are studying abroad by the assignment of the republican government bodies in the framework of implementation of state programs shall be granted such a deferment. However, there are exceptions: the deferment can be obtained if on the date of entering this law into force the student was studying in a foreign educational establishment in an intramural form of study and had entered those educational establishments before the age of 18.

The law also stipulates that in case several citizens in one family are subject to call-up for compulsory military service, service in the reserves and have a right to deferral, it can be "granted to one of them according to the request of the family members (relatives)".

On May 31, 2023, the Belarussian Defense Minister Viktor Khrenin announced that basic military training would be provided to all students in Belarussian universities. According to his words, a joint document with the Ministry of Education has already been adopted for this purpose, and hours have been allocated for the study of the special course.

On June 21, 2023, the State Secretary of the Security Council of Belarus, Alexander Volfovich, announced that Belarus was considering the cancellation of military service deferment for students.⁷²

According to him, when a first-year student is called up to the armed forces, *"He will serve for one year instead of a year and a half, return to the second year more mature and better prepared, and after four years of graduating from the institute, he won't have to rack his brain whether to join the armed forces or not."*

Martial law and state of emergency: on June 8, 2023, a parliamentary bill was published on the National Legal Internet portal, according to which armed rebellion in Belarus will become a reason to introduce a state of emergency, and the infiltration of armed groups by extremist organisations from other countries' territories will lead to the imposition of martial law.⁷³

The bill proposes amendments to the law on the state of emergency. Whereas previously the state of emergency regime could be introduced because of "riots", in the future, the grounds may include "attempts of forcibly changing the constitutional order, seizure or appropriation of state power, armed rebellion, mass and other disturbances."

The draft law also includes amendments to the law on martial law. Mention of extremist groups and organisations is added as a basis for imposing martial law. The amendments also provide that "in case of inaction by the President of the Republic of Belarus" the state of emergency or martial law can be imposed by the National People's Assembly.

⁷² https://t.me/sputnik_bel/25851

⁷³ <https://pravo.by/document/?quid=3941&p0=2023044001>



The bill has already been submitted to the parliament. It must be passed in the House of Representatives and then approved in the Council of the Republic, after which it will be sent for Alexander Lukashenko's signature.

Military collaboration with the Russian Federation: on May 12, 2023, Aliaksandr Lukashenka signed a law on ratification of the agreement with the Russian Federation on the implementation of the Program of Military-Technical Cooperation until the year 2025.⁷⁴ The agreement had been concluded on September 23, 2022. Then it was approved by both chambers of the Belarusian parliament.

The document officially gives effect to the program of military and technical cooperation. Within its framework, reciprocal deliveries of arms and equipment between Belarus and Russia were established, as well as joint projects of the Defence industries, development and production of armament, military equipment, dual-use and special-purpose goods. In total, the program consists of 199 activities.

On June 28, 2023, Belarusian deputies adopted on the first reading⁷⁵ the draft law "On Ratifying the Agreement between the Republic of Belarus and the Russian Federation on the Establishment and Operation of Joint Training and Combat Centers for Military Personnel of the Armed Forces of the Republic of Belarus and the Russian Federation."

Criminal prosecution of Belarusian conscientious objectors in Belarus (selected cases):

On 10 March 2023, the Military Commissariat of Brest and the Brest region organised a mobile court session for trying an 18-year-old boy who refused to serve in the Belarusian army.⁷⁶ The defendant failed a medical examination without a valid reason and did not appear at the military registration and enlistment office on the date specified in the summons.

During the trial he admitted his guilt in full, explaining that he "*did not want to go to the army because he was afraid of being sent to the war*". The court found the defendant's fear unconvincing and sentenced the young man to a fine of 60 basic units (2,220 rubles). This court session was also used by the authorities both for propaganda purposes and to intimidate young people: high schoolers and draft-age youths from local schools were gathered for it.

On 13 March 2023, the Hrodna Regional Court started hearing the case against 19-year-old Anita Bakunovich, former customs officer Mikalai Kuleshou and army evader Yehor Kurzin.⁷⁷ All of them were detained near the Lithuanian fence while trying to cross the border illegally. Yehor Kurzin was accused of illegal border crossing as well as draft evasion. On 10 April 2023, a mobile court session was held at the military enlistment office of Rechytsa and Loyev districts. Students from local schools were forcibly brought along with their parents, as well as young individuals who are expected to serve in the army. Such public trials related to Article 435 of the Criminal Code of the Republic of Belarus (evasion of military service) are becoming increasingly common in Belarus, as the unwillingness to join the army becomes widespread in the country.

⁷⁴ <https://pravo.by/document/?quid=12551&p0=H12300266>

⁷⁵ <https://t.me/housegovby/11555>

⁷⁶ <https://news.zerkalo.io/life/34334.html>

⁷⁷ <https://mediazona.by/article/2023/03/13/border>



The court tried a native of Vasilevichi town, who left for Russia as soon as he received a summons to the army. He was arrested in Russia, and there he was offered to voluntarily appear at the Rechitsa District Internal Affairs Department, which had declared him wanted as an evader. The young man ignored this order, and after many peripeteias, K. was taken into custody and sent to his place of residence in Belarus. Since October 2022, he had been in Belarus in the pre-trial detention centre, awaiting a court hearing.

Article 435 of the Criminal Code of the Republic of Belarus entails severe sanctions, including up to two years of imprisonment. The state prosecutor demanded one year of imprisonment, taking into account five months already served in pre-trial detention, with each day counting as one and a half days. However, the court delivered a different verdict: three months of arrest. In practice, the defendant K. had already served these three months, and he was consequently released in the courtroom. As noted by state lawyers, it is likely that his criminal record will be expunged after a year, and K. will be attempted to be conscripted for military service again.

In April 2022, a young Belarusian man (currently 23 years old) received a personal summons at the Stolín district military enlistment office and signed for it. The summons demanded him to appear on August 19, 2022, for the enlistment process and to undergo a medical examination for compulsory military service. The young conscientious objector fled to Russia. In November 2022, he decided that the risk of conscription was no longer imminent, returned home, and was detained by the police. He was charged with "evading conscription measures" (Article 435, Part 1 of the Criminal Code of Belarus). The case was handled by the Brest Oblast Prosecutor's Office.

On May 10, 2023, a public trial was held, to which teenage boys of draft age, their parents, and potential conscientious objectors were forcibly brought. The young man was found guilty of draft evasion and was sentenced to a fine of 70 base units (2590 Belarusian rubles or 930 euros).

On 10 May 2023, a resident of Dzerzhinsk was sentenced to one month of arrest for draft evasion. In November 2022, a 19-year-old resident of Dzerzhinsk, after receiving a summons for draft activities and signing it, failed to arrive at the military enlistment office. At the same time, authorities repeatedly warned him of criminal liability for evasion of military conscription. During interrogations, the young man claimed that he had not evaded conscription, but failed to appear at the military enlistment office due to serious deterioration of his health, although this was not substantiated by any documents. As a result, the young man was sentenced to one month of arrest.

On 6 July 2023, in Lida (Grodno Region), a 28-year-old man was sentenced to 1.5 years of imprisonment for evasion from the army although in Belarus, individuals can be called for compulsory military service only until the age of 27.

The essence of the case is that the resident of Lida (his name is not disclosed) received a summons for a medical examination in the district military enlistment office in August 2021, for further processing by the conscription commission. At that time, he was 26 years old. The young man fled to Russia, where he was apprehended in January 2023, after that he was extradited to Belarus and imprisoned for evasion.



On 7 July 2023, according to reports there was the trial of a young man in Chashniki, who, after receiving a military conscription notice and passing a medical examination, was declared fit for military service but fled to Russia. In Russia, he was apprehended and extradited to Belarus, where the court found him guilty of evading military service under Part 1, Article 435 of the Criminal Code of the Republic of Belarus. The court imposed **a one-year imprisonment** with a conditional suspension of the sentence, provided that the citizen does not commit any new crimes during the probation period and fulfils the obligations imposed by the court. Specifically, in accordance with Part 5, Article 78 of the Criminal Code of the Republic of Belarus, he was obligated to pay a criminal compensation to the state in the amount of 35 basic units, totaling 1120 Belarusian rubles (approximately 400 euros).

However, it is now unclear when and how he will be enlisted in the military service. He has an outstanding criminal record, which theoretically should exempt him from being called up for military service.

Pre-military training of boys in Belarus for compulsory military service: The militarisation of boys in Belarus starts long before their conscription into military service, involving several structures such as schools, institutes, and various state "military-patriotic" clubs.

From the age of 14, the Ministry of Defence of Belarus begins to summon Belarusian teenage boys to military enlistment offices "to verify personal data". From this age, it becomes much more difficult for teenage boys to travel abroad: there is no direct ban, but obtaining a passport for travel abroad can be challenging.

Moreover, there have been numerous cases recorded where a teenager (a citizen of Belarus) aged 14 to 17 permanently resides abroad but, due to personal reasons, visits Belarus. Once in Belarus, one is not allowed to leave the country until he completes mandatory military service or is discharged for valid reasons.

In schools, senior school pupils are required to study pre-conscription training as a compulsory subject, including both boys and girls undergoing a course of military medical training. Since September 1, 2021, the position of a leader for military-patriotic education, commonly known as the "military instructor" from the times of the USSR, has been reintroduced in Belarusian schools. As of March 2023, Belarusian schools have filled 93% of the military instructor positions.

The tasks and responsibilities of the military instructor include organising and conducting thematic classes, caring for World War II veterans, improving burial grounds and military graves, studying the history of military units and formations, partisan detachments and underground groups during the Great World War in the regions where schools are located, organising schoolchildren's trips to the sites of World War II battles.

The modern equivalent of the Soviet-era school subject "Initial Military Training" in the curricula of general secondary education institutions in contemporary Belarus is a program designed for 130 hours per year in the 10th grade and 70 hours per year in the 11th grade. The obligatory component of this program is a field training camp for boys on the basis of one of the military units, and



practical sessions for girls. Students who those classes may not pass to the final year and will not receive a school diploma.

In 2022, the educational program was updated to include mandatory standards such as partial disassembly and assembly of rifles, loading magazines with training rounds, donning gas masks, respirators, and standard military protective gear, actions in response to "Chemical Alert" signals, elements of drill and tactical training, and military topography.

Regarding military medical training, tasks include deploying an individual dressing package, applying bandages and a tourniquet, using a syringe tube, and more.

The material and technical base for all of this was gradually developed. The emphasis was initially placed on creating centres for pre-prescription training. Each such structure combines students from several schools. The educational process is organised on a block-module principle, where all the material planned for the year is covered over several instructional days. In addition to this, senior schoolchildren are offered the opportunity to attend optional classes, sports and technical clubs, and other applied activities. The classes are conducted with the assistance of officers from the district military enlistment office, educators, military faculty cadets, and medical university students. The centres are equipped with shooting ranges for pneumatic rifle shooting, Kalashnikov training rifles, visual aids, etc.

When studying the "Pre-prescription training" block, classes are called platoons (a platoon is divided into two or three squads). Platoon and squad leaders are appointed from among the students. Each lesson starts with the formation of personnel, checking the attendance of students, and reporting to the teacher about readiness for the educational activity. During the session, the requirements of general military regulations must be observed in the actions, responses, and interactions of students with the teacher.

Another component is the military-patriotic camps organised for children and youngsters during the summer school holidays. The programme of study in these camps resembles military training at school but is much more intensive and ideologically charged. Moreover, the life of children in such camps closely resembles that of soldiers, with military uniforms, barracks, and a corresponding daily routine.

Units of law enforcement agencies also readily take patronage over educational institutions. Belarusian schools have specialised classes with a military-patriotic focus. They study two subjects at an advanced level, which could be physics and mathematics or mathematics and a foreign language. Additionally, they engage in some optional courses such as "Ready to Serve the Homeland!" or "Young Border Guard", which are developed by the Ministry of Education in collaboration with the Ministry of Defense and the State Border Committee. The criteria for admission to such specialised classes include good physical preparation, good state of health, and an average grade of no less than 7 on the certificate of basic education according to the current 10-point grading system used in the country.

In addition, in the near future, all students in Belarusian universities will be required to undergo basic military training. This was announced by the Belarusian Minister of Defense, Viktor Khrenin, on



May 31, 2023 and a joint document with the Ministry of Education has already been adopted, allocating hours for the study of this mandatory specialised course.

Boarding military schools for boys (including orphans) in Belarus promoting the ideology of the «russian world»: In Belarus there are closed militarised boarding schools for boys starting from the age of 12, where they are taught skills in military affairs.

The aim of such institutions is to train personnel in military and sports specialties for the armed forces, other troops and military formations of the Republic of Belarus, as well as personnel for the bodies of internal affairs, the Investigation Committee, the State Committee of Forensic Expertise, emergency bodies and units, and other power structures.

The priority is given to boys in socially vulnerable situations, that is, to children whose parents were killed, died, or went missing while serving in the line of duty, as well as orphans and children deprived of parental care (taken away from families according to Presidential Decree No. 18). During their studies, the boys are provided with free accommodation and living in accordance with the legal acts of the Ministry of Defense. For many of these children, the enforcement agencies become the only family they know, and Lukashenka is perceived as their "father". As a result, personal devotion and loyalty to the "family" is formed.

A whole system of cadet schools is working in Belarus in various cities and towns of the country. They were established and are operating based on the presidential decree No. 54, dated January 28, 2010, "On Cadet Schools".

Some of these institutions only provide round-the-clock accommodation for the cadets, where they live in the educational institution. Others have classes during the day, like normal schools, and the teenagers go home at night.

The main cadet school of this kind, located in Minsk, is called the "Suvorov Military School," named after Alexander Suvorov, a Russian military leader who actively fought against Belarusians and the Grand Duchy of Lithuania in the 18th century. The name of Aleksandr Suvorov is a clear indication of the cadet school's affiliation with the "russian world" and its historical narratives.

Today there are about 400 pupils in Minsk Suvorov Military School. The tuition period is 5 years.

According to the information provided by the Belarusian union of cadets, currently over 10 thousand cadet graduates live in Belarus. About 2 thousand of them are graduates from Minsk Suvorov Military School.



2.7. BELGIUM

[\[See country page on EBCO website\]](#)

Conscription currently imposed?	No	Suspended 1993. Last conscripts demobilised 1995. Could be reinstated, but only in time of war.	
Conscientious objection first recognised	1964	Law of 3rd June on Status of Conscientious Objectors	
CO release of professional soldiers	–	No specific provision. Early release can be sought but may be denied for operational reasons.	
Minimum recruitment age	18 (nominally)	The formal requirement is to have completed mandatory education thus in fact a small number of 17 year olds are recruited each year.	
Population	Total	% males 15-19	Thus approx. annual cohort reaching 18
	11,914,000	2.9	69,101
Armed forces	Total strength	Of which conscripts	Compared to annual cohort above
	22,900	-	33.1%
Military expenditure	\$ (% change from 2022)	Per capita	% of GDP
	\$7,629m (+10.7%)	652.9	1.2%

Current situation

Feedback from the state

From the replies by the Belgian Ministry of Defence to the EBCO Questionnaire.

In 1994, conscription was suspended (not abolished) by the introduction of an article 1bis in the "dienstplichtwetten gecoördineerd op 30 april 1962/lois sur la milice coordonnées le 30 avril 1962". By deleting this article again, conscription can be reintroduced. This article can only be deleted by a majority vote by the Chamber of Representatives. The circumstances under which they would do so, are of a political nature.



The procedures which would apply already exist in legislation but the law has not been amended for 30 years and it is more than likely that a thorough update will be needed in the event of a reintroduction.

Arrangements for the **exemption** of conscientious objectors are determined in the "lois portant le statut des objecteurs de conscience, coordonnées le 20 février 1980". This law is the responsibility of the Federal Public Service Home Affairs.

Professional military recruitment is governed by the "loi du 28 février 2007 fixant le statut des militaires et candidats militaires du cadre actif des Forces armées". The duration of service initially required varies, depending on the duration of the candidacy, from 18 months (soldier) to 7 years (physician).

Auxiliary Officer: "loi du 23 décembre 1955 sur les officiers auxiliaires de la force aérienne, pilotes et navigateurs" and "loi du 11 novembre 2002 Relative aux officiers auxiliaires des Forces armées". The duration of service initially required is 13 years.

Military Limited Duration: "loi du 30 août 2013 instituant la carrière militaire à durée limitée". The duration of service initially required is 8 years.

Military Voluntary Military Deployment: "loi du 10 janvier 2010 instituant l'engagement volontaire militaire et modifiant diverses lois applicables au personnel militaire". The duration of service initially required is a minimum of 24 and a maximum of 48 months.

Reserve Military: "loi du 16 mai 2001 portant statut des militaires du cadre de réserve des Forces armées". The duration of service initially required is 10 years.

All initial enlistments can be terminated/broken at any time at the request of the military.

No programmes which could be seen as preparatory to military recruitment an obligatory part of the secondary education curriculum.



Recruitment figures for 2022 and 2023, disaggregated by age and rank, were as follows:

Age	2022			2023		
	Officers	NCOs	Enlistees	Officers	NCOs	Enlistees
17	9	3	1	5	5	1
18	75	110	98	110	173	123
19	68	137	94	81	149	202
20	21	114	166	18	122	161
21	7	98	175	9	82	158
22	11	88	130	15	83	112
23	7	69	105	12	76	96
24	27	74	84	24	65	66
25	13	70	48	22	63	68
26	13	50	46	19	59	39
27	13	44	45	12	44	32
28	9	27	30	11	20	23
29	8	20	22	11	24	17
30	6	21	29	10	15	19
31	5	15	-	9	19	-
32	1	11	-	5	12	-
33	1	9	-	4	10	-
34+	-	-	-	1 (actual age 37)	-	-
TOTAL	294	160	1,073	378	1,021	1,105
GRAND TOTAL			2,327			2,504



2.8. BOSNIA AND HERZEGOVINA

[\[See country page on EBCO website\]](#)

Conscription currently imposed?	No	Suspended 2005 Conditions for reinstatement unknown	
Conscientious objection first recognised	1996	Parallel Defence Acts in the Federation and the Republika Srpska	
CO release of professional soldiers	Not permitted		
Minimum recruitment age	18		
Population	Total	% males 15-19	Thus approx. annual cohort reaching 18
	3,608,000	2.3	16,597
Armed forces	Total strength	Of which conscripts	Compared to annual cohort above
	10,500	-	63.2%
Military expenditure	\$ (% change from 2022)	Per capita	% of GDP
	\$217m (+30.1%)	\$67.5	0.8%



2.9. BULGARIA

[\[See country page on EBCO website\]](#)

Conscription currently imposed?	No	Suspended 2008 by amendment of the Defence and Armed Forces Act. May be reinstated in the event of declaration of state of war, martial law or a state of emergency pursuant to Article 116 of the Act ⁷⁸	
Conscientious objection first recognised	1991	Constitution, Article 59.2 First implemented under Law for Replacement of Military Service with Alternative Service, 1998	
CO release of professional soldiers	–	No specific provisions. Early release may be requested (see below).	
Minimum recruitment age	18		
Population	Total	% males 15-19	Thus approx. annual cohort reaching 18
	6,828,000	2.7	36,871
Armed forces	Total strength	Of which conscripts	Compared to annual cohort above
	36,950	-	100.2%
Military expenditure	\$ (% change from 2022)	Per capita	% of GDP
	\$1,918m (+33.5%)	\$286.8	1.8%

Current situation

Feedback from the state

From the reply of the Bulgarian Ministry of Defence to the EBCO questionnaire.

Bulgaria abolished conscription into obligatory military service in 2008 by amendment of the Defence and Armed Forces Act.

Article 56 of the Armed Forces of the Republic of Bulgaria Reserves Act, stipulates that Bulgarian students, at the stage of acquiring secondary education, shall undergo training in homeland defence, which contributes to the formation of values and attitudes of patriotism, dignity, duty, honour and

⁷⁸ <https://ebco-beoc.org/sites/ebco-beoc.org/files/attachments/2023-01-31-Bulgaria-gov-reply.pdf>



responsibility to the country. The training takes place in the 10th and 11th grades within a total of 10 academic hours and intends that the young people acquire knowledge and skills related to homeland defence, military crisis survival skills, and the missions and the tasks of the Armed Forces.

The Armed Forces are manned with soldiers on a voluntary basis, and the recruitment of Bulgarian citizens is carried out by conducting a competition. The terms and procedure for being accepted for military service are defined in the Republic of Bulgaria Defence and Armed Forces Act and the Rules on its implementation. In 2023, 729 Bulgarian citizens were accepted for military service as soldiers. The duration of the initial military service contract is 3 years.

– and from the replies for the 2022 Report, but still valid:

Enlistment for military service takes place on the basis of a military service contract ... The procedure, terms and conditions regarding the conclusion and termination of such a contract are laid down in the Rules on the Implementation of the Republic of Bulgaria Armed Forces Act. It does not contain provision for the termination of the military service contract on account of “conscientious objection” but it provides an option for an early termination of the military service contract by mutual consent of the parties or through a written notification by the service member.



2.10. CROATIA

[\[See country page on EBCO website\]](#)

Conscription currently imposed?	No	Suspended 2008 but enabling provisions retained	
Conscientious objection first recognised	1991	Constitution, Article 47.2 Defence Law, 1991	
Current provisions			
Duration	Military service		Civilian service (% of military)
CO release of professional soldiers	Not permitted		
Minimum recruitment age	18		
Population	Total	% males 15-19	Thus approx. annual cohort reaching 18
	4,169,000	2.5	20,845
Armed forces	Total strength	Of which conscripts	Compared to annual cohort above
	16,800	-	80.6%
Military expenditure	\$ (% change from 2022)	Per capita	% of GDP
	\$1,439m (+12.2%)	\$359	1.8%

Recent developments

Croatia plans to introduce mandatory one-month military education courses in secondary schools. The Jutarnji List daily reported in January 2024 that Defence Minister Ivan Anušić had been tasked with drafting a one-month course for teenagers, where they would learn first aid, weapons handling, and nuclear and chemical protection.⁷⁹

⁷⁹ Euractiv, 18 Jan. 2024



2.11. CYPRUS

[\[See country page on EBCO website\]](#)

Conscription currently imposed?	Yes		
Conscientious objection first recognised	1992	National Guard Act, 2/1992 (unarmed military service Civilian alternative service finally became available in about 2005.	
Current provisions			
Duration	Military service		Civilian service (% of military)
	14 months		19 months (139%)
CO release of professional soldiers	Not permitted		Release from reserve service now possible.
Minimum recruitment age	17	"Voluntary" early performance of military service - way of calculating age means that enrolment may actually be at 16	
Population	Total	% males 15-19	Thus approx. annual cohort reaching 18
	925,000	2.8	5,180
Armed forces	Total strength	Of which conscripts	Compared to annual cohort above
	12,000	Not known	231.7%
Military expenditure	\$ (% change from 2022)	Per capita	% of GDP
	\$567m (+6.5%)	\$449.9	1.8%

Recent developments

There was little to report from Cyprus in the way of new developments in 2023, but at the end of the year things suddenly started happening in the northern part.

The publicity received by the court cases of the Turkish Cypriot conscientious objectors and the events organised in solidarity with them (see below), which now have a bicomunal nature, have contributed to the increased interest by Cypriots, and especially Greek Cypriots, in the issue of conscientious objection. Thus, in 2023 there were more enquiries to the members of the Initiative, and more Greek Cypriots applying to be recognised as conscientious objectors, both for alternative



civilian service and mainly for alternative civilian reserve service. Also with more events (discussions, solidarity events and demonstrations) being organised both by the Initiative for Conscientious Objection in Cyprus and other groups and involving all communities (but especially Greek Cypriots and Turkish Cypriots), the movement is growing as a common movement on the whole of the island.

In order to express its solidarity with conscientious objectors in both parts of the divided island, EBCO held its General Assembly there on 28th October 2023, in the Home for Co-operation in the buffer zone in Nicosia, hosted by the Initiative for Conscientious Objection in Cyprus.

EBCO concerns

In the Republic of Cyprus the terms and conditions of civilian alternative service remain discriminatory and punitive by comparison with military service. Although the duration is set at just under half as much again as military service, the total remuneration is the same, and those performing alternative service receive no payment in lieu of the free accommodation, subsistence and uniform provided to military conscripts. EBCO is also concerned that conscription can take place from the beginning of the year in which the conscript turns eighteen, thus from the age of seventeen, and that conscripts can opt to perform the service a year earlier. Both embody a questionable interpretation of the Optional Protocol on the Convention of the Rights of the Child on the involvement of children in armed conflict. Because of the young age at which they face the decision, very few conscripts are aware of the possibility of applying as conscientious objectors to perform alternative service, and in fact most applications come from those being called up to perform reserve service.

“TURKISH REPUBLIC OF NORTHERN CYPRUS”

Conscription currently imposed?	Yes	
Conscientious objection first recognised	No recognition	
Current provisions		
Duration	Military service	Civilian service (% of military)
	12 months	None available
CO release of professional soldiers	Not permitted	
Minimum recruitment age	18	



Population	Total	% males 15-19	Thus approx. annual cohort reaching 18
	383,000	2.8	2,145
Armed forces	Total strength	Of which conscripts	Compared to annual cohort above
	3,000	Not known	139.9%

Current situation & recent developments

Trials for the refusal of reserve service resumed in the north, rather to our surprise as we assumed they had all been put “on hold” pending the outcome of Murat Kanatlı’s application to the European Court of Human Rights, but it seems that the interruption had more to do with the covid crisis.

On 16th November, Mustafa Hürben was summoned to the Security Forces Court regarding his refusal to undertake reserve service. He made a press statement in front of the Court and read out his declaration of conscientious objection, and confirmed his refusal to participate in the reserve call. At a further hearing on 14th December the judge, recalling that when the issue of conscientious objection last came before the courts a proposed law was under discussion, asked about progress, but was informed that there had been no developments on this front.

In early 2024, the opposition Republican Turkish Party (CTP) resubmitted a 2019 draft law proposal for the recognition of conscientious objection, however the governing parties voted the bill down on 8th January.

Mustafa Hürben’s definitive trial took place on 18th January, attended by EBCO Chief Editor Derek Brett and WRI Executive Committee member Merve Arkun as international observers.

Even the prosecution did not challenge Hürben’s right to conscientious objection, but as there is no legislative provision the Judge explained that the option of acquittal was not available. However, in view of the existing international jurisprudence outlined by Hürben’s counsel, the Court was reluctant to impose any more than the most nominal penalty, namely a fine of 800TL (approximately €25). By law, if this was not paid within five days he would be imprisoned for three days. Hürben announced in Court that he had no intention of paying the fine, and asked if he could go directly to prison, but the due process had to be followed, and he was accordingly arrested on Tuesday 23rd January, symbolically in front of the Parliament building during a solidarity action organised by the Initiative for Conscientious Objection in Cyprus.

A prosecution was also brought against Halil Karapaşaoğlu, whose previous conviction regarding his refusal in 2018 is the subject of an application pending before the European Court of Human Rights, this time regarding 2022. The trial was set for 2nd February; Derek Brett again attended as international observer, but it was postponed until 14th March, with word that charges relating to 2023 might also be added.

On 12th March, the European Court of Human Rights at last published its judgement in the case of Murat Kanatlı (see [European Court of Human Rights](#) section above) finding a violation of Article 9



(freedom of thought, conscience and religion) of the European Convention on Human Rights. Halil’s new trial, and Mustafa’s appeal hearing, were postponed until April to allow the Court to study the Kanatlı judgement.

Meanwhile, Halil’s application to the European Court of Human Rights, and that of Haluk Selam Tufanlı regarding 2011 remain pending (see [European Court of Human Rights](#) section above).

2.12. CZECHIA

[\[See country page on EBCO website\]](#)

Conscription currently imposed?	No	Suspended 2004 by amendment of the Military Act. May be reinstated in a situation of threat or wartime.	
Conscientious objection first recognised	1992	Civilian Service Act (of Czechoslovakia) No. 18/1992	
CO release of professional soldiers	–	“An administrative procedure with a possibility of judicial review”. No details known.	
Minimum recruitment age	18		
Population	Total	% males 15-19	Thus approx. annual cohort reaching 18
	10,830,000	2.6	56,316
Armed forces	Total strength	Of which conscripts	Compared to annual cohort above
	26,600	-	47.2%
Military expenditure	\$ (% change from 2022)	Per capita	% of GDP
	\$5,056m (+26.2%)	\$481.8	1.5%



Current situation & recent developments

The Czech Republic is considering ideas to reintroduce conscription. Lawmakers and officials are only debating the form it might take. The country's President, Petr Pavel, a former Chief of the General Staff of the Czech Republic, advocates for a transitional administrative draft into the army.⁸⁰

Defense Minister Jana Chernohova has proposed various forms of reintroducing conscription, hinting at cooperation with universities and considering citizens with firearms licences. Ideas have also been floated about voluntary enlistment for those who could undergo necessary training if the country's defence situation deteriorates.

The Chief of the Czech General Staff, Karel Řehka, expressed support for reinstating military service in some form, whether compulsory or voluntary. However, he emphasised that it would be significantly different from the communist-style national service of the past.⁸¹

During debates on CNN Prima News, Jan Bartosek, Deputy Chairman of KDU-CSL and Vice-Speaker of the lower house, stated that the state should know how many people are willing to defend the country in case of a military conflict, advocating for a return to mandatory military service.

Ondrej Kolar, a member of TOP 09, agreed that some form of military service is necessary, but emphasised the importance of determining the form and duration of such service.

In contrast, ANO deputy Jaroslav Bzoh stated that there are no prerequisites for introducing mandatory military service in the Czech Republic. He expressed doubts about the country's readiness and experience to return to more intensive training.⁸²

⁸⁰ <https://brnodaily.com/2024/02/26/news/pavel-calls-for-moves-towards-administrative-military-conscription-in-the-czech-republic/>

⁸¹ <https://english.radio.cz/czechia-may-need-bring-back-military-service-says-army-chief-8809056>

⁸² <https://brnodaily.com/2024/02/26/news/pavel-calls-for-moves-towards-administrative-military-conscription-in-the-czech-republic/>



2.13. DENMARK

[\[See country page on EBCO website\]](#)

Conscription currently imposed?	Yes		
Conscientious objection first recognised	1917	Alternative Service Act of 13 th December	
Current provisions			
Duration	Military service	Civilian service (% of military)	
	4 months	4 months (100%) but see below	
CO release of professional soldiers	–	No specific provisions. Even those who terminate their service contracts retain reserve liability.	
Minimum recruitment age	18		
Population	Total	% males 15-19	Thus approx. annual cohort reaching 18
	5,947,000	3.0	35,682
Armed forces	Total strength	Of which conscripts	Compared to annual cohort above
	15,400	4,700 (30.5%)	Total strength is 43.2% of cohort Conscripts are 13.2% of cohort
Military expenditure	\$ (% change from 2022)	Per capita	% of GDP
	\$8,145m (+48.8%)	\$1377.9	2.0%

Current situation & recent developments

According to a report in The Guardian on 15th March, 2024:

“Women in [Denmark](#) are to be conscripted for military service for the first time under a proposed armed forces overhaul that comes amid Europe’s worsening relations with Russia and the war in Ukraine.

“We do not rearm because we want war. We are rearming because we want to avoid it,” said the prime minister, Mette Frederiksen.

The government, she said, wanted “full equality between the sexes” and to extend the length of military service from four to 11 months.



Under plans for its 2024-2033 defence settlement, 5,000 conscripts, both male and female, will be called up each year from 2026.

About 4,700 people did military service last year, women only on a voluntary basis, and usually for four months.

The plans have yet to be made law, with negotiations set to take place between parties in the coming weeks, but in June last year a broad majority in the *Folketinget* – the Danish parliament – agreed with a defence settlement specifying greater equality in conscription.

The defence department said its armed forces needed a “historic strengthening” that required a rethink of the conscription model amid growing concerns over Europe’s defence capabilities in the face of Russian aggression.

Denmark’s defence minister, Troels Lund Poulsen, said: “Unfortunately, the security policy situation in Europe has become more and more serious, and we have to take that into account when we look at future defence. A more robust conscription, including full gender equality, must contribute to the armed forces’ task resolution, national mobilisation and to manning our armed forces.”

He added: “It is absolutely crucial that we get a more robust conscription in Denmark when we have to build up the Danish defence. Therefore, a broader basis for recruiting that includes all genders is needed.”

Under the new 11-month conscription model, announced on Wednesday, conscripts will be given five months of basic training before spending six months in operational service across the army, air force and navy, during which they will also have training.

At the moment, all physically fit men over the age of 18 in Denmark, which has a population of just under 6 million, can be called up for military service. Because enough men do so voluntarily, there is a lottery system that means not all of them have to serve.

In 1998, women were permitted for the first time to serve military service on a voluntary basis.

Flemming Lentfer, the chief of defence, said conscription expansion was a “necessary foundation” for strengthening Denmark’s armed forces’ combat power.

“In the armed forces, we support all initiatives that can expand our recruitment base and increase diversity. Here, a higher degree of equality between the sexes is both necessary and desirable,” he said.



2.14. ESTONIA

[\[See country page on EBCO website\]](#)

Conscription currently imposed?	Yes		
Conscientious objection first recognised	1991	Constitution, Article 124. Military Service Act, 1994.	
Current provisions			
Duration	Military service		Civilian service (% of military)
	8 months 11 months in some cases		12 months (150%)
CO release of professional soldiers	–		No release during a state of emergency.
Minimum recruitment age	18		
Population	Total	% males 15-19	Thus approx. annual cohort reaching 18
	1,203,000	2.8	6,737
Armed forces	Total strength	Of which conscripts	Compared to annual cohort above
	7,200	3,500 (48.6%)	105.4% (conscripts 52%)
Military expenditure	\$ (% change from 2022)	Per capita	% of GDP
	\$1,189m (+45.4%)	\$899.1	2.9%

Current situation & recent developments

The standard military service duration has been 8 months, but in some specific units and tasks 11 months, depending on the education and position provided by the Defence Forces. In May 2023, the newly elected government coalition made a decision to make the 11 month long service the new standard length. This does not affect the annual target number of conscripts, set at 4,000.⁸³ Nor should it change the 12-month duration of the alternative civilian service for conscientious objectors, which would remain marginally longer.

⁸³ Government extends general conscription term to 11 months. (04.05.2023). Eesti Rahvusringhääling. <https://news.err.ee/1608967162/government-extends-general-conscription-term-to-11-months>



The coalition agreement of the new government also states that the length of the military service can be extended to as much as two years in circumstances when deemed necessary. However, the Estonian Defence Force does not have concrete plans to introduce this longer service. The conscription law already allows the government to extend the maximum length of the service from 11 months to 12 months.⁸⁴

In Autumn 2023, some defence experts made a suggestion of establishing a new civilian defence service to better involve the civilian population in crisis preparation. The idea got support from some key members of the parliament, with the note that the suggestion also requires more detailed consideration about its differences to the already existing alternative service system for conscientious objectors.⁸⁵

⁸⁴ Estonian Defense Forces have no concrete plans to extend military service. (17.04.2023). Eesti Rahvusringhääling. <https://news.err.ee/1608950407/estonian-defense-forces-have-no-concrete-plans-to-extend-military-service>

⁸⁵ Reform, Center leading MPs: Civil defence concept merits discussions. (28.11.2023). Eesti Rahvusringhääling. <https://news.err.ee/1609178194/reform-center-leading-mps-civil-defense-concept-merits-discussion>



2.15. FINLAND

[\[See country page on EBCO website\]](#)

Conscription currently imposed?	Yes		
Conscientious objection first recognised	1931	Alternative Service Act of 4th June	
Current provisions			
Duration	Military service	Civilian service (% of military)	
	165 days 255 or 347 days in some roles	347 days for all (209%)	
CO release of professional soldiers	–	No specific provisions	
Minimum recruitment age	18		
Population	Total	% males 15-19	Thus approx. annual cohort reaching 18
	5,615,000	2.8	31,444
Armed forces	Total strength	Of which conscripts	Compared to annual cohort above
	23,850	16,050 (67.3%)	75.8% (conscripts 51.0%)
Military expenditure	\$ (% change from 2022)	Per capita	% of GDP
	\$7,348m (+65.3%)	\$1,325.2	2.4%

Current situation & recent developments

Feedback from organisations

As reported by EBCO's Finnish member, AKL (Aseistakieltäytyjäliitto - the Finnish Association of Conscientious Objectors)⁸⁶:

In 2023, there were 1,954 applications to perform non-military service, which is similar to that in most recent years, but a considerable decrease on the record 2,418 applications in 2022. There were 30 prosecutions because of refusal to perform non-military service in 2022 (total objectors). These

⁸⁶ More info about the organisation at: <https://akl-web.fi/en>



normally resulted in a sentence of imprisonment (which could take the form of house arrest monitored by an electronic bracelet. In 2023 EBCO wrote letters in support of Mitja Jakonen, an active member of AKL, who faced such a prosecution,⁸⁷ and subsequently, when he was sentenced to 98 days house arrest, organised demonstrations in support of him.⁸⁸ The number of prosecutions for refusing military service (another way to total objection) is currently unknown.⁸⁹

In addition to non-military service and total objection, during 2023 1,651 reservists declared conscientious objection by sending an application to perform a five-day supplementary service under the command of the Non-military Service Centre. This was the second highest number of applications in history, following the 3,815 applications the previous year. In February 2024, the Finnish defence minister Antti Häkkinen told the public about his intention to find a legal way to stop the reservist objection possibility – thereby launching a new flood of applications to perform supplementary service.⁹⁰ Currently it is unclear whether Häkkinen's idea will proceed to a concrete legislative proposal.

UN Human Rights Council: As reported in the 2022/3 Report, the issue of conscientious objection came up in the Universal Periodic Review of Finland, with no fewer than five States making recommendations.

In the Human Rights Council session in March 2023 where the report on the review was adopted, Jyry Virtanen of AKL was able to take the floor in the name of the International Fellowship of Reconciliation, and encouraged the government to comply with international standards.⁹¹ In the debate, Finland stated that the recommendation to inform the public about the right to refuse military service and extend this possibility to alternative military service would be considered in connection with a possible call-up reform. We will be watching future developments with concern.

After the 2023 parliamentary election in Finland 2023, In the programme⁹² published by the new government coalition following the 2023 election, led by prime minister Petteri Orpo , there is no reference to the problems that the United Nations human rights bodies have found in treatment of Finnish conscientious objectors. Instead, it outlines plans to develop the conscription system and extend call-ups to the entire age group, "in line with the report of the parliamentary working group". In addition, "The Government will utilise the report of the parliamentary working group to develop non-military service and link it more clearly to the comprehensive security model."

⁸⁷ <https://ebco-beoc.org/node/583>

⁸⁸ <https://ebco-beoc.org/node/598>

⁸⁹ Aseistakieltäytyjäliitto. (23.1.2024). Reservinkieltäytyjien määrä kaikkien aikojen toiseksi suurin vuonna 2023. <https://akl-web.fi/fi/posts/lehdistotiedote-reservinkieltaytyjien-maara-kaikkien-aikojen-toiseksi-suurin-vuonna-2023>

⁹⁰ Reserve resignations surge after defence minister's remarks. (04.02.2024). Public broadcasting of Finland (Yle). <https://yle.fi/a/74-20072900>

⁹¹ IFOR speaks at the UN on the right to conscientious objection to military service in Finland. (27.03.2023). <https://www.ifor.org/news/2023/3/30/ifor-speaks-at-the-un-on-the-right-to-conscientious-objection-to-military-service-in-finland>

⁹² A strong and committed Finland. Programme of Prime Minister Petteri Orpo's Government: <https://valtioneuvosto.fi/en/governments/government-programme#/>



The report of the parliamentary working group referred to had been published on 26th November 2021.⁹³ The Committee's proposals, some of which might have deleterious effects for conscientious objectors if implemented, include:

- to reshape the non-military service's training period with preparedness and disruption controlling contents;
- to primarily have service positions which are liable for preparedness and are essential in comprehensive security;
- to serve in assisting comprehensive security tasks that support anticipation and preparedness; - to enable non-military servicemen's mutual administrative support;
- to enable the usage of the reserve of non-military servicemen also during times of crises other than of a military nature;
- to launch complementary training for non-military servicemen to use in different readiness states and
- to reject recognition of already performed service days when applying to transfer to non-military service from military service.

⁹³ The conclusion of the Parliamentary Committee: <https://julkaisut.valtioneuvosto.fi/handle/10024/163633>



2.16. FRANCE

[\[See country page on EBCO website\]](#)

Conscription currently imposed?	No	Suspended 1997 under Law 97-1019 Last conscripts demobilised 2001 Conditions for reinstatement unclear.	
Conscientious objection first recognised	1963	Act No 1255/63 of 21 st December.	
CO release of professional soldiers	–	No specific provisions	
Minimum recruitment age	18		
Population	Total	% males 15-19	Thus approx. annual cohort reaching 18
	68,236,000	3.1	423,063
Armed forces	Total strength	Of which conscripts	Compared to annual cohort above
	203,850	-	48.2%
Military expenditure	\$ (% change from 2022)	Per capita	% of GDP
	\$61,301m (+14.3%)	\$946.6	2.1%

Current situation

With the end of conscription in 1997, France introduced into the secondary school an obligatory “day of preparation for national defence”, subsequently renamed “day of defence and citizenship”, the primary purpose of which was to introduce pupils to the armed forces and to encourage them to think about military enlistment. This continues; failure to attend means ineligibility for the baccalaureat at the end of education; there is no provision for conscientious objection.

During the presidential campaign of 2017, a new element emerged when Emmanuel Macron as candidate proposed the re-establishment of a national service in the armed forces and the gendarmerie, which would create against a time of crisis a “mobilisation reservoir supplementary to the National Guard.” This was subsequently elaborated as a *Service National Universel* or *SNU* (Universal National Service) which would be obligatory for all young people, male and female, between the ages of 15 and 17.

In 2019, the first 2,000 volunteers in thirteen departments took part in the pilot for the first part of the scheme, a *sejour de cohesion* (summer camp) of twelve days spent in uniform, and featuring



activities such as daily raising of the flag, singing of the Marsellaise and parade ground drills. The second part is a placement of not less than 84 hours of service in the public interest, including in voluntary organisations, the police, the gendarmerie, the fire service, civil defence and the armed forces; a third, apparently non-obligatory, element is a period of six to twelve months paid service to be undertaken between the ages of 18 and 25 in the same areas. Some of this, for example “civil service” caring for the disabled, would incorporate voluntary programmes which are already in existence; others would where relevant entail becoming a full member of the armed forces, albeit on a temporary basis.

COVID caused the cancellation of the programme planned for 2020, however in 2021, 14,650 young people took part, a number rising to 32,000 in 2022 and 60,000 in 2023, still however only a fraction of the 800,000 or so per annum who would be involved were it to become compulsory.

At one stage, there was talk of making the scheme compulsory from 2024, but widespread opposition and legal and logistical problems have delayed this.

The Collective “*NON au SNU*” REF was founded on 24th May 2019 bringing together some forty associations, trade unions, political parties, youth movements, neighbourhood groups etc. It denounced the SNU as representing the repression of youth, a threat to workers rights, a waste of money and a reinforcement of militarisation. Another initiative, *Jeunesses Citoyennéte Emancipation*⁹⁴ was founded in advance of the 2022 elections by a number of educational, human rights and youth groups to promote an alternative programme for youth, crucially without the obligatory and military aspects of the SNU. Meanwhile, a Senate committee which reported on 8th March 2023⁹⁵ pointed out the logistical difficulties and enormous cost of “generalising” the scheme; the latest suggestion, by Prime Minister Gabriel Attal on 30th January 2024 is therefore that this will take place with effect from the beginning of the 2026 academic year.⁹⁶ (Liberation, 30th January) Another aspect which the voluntary pilot schemes do not address was the likelihood of a high refusal rate in an obligatory programme. It is not yet clear what the consequences of refusal will be.

Because of the target age range, the SNU cannot be defined as military service. Nevertheless somehow it aspires to use its link with national defence and the military to evade the International Labour Office’s definition of forced labour, embodied in Article 4 of the European Convention on Human Rights, to which the only permitted exceptions are work performed as part of a penal sentence or military service (including alternative civilian service for conscientious objectors).

Meanwhile, it undeniably represents a reimposition of a form of conscription, and given the overtly militaristic nature of the concept, and many of the actual placements, some provision for conscientious objection would clearly be appropriate; the fact that civilian options are available is an unfortunate muddying of the issue; it does not render service in military units truly voluntary.

EBCO will continue to watch with concern the development of the scheme, particularly the manner in which its erosion of the distinction between military and civilian service operates to sideline and weaken the right of conscientious objection to military service.

⁹⁴ <https://www.concordia.fr/wp-content/uploads/2022/03/4-pages-SNU-v2.pdf>

⁹⁵ Baissat, B. “Le SNU: serait-il bientôt obligatoire?”, Cahiers de la réconciliation 2-23, pp. 25-29

⁹⁶ Liberation, 30th January, 2024



2.17. GEORGIA

[\[See country page on EBCO website\]](#)

Conscription currently imposed?	Yes		
Conscientious objection first recognised	1992	Military Service Act, Article 12.	
Current provisions			
Duration	Military service		Civilian service (% of military)
	12 months		18 months (150%)
CO release of professional soldiers	–		No specific provisions
Minimum recruitment age	18	Admission to Military Technical School from 16	
Population*	Total	% males 15-19	Thus approx. annual cohort reaching 18
	4,627,000	2.6	24,060
Armed forces	Total strength	Of which conscripts	Compared to annual cohort above
	20,650	4,350 (21.1%)	85.8% (15.8%)
Military expenditure	\$ (% change from 2022)	Per capita	% of GDP
	\$505m (+40.0%)	\$135.4	1.7%

* The population figure above has been adjusted to allow for the two secessionist areas which are outside the control of the government, Abkhazia and South Ossetia, combined population about 300,000. Both maintain their own armed forces, quite apart from the Russian troops stationed there, and impose conscription without any provision for conscientious objectors, but we have no further details.

Current situation & recent developments

Feedback from organisations

As reported by EBCO's Georgian member, Act for Transformation⁹⁷:

⁹⁷ More info about the organisation at: <https://act4transformation.net/>



After a long parliamentary discussion, Georgia adopted a new defence directive in September, which primarily regulates the duration and structure of military service. The new law is primarily in response to the practice of the Girchi Party, which in recent years has enabled young men to avoid military service by granting them easy access to the status of priests. The conservative parties and the Orthodox Church saw this as a scandal that they wanted to eliminate.

Military service is compulsory for young men in Georgia between the ages of 18 and 27. Around 30,000 soldiers serve in the Georgian army and there are 120,000 reservists who are regularly called up for military exercises. Every year around 4,000 conscripts are drafted. The new law applies from January 1, 2025. The length of compulsory military service will be shortened. Instead of serving 12 months, recruits will serve in one of three shorter programs: 6 months service in a combat unit; 8 months service in the security subdivision; 11 months service in junior command positions and designated specialty areas.

From January 1, 2024, responsibility for registering and mustering young men will be transferred to the military authorities. Previously this was in civilian hands at the regional administration. The process is to be digitalized so that no one can avoid being recorded. There will no longer be any exemption from military service for students, who are required to take part in a one-month basic training course during the summer holidays. They can then have their military service deferred for four years if they are 23 years old or younger. The fee for deferring the call-up will be increased from 2,000 GEL to 10,000 GEL (around 3,500 euros). Only a one-time deferral of one year is possible. Previously, you could defer your service twice by 18 months. With an average wage in Georgia of around 500 euros, it is clear that most young men can no longer afford this fee. Only rich families can buy an exemption.

Another important change is the abolition of the exemption for priests. The Girchi Party had founded a religious association and formed small "communities," for which they issued the young men certificates as priests. In recent years, around 3,500 men have thus obtained exemption from compulsory military service, some figures say 30,000. Girchi ("fir cone") is a libertarian political party that advocates for individual rights and freedoms and opposes conscription. On March 11, 2023, Girchi organised a large-scale public protest against the government's attempts to expand conscription.

This possibility should now be prevented in the future. At first it was said that all young men who were priests would now have to do military service. The Round Table of Religions was repeatedly assured that this would also apply to Orthodox priests and that they would not receive any privileges, but in the end, an exception was made for Georgian Orthodox priests who remain exempt from military service. With immediate effect, the clergy of other religious communities become liable for alternative civilian service, as have Jehovah's Witnesses in the past. The duration of community service will be longer than that of military service - 18 months until January 1, 2025 and 12 months thereafter. It may be noted that the duration thus increases from one-and-a-half times to twice the minimum duration of military service.

According to the new law, performing alternative civilian service replaces the fulfilment of compulsory military service. Civilians who refuse military service as an expression of the right to freedom of conscience, thought and religion can be called upon to perform civilian alternative service



in peacetime. The state commission determines the nature and place of such service in coordination with civil organisations. The place of residence should be taken into account here. Community service serves the common good and there are positions in the emergency services and fire brigade, in the environmental sector or in construction and construction companies, as well as in agricultural businesses. In the social sector, this can contribute to the care of older people, people with disabilities, the homeless and other socially disadvantaged people.

However, the implementation of a civilian alternative service has not yet taken place in practice. An exact number of deployment locations and people doing community service cannot be found. The Ministry of the Environment is actually responsible for this, probably with regard to environmental protection sites. But there is neither a registration of deployment sites nor any known statistics about people doing community service. There are also no openly known cases of criminal proceedings. The criminal prison sentences primarily concern soldiers who were absent from duty without permission. Objectors who have applied for community service have not yet been imprisoned.



2.18. GERMANY

[\[See country page on EBCO website\]](#)

Conscription currently imposed?	No	Suspended 2011 under Act Amending the Law on Military Service (BT-Drs 17/2841) Could be reinstated in time of war.	
Conscientious objection first recognised	1949	Grundgesetz Article 4 Law on Military Service, 1956	
CO release of professional soldiers	Yes	Kriegsdienstverweigerergesetz applies equally to conscripts and professional soldiers. However in some circumstances release may bear a financial penalty.	
Minimum recruitment age	17	For voluntary service	
Population	Total	% males 15-19	Thus approx. annual cohort reaching 18
	84,220,000	2.3	387,412
Armed forces	Total strength	Of which conscripts	Compared to annual cohort above
	181,000	-	46.1%
Military expenditure	\$ (% change from 2022)	Per capita	% of GDP
	\$66,827m (+19.0%)	\$802.3	1.5%

Current situation & recent developments

Conscientious objection: The German law on conscientious objection (*Kriegsdienstverweigerungsgesetz*) is that it always applied to serving members of the armed forces as well as to conscripts. Therefore it remained in force and continued to be applied when conscription was suspended in 2011, although subsequently the majority of new applications predictably came from serving soldiers.

As shown in last year's EBCO Report, a dramatic change took place in 2022, and this continued in 2023. For the second year, the largest number of applications came from "non-conscripts" (*ungediente*) – persons with no military experience. According to the information given by the Ministry of Defence in August 2023 the *Bundeswehr* – the armed forces – registered up to July 31st 2023 a total of 856 applications for conscientious objector status. In detail 462 applications were



filed by non-conscripts, 300 by reservists and 94 by serving soldiers. By December, according to the same source, there had been a total of 1,609 applications, a mere 178 of them from serving soldiers⁹⁸ What is remarkable is the number of “non-conscripts”. These are persons who under the current arrangements should not expect ever to face the requirement to perform military service, but who have chosen to make sure that they are listed as conscientious objectors in advance of this ever happening. In order to apply, they must first go through the medical examination and be passed fit for military service; the 462 represent only those who have passed this preliminary hurdle; they typically wait a long time for their applications to be processed. Anticipating any significant public debate about the reintroduction of conscription, their number indicated there is considerable fear that following the war in Ukraine that this had become a real possibility. And indeed Defence Minister Pistorius in March 2024, quoting the security situation and a shortfall of 22,000 soldiers, instructed his ministry to “present options for a German military service model that is adapted to the threat and can also make a scalable contribution to national resilience in the short term”.⁹⁹

By no means all applications are finally successful; data up to the end of May (when most were still in the course of processing) showed that 61 had been accepted, 31 rejected – six for incompleteness and 16 for inadmissibility; five had been the subject of appeals to the administrative courts. No fewer than 210 had been withdrawn. The data is not disaggregated, nor is any further information given about reasons for rejection.¹⁰⁰ A major problem for soldiers who apply as conscientious objectors is the delay in processing applications. Soldiers are still forced to remain in their military unit after they have submitted their application for release on grounds of conscience. The time they have to spend in an atmosphere of pressure and social exclusion may last 9 to 12 months. It is not uncommon for the recognition authority (the Federal Office for Family and Civil Society - BAFzA) to report back doubts or questions about the applicant's reasons. The period is also considerably extended if a refuser who has been rejected by the BAFzA has to initiate legal appeal proceedings.

Juvenile recruitment: The Bundeswehr recruited 1,996 underage soldiers in 2023¹⁰¹, an increase compared to 2022 (1,779), and the highest proportion since counting began in 2011. This included 315 girls. The proportion of minors was 10.6% in 2023, compared with 9.4% the previous year. Recruitment under the age of 18 can take place only with parental consent and is usually for a period of voluntary service of between 7 and 23 months. The first six months are a probationary period during which the service relationship can be terminated by either party at any time. From a commitment period of twelve months, those doing voluntary military service are required to be willing to take part in Bundeswehr missions abroad unless they are doing their voluntary military service in homeland security. The December 2021 coalition agreement of the German government included an undertaking that “Training and service at arms are reserved for soldiers of full age,” however there were no substantive moves in 2023 towards implementation of the 2022 recommendations of the UN Committee on the Rights of the Child on the subject of juvenile recruitment (see [EBCO Report 2022/3, p18](#)).

⁹⁸ <https://www.bundeswehr.de/de/organisation/personal/-aktuelles/faktencheck/kdv-antraege-5647366>

⁹⁹ <https://www.spiegel.de/politik/deutschland/bundeswehr-boris-pistorius-plant-wehrdienstmodell-fuer-deutschland-bis-2025-a-a3ad74ba-b8c1-47e8-949a-6aef54bddab4>

¹⁰⁰ <https://dserver.bundestag.de/btd/20/078/2007858.pdf>

¹⁰¹ <https://www.welt.de/politik/deutschland/article249887808/Bundeswehr-Anteil-minderjaehriger-Rekruten-steigt-auf-Rekordhoch.html>



2.19. GREECE

[\[See country page on EBCO website\]](#)

Conscription currently imposed?	Yes		
Conscientious objection first recognised	1997	Law No. 2510/97	
Current provisions			
Duration	Military service		Civilian service (% of military)
	9 months 12 months in some cases depending on location of posting		15 months (167%) There is a complicated tariff of shorter service periods depending on family circumstances – the ratio of civilian service duration being even higher
CO release of professional soldiers	Not permitted		
Minimum recruitment age	18		
Population	Total	% males 15-19	Thus approx. annual cohort reaching 18
	10,498,000	2.9	60,888
Armed forces	Total strength	Of which conscripts	Compared to annual cohort above
	132,200	47,400 (35.9%)	217.1% (conscripts 77.8%)
Military expenditure	\$ (% change from 2022)	Per capita	% of GDP
	\$7,730m (-11.6%)	\$747.5	3.2%

Current situation & recent developments

As reported by Georgios Karatzas:

Double-edged judgements of the Council of State: In December 2023 the Council of State, the Supreme Administrative Court of Greece announced the judgements in three cases concerning conscientious objectors to military service. All three cases were examined by a composition of 7 judges (instead of usually 5), due to their importance.



The first judgement (2262/2023) concerned the issue of the length of alternative civilian service. Five applicants for conscientious objector (CO) status and for performing alternative civilian service had lodged an appeal in December 2019 against the joint ministerial decision of October 2019 of the Ministers of National Defence, and of Finance,¹⁰² to increase (for the first time in Greek history) the length of the alternative civilian service, for all categories of full and reduced service. By this ministerial decision, the length of the alternative civilian service, for those liable to full service, was increased from 12 to 15 months, in comparison to 9 months (by that time) of military service in the Army, where the vast majority of conscripts serve, (i.e., 67% longer), and 12 months of military service in the Navy and the Air Force.

In essence, the appealed ministerial decision, by the ministers of the then recently elected government, annulled a decision¹⁰³ of the Minister of National Defence of the previous government, who, only 4 months earlier, and a few days before the elections, had reduced the length of alternative service for all categories of full and reduced service (e.g., for those liable to full service from 15 to 12 months). Therefore, the contested joint ministerial decision reinstated the previous length of alternative service.

The Council of State, by majority of 4 to 3, rejected the appeal against the joint ministerial decision which increased the length of alternative service. Firstly, the court found that the legislative provision (which stipulates that the length of alternative service is double the length of military service, but it can be reduced by decision of the Minister of National Defence, albeit without becoming less than the maximum length of military service among the three branches of the armed forces – i.e., usually not less than the military service in the Navy and the Air Force) is “constitutionally tolerable”. The court also found that the contested ministerial decision which increased the length of alternative service was lawful and that the length of alternative service has not become punitive. The majority of the Council of State found that it is not necessary for the administration (i.e., the Ministers) to provide the reason for such decision to increase the length of alternative service. Nevertheless, the court itself provided its own reasons as for why the length of alternative service can be greater than the length of military service. Interestingly, the court found, *inter alia*, that a greater length of alternative service can be used to verify the sincerity of conscientious objection. However, this contradicts the repeated jurisprudence of the Human Rights Committee that testing the sincerity of an individual's convictions does not satisfy the requirement that the difference in treatment (i.e., the difference of length between the alternative and the military service) is based on reasonable and objective criteria.¹⁰⁴

¹⁰² Joint Ministerial Decision of the Ministers of National Defence and of Finance Φ.421.4/7/228631/Σ.6400/24.9.2019, published in Official Journal Vol. B 3697, 4 October 2019.

¹⁰³ Decision of the Minister of National Defence Φ.421.4/4/216913 Σ.4045/13.6.2019, published in Official Journal Vol. B 2477, 24 June 2019.

¹⁰⁴ Human Rights Committee, Views on Communication No 666/1995, Frédéric Foin v. France, (CCPR/C/67/D/666/1995), 9 November 1999, para. 10.3.

Human Rights Committee, Views on Communications No. 690/1996 & 691/1996, Marc Venier and Paul Nicolas v. France, (CCPR/C/69/D/690/1996 & 691/1996), para. 10.4.



Worth also noting that:

- The court cited briefly international law and standards, including reference to Human Rights Committee's Concluding Observations for several states, as well the European Committee of Social Rights (ECSR)'s decision on the collective complaint No. 08/2000 of the Quaker Council for European Affairs (QCEA) v. Greece.¹⁰⁵ However, the Council of State only cited as examples of punitive ratio of alternative / military service those of 1.7, 1.75 or 2. This is despite the fact that the Human Rights Committee's Concluding Observations for Greece,¹⁰⁶ cited in the judgement, concerned a ratio of 1.67 (and in fact, the exact same ratio as the one examined by the Council of State in this case); the ECSR's acceptable standard is no more than 1.5; and the cited Human Rights Committee's Concluding Observations for Austria concerned a ratio of 1.5,¹⁰⁷ for which the Committee noted that it could be punitively long if not based on reasonable and objective grounds, referring to articles 18 and 26 of ICCPR.¹⁰⁸
- Despite explicitly citing as punitive ratios those of 1.7, 1.75 or 2, the majority of the court found the current legislative provision "constitutionally tolerable". Only one of the judges had a dissenting opinion that the legislative provision stipulating that the conscientious objectors are obliged to perform an alternative (civilian) service of double length in comparison to the length of the military service, is punitive and discriminatory, citing articles 9 of ECHR and articles 8 and 18 of ICCPR and concluding observations of the Human Rights Committee. She also opined that the fact that the Minister of National Defence has the right to reduce the length of alternative service down to equal to that of (the maximum) military service, is not sufficient to make the legislative provision compatible with the aforementioned provisions of international law, insofar it is at the discretion of the Minister of National Defence.
- Three of the judges, including the President of the relevant section, who is also one of the Vice-Presidents of the entire Council of State, had a dissenting opinion, arguing that the Minister of National Defence should provide the reason for such decision to increase the length of alternative service, which was lacking in this case.

Finally, worth noting the delay in issuing the judgement. The judgement was issued 4 years after lodging the appeal, which means that it was probably too late anyway to have any effect for those who lodged it. Furthermore, the circumstances have already been altered, insofar the length of the full military service in the Army has been already, since March 2021, increased too, albeit for different reasons, from 9 to 12 months, making it equal to the length in the Navy and the Air Force, and three months shorter than the length of full alternative civilian service.

¹⁰⁵ https://www.coe.int/en/web/european-social-charter/processed-complaints/-/asset_publisher/5GEFkjmH2bYG/content/no-8-2000-quaker-council-for-european-affairs-qcea-v-greece

¹⁰⁶ UN Human Rights Committee, Concluding observations on the second periodic report of Greece, 3 December 2015, CCPR/C/GRC/CO/2, paras. 37-38. Available at <https://undocs.org/CCPR/C/GRC/CO/2>

¹⁰⁷ UN Human Rights Committee, List of issues in relation to the fifth periodic report of Austria, Addendum, Replies of Austria to the list of issues, (CCPR/C/AUT/Q/5/Add.1), 4 August 2015, para. 139. Available at <https://undocs.org/CCPR/C/AUT/Q/5/Add.1>

¹⁰⁸ UN Human Rights Committee, Concluding observations on the fifth periodic report of Austria, (CCPR/C/AUT/CO/5), 3 December 2015, paras. 33-34. Available at <https://undocs.org/CCPR/C/AUT/CO/5>



The other two judgements (2263/2023, 2264/2023) concerned appeals against rejection of applications for CO status by the Minister of National Defence, following recommendation by the Special Committee examining applications. Both cases concerned applicants having ideological pacifist beliefs originating from the fact that they have been raised in families of Jehovah's Witnesses, although they are not Jehovah's Witness themselves. Both cases have been highlighted by international organisations including EBCO.¹⁰⁹

In both cases, the court accepted the appeals and annulled the ministerial decisions of rejection as insufficiently substantiated. The court ordered the re-examination of their applications.

Both judgements have positive, negative, and double-edged aspects.

As for the positive aspects:

- In an important shift to its previous jurisprudence, the Council of State ruled that: a) it is not necessary for the conscientious objection to derive from affiliation to a *specific* religious or other system, b) it is not necessary to be combined with relevant *activity* or *specific actions*.
- Furthermore, the court pointed out that the fact that the applicants stated that they were not Jehovah's Witnesses, despite being easier to be granted CO status if you are, could also be perceived as evidence of sincerity. This could facilitate, in the future, the recognition of applicants from this specific sub-group (people raised in JWs families without being themselves).

As for the negative aspects:

- The Council of State explicitly rejected as unfounded all the structural arguments, concerning independence and impartiality, against the current procedure for granting CO status. More specifically, it found that the participation of a military officer of the Joint Legal Corps of the Armed Forces in the 5-membered Special Committee examining the applications poses no problem as for the independence of such committee, citing the reduction of military members, (from 2 to 1), and the increase of civilian members, (from 3 to 4), of the committee following an amendment of the legislation in 2019. It further found that the special roles of such military officer, being both the rapporteur as well the secretary of the committee, also does not pose a problem, considering them not of decisive importance. It also noted the role of the committee to make only a recommendation – even though it was the composition of the committee which was crucial in the *Papavasilakis v. Greece* case at the ECtHR.
- Similarly, the court found that the Minister of National Defence, who takes the decision, does not participate in the procedure as a "military" person but rather as a member of the government responsible for the execution of this sector of the governmental policy which is exercised according to the Constitution and the law, including the "protective" provisions for conscientious objectors, which the Minister, by duty, needs to embrace and implement. Therefore, the court concluded that there is no problem of independence and impartiality!

¹⁰⁹ <https://ebco-beoc.org/node/509>, <https://ebco-beoc.org/node/525>



The above rulings of the Council of State clearly contradict various international human rights standards, including, but not limited to, the recommendations of the Commissioner for Human Rights of the Council of Europe,¹¹⁰ the Special Rapporteur on freedom of religion or belief,¹¹¹ the concluding observations of the Human Rights Committee, to “consider placing the assessment of applications for conscientious objector status under the full control of civilian authorities”,¹¹² and the observations and recommendations of OHCHR.¹¹³

- The Council of State appears to introduce an extremely limited concept of conscientious objection which requires the objector to detest with “moral intensity and seriousness any form of violence without exception”! This is a requirement which is not even explicitly mentioned in the Greek legislation (some requirements related to violence, which are anyway rejected, in part or in whole, by the OHCHR¹¹⁴ or organisations such as Amnesty International,¹¹⁵ are only referring to the use of guns, ammunition and *illegal* violence). Furthermore, such concept of conscientious objection limited only to absolute non-violence clearly contradicts international standards about selective conscientious objection.¹¹⁶

Finally, the concept introduced in all three judgements, that the greater length of alternative service, in comparison to that of military service, constitutes evidence of sincerity, is double-edged. On the one hand, it is a strong argument that can be used by applicants, and it is expected to facilitate granting of conscientious objector status. But on the other hand, not only it contradicts the jurisprudence of the Human Rights Committee, as explained above, but it is expected to undermine the longstanding efforts of conscientious objectors to address discrimination and to achieve an alternative civilian service of equal length to that of military service.

¹¹⁰ Report by Mr. Alvaro Gil-Robles, Commissioner for Human Rights, on his visit to the Hellenic Republic, 2-5 June 2002, CommDH(2002)5, para. 18.

¹¹¹ UN Economic and Social Council, Commission on human rights, Civil and political rights, including the question of religious intolerance, Addendum, Summary of cases transmitted to Governments and replies received, E/CN.4/2006/5/Add.1, 27 March 2006, para. 139. Available at: <https://undocs.org/E/CN.4/2006/5/Add.1>

UN Special Rapporteur on freedom of religion or belief, [Communication GRC 3/2016](#), 31 October 2016, p. 6.
UN Special Rapporteur on freedom of religion or belief, [Communication GRC 3/2019](#), 11 July 2019, p 5 (see also p.2).

¹¹² UN Human Rights Committee, Concluding observations on the second periodic report of Greece, (CCPR/C/GRC/CO/2), 3 December 2015, paras. 37-38. Available at <https://undocs.org/CCPR/C/GRC/CO/2>

¹¹³ OHCHR, Approaches and challenges with regard to application procedures for obtaining the status of conscientious objector to military service in accordance with human rights standards, (A/HRC/41/23), 24 May 2019, paras. 7, 36 (note 47), 38 (note 49), 41. Available at: <https://undocs.org/A/HRC/41/23>

¹¹⁴ Ibid. paras. 46-47.

¹¹⁵ Amnesty International, Greece: Application procedures for obtaining the status of conscientious objectors to military service in accordance with human rights standards, 17 December 2018, Index Number: EUR 25/9575/2018, Part B. Formal requirements and conditions resulting in disqualification. Available at: <https://www.amnesty.org/en/documents/eur25/9575/2018/en/>

¹¹⁶ E.g. UNHCR, *Guidelines on International Protection No. 10*, HCR/GIP/13/10/Corr. 1, 12 November 2014, p. 1, available at: <https://www.unhcr.org/publications/legal/529efd2e9/guidelines-international-protection-10-claims-refugee-status-related-military.html>



Boycott of the “conscience examination committee” and undue intervention of the Recruiting Service: In March 2023, several conscientious objectors from Greece issued a renewed call to boycott the special committee examining applications for conscientious objector (CO) status, commonly called “conscience examination committee”. In their call, they cited inter alia, the international and regional human rights standards on the procedures for granting CO status, which are violated in the case of Greece, as well the fact that the percentage of recognition of applicants on ideological (non-religious) grounds dropped to 0% in 2021 according to official figures.¹¹⁷ While insisting on the long-standing opinion of conscientious objectors, supported by European Parliament resolutions, that no committee can examine their conscience, they called for fellow conscientious objectors to refuse to be examined by the “conscience examination committee” at least until some minimum standards are followed, i.e. the removal of the procedure from the Ministry of National Defence, which means that the Minister of National Defence should not take the decision for CO status, and that no military officers should participate in the committee examining the applications.¹¹⁸

Around the same days, a conscientious objector on ideological grounds publicly refused to be examined by the “conscience examination committee”.¹¹⁹ Initially, his application, despite being well substantiated, was rejected by the Minister of National Defence after recommendation of the special committee. He submitted an administrative appeal (“aitisi therapeias”), providing further information and documentation about his conscientious objection to military service, but also pointing out, inter alia, several misconceptions, contradictions, procedural errors and legislative flaws, constituting violations of the law.

Worth noting that the Recruiting Service of Attica, which also received the administrative appeal, unduly intervened in the essence of the case, stating in a letter to the Directorate of Legal Corps of the Hellenic National Defence General Staff that: “The Service is of the opinion that the present application should be rejected, since it is not inferred from the submitted documentation that the claimed reasons of conscience are derived from some specific ideology philosophical, religious or political which impede him to fulfil his military obligations in arms”.¹²⁰ It is not known whether this is a standard practice of the Recruiting Services or not, but in any case it constitutes a flagrant violation of international human rights law and standards, as well the Greek legislation, insofar a purely military body, which is not even responsible for such recommendations, recommends the rejection of an application for CO status, not even on some procedural, but purely on substantive grounds.

The conscientious objector was summoned again before the same special committee which had examined his initial application. This time, he appeared before the committee, but insisted on his refusal to be examined, submitting only further documents. This time, the committee unanimously recommended granting CO status, which the Minister of National Defence actually did.

¹¹⁷ For details, see EBCO Annual Report 2022/23, p. 41.

¹¹⁸ Call by conscientious objectors to boycott the “conscience examination committee”, published on 8 March 2023. Available in Greek [here](#).

¹¹⁹ Nikolaos Nikolopoulos, Declaration of refusal to be examined by the “Special Committee”, published on 9 March 2023. Available in Greek [here](#).

¹²⁰ Recruiting Service of Attica, Φ.429.39/15/15760/Σ.6797, 19 June 2023.



CO status statistics for 2023: Following a request by conscientious objector Nikolaos Nikolopoulos, the Hellenic National Defence General Staff provided the following statistics as of the applications for CO status, as well as for administrative appeals (*aitisi therapeias*) against rejections, for 2023:¹²¹

Statistics of applications for conscientious objector status in 2023

Category	Examined	Approved	Rejected
Ideological beliefs	4	1	3
Religious beliefs	83	79	4
TOTAL	87	80 (among them 1 reservist)	7

Statistics of administrative appeals on applications for CO status in 2023

Category	Examined	Approved	Rejected
Ideological beliefs	2	1	1
Religious beliefs	0	0	0
TOTAL	2	1	1

The statistics reveal the continuation of the chronic problems, especially as for the discrimination based on different grounds of conscientious objection, with the Minister of National Defence and the Special Committee rejecting 75% of applications which cited ideological beliefs.

Trial in military court and arrest of a total objector: According to information from his lawyer, in October 2023 the Military Court of Athens examined the case of a total objector on charges of insubordination, for refusing to perform both the military and the (punitive) alternative civilian service. During the trial, the Military Court discovered that the total objector was again in situation of insubordination, following a renewed call-up for military service. Therefore, the Prosecutor recommended to postpone the trial, so that the second period of insubordination can be examined together with the first. The Military Court indeed postponed the trial for October 2024. However, the Military Court ordered the arrest of the total objector, according to the procedures for recently committed offences. This is due to the fact that the offence of insubordination is considered a

¹²¹ In Greek [here](#).



“continuous crime”, which means that someone is considered to be committing it continuously throughout the period he is insubordinate. Indeed, the total objector was arrested and brought to the police station of Moschato for a preliminary examination. He was subsequently released, following order of the Prosecutor.

This case illustrates several violations of human rights of conscientious objectors, including: violation of the right to conscientious objection to military service, for refusing to perform a punitive alternative civilian service; trials of conscientious objectors, including total objectors, by Greek military courts, in violation of the right to fair trial; repeated trials and punishment for the same “offence” in violation of the *ne bis in idem* principle; and arrests of conscientious objectors, including total objectors, at any moment, in violation of the right to liberty.

Trial in military court for not continuing the punitive alternative civilian service: Another trial of a conscientious objector to military service occurred in April 2023 at the Military Court of Athens. In this case, the conscientious objector had been recognised as such, he had initiated the punitive alternative civilian service, but at some point, he interrupted it, obtaining a referment. When he did not return to continue at the scheduled date, he was declared insubordinate, in 2019, and several months later, he was arrested in 2020 by the police. The Military Court of Athens unanimously decided to cease the prosecution of the conscientious objector due to the fact that he had been granted exemption for medical reasons in the meantime.

However, what is interesting in this case, is that the Military Court examined a case of insubordination concerning the alternative civilian service, not military service, and despite the accused being a recognised conscientious objector. In the past, in the case of Lazaros Petromelidis, in 2004, another military court, the Naval Court of Thessaloniki, had found itself not having jurisdiction to examine a case of insubordination related to the alternative civilian service, had referred the case to civilian justice and the case did not move forward. Of course, in that case, Petromelidis’ CO status was revoked, and he was repeatedly sentenced by military courts for insubordination related to subsequent call-ups for *military service*.

In the present case, the prosecution was for insubordination related to the *alternative civilian service*. However, since the military court ceased the prosecution for another reason, it is not sure whether the military court would find itself incompetent, as in the 2004 case.

Arrests of civilians for insubordination: According to official police reports,¹²² in 2023 police continued to arrest civilians for insubordination.

Continuing failure to implement a decision of the Human Rights Committee: Greece continues its failure to implement the 2021 UN Human Rights Committee decision in the case of conscientious objector Lazaros Petromelidis,¹²³ both as for remedying the human rights violations he has personally suffered (reimbursement of all sums paid as financial penalties instead of imprisonment, adequate compensation, expunging of criminal record), as well as for amending the relevant legislation on conscientious objectors.¹²⁴

¹²² E.g. report [21st January 2023](#), [2nd February 2023](#), [1st August 2023](#), [2nd August 2023](#), [4th November 2023](#).

¹²³ <https://ebco-beoc.org/node/518>

¹²⁴ For details see EBCO Annual Report 2022/23, p. 42-43.



Further issues of discrimination and financial burden: In 2023, there have been in Greece consecutive parliamentary elections in May and June. In this case, conscientious objectors face another discrimination,¹²⁵ since there is no provision permitting them to vote in the place of alternative civilian service,¹²⁶ contrary to conscripts who are permitted to vote in the place of military service.¹²⁷ This results in additional financial burden for transportation to the region where someone is registered to vote.

Further discrimination has been identified in the context of a new tax law, concerning mainly those self-employed. While conscripts performing the military service are explicitly cited among those who are eligible for challenging that they have received the established minimum annual income, conscientious objectors performing alternative civilian service are not.¹²⁸

Finally, it has been reported by conscientious objectors in Greece that applicants for CO status, especially those citing ideological (non-religious) grounds, or those citing religious grounds, but who are not baptised Jehovah's Witnesses, are summoned to examination by the special committee in the premises of the Ministry of National Defence in Athens. This means that, regardless of how far they live, they need to travel at their own cost to Athens, which constitutes an additional financial burden, and a further discrimination compared to conscripts. The punitive character of this procedure is evident considering the fact that, contrary to the applicants, the members of the special committee may participate in the session remotely.

Improvements and positive developments: Following a question/request by conscientious objector Theodoros Diamantidis, the Ministry of National Defence issued a circular¹²⁹ recognising that conscientious objectors performing alternative civilian service are, equivalently to conscripts performing military service, eligible for free transportation in the cities of Athens and Thessaloniki, for the years 2022-2023.¹³⁰ This partially addressed the discrimination as of transportation. In November 2023, by joint decisions of the Minister of National Defence, the Deputy Minister of Economy and Finance, and the Minister and Deputy Minister of Infrastructure and Transportation,¹³¹ conscientious objectors performing alternative civilian service were included among the beneficiaries of free transportation in Athens, Thessaloniki and 10 more cities, for the year 2024.¹³²

¹²⁵ "Πού και πώς ψηφίζουν στις εκλογές οι αντιρρησίες συνείδησης – Αποκλεισμός από διευκολύνσεις φαντάρων", ["Where and how conscientious objectors vote in elections – exclusion from facilitation provided to conscripts."], *Για την εναλλακτική υπηρεσία*, 18 May 2023. Available in Greek [here](#).

¹²⁶ Response of the Directorate for Elections of the Ministry of Interior, to a conscientious objector performing alternative civilian service, registered under number 27341/31-03-2023.

¹²⁷ Presidential Decree 26/2012, art. 27.

¹²⁸ "Φορολογικό νομοσχέδιο: Η διάταξη που αφήνει εκτός όσους εκπληρώνουν εναλλακτική υπηρεσία", ["Tax bill: The provision excluding those performing alternative service"], *Για την εναλλακτική υπηρεσία*, 11 December 2023. Available in Greek [here](#).

¹²⁹ Φ. 500/96/2061/Σ.268/09-01-2023/ΥΠΕΘΑ/ΓΔΟΣΥ/ΔΑΔΠ/ΤΔΑΔ, available in Greek [here](#).

¹³⁰ "Εναλλακτική υπηρεσία: Εξίσωση με φαντάρους για δωρεάν μετακινήσεις σε Αθήνα και Θεσσαλονίκη", ["Alternative service: Equalisation with conscripts for free transportation in Athens and Thessaloniki"], *Για την εναλλακτική υπηρεσία*, 24 April 2023. Available in Greek [here](#).

¹³¹ Official Journal (FEK) Vol. B, 6612/23-11-2023.

¹³² "Δωρεάν μετακινήσεις αντιρρησιών συνείδησης για το 2024 σε Αθήνα, Θεσσαλονίκη και 10 ακόμη πόλεις", ["Free transportation for conscientious objectors for 2024 in Athens, Thessaloniki and 10 cities more"], *Για την εναλλακτική υπηρεσία*, 25 November 2023. Available in Greek [here](#).



Following a refusal of free entry in the Acropolis Museum, to the above mentioned conscientious objector, while he was performing alternative civilian service, he submitted a formal request to the Ministry of Culture, as well to the Museum of Acropolis, for COs to be recognised as eligible for free entry in museums and archeological sites, equivalently to conscripts performing military service. By decision of the Board of Directors of Acropolis Museum, COs were indeed recognised as eligible for free entry.¹³³ However, there is no information yet for a general decision of the Ministry of Culture. Conscientious objectors have submitted a complaint to the Greek Ombudsman,¹³⁴ which is supporting the request for equal treatment in this field too.

In February 2024, in the context of a new law about equality in civil marriage, there has been another positive development concerning discrimination. Specifically, the protection from discrimination in the public and private sector was broadened to include, *inter alia*, religious or other beliefs.¹³⁵ While conscientious objectors are not explicitly mentioned, neither the provision was necessarily voted having them in mind, this could be potentially used by conscientious objectors performing alternative service to achieve equal treatment, for example, as of the new tax law cited above, or as of services in the private sector (e.g. reduced fares, similar to those for conscripts, in intercity buses, trains or boats).¹³⁶

¹³³ Excerpt of record of the 18th session/2023, of the Board of Directors of Acropolis Museum, 7 June 2023. Available in Greek [here](#).

¹³⁴ "Εξίσωση με φαντάρους: Δωρεάν είσοδος στο Μουσείο Ακρόπολης", ["Equalising with conscripts: Free entry in the Museum of Acropolis"], *Για την εναλλακτική υπηρεσία*, 8 November 2023. Available in Greek [here](#).

¹³⁵ Law 5089/2024, art. 9, amending art. 3 of Law 4443/2016.

¹³⁶ "Νομοθετική επέκταση της αρχής της ίσης μεταχείρισης — πώς επηρεάζει τις διακρίσεις κατά των αντιρρησιών συνείδησης" ["Legislative expansion of the principle of equal treatment – how it affects the discrimination against conscientious objectors"], *Για την εναλλακτική υπηρεσία*, 20 February 2023. Available in Greek [here](#).



2.20. HUNGARY

[\[See country page on EBCO website\]](#)

Conscription currently imposed?	No	Suspended 2005 by constitutional amendment Could be reinstated in time of emergency (see below)	
Conscientious objection first recognised	1989	Constitution, Article 70.	
CO release of professional soldiers	–	No release during state of emergency.	
Minimum recruitment age	18		
Population	Total	% males 15-19	Thus approx. annual cohort reaching 18
	9,886,000	2.9	57,339
Armed forces	Total strength	Of which conscripts	Compared to annual cohort above
	32,150	-	56.1%
Military expenditure	\$ (% change from 2022)	Per capita	% of GDP
	\$4,355m (+33.7%)	\$428.9	2.1%

Current situation & recent developments

Feedback from organisations

As reported by EBCO's Hungarian member, BOCS Foundation:¹³⁷

"Military conscription may be reintroduced in the event of the threat or occurrence of an external armed attack or in order to fulfil an allied obligation. A precondition is the introduction of a state of emergency or a preventive defence situation declared by a special decision of Parliament.

In such situations, the Military Code also provides for the possibility of unarmed military service in specific cases, on the basis of a special authorisation."¹³⁸

¹³⁷ More info about the organisation at: <https://www.annalindhfoundation.org/members/bocs-foundation>

¹³⁸ https://www.parlament.hu/documents/10181/39233854/Infojegyzet_2021_34_hadk%C3%B6telezettseg.pdf



In the current academic year, defence education is being piloted as an optional subject in around 1-200 secondary schools for 1-2 hours per week and guest teachers are to be provided by the Ministry of Defence.¹³⁹

2.21. ICELAND

[\[See country page on EBCO website\]](#)

Conscription currently imposed?	No	No regular armed forces despite NATO membership and base. Paramilitary coastguard of approx. 250	
Conscientious objection first recognised			
CO release of professional soldiers	–		
Minimum recruitment age			
Population	Total	% males 15-19	Thus approx. annual cohort reaching 18
	361,000	3.2	2,310
Armed forces	Total strength	Of which conscripts	Compared to annual cohort above
	250	-	10.8% (coastguard)
Military expenditure	\$ (% change from 2022)	Per capita	% of GDP
	–		

¹³⁹ <https://kadetprogram.hu/>



2.22. IRELAND

[\[See country page on EBCO website\]](#)

Conscription currently imposed?	No	Has never existed. Could be imposed in emergency under Article 54 of the 1954 Defence Act.	
Conscientious objection first recognised	No provision ever made, but has co-sponsored CO resolutions in the UN Human Rights Council.		
Current provisions			
Duration	Military service		Civilian service (% of military)
CO release of professional soldiers	–	"Discharge by purchase" possible, but not during state of emergency.	
Minimum recruitment age	18		
Population	Total	% males 15-19	Thus approx. annual cohort reaching 18
	5,181,000	3.3	34,195
Armed forces	Total strength	Of which conscripts	Compared to annual cohort above
	7,700	-	22.5%
Military expenditure	\$ (% change from 2022)	Per capita	% of GDP
	\$1,269m (+9.0%)	\$251.0	0.2%



2.23. ITALY

[\[See country page on EBCO website\]](#)

Conscription currently imposed?	No	Suspended under Law 226/2004. Last conscripts demobilised 2005.	
Conscientious objection first recognised	1972	Act No. 772/1972	
CO release of professional soldiers	–	No specific provisions.	
Minimum recruitment age	18		
Population	Total	% males 15-19	Thus approx. annual cohort reaching 18
	61,022,000	2.5	305,110
Armed forces	Total strength	Of which conscripts	Compared to annual cohort above
	160,900	-	52.7%
Military expenditure	\$ (% change from 2022)	Per capita	% of GDP
	\$35,529m (+2.4%)	\$603.5	1.6%

Current situation & recent developments

Suspension of conscription: Following the cessation of conscription on January 1, 2005, Italy transitioned to a fully professional and volunteer military force, as mandated by legislation passed by the Italian Parliament in August 2004.¹⁴⁰ This legislation concluded compulsory military service for men, which was in effect until December 31, 2004. Currently, the Italian armed forces comprise entirely volunteers, both male and female, unless a state of war or significant international military crisis necessitates the reinstatement of conscription through legislative action.

Additionally, the provision for the potential reinstatement of conscription during times of war or national emergencies is maintained under Law 331/2000.¹⁴¹ The Italian Constitution highlights the defence of the nation as a supreme duty of its citizens, suggesting conscription could be a legal measure under specific conditions.

¹⁴⁰ Legge 23 agosto 2004 n. 226: "Sospensione anticipata del servizio obbligatorio di leva e disciplina dei volontari di truppa in ferma prefissata, nonché delega al Governo per il conseguente coordinamento con la normativa di settore."

¹⁴¹ La legge 14 novembre 2000, n. 331 "Norme per l'istituzione del servizio militare professionale".



Professional army: In terms of voluntary military service, the Italian military requires recruits to be aged between 18-25 years and commit to a minimum of one year of service.

The "[Rapporto esercito 2023](#)" issued by the General Staff of the Italian Army, provides a detailed overview of the army's status, operations, strategic initiatives, and personnel matters for the year 2023.

Reintroduction of conscription: In the country there is still ongoing a hiccuping political debate outside the Parliament on whether compulsory conscription should be reintroduced. Many of these statements come mainly from right-wing parties that decry the so-called "educational virtues of the military service"¹⁴². Actually, the current Minister of Defence is not supporting such proposals valuing the contribution of a professional army.¹⁴³

Civilian service: A good practice –which descends directly from the alternative civilian service at the time of conscription– that Italy continues to pursue till today is the "Universal civil service [which] is the voluntary choice to devote up to one year of one's life to the service of unarmed and nonviolent defence of the homeland, education, peace among peoples and the promotion of the founding values of the Italian Republic, through actions for communities and the territory. It is open to all young people between the ages of 18 and 28 (29 not completed), including foreigners legally residing in Italy. Universal Civil Service represents an important opportunity for training and personal and professional growth for young people, who are an indispensable and vital resource for the cultural, social and economic progress of the country."¹⁴⁴ Although civilian service is a good practice and it engages a great portion of the civil society stakeholders its roots are often unknown to the civilian service volunteers and the notion of conscientious objection to military service is at risk to disappear.

Militarization of schools and exposure of underage to militarism: The major concerning element to register in Italy is an increase in the militarization of the educational curricula which has led to the creation of the *Osservatorio contro la militarizzazione della scuola*¹⁴⁵ (Observatory of the militarization of school) in early 2023. The initiative has been led by COBAS scuola, an Italian Union focused on the school system and it has then been supported by several other organisations.

The Observatory denounces that "schools and universities are increasingly becoming the terrain of conquest for a belligerent and securitarian control ideology that is making its way through the direct intervention of the armed forces (particularly Italian and U.S.) declined in a myriad of initiatives aimed at promoting military careers in Italy and abroad, and at presenting the armed forces and security forces as solving problems that are instead pertinent to civil society. This invasion of the field features representatives of the military forces even as "lecturers," giving lessons on various topics (from English entrusted to NATO personnel to issues pertaining to legality and the Constitution) and even goes so far as to involve school-to-work alternation (PCTO) paths through the organisation of

¹⁴² <https://tg24.sky.it/cronaca/2022/08/31/leva-militare-obbligatoria-italia>

¹⁴³

https://www.repubblica.it/politica/2024/03/27/news/leva_obbligatoria_italia_europa_crosetto_dice_no-422381784/

¹⁴⁴ <https://www.politichegiovani.gov.it/servizio-civile/cosa-e-il-servizio-civile>

¹⁴⁵ <https://osservatorionomilsuola.com/info/>



visits to military bases or barracks. All supported by memoranda of understanding signed by Army representatives with the Ministry of Education, Regional and Provincial School Offices and individual schools.”

There are information regarding teachers who objected to militaristics classes and had professional consequences for such a decision.

The issue of exposing minors to militaristic propaganda has been addressed also in the past through the national campaign “Militarized schools,”¹⁴⁶ launched by MIR Italy and Pax Christi Italy.

It is also important to mention that the exposure to militarism does not take place only at school but also at military sites where students are often taken to in school trips or through public communication and advertisements regarding military bodies.¹⁴⁷

Another element of concern, regarding minors, are the regular arms fairs which are held in Italy with free access to underage individuals who can freely enter and have access to weapons there.¹⁴⁸

Civilian, unarmed and nonviolent defence: It is worth mentioning that since there is a national campaign accompanied with a citizens' initiative bill regarding the establishment of a civilian unarmed and nonviolent defence in Italy. Several Parliamentary initiatives took place to foster such a proposal which is still work in progress. Of particular interest is the focus on the concept of “defence” as not necessarily an “armed defence” and the direct link to the Constitution and the responsibility to defend the country mentioned there which is thus expressed in a non-militaristic perspective.¹⁴⁹

¹⁴⁶ <https://www.miritalia.org/2020/08/10/anteprima-campagna-scuole-smilitarizzate/>

¹⁴⁷ <https://www.tecnicaldellascuola.it/militari-nelle-scuole-e-studenti-nelle-caserme-perche-secondo-quali-mode-illo-educativo>

¹⁴⁸ <https://www.unita.it/2024/02/06/european-outdoor-show-a-verona-la-fiera-delle-armi-aperta-anche-ai-bambini/>

¹⁴⁹ <https://www.difescivilenonviolenta.org/>



2.24. KOSOVO

[\[See country page on EBCO website\]](#)

Conscription currently imposed?	No		
Conscientious objection first recognised	Voluntary paramilitary service since independence. CO provisions never introduced.		
CO release of professional soldiers	– No provisions.		
Minimum recruitment age	18		
Population	Total	% males 15-19	Thus approx. annual cohort reaching 18
	1,762,000	2.8	9,867
Armed forces	Total strength	Of which conscripts	Compared to annual cohort above
	3,000	-	30.4%
Military expenditure	\$ (% change from 2022)	Per capita	% of GDP
	\$133m (+23.8%)	\$80.0	1.3%

Current situation & recent developments

Although Kosovo has since independence hitherto had only a small voluntary paramilitary force, plans to introduce conscription are in the pipeline. On 14 December 2018, the [Assembly of Kosovo](#) passed the final legislation to redefine the KSF as a "professional military force" and to establish Kosovo's [Ministry of Defence](#). The law predicts a transformation process that consists of three stages and will finish in 2028.

A news item from 5th January 2024 quoted Milovan Drecun, President of the Serbian Parliamentary Committee for Kosovo and Metohija as expressing concern "that the planned deadline for introducing mandatory military service, originally set for 2028, has been significantly moved forward, and this year they plan a pilot project with mandatory military service. They still don't know if it will be a total of three months or three months of summer service, three months of winter service," Drecun said. He emphasised that it could create a significant problem for the Serbian people and be additional pressure on Serbs to either leave or serve in the KSF [Kosovo Security Force], which, he stated, was the main factor endangering the security of the Serbian people."¹⁵⁰

¹⁵⁰ Available [here](#).



2.25. LATVIA

[\[See country page on EBCO website\]](#)

Conscription currently imposed?	Yes	Suspended 2006. Reinstated in 2024 under the National Defence Service Law of 25th April 2023.	
Conscientious objection first recognised	1990	Law on Substitute Service of the Latvian Soviet Socialist Republic Law on Alternative Service, 2002	
Current provisions	National Defence Service Law of 25th April 2023.		
Duration	Military service	Civilian service (% of military)	
	11 months	11 months (100%)	
CO release of professional soldiers	–	No specific provision. No release during state of emergency.	
Minimum recruitment age	18		
Population	Total	% males 15-19	Thus approx. annual cohort reaching 18
	1,822,000	2.7	9,839
Armed forces	Total strength	Of which conscripts	Compared to annual cohort above
	6,600	– (2023)	67.1%
Military expenditure	\$ (% change from 2022)	Per capita	% of GDP
	\$1,045m (+22.1%)	\$571.2	2.3%

Current situation & recent developments

Feedback from the state

From the reply of the Latvian Ministry of Defence to EBCO's questionnaire 2023:

Military recruitment and conscription: On April 5th 2023 the Latvian Parliament (Saeima) approved the national Defence Service Law, thereby reintroducing conscription. In accordance with the Law, all Latvian male citizens born after 2004 are subject to military service one year after reaching 18 years of age, or one year after completing secondary education, but not later than



reaching 24 years of age. All Latvian male and female citizens between the ages of 18 and 27 can also apply for the National Defence Service on a voluntary basis. Based on the operational needs of the Latvian armed forces the defence minister each year approves the number of conscripted persons. If a sufficient number of volunteers do not apply for the service, then a mandatory conscription is implemented, during which the conscripts are randomly selected from the list of those subject to conscription. The Law also provides the right for conscientious objectors to replace military service by serving in the National Defence Civil Service (alternative service). The duration of both the military and the alternative service is 11 months. Meanwhile, all Latvian citizens are able voluntarily to join professional military service (ages 18 to 40) or the National Guard (ages 18 to 60). Currently a general conscription is not implemented.

The first two rounds of recruitment for the National Defence Force took place in July 2023 (253 recruits) and January 2024 (125 recruits); all recruits in both rounds were volunteers. The third group will begin their service in July 2024 and will consist of an anticipated 330 volunteers, plus the first 150 conscripts to be obligatorily enlisted, making a total of 480. In January 2024, two females volunteered for the National Defence Service, otherwise all recruits hitherto have been male, the majority aged 18 or 19 years old. As the first group of recruits are still completing their service, there is not yet any data on the proportion who will choose to continue a career in the armed forces after finishing the service, but a small number have already indicated an interest in doing so.

Conscientious objections: As stated above, according to the National Defence Service Law, citizens who cannot perform national defence military service due to their thoughts, conscience, or religious beliefs, may replace it with an alternative service. To do this, the citizen must submit an application to the Ministry of Defence stating the reasons why it is not possible for the person to perform military service. After the submission of the application, a special commission will evaluate the compliance of each candidate with the alternative service. The commission consists of members from the chaplain service, the psychological service, the Latvian Consultative Council on Religious Affairs, the Ministry of Education and Science, the Ministry of Health and the Latvian Student Union. In the event of a positive decision, the citizen will have to perform his service in one of the subordinated civilian institutions (logistics, property management, cartography, war museum etc) of the Ministry of Defence for 11 months.¹⁵¹ The citizen each month will receive a monetary compensation of €400 and if needed childcare benefits for each child. Because of greater work environment hazards, conscripts receive more benefits (health assurance, accommodation and catering) than citizens who perform alternative service. As initial recruitments to National Defence Service were entirely of volunteers, there have not yet been any applications for alternative service, but it is probable that this will change in the future. National Defence Service soldiers who develop a conscientious objection during their military service cannot withdraw from the service before finishing their term, but no such applications have been registered.

Secondary education: From September 2024, all Latvian secondary education curricula will include a mandatory national defence course, hitherto included by decision of the individual institution. The main goal of the course is to strengthen the resilience of society in various crises and teach vital

¹⁵¹ According to LSM, the public broadcasting service of Latvia, alternative service duties will be 40 hours per week. "Compulsory military service to be re-introduced in Latvia (05.04.2023), [https://eng.lsm.lv/article/society/defense/05.04.2023-compulsory-military-service-to-be-re-introduced-in-lat via.a503763](https://eng.lsm.lv/article/society/defense/05.04.2023-compulsory-military-service-to-be-re-introduced-in-lat-via.a503763)



skills for national defence. (Fuller details, given in the replies to the previous year's questionnaire, are printed in the [EBCO Report 2022/3](#).) Considering the content of the course, it also will serve as a basic introduction to the Latvian National Armed Forces and to military service. The Latvian Ministry of Defence also organises informative lectures about various defence topics in secondary schools, which include information about the national defence service. Detailed information about the service is also freely available on the internet resources of the Ministry of Defence, and through a special recruitment hotline.

Some additional information from media reports: Latvia plans to increase the amount of conscripts in military service every year, up to 7,500 new soldiers per year in 2028, as part of a proposed doubling of the manpower of the armed forces.¹⁵²

Public opinion in Latvia is clearly divided about the new conscription law. According to a poll in May 2022, 45% of Latvians were in favour and 42% opposed to conscription.¹⁵³

EBCO concerns

EBCO would question whether the "alternative service" available under the new National Defence Service Act is at all civilian either in nature or control as not only is the system administered by the Ministry of Defence, but all the placements are in agencies of that Ministry.

Regarding the role of "national defence" within the secondary education system, of which fuller details are given [in the 2022/23 Report](#), we would consider this a most unwelcome militarisation of education.

¹⁵² Latvia reintroduces compulsory military service (07.04.2023). Deutsche Welle.

<https://www.dw.com/en/latvia-with-war-in-ukraine-conscription-returns/a-65257169>

¹⁵³ Latvia reintroduces compulsory military service (08.02.2023). Center for European Policy Analysis (CEPA).

<https://cepa.org/article/latvia-poised-to-return-to-conscription-as-russian-menace-grows/>



2.26. LIECHTENSTEIN

[\[See country page on EBCO website\]](#)

Conscription never imposed. No armed forces.

2.27. LITHUANIA

[\[See country page on EBCO website\]](#)

Conscription currently imposed?	Yes	Suspended 2009. Reinstated 2015	
Conscientious objection first recognised	1990	Law on Substitute Service of the Lithuanian Soviet Socialist Republic Constitution, 1992, Article 139 Law on National Conscription, 1996	
Current provisions			
Duration	Military service		Civilian service (% of military)
	9 months		10 months (111%)
CO release of professional soldiers	–	No specific provisions, but grounds of conscience would be considered valid. Refusal could be appealed to court.	
Minimum recruitment age	18	Conscription from 19	
Population	Total	% males 15-19	Thus approx. annual cohort reaching 18
	2,656,000	2.5	13,280
Armed forces	Total strength	Of which conscripts	Compared to annual cohort above
	25,300	5,850 (23.1%)	190.5% (conscripts 44.1%)
Military expenditure	\$ (% change from 2022)	Per capita	% of GDP
	\$2,161m (+24.6%)	\$795	2.7%

Current situation & recent developments

In August 2023, the Defence Ministry proposed several reforms to the Lithuanian conscription system. According to the new Bill, the current nine-month long military service may be shortened to six months for some conscripts. The conscription age would be 18-21 years instead of the current



18-23 years. On the other hand, the aim is to increase the number of conscripts from 3,800 to 5,000 by 2027, and also increase the number of active reserve soldiers from 27,000 to 40,000 as a long term goal. The bill would also introduce a military service for university and college students or offer an alternative of three years of weekend service in the National Defence Volunteer Force.¹⁵⁴

The Lithuanian Parliament gave its initial backing to the bill in December 2023.¹⁵⁵

Regarding the military nature of alternative service, Lithuania reported to the Committee of Ministers of the Council of Europe that it is in the course of identifying the legislative amendments which would have to be made to comply with the European Court of Human Rights judgement in the case of *Tetlianikov v Lithuania*. (see [Council of Europe section](#) above).

A considerable issue of concern during 2023 has been Lithuania's reluctance to give residence to persons from Belarus who, having previously performed military service, fear call-up in the case of any new mobilisation. (see [COs as refugees section](#), below).

EBCO is also profoundly disturbed by Lithuania's refusal of asylum to Olga Karatch, President of our Belarusian associate *Nash Dom* (Our House), working from exile in Lithuania, which we fear may not be unconnected with her tireless advocacy on behalf of these refugees, and to her husband, journalist Oleg Borshevsky, editor of the website nash-dom.info. Both face at the very least lengthy terms of imprisonment if returned to Belarus as a result of their public opposition to the regime; Olga Karatch and Nash Dom have been labelled "extremists" in no less than sixteen court judgements in Belarus, and she also appears on the list of "persons involved in terrorist activity" maintained by the Committee of State Security (KGB); Oleg Borshevsky has already been sentenced to seven years in prison. In all of its actions, Lithuania contrives to harm not the Belarusian regime to which it voices opposition but the opponents and victims of that self-same regime.

¹⁵⁴ Lithuania's MoD drafts conscription amendments, removing exemption for students. (09.08.2023). LRT. <https://www.lrt.lt/en/news-in-english/19/2052996/lithuania-s-mod-drafts-conscription-amendments-removing-exemption-for-students>

¹⁵⁵ Lithuanian parliament backs conscription reform. (21.12.2023). LRT



2.28. LUXEMBOURG

[\[See country page on EBCO website\]](#)

Conscription currently imposed?	No	First introduced 1944 Abolished 1967	
Conscientious objection first recognised	1963	Act of 26th July, Article 8	
CO release of professional soldiers	–	No specific provisions – no instances ever recorded.	
Minimum recruitment age	18		
Population	Total	% males 15-19	Thus approx. annual cohort reaching 18
	661,000	2.8	3,702
Armed forces	Total strength	Of which conscripts	Compared to annual cohort above
	900	-	24.3%
Military expenditure	\$ (% change from 2022)	Per capita	% of GDP
	\$663m (+29.9%)	\$1,011.4	0.8%



2.29. MALTA

[\[See country page on EBCO website\]](#)

Conscription currently imposed?	No	Has never existed	
Conscientious objection first recognised	No provision ever made but has co-sponsored CO resolutions at the UN Human Rights Council.		
Current provisions			
Duration	Military service		Civilian service (% of military)
CO release of professional soldiers	–	No specific provision	
Minimum recruitment age	18		
Population	Total	% males 15-19	Thus approx. annual cohort reaching 18
	467,000	2.3	2,148
Armed forces	Total strength	Of which conscripts	Compared to annual cohort above
	1,700	-	79.1%
Military expenditure	\$ (% change from 2022)	Per capita	% of GDP
	\$113m (+43.8%)	\$210.5	0.6%



2.30. MOLDOVA (“Republic of Moldova”)

[\[See country page on EBCO website\]](#)

Conscription currently imposed?	Yes	Government Decision 601/2018 regarding the Programme “Professional Army 2018-2021” has not yet been implemented and currently is uncertain.	
Conscientious objection first recognised	1992	Law on Religions 979/1992	
Current provisions			
Duration	Military service		Civilian service (% of military)
	12 months 6 months for graduates		12 months (100%) 6 months for graduates (100%)
CO release of professional soldiers	–	No specific provision - would ultimately be decided by courts.	
Minimum recruitment age	18	Enrolment in military schools from 17	
Population	Total	% males 15-19	Thus approx. annual cohort reaching 18
	3,051,000*	2.9	17,696
Armed forces	Total strength	Of which conscripts	Compared to annual cohort above
	5,150	2,200 (42.7%)	29.1% (conscripts 12.4%)
Military expenditure	\$ (% change from 2022)	Per capita	% of GDP
	\$93m (+95.6%)	\$27.2	0.5%

* The population figure given in the table above has been adjusted to exclude the breakaway region of Transnistria, population approximately 469,000, which is outside the effective control of the Moldovan government. Transnistria maintains its own armed forces, quite apart from the Russian troops stationed there, and imposes conscription. In 2014 it reportedly instituted alternative service for conscientious objectors, but we have no details.



2.31. MONACO

[\[See country page on EBCO website\]](#)

Conscription never existed. No regular military forces. Defence is the responsibility of France.

2.32. MONTENEGRO

[\[See country page on EBCO website\]](#)

Conscription currently imposed?	No	Abolished 2006 (on independence) by Presidential decree. May be reinstated in time of war (see below)	
Conscientious objection first recognised	1992	Constitution of Serbia and Montenegro, Article 58 (preserved in Article 48 of the 2007 Montenegro Constitution)	
CO release of professional soldiers	–	Not known.	
Minimum recruitment age	18		
Population	Total	% males 15-19	Thus approx. annual cohort reaching 18
	602,000	3.1	3,732
Armed forces	Total strength	Of which conscripts	Compared to annual cohort above
	2,885	-	77.3%
Military expenditure	\$ (% change from 2022)	Per capita	% of GDP
	\$115m (+16.8%)	\$182.9	1.6%

Current situation

Feedback from the state

From the reply of the Montenegrin Ministry of Defence to the EBCO questionnaire:

Montenegrin legislation does not predict the existence of mandatory military service. By the decision of the President of Montenegro, conscription and mandatory military service were abolished in 2006.

The Law on the Army stipulates that in conditions of war or state of emergency, the Ministry of Defense may call citizens for training to acquire the necessary knowledge to perform duties in



conditions of war or state of emergency. All Montenegrin citizens between the ages of 18 and 60 are subject to this obligation, regardless of gender. A citizen who, due to his faith and conviction, is not ready to participate in military duty that involves the use of weapons, has the right to conscientious objection, but the Law on the Army does not prescribe alternative service in case of a request for conscientious objection.

The Law on the Army stipulates the possibility of voluntary military service for up to six months. In addition, the Law stipulates that in this case the Ministry of Defense publishes a public advertisement for the selection of persons for voluntary military service. Registered candidates are required to complete the medical examination and selection procedure. The Ministry accepts the best-ranked candidates for voluntary military service. The number of persons referred to voluntary military service is limited. In recent years, the Ministry of Defense has not invited citizens to voluntarily serve in the military. Staffing of the professional armed forces was carried out by recruiting persons without military experience from the labour market.

There is no compulsory military education in Montenegrin secondary schools. In addition, the curriculum of secondary schools does not contain mandatory topics that can represent preparation for military conscription.



2.33. NETHERLANDS

[\[See country page on EBCO website\]](#)

Conscription currently imposed?	No	Suspended 1997 Could be reinstated in war; military registration still enforced.	
Conscientious objection first recognised	1922	Constitutional amendment	
CO release of professional soldiers	–	May apply under general Act on Conscientious Objection to Military Service. Legal appeal possible in case of refusal.	
Minimum recruitment age	17	Voluntary recruitment	
Population	Total	% males 15-19	Thus approx. annual cohort reaching 18
	17,695,000	2.9	102,631
Armed forces	Total strength	Of which conscripts	Compared to annual cohort above
	33,600	-	32.7%
Military expenditure	\$ (% change from 2022)	Per capita	% of GDP
	\$16,625m (+22.0%)	\$943.6	1.5%

Current situation & recent developments

Feedback from organisations

As reported by the organisation Kerk en Vrede¹⁵⁶:

In the Netherlands every boy and girl gets a letter from the Minister of Defence, telling them that they are registered for the military duty, but the compulsory attendance is suspended. In case of war there is that duty. In that letter there is not explanation about the possibility of conscientious objection, although that right has been recognized as well as the possibility for alternative civilian service. Youth receive this letter when they are 17 years old, thus still underage.

At the moment there is a proposal to add to that letter a mandatory survey. In this survey they can express interest to serve in a year of duty; this is meant to get more voluntary soldiers for the

¹⁵⁶ More info about the organisation at: <https://www.kerkenvrede.nl/>



future. So also this has been done among underaged youngsters. We just now have written a letter to the minister and the commission of Defence of our Parliament in which we ask them to also give explanation of the possibility of conscientious objection in this survey.

2.34. NORTH MACEDONIA

[\[See country page on EBCO website\]](#)

Conscription currently imposed?	No	Suspended 2007	
Conscientious objection first recognised	2001	Defence Act, Article 8.	
CO release of professional soldiers	–	No specific provisions.	
Minimum recruitment age	18		
Population	Total	% males 15-19	Thus approx. annual cohort reaching 18
	2,133,000	2.7	11,518
Armed forces	Total strength	Of which conscripts	Compared to annual cohort above
	8,000	-	69.5%
Military expenditure	\$ (% change from 2022)	Per capita	% of GDP
	\$267m (+21.1%)	\$127.8	1.7%



2.35. NORWAY

[\[See country page on EBCO website\]](#)

Conscription currently imposed?	Yes		
Conscientious objection first recognised	1903	Internal military regulations 1922 Amendment to Military Penal Code	
Current provisions	Act on Military Service		
Duration	Military service	Civilian service (% of military)	
	12 months (up to 19 months in some posts)	Abolished in 2012	
CO release of professional soldiers	–	No specific provisions Termination of contract possible	
Minimum recruitment age	18		
Population	Total	% males 15-19	Thus approx. annual cohort reaching 18
	5,598,000	3.0	33,588
Armed forces	Total strength	Of which conscripts	Compared to annual cohort above
	25,400	9,000 (35.4%)	75.6% (conscripts 26.8%)
Military expenditure	\$ (% change from 2022)	Per capita	% of GDP
	\$8,669m (-0.3%)	\$1,583.6	1.6%

Current situation

Feedback from the state

From the replies by the Norwegian Ministry of Defence to the EBCO Questionnaire:

Conscription into obligatory military service is imposed in Norway, and is governed by the procedures stated in the Act on military service (*Lov om verneplikt og tjeneste i Forsvaret m.m*) and the regulation for conscription (*Forskrift om verneplikt og heimevernstjeneste*). Chapter 4 of the act states the rights and duties of conscientious objectors, and chapter 12 of the regulations states procedures to be followed when a conscript declares her/himself a conscientious objector. The initial duration for service for a conscript ranges from 6 to 16 months, with 12 months being the duration



most practised by the Armed Forces. The total length of conscription in peace time is 19 months. Voluntary recruitment into military service is also regulated by the Act on military service.

The Norwegian Armed Forces regularly visits secondary schools to inform students about upcoming selection procedures and career opportunities in the Armed Forces. This is not part of the curriculum and more often a part of the schools’ vocational opportunity orientations. The Ministry of Defence has no information of whether student participation during these orientations is mandatory or not.

Recruitment in recent years:

Year	% female	Total number
2017	25.3%	Approx. 8000 – 10000
2018	26.3%	Approx. 8000 – 10000
2019	28.7%	Approx. 8000 – 10000
2020	30.5%	Approx. 8000 – 10000
2021	32.0%	Approx. 11000
2022	36.0%	Approx. 11000

The numbers above refer to the number of persons conscripted for first-time military service, not the total number of persons who finished their service (6-16 months) as per requirements. Some are discharged early for medical reasons and due to other circumstances.

Information about conscientious objection and exemption may be found on the Norwegian Armed Forces’ official website. Further information is given in person if questions about conscientious objection arise during the selection process. The Norwegian Armed Forces Human Resources and Conscriptors Centre (FPVS) is the body responsible for handling applications for exemption. Each application is considered on individual grounds. While an application is pending, the conscript must attend the service as ordered until the application is finally processed. However, the applicant may serve without arms.

Statistics on applications from 2021 to 2023 inclusive:

Granted	Rejected	Pending	Dropped
577	107	53	79

As reported in 2022 by the Parliamentary Ombudsman,

There is no alternative service for conscientious objectors – it was abolished in 2012. Those whose applications for exemption have been approved may however be ordered to serve in the Civil



Defence (*Sivilforsvaret*) until the year they turn 55. They get a three week start-up course, then serve two days *per annum* as training. If there is a crisis, they will be called in for service.

If professional military personnel become conscientious objectors during their service, and thus wish to end their service contract, they are free to terminate their contract based on the regular rules of contract law and labour law.

Postscript: On 3rd April 2024, Norway announced plans to increase conscript numbers by 50% to 13,500 by 2036, which would represent about 25% of those liable as opposed to some 15% at present. "The Defence Forces Recruit Training Centre in Terningmoen, 140 kilometres north of Oslo, will be modernised and expanded to train about 1,800 recruits four times a year, up from about 300 today. To facilitate a rapid increase in training capacity, the Norwegian Armed Forces will lease civilian infrastructure until Terningmoen is fully developed, scheduled for 2036."¹⁵⁷ Some 400 extra training posts would also be created.

It may be noted that from the figures given in the State response, above, the increase in the annual number of conscripts has already begun, and may indeed have reached almost halfway to the target point, which would seem to imply a much earlier than announced completion of the process.

¹⁵⁷ <https://www.euractiv.com/section/politics/news/norway-wants-to-increase-the-number-of-conscripts-by-50-each-year/>, 3rd April 2024



2.36. POLAND

[\[See country page on EBCO website\]](#)

Conscription currently imposed?	No	Suspended 2009 by constitutional amendments Could be reinstated in mobilisation or war.	
Conscientious objection first recognised	1988	Constitution, Article 85E	
CO release of professional soldiers	–	No specific provisions. Repayment of training and accommodation costs would be required, perhaps in advance.	
Minimum recruitment age	18		
Population	Total	% males 15-19	Thus approx. annual cohort reaching 18
	39,142,000	2.5	195,710
Armed forces	Total strength	Of which conscripts	Compared to annual cohort above
	100,000	-	51.1%
Military expenditure	\$ (% change from 2022)	Per capita	% of GDP
	\$31,650m (+106.3%)	\$771.5	3.8%

Current situation & recent developments

In connection with the war between Russia and Ukraine, militaristic sentiments are also growing in Poland. Military budget expenditures are increasing. However, there are no clear intentions to reintroduce mandatory conscription.

The Polish army offers voluntary military training courses under the slogan "*train with the army*". The training includes instruction on shooting with AK-47 rifles. Paramilitary groups have also become popular. A group *Strzelec* is the largest such groups in the country. It primarily aims to prepare young people for military service.¹⁵⁸

¹⁵⁸ <https://www.dw.com/en/a-call-to-arms-polish-civilians-get-military-training/video-68664140>



The Polish military budget has become the largest in its history. Defence expenditure level planned exceeds PLN 118 bn., or ca. USD 29 bn, translating into 3.1% of GDP. The contribution of the defence spending to the GDP, including the outside-the-budget financing is to reach 4.2% (approx. PLN 158 bn).¹⁵⁹

Poland does not intend to return to conscription; the country will continue to recruit troops on a voluntary basis, the Chief of the General Staff of the Polish Army, General Wieslaw Kukula, said in an interview with Polsat TV, Report informs.

"There will be volunteers. It is very easy to return to compulsory military service, but today we do not see the need for this," he said.¹⁶⁰

¹⁵⁹ <https://defence24.com/defence-policy/polish-sejm-approves-the-2024-budget-record-spending-for-defence>

¹⁶⁰ <https://report.az/en/other-countries/poland-doesn-t-intend-to-return-conscription/>



2.37. PORTUGAL

[\[See country page on EBCO website\]](#)

Conscription currently imposed?	No	Suspended 1999 (Military Service Law 174/99) Last conscripts demobilised 2004. Could be reinstated in emergency under articles 34 and 36 Military registration still enforced	
Conscientious objection first recognised	1976	Constitution, Articles 41(6) and 276 Military Service Law (No. 174/99) Law on Conscientious Objection, 7/92	
CO release of professional soldiers	–	No specific provisions, but should be authorised under constitutional recognition of right (see below)	
Minimum recruitment age	18		
Population	Total	% males 15-19	Thus approx. annual cohort reaching 18
	10,223,000	2.7	55,204
Armed forces	Total strength	Of which conscripts	Compared to annual cohort above
	26,050	-	47,2%
Military expenditure	\$ (% change from 2022)	Per capita	% of GDP
	\$4,223m (+18.4%)	\$412.1	1.5%

Current situation

Feedback from the state

From the reply of the Ministry of Defence to the EBCO Questionnaire (supplementary information from the 2022 replies in brackets):

The Portuguese military service model was established in the Law No. 174/99, September 21 (Military Service Law) and its Regulation (Decree-Law No. 289/2000, November 14). Currently the conscription into obligatory military service is not imposed in Portugal given the fact that compulsory military service formally terminated in 2004. Since then, professionalization model is fully established, and in peacetime, military service is exclusively volunteer based. Nevertheless, Portuguese citizens are subject to military obligations from the first day of the year in which they



turn eighteen years old until the last day of the year in which they turn thirty-five. In the year the citizen reaches eighteen years old, he or she is automatically registered in the military census and included in what is called the Recruitment Reserve. According to the Military Service Law, citizens are part of the reserve recruitment mechanism until the age of 35 and may be called up for periods ranging from four months to one year, in cases where the satisfaction of the basic needs of the Armed Forces is affected or the pursuit of the permanent objectives of national defence policy is impaired.

Also in the year in which they turn eighteen, or in the following year, at the age of nineteen, the citizen is summoned to attend National Defence Day. (There are no preparatory military recruitment programmes that constitute obligatory components of the secondary education curriculum in Portugal.) Once this military duty is fulfilled, the citizen returns to the Recruitment Reserve, where he or she will remain, unless they decide to join the military.

For those who choose to join the Armed Forces and render military service, there are basically two possible options:

- Entering the permanent staff, a special recruitment mechanism, which confers a more stable and permanent contractual relation with the Military Institution;
- Entering the voluntary and contract regimes, which are considered normal recruitment mechanisms and have time-limited duration, a twelve-month service or a contract that can reach up to 6 years in most specialties or eighteen years, in specific military professions.

If they wish to do so and meet the defined requirements, contract military personnel can also apply to permanent staff vacancies. If this does not occur until the end of the contract period, they return to civilian labour market and stay in the Availability Reserve, where they remain until the age of thirty-five.

The Military Service Law also stipulates safeguard mechanisms provided for exceptional situations. In fact, in the event of imminent or effective war or aggression by foreign forces, or in cases where the fulfilment of the fundamental requirements of the Armed Forces is affected, the Portuguese law provides for exceptional recruitment mechanisms, namely the recall and mobilisation (Articles 34 and 36 – Law No. 174/99). The activation of these mechanisms operationalizes by calling-up citizens from the Recruitment Reserve and from the Availability reserve. The Availability Reserve consist of citizens who have completed military service under contract. Until the age of 35 they may also be called up for a total period of two months (for recycling and training, or military manoeuvres).

Total first-time military recruitment for the voluntary and contract regimes, that is, the number of candidates for the three branches of the Armed Forces that initiated the initial military training period (all volunteers):

- Year 2020 = 3054
- Year 2021 = 3132
- Year 2022 = 2539



- Year 2023 = 2192

The right to conscientious objection has been recognised in general terms in article 41 (6) of the Constitution of the Portuguese Republic ("*Conscientious objectors will render unarmed military service or civil service appropriate to their situation*") since 1976 and derives from the right to freedom of thought, conscience, and religion, and can only be limited under the constitutional terms. *Article 226 establishes that conscientious objectors to military service will perform civic service of duration and hardship equivalent to that of armed military service.* Article 40 of the Military Service Law (Law No. 174/99) establishes that for citizens subject by law to military service, it is grounds for exemption from military duties to be recognised as conscientious objectors under the terms of the respective legislation (Law no. 7/92, of May 12, Law on Conscientious Objection, amended by Law No. 138/99, of August 28). The right is recognised in peace time, in compulsory mobilisation (general or partial) and in war time. Young people can request the application of the status of conscientious objector in order to be excluded from participation in the National Defence Day" [EBCO Note: We have received no information to imply that conscientious objectors can request not to be listed in the recruitment reserve.]

Article 5 of the Law on Conscientious Objection (Law no. 7/92, May 12, amended by Law No. 138/99, August 28) states that civic service to be performed by conscientious objectors, when enforced comprises a period of training, lasting three months, and a period of actual service, equal in length to compulsory military service. The training period comprises a general training phase and a specific training phase, which will consider the objectors' educational and professional qualifications and the characteristics of the institution where the civic service will be carried out. The National Commission of Conscientious Objectors works at the Portuguese Institute of Sport and Youth (IPDJ). It is the IPDJ that ensures the planning, organisation, and coordination of the civic service of conscientious objectors and manages all matters relating to obtaining the status or renouncing it.

Although the right to conscientious objection has greater application in conscription regimes, the Constitution of the Portuguese Republic still maintains the right to conscientious objection, which allows voluntary military personnel to exercise this right. In this context, arising from the constitutional provision, article 40 of the Military Service Law (Law No. 174/99) establishes that for citizens subject by law to military service, it is grounds for exemption from military duties to be recognised as conscientious objectors.



2.38. ROMANIA

[\[See country page on EBCO website\]](#)

Conscription currently imposed?	No	Suspended under Article 2 of Act 395/2005 Last conscripts demobilised 2007 Could be reinstated in time of war. (see details below)		
Conscientious objection first recognised	1996	Act 46/1996, Art 4 "on governing preparation of the population for defence"		
CO release of professional soldiers	–	No specific provisions (see below)		
Minimum recruitment age	18			
Population	Total	% males 15-19	Thus approx. annual cohort reaching 18	
	18,326,000	2.8	102,626	
Armed forces	Total strength	Of which conscripts	Compared to annual cohort above	
	69,900	-	68.1%	
Military expenditure	\$ (% change from 2022)	Per capita	% of GDP	
	\$5,611m (+8.1%)	\$282.0	1.6%	

Current situation & recent developments

Feedback from organisations

From the answer to EBCO's Questionnaire received from the People's Advocate of Romania (the National Human Rights Institution):

Suspension and conditions for re-imposition of conscription: Conscription is not currently imposed. According to the provisions in Art.2 Para.1 of Law No. 395/2005 "regarding the peacetime suspension of obligatory military service and the transition to voluntary military service", together with subsequent amendments and additions, with effect from 1st January 2007 the execution of compulsory service as a conscripted soldier for full-term or short-term conscription is suspended, but according to the provisions of Article 3, during the state of war, a state of mobilisation, or a state of siege, the execution of military service becomes mandatory, in which case the recruitment and incorporation of male citizens aged between 20 and 35 years becomes compulsory.



According to the provisions of Law No. 446/2006 “on the preparation of the population for defence”, with subsequent amendments and additions, citizens who, for reasons of religion or conscience, refuse to perform military service under arms perform the alternative service.

In addition, according to Article 6 of the said normative act, the following do not perform military service and are removed from the category of citizens who can be incorporated:

- those classified as unfit for military service, who are removed from the record according to medical criteria.
- ordained personnel belonging to religious cults recognised by law, personnel officially recognised as servants of such a cult, as well as monks who have been in the monastery for at least two years.
- persons sentenced to custodial sentences, for the duration of the sentence, as well as those remanded in custody or sent to court, until the date of finality of the judgement by which the criminal case is resolved.

Voluntary military service: Voluntary military service in Romania is regulated by:

- Law No. 80/1995, with subsequent amendments and additions
- Law No. 384/2006 “regarding the status of soldiers and enlisted ranks”, with subsequent amendments and additions
- Law No. 270/2015 (republished) “regarding the status of voluntary reservists”.

There are no mandatory initial periods prior to the performance of military service according to the provisions of the above laws. *[The reply does not specify whether there is a minimum duration of the service itself]*

Secondary education: The secondary education curriculum does not contain any form of introduction to the armed forces. In all three high school education categories, theoretical, vocational, and technical, with the exception of the military profile within vocational education, there are no preparatory programmes for military recruitment.

Military recruitment: In Romania, recruitment for military service is done on a voluntary basis and takes place annually. The number of citizens recruited in recent years is not information of public interest defined as such by Law 544/2001, namely “any information that concerns the activities or results from the activities of a public authority or a public institution, regardless of the form or way of expressing the information”.

Serving members of the armed forces: According to Article 29 of the Constitution, the freedom of thought and opinion, as well as the freedom of religious beliefs, cannot be restricted in any way. No one can be forced to adopt an opinion or adhere to a religious belief contrary to their convictions. Freedom of conscience is guaranteed; it must manifest itself in a spirit of tolerance and mutual respect.

Under these conditions, we consider that if a member of the armed forces develops conscientious objections and thus requests his release from service, this situation would be resolved by applying Article 85 of Law No. 80 of July 11th 1995 “on the status of military personnel”:



“Transfer to the reserve or directly to retirement of military personnel can be done by ...
g) on request, for well founded reasons
h) by resignation.”



2.39. RUSSIAN FEDERATION (former member state)

[\[See country page on EBCO website\]](#)

Conscription currently imposed?	Yes		
Conscientious objection first recognised	1993	Constitution, Article 59.3 Law on Conscription Obligation and Military Service, 1998 Effective only from 1st January 2004 under Law on Alternative Civilian Service	
Current provisions			
Duration	Military service	Civilian service (% of military)	
	12 months	21 months (175%) Unarmed military service 18 months	
CO release of professional soldiers	Not permitted		
Minimum recruitment age	18	Admission to some military schools from 16	
Population	Total	% males 15-19	Thus approx. annual cohort reaching 18
	141,505,000	2.8	792,428
Armed forces¹⁶¹	Total strength	Of which conscripts	Compared to annual cohort above
	c1,100,000	c550,000 (50%)	138.8% (conscripts 69.4%)
Military expenditure	\$ (% change from 2022)	Per capita	% of GDP
	\$109,454m (+6.9%)	\$757.8	5.9%

Current situation & recent developments

Feedback from organisations

As reported by EBCO's Russian member, the Movement of Conscientious Objectors¹⁶²:

¹⁶¹ It might be noted that conscription into the Russian army takes place also, illegally, in annexed Ukraine and the occupied areas of Ukraine; the effect on the figures given above is however minimal.

¹⁶² More info about the organisation at: <https://stoparmy.org/en/>



The period from March 2023 to March 2024 saw a logical continuation of the changes that began in Russia after the Russian army invaded Ukrainian territory on February 24th, 2022, and separately after Russian President Vladimir Putin declared mobilisation on September 21st, 2022.

The parliament, executive bodies, and military commissariats focused their efforts on implementing new norms and rules regulating military-civil relations. During conscription, we saw active police raids. Mobilisation for war with Ukraine continued in the form of persuasion or threats.

– *Changes in Legislation during Wartime*

In 2023, a large number of legislative novelties were adopted in the field of military-civil relations. They affected conscripts, who in Russia are required to undergo military service or alternative civilian service according to general rules, as well as servicemen serving under contract and mobilised for war with Ukraine under the presidential decree of September 21st, 2022.

Change in conscription age: In March–April 2023, the State Duma of the Russian Federation considered and adopted amendments to change the conscription age. Initially, they wanted to change the conscription age from 18–27 to 21–30, but in the end, parliament changed only the upper limit so that starting from January 1, 2024, citizens in Russia will be conscripted for military service at the age of 18 to 30.

The adoption of the law put at risk of possible conscription citizens aged 27 to 30. As of 2023, a conscript who reaches the age of 27 must be enrolled in the reserve of the armed forces of Russia. The legislation does not specify what the procedure for enrolling in the reserve should be, so human rights activists do not exclude that men who turned 27, 28, or 29 in 2023 may face the risk of conscription from 2024. However, as of March 2024, there have been no reports of attempts to conscript such citizens.¹⁶³

Change in the maximum age for being in the reserve of the armed forces: In July 2023, Vladimir Putin signed a law extending the maximum reserve service age by five years for specific military ranks, including soldiers, sailors, sergeants, and officers. The new age limits are set at 40, 50, and 55 years for different categories, with senior and junior officers' mobilisation reserve age limits increased to 65 and 60 years, respectively. A transition period until January 1st, 2028, is established for gradual retirement adjustments.

This change will require those who wish to retire from military service permanently at the age of 50 to 55 to remain in the reserve and make them liable to mobilisation for war. In turn, those who have been mobilised or voluntarily signed a contract with the Ministry of Defense of Russia will only be legally allowed to apply for retirement at the age of 65.

Change in the procedure for notifying conscripts – Electronic summons: Another significant legislative change was the change in the procedure for notifying citizens of summons to military offices. Military offices in Russia traditionally issued paper summonses, which were supposed to be handed over to the potential conscript by military office employees or employers at their place of

¹⁶³ Lawyers and human rights activists cannot say for certain whether draft boards will attempt to conscript citizens aged 27 to 29 for military service. Most likely, the first practice on this issue will either emerge or not emerge in April 2024.



work or study strictly against the conscript's signature. These rules allowed conscripts to legally evade compulsory military service without any problems. Military offices often lacked the human resources to find conscripts and deliver summons to each of them under the conscript's signature.

The new law changed the established relationships. An electronic register of military registration will be created, which will contain a significant amount of data on conscripts and reservists – education, health status, history of crossing the border, work under an employment contract, and other information.

Moreover, a special electronic register of summons will be created. Even without an account in the special electronic system, the military office will be able to impose on the citizen the obligation to appear at the military office. Russian authorities hurried to introduce the described electronic registers from the autumn of 2023, but over time, it turned out that this task exceeds their technical capabilities. As of March 2024, the electronic military registration register and the electronic register of summons are not operational. Moreover, not all necessary by-laws and procedural regulatory legal acts regulating the operation of this register have yet been adopted.¹⁶⁴

In addition to these innovations, restrictions were introduced that will be imposed on citizens if they do not appear at the military office after twenty days. Restrictions include a ban on leaving the country, a ban on driving or registering a vehicle, a ban on taking out a loan and borrowing, a ban on registering transactions with real estate, putting it on the cadastral register, and a ban on registering as a self-employed person.

In December 2023, Vladimir Putin instructed the Ministry of Defence to put the register into operation from October 1, 2024. With the launch of the register, the restrictions described above will automatically come into effect.

Changes in the procedure for concluding a contract for military service: The active phase of mobilisation in September – November, 2022, was a shock to Russian society. Therefore, in 2023-2024, despite the huge number of rumours about the so-called "second wave of mobilisation," the Russian authorities focused on citizens who can be voluntarily attracted to military offices. Specific requirements for concluding a contract with the Ministry of Defence applied until April 2023, regarding the level of education and the term of service in the conscript army. After April 2023, these requirements were considered obsolete. At the moment, there are no serious requirements for the selection of contract soldiers: the age of 18 and the health category from "A", "Б" or "B" categories allow concluding a contract with the Ministry of Defence.¹⁶⁵

¹⁶⁴ It is worth noting that during the editing stage of the final text, we paid attention to the fact that all military offices in Moscow have been consolidated into a "Unified Drafting Point for Compulsory Military Service." The directive to create a unified draft commission specifically mentions that such a commission will utilise federal and regional information systems and resources, electronic interaction tools, and electronic signatures. There is a presumption that we may see a test launch of the electronic military registry in Moscow as early as April 2024.

¹⁶⁵ All health status categories applicable in Russia are as follows: "A" – fit for military service; "Б" – fit for military service with minor restrictions; "B" – partially fit for military service; "Г" – temporarily unfit for military service; "Д" – permanently unfit for military service.



Sending Prisoners from Correctional Institutions to War: In June 2023, a separate Federal law was adopted allowing the Russian authorities to use prisoners in the war in Ukraine. The selection of specific volunteers to participate in the war was envisaged, except for suspects accused, or convicted of rape, sexual violence, extremist, and terrorist crimes.

The authorities provided for a procedure whereby a person may be exempted from criminal prosecution or his conviction may be completely extinguished in case of receiving a state award or dismissal from military service upon reaching the maximum age (65–70 years), health condition (category "Д"), or due to the end of the mobilisation period in the Russian Federation.

In fact, the law regulated existing relationships regarding the recruitment of prisoners for the war. The first recruitment was initially carried out by the private military company "Wagner" and its leader, Yevgeny Prigozhin. Subsequently, the recruitment of prisoners passed completely under the control of the Ministry of Defense of Russia.

Attempt to Regulate the Activities of Volunteer Formations: In addition to mobilisation and the direct option to sign a contract with the Ministry of Defense of Russia, there is an option to become a volunteer. The volunteer status is legally similar to the status of a person who has signed a contract with the Ministry of Defense of Russia but has several important differences.

Firstly, such individuals are not legally considered military personnel. They are not subject to the norms of legal responsibility applied to mobilised or regular contract soldiers. Such individuals will not be held accountable for committing crimes against military service or damaging military property.

Secondly, such individuals have the chance to enter into a volunteer contract for a period of up to one year, which means they have the opportunity to return home without significant issues. Such an option is not available to those who are mobilised or regular contract soldiers.¹⁶⁶

In September–November 2023, the Russian authorities attempted to introduce criminal and material liability for volunteers, but as of March 2024, the bills have not been adopted.

Complication of the Procedure for Appealing the Decision of the Draft Board: The mentioned law on electronic summons also affected the procedure for appealing the decision of the draft board. Lawyers and conscripts previously actively used the legal method to suspend the execution of the draft board's decision by filing a lawsuit in court. The military office simply did not have the opportunity to take actions to send the conscript to the army after the initiation of the judicial procedure. This provision was repealed in April 2023. One deputy has introduced a bill to reintroduce it, but as of March 2024, it has not passed the first reading in the parliament.

Strengthening of Administrative and Criminal Liability: Desertion, unauthorised absence from military units, failure to comply with a military order, and other offences under the Criminal Code of the Russian Federation regarding to crimes against military service were supplemented with provisions that increase liability if these are committed during a state of war or mobilisation. It is worth noting that according to "Mediazona" publication data for 2023, Russian courts received 5,024

¹⁶⁶ Student media publish stories about how volunteers serve in the army. One example is the student publication of the National Research University Higher School of Economics (HSE) in Russia. URL: <https://www.hse.ru/our/news/851881504.html>



cases of unauthorised absence from military units (for comparison - in 2022, 1,001 cases were sent to courts), 421 cases of failure to comply with a military order, and 148 cases of desertion.¹⁶⁷

In October 2023, administrative liability was tightened. It affected not only military service but also military registration issues. Administrative offences with liability were introduced for both individuals and organisations for the first time. In October 2023, employees of Russian organisations were threatened with fines for not organising military registration. There is no doubt that under current conditions, legal entities will provide any information to military offices. Individuals employed under an employment contract or studying in educational organisations have virtually no legal way to evade the draft board.

For example, from October 2023, a fine of 10,000 to 30,000 rubles (\$100– \$300) is imposed for the failure of a citizen to appear at the military enlistment office without a valid reason. For not informing the military office about leaving the place of residence for more than 3 months, a fine of 10,000 to 20,000 rubles (\$100–\$200) is imposed. For not providing information necessary for military registration by an organisation's official, a fine of 40,000 to 50,000 rubles (\$400–\$500) is imposed.

A separate fine has been introduced for failure to assist military enlistment offices in their mobilisation work. For example, fines will be imposed under this article for failure to notify about the need to appear according to the summons or failure to assist in organising notification and appearance at the military enlistment office: from 60,000 to 80,000 rubles — for officials of organisations (\$600–\$800), from 400,000 to 500,000 rubles — for organisations (\$4,000–\$5,000).

– *Conscription and Mobilisation in Russia*

Draft for compulsory military service: Mobilisation for military service in Russia continued according to the planned dates: from April 1 to July 15, 2023, and from October 1 to December 31, 2023. According to the Ministry of Defence of Russia, 147,000 people were called up for military service during the spring-summer campaign, and 130,000 people during the autumn campaign.¹⁶⁸

Conscripts serving in the army still face the risk of being in combat zones. Russian authorities consider the occupied territories of Ukraine as part of the territory of the Russian Federation. Moreover, legislation does not prevent conscripts from being sent to border areas. Reports have been published by journalists indicating that some conscripts are stationed in the Belgorod region, which is subject to shelling by Ukrainian armed forces.¹⁶⁹ It is worth noting that in March 2022, Russia acknowledged the presence of conscripts on the territory of active combat.¹⁷⁰

The consolidation of military enlistment offices in the territory of Moscow: In March 2024, information emerged that all military offices in the territory of Moscow would cease their operation. Their functions will be transferred to the level of the "Unified Draft Office of Moscow." This decision, made by the Mayor of Moscow Sergey Sobyenin, contradicts federal legislation. However, it is already

¹⁶⁷ <https://zona.media/news/2023/12/29/5000-500>

¹⁶⁸ We have no grounds to trust the figures provided by the Ministry of Defence of the Russian Federation.

¹⁶⁹ <https://www.currenttime.tv/a/russian-soldiers-border-hotspots/32340390.html>

<https://www.svoboda.org/a/my-ne-hoteli-voevat-minoborony-rossii-ne-pomnit-svoih-soldat/32617942.html>

¹⁷⁰ <https://www.interfax.ru/world/827191>



clear that the conscription for military service, starting from April 1, 2024, will proceed in Moscow according to new rules. Instead of 146 draft boards formed on a district principle, the conscription campaign will be conducted in one consolidated draft board.

Mobilisation in Russia: A New Strategy: From 2023 to 2024, mobilisation for the war between Russia and Ukraine continued from a legal perspective. However, the active recruitment phase that occurred in September–November 2022 was no longer observed.

It is evident that Russian authorities decided to change tactics in recruiting soldiers. The main emphasis was placed on volunteers among Russian citizens facing difficult financial situations and individuals without Russian citizenship who are working in Russia. While Russian citizens were primarily encouraged by socio-economic changes, a different strategy was chosen for those who acquired Russian citizenship by application or for those without Russian citizenship.

Simplification of the Procedure for Acquiring Russian Citizenship for Foreigners: In 2023, the State Duma of the Russian Federation adopted a new Federal Law "On Citizenship." It included separate provisions for obtaining citizenship for foreigners who signed a contract with the Ministry of Defence for service in the Russian Armed Forces for a period of at least one year. The President was given the authority to determine other categories of citizens and the requirements for acquiring citizenship.

President Putin exercised his powers, and in January 2024, by a separate decree, clarified who could apply for citizenship and what requirements were not imposed on such foreigners. Now, foreigners participating in the war can obtain Russian citizenship without complying with requirements regarding length of residence in the country, knowledge of the Russian language, history of Russia, and the basics of Russian legislation. The Decree also allows the consideration of applications from individuals who are wanted for criminal offences, are serving prison sentences, or have unredeemed or unexpired convictions.

Preferences and Benefits for War Participants: Participation in the war in Ukraine entails a large number of benefits, advantages, and significant financial compensation. From 2023 to 2024, Russian authorities continued to enact laws aimed at improving the position of individuals who acquire the status of military personnel and are sent to the combat zone.

In the field of lending, the rule of "credit holidays" was extended to servicemen and their family members on a permanent basis starting from 2024, allowing them to postpone loan payments while participating in the war. In the event of the death at war of a borrower or recognition as a disabled person of Group I, the borrower's family members may expect to have their loan obligations waived.

In the field of housing, it was also established that children left without parental care due to the participation of their parents in the war will have preferential access to housing. War participants are also not charged interest for late payment of utility bills. Volunteers are entitled to receive free rehabilitation and vouchers to sanatoriums.

In the field of tax, war participants were exempted from state fees for restoring lost or damaged passports and driver's licence in 2023.



In the field of education, participation in the war is now considered an individual achievement when applying to universities on a budget basis. Separate quotas for admission to universities were allocated for war participants. There is a separate opportunity for war participants to switch from paid (commercial) education to budget education. Children of war participants have the right to priority enrolment in kindergartens, schools, and summer camps.

In labour relations, privileges were established for servicemen. Employers have the right to provide them with financial assistance. In the field of pension provision, guarantees were established for the family members of servicemen. Children, siblings, and grandchildren, if they are disabled, have the right to a separate pension in case of the death of a serviceman.

In the field of criminal liability, the possibility of exemption from criminal liability was introduced upon receiving state awards, dismissal from military service due to reaching the maximum age of service, health reasons, or in connection with the end of the war. The law applies to those who committed a crime or have a conviction for a minor or medium severity offense (excluding convictions for rape, paedophilia, and other serious crimes).

– *Conscientious Objection during Wartime*

The right to conscientious objection to military service during periods of armed conflict has not undergone significant changes for better or worse.

On the positive side, it is worth noting the recognition of the right to alternative civilian service during mobilisation by all judicial instances. From 2019 to 2021, Pavel Mushumansky performed alternative civilian service instead of military service. In 2022, he was mobilised, but he declared his anti-war beliefs, appealed the decision of the draft board in court, and the court ruled the mobilisation illegal. The draft board then appealed the court's decision, insisting that there is no law specifying the procedure for exercising the constitutional right to alternative civilian service during mobilisation. Pavel Mushumansky remained in the unit at that time but did not handle weapons, take the oath, or wear the uniform. In March, the Leningrad Oblast Court sided with Pavel. It confirmed that the Constitution guarantees the right to refuse military service on grounds of conscience to everyone, regardless of whether there is a corresponding law. In July, the Third Cassation Court upheld the lower courts' decision to declare Pavel's mobilisation illegal. The draft board appealed to the Supreme Court. On November 15, the Supreme Court refused to transfer the draft board's complaint in Pavel Mushumansky's case for consideration at a court hearing. All judicial instances agreed that the absence of legislation providing for the procedure for exercising the constitutional right to alternative civilian service during mobilisation cannot deprive citizens of the right itself.¹⁷¹

However, Pavel Mushumansky's case, although positive, does not address the fundamental problem associated with alternative civilian service during mobilisation. Pavel Mushumansky's case is significantly different from many others in that he successfully replaced regular conscription with alternative civilian service. At the same time, in 2023, a separate judicial practice was formed in favour of draft boards, which won cases against citizens mobilised for war who sought to replace military service with alternative civilian service. The main argument of the draft boards in court was

¹⁷¹ <https://www.rbc.ru/politics/17/03/2023/641383809a79472ddb00689>



the fact that there is no legislation providing for the provision of alternative civilian service during mobilisation.

In the sphere of compulsory conscription into military service, the situation regarding alternative civilian service remains complex. During 2023–2024, there were no significant changes to this procedure. However, negative trends have emerged in judicial practice. For example, the Movement of Conscientious Objectors has taken up the case of an applicant who was accused of committing a criminal offence under Article 328 of the Criminal Code of the Russian Federation ("Evasion of military service") for repeatedly appealing to the court the refusal to replace military service with alternative civilian service. Russian legislation still allows appealing the refusal to replace military service with alternative civilian service in court and not to go to the place of military service during the appeal process. Potential conscripts can appeal refusals in court and even try to reapply for alternative civilian service despite a negative court decision.

– *Obstruction to work of NGOs*

During 2023–2024, the Russian authorities continued to put pressure on non-governmental organisations (NGOs), associations, human rights projects, and initiatives.

Individuals and legal entities continue to be declared foreign agents through extrajudicial means. At the same time, the deputies of the State Duma of the Russian Federation continue to adopt new laws aimed at restricting the activities of such individuals. The "undesirable organisation" construct is actively applied. While it may still be relatively safe to officially cooperate with a "foreign agent," any cooperation with an "undesirable organisation" can lead to criminal prosecution.

The so-called fight against extremists and terrorists continues. Extremist organisations, as well as non-existent associations, are being liquidated and recognised as extremist through the system of general jurisdiction courts. In November 2023, the Supreme Court of the Russian Federation recognised an alleged international public movement "LGBT" as an extremist organisation on the territory of Russia. This decision has already led to administrative and criminal cases. For example, in Saratov, a young woman was arrested for five days for wearing rainbow-coloured earrings.¹⁷²

In June 2023, the Ministry of Justice included the Movement of Conscientious Objectors and its director, Saša Belik, in the register of foreign agents.¹⁷³ In November, parallel to the liquidation and recognition as extremist of the international public movement "LGBT," Russian state television channels aired several items in which they referred to the Movement of Conscientious Objectors as a structural element of the international LGBT movement.

Such actions have forced the Movement of Conscientious Objectors to suspend crowdfunding from individuals with Russian accounts who are located within the territory of Russia.

¹⁷² <https://www.svoboda.org/a/zhiteljnitsu-nizhnego-novgoroda-arestovali-za-raduzhnye-seryozhki/32800152.html>

¹⁷³ <https://tass.ru/obschestvo/18102461>



2.40. SAN MARINO

[\[See country page on EBCO website\]](#)

Conscription never existed. It is registered that there are no regular military forces and that the defence is the responsibility of Italy.

However, there are some Military Corps, such a Military Ceremonial and a Military Band.¹⁷⁴

2.41. SERBIA

[\[See country page on EBCO website\]](#)

Conscription currently imposed?	No	Suspended in 2011.	
Conscientious objection first recognised	1992	Constitution of Serbia and Montenegro, Article 58 (guaranteed unarmed military service only) Regulation on Civilian Service 37/2003	
CO release of professional soldiers	–	No specific provisions beyond constitutional guarantees (see below)	
Minimum recruitment age	18		
Population	Total	% males 15-19	Thus approx. annual cohort reaching 18
	6,693,000	2.8	37,481
Armed forces	Total strength	Of which conscripts	Compared to annual cohort above
	28,150	-	104.3%
Military expenditure	\$ (% change from 2022)	Per capita	% of GDP
	\$2,136m (+23.9%)	\$298.8	2.9%

* The figures given above do not include Kosovo, whose declaration of independence in 2008, although not accepted by Serbia, is recognised by most other European States and which is outside the effective control of the Serbian government. The situation in Kosovo is covered in the [Kosovo section](#).

¹⁷⁴ <https://esteri.sm/pub2/EsteriSM/Corpi-Militari/Corpi-militari.html#blocco2>



Current situation & recent developments

The possible return of conscription has regularly surfaced in political debate in Serbia. It was advocated by a Defence Ministry survey in 2016, and endorsed by President Vucic in 2018 and 2022. In 2021 Women in Black mounted a demonstration in Belgrade against similar proposals.¹⁷⁵

Most recently, on 4th January 2024 the General Staff of the Armed Forces made a proposal to the President. The Ministry of Defence said in a statement that the proposal for service of up to four months is made "to increase the defence capabilities of the Serbian Armed Forces, through the rejuvenation and improvement in the training of the active and reserve forces." The proposal came after "a detailed consideration of the general security situation and current challenges faced by the Republic of Serbia as a militarily neutral country."¹⁷⁶

Details of what is proposed are sparse, and the potential cost is a controversial issue. There has been an indication that it might involve a four-months' training period, followed by refresher reserve call-ups. There has been no mention of what conscientious objection provisions might apply. Reports at the time of the suspension of conscription in 2011 indicated that the civilian service was being abolished, leaving uncertain the question of what the situation would be in the event that conscription were reinstated.

Feedback from the state

From the answers of the Serbian Ministry of Defence to EBCO's questionnaire:

Following the entry into force of the Decision of the National Assembly to suspend the compulsory military service (Official Gazette of the Republic of Serbia, No. 95/10), as of 1st January 2011, referral to military service in the Serbian Armed Forces is done on a voluntary basis, in accordance with the provisions of the Law on Military, Labour and Material Obligations ("Official Gazette of RS", Nos. 88/2009, 95/2010 and 36/2018, hereinafter referred to as "the Law").

Article 135(5) prescribes that "Persons who voluntarily wish to perform military service under arms in the Serbian Armed Forces are subject to the provisions of the law relating to enlistment obligation and military service obligation. Other persons are subject to the obligation to register for military service and the obligation to serve in the reserve forces."

Candidates who applied for voluntary military service under arms are sent for medical and other examinations and psychological tests for the purpose of assessing fitness for military service and the recruitment.

The right of the recruits to exercising the conscientious objection is prescribed in Article 45 of the Constitution of the Republic of Serbia, as the supreme legal act, the Law on the Yugoslav Army, Regulation on fulfilling military service obligation ("Official Gazette of the SMN", No. 37/03 and 4/05 and (Official Gazette of the RS, No. 6/07) and, since 5th November 2009, in the Law on Civilian

¹⁷⁵ War Resisters' International, "WiB Belgrade Statement: On possible reintroduction of military service in Serbia", 28th May, 2021.

¹⁷⁶ "Could Serbia bring back obligatory military service?" Euronews, 4th January 2024.



Service (Official Gazette of the RS, No 88/09) and the Law on Military, Labour and Material Obligations (Official Gazette of the RS, Nos. 88/09, 95/10 and 36/18).

The Law on Civilian Service stipulates that a conscript in the reserve forces of the Serbian Armed Forces may also declare conscientious objector, upon the expiry of the period of four years after the completion of military service under arms.

The training of citizens for the needs of the defence of the country involves the performance of theoretical and practical teaching, which is intended for the acquisition of knowledge, skills, practising of actions and procedures, creating habits and developing the awareness, abilities and qualities of citizens on which the successful performance of assigned tasks depends.

Educational institutions implement contents of importance for defence that are carried out through the curriculum in secondary schools (students of the final grades) as an optional subject, and it is not preparation for recruitment and referral to military service.

“What was the total first-time military recruitment in recent years? Please disaggregate by age, gender and (if appropriate) whether as conscripts or volunteers.” The proposal of the Department for Defence Service Obligations is that the requested data should not be submitted to the European Bureau for Conscientious Objection (EBCO), because we believe that they are not relevant in relation to the topic treated in the report.”

A conscript in the reserve forces has the right to lodge a conscientious objection that is to be resolved in accordance with the Law on Civilian Service (Official Gazette of the Republic of Serbia, No 88/09).

Persons in the reserve forces may receive information on the right to conscientious objection in the competent territorial bodies of the Ministry of Defence as well as on the website of the Ministry of Defence.

Persons from the reserve force who invoked a conscientious objection are assigned to civil protection units and other defence forces in accordance with the Law on Civilian Service and the Regulation on the criteria for assigning citizens and material resources for the needs of defence and manning of the Serbian Armed Forces (“Official Gazette of the RS”, No. 75/10).

The employment of those who declare their conscientious objection within the framework of civil protection is under the jurisdiction of the Ministry of Internal Affairs of the Republic of Serbia and is carried out in accordance with the Law on Disaster Risk Reduction and Emergency Management (“Official Gazette of the RS”, No. 87/18) and the Law on Emergency Situations (“Official Gazette of the RS”, No.111/09, 92/11 and 93/12).

The training of persons from the reserve force who filed a conscientious objection and were assigned to civil protection units is carried out in accordance with the Law on Disaster Risk Reduction and Emergency Management (“Official Gazette of RS”, No. 87/18).



The employment of those who invoke a conscientious objection is carried out in the composition of civil protection units and work obligation units.

A person in the reserve force who is employed and is called up in connection with the performance of service in the reserve force, i.e. for training, during the performance of that obligation is entitled to salary compensation in the amount of his average salary in the previous 12 months before the call-up, in accordance with the general act or employment contract, unless otherwise specified by a separate law.

A person in the reserve force who, in terms of the law regulating pension and disability insurance, is self-employed, during the service in the reserve forces service, i.e. training, is entitled to compensation in the amount of the salary base from which he pays mandatory social insurance contribution.

A person in the reserve force who is not insured on the basis of employment or self-employment, an insured farmer, as well as a person in the reserve force, who receives a pension or monetary compensation for being temporarily unemployed, during the performance of service in the reserve, i.e. training for which he was called, shall be entitled to the monetary compensation in the amount prescribed by the Government, in the course of the reserve forces service.

Conditions for entitlement, amount and method of calculation and payment of compensation for performing service in the reserve force, that is, training for the defence of the country, are prescribed by the Government at the proposal of the Minister of Defence.

Article 45 of the Constitution of the Republic of Serbia ("Official Gazette of RS", No. 98/06) guarantees the human right that no person shall be obliged to perform military or any other service involving the use of weapons if this opposes his religion or beliefs.

A person who invokes a conscientious objection may be called up to fulfil their military duty without the obligation to carry arms, in accordance with the provisions of the Law on Civilian Service ("Official Gazette of the Republic of Serbia", No. 88/09).



2.42. SLOVAKIA

[\[See country page on EBCO website\]](#)

Conscription currently imposed?	No	Suspended 2005 (Act 569/2005) Could be reinstated in time of war or emergency	
Conscientious objection first recognised	1992	Civilian Service Act (of Czechoslovakia) No. 18/1992	
CO release of professional soldiers	–	No specific provisions	
Minimum recruitment age	18		
Population	Total	% males 15-19	Thus approx. annual cohort reaching 18
	5,569,000	2.5	27,845
Armed forces	Total strength	Of which conscripts	Compared to annual cohort above
	17,850		64.1%
Military expenditure	\$ (% change from 2022)	Per capita	% of GDP
	\$2,663m (+27.7%)	\$459.6	2.0%



2.43. SLOVENIA

[\[See country page on EBCO website\]](#)

Conscription currently imposed?	No	Suspended 2003 Could be reinstated in war time.	
Conscientious objection first recognised	1991	Military Service Act, No. 18/1991	
CO release of professional soldiers	–	No specific provisions	
Minimum recruitment age	18		
Population	Total	% males 15-19	Thus approx. annual cohort reaching 18
	2,100,000	2.4	10,080
Armed forces	Total strength	Of which conscripts	Compared to annual cohort above
	6,400		63.5%
Military expenditure	\$ (% change from 2022)	Per capita	% of GDP
	\$908m (+17.1%)	\$428.1	1.3%

Current situation

Since 2010, the Republic of Slovenia has only had professional armed forces, the contract reserve and volunteer soldiers doing voluntary military service.

Possibility for reintroducing mandatory military service was discussed in 2024, Defense Minister Marjan Šarc expressed opinion that it is too early to talk about it.¹⁷⁷ Military spending is increasing and professional army is promoted among youth with various promotion actions. Funds were allocated for a “TV reality show on army”, but the idea was abandoned after public criticism in 2023, particularly because of excessive budget intended for the show.¹⁷⁸

¹⁷⁷ Bomo v Sloveniji ponovno uvedli obvezno služenje vojaškega roka?

<https://n1info.si/novice/slovenija/bomo-v-sloveniji-ponovno-uedli-obvezno-sluzenje-vojaskega-roka/>

¹⁷⁸ Šarec po vojake z resničnostnim šovom: je na razpisu izbrano podjetje sporno?

<https://n1info.si/novice/slovenija/sarec-po-vojake-z-resnicnostnim-sovom-je-na-razpisu-izbrano-podjetje-sporno/>



2.44. SPAIN

[\[See country page on EBCO website\]](#)

Conscription currently imposed?	No	Suspended with effect from 2002 (Royal Decree 247/2001)	
Conscientious objection first recognised	1978	Constitutional amendment.	
CO release of professional soldiers	–	No specific provisions. Training expenses would have to be repaid.	
Minimum recruitment age	18		
Population	Total	% males 15-19	Thus approx. annual cohort reaching 18
	47,223,000	2.7	255,004
Armed forces	Total strength	Of which conscripts	Compared to annual cohort above
	124,150		48.7%
Military expenditure	\$ (% change from 2022)	Per capita	% of GDP
	\$23,699m (+16.7%)	\$498.7	1.5%



2.45. SWEDEN

[\[See country page on EBCO website\]](#)

Conscription currently imposed?	Yes	Suspended 2010 Reinstated from 1st January 2018	
Conscientious objection first recognised	1920	Alternative Service Schemes Act, 21st May	
Current provisions			
Duration	Military service	Civilian service (% of military)	
	11 months	11 months (100%)	
CO release of professional soldiers	–	No specific provisions.	
Minimum recruitment age	18		
Population	Total	% males 15-19	Thus approx. annual cohort reaching 18
	10,536,000	2.9	61,109
Armed forces	Total strength	Of which conscripts	Compared to annual cohort above
	14,850	4,000 (26.9%)	24.3% (conscripts 6.5%)
Military expenditure	\$ (% change from 2022)	Per capita	% of GDP
	\$8,755m (13.4%)	\$825.0	1.5%

Current situation & recent developments

The conscription law remains the same, meaning that all citizens (male and female) turning 18 are required to provide the Swedish Defence Recruitment Agency (Plikt-och prövningsverket) with information, and to muster for military training if required to do so.¹⁷⁹ In 2010, 7,310 individuals were enrolled for military service, representing an increase of 1,727 over the previous year. Of the 7,310, 84% were called up in accordance with the conscription law; the remaining 16% enlisted voluntarily. Of the total of 102,286 18-year-olds who responded to the 2023 enlistment document, 36,425 (36%) were eligible and could be summoned to muster; of there 59% (21,537) had not answered

¹⁷⁹ The law of conscription, Lagen (1994:1809) om totalförsvarsplikt.

<https://rkrattsbaser.gov.se/sfst?bet=1994:1809>



negatively regarding their interest and motivation to undergo military training. Women generally had a less positive attitude towards military service than men.¹⁸⁰

According to the Swedish Defence Recruitment Agency, in 2023 138 conscripts were reported to the prosecutor's office for breach of the general law of military service by failure to report for military selection muster sessions. Furthermore, the Agency reports that in 2023, 94 conscripts applied for weapons-free status – all applications except one were accepted. Additionally, twelve individuals who had completed military training and had been allocated to a wartime placement applied for reclassification as weapons-free status; thus in total there were 106 such applications in 2023, compared with 107 in 2022.¹⁸¹

Those who receive weapon-free status can be called for civil conscription into placements within the civil defence. Civil conscription has not taken place since 2010, but as of 21st December 2023 the government has decided to activate civil service obligations in municipal emergency services and the electricity supply sector, which implies that individuals with relevant training will be subject to such obligations from January 19th 2024. The Swedish Civil Contingencies Agency (Myndigheten för samhällsskydd och beredskap, or MSB) is tasked with undertaking training for civil service obligations within municipal emergency services; the hope is that some 300 individuals can undergo such training within 2024. The government has allocated a total of 60 million SEK for civil defence obligations in 2024. For 2025, an increase in funding is proposed, suggesting an expansion in the number of individuals subject to such obligations.¹⁸²

According to the current defence decision, the number of youths called for conscription will increase to 8,000 by 2025. However, there is political unity that this is not enough as both the previous and the present government have indicated that more youths should be prepared to perform military service. For example, the government has argued that the number called for conscription each year should increase to 10,000.¹⁸³ As numbers increase, relying solely on those who have expressed a positive attitude towards undergoing military training with conscription will no longer be sufficient to meet the demand. This implies that in the future an increasing number of individuals who may not be motivated to serve will need to be called for conscription. A selection process is now under way to identify individuals who best meet the prerequisites for completing basic training under conscription. Those who are deemed to best meet the criteria will be called up irrespective of the individual's will and motivation. Media reported during autumn 2023 and again early in 2024 that the number of youth being forced to muster is increasing. They estimate that in 2024 between 6,000 and 8,000 individuals who answered that they are negative towards performing military service, but in other ways meet the requirements, will be called to muster against their will.¹⁸⁴ The Swedish Peace and

¹⁸⁰ The Swedish Defense Recruitment Agency (Plikt-och-prövningsverket) Press release <https://via.tt.se/pressmeddelande/3389399/sa-har-manga-inskrivna-till-varnplikt-kommer-fran-din-kommun?publiserId3235997>

¹⁸¹ Svenskafreds; information obtained from the Swedish Defence Recruitment Agency by email.

¹⁸² Ministry of Defence, press release, <https://www.regeringen.se/pressmeddelanden/2023/12/regeringen-aktivar-delar-av-civilplikten/>

¹⁸³ VP Newspaper, <https://www.svt.se/nyheter/inrikes/regeringen-vill-at-fler-glor-lumpen-kan-bli-10-000-varnpliktiga-om-aret>

¹⁸⁴ Radio Sweden. <https://sverigesradio.se/artikel/fier-kommer-att-tvingas-monstra-mot-sin-vilja>



Arbitration Society takes this very seriously and stands up for the right to refuse participation in the military system.

Sweden's NATO application raises new questions about conscription, and if and how conscripts can be used for military operations outside Sweden in the future as a member of NATO. The Swedish Peace and Arbitration Society has investigated the issue in a new report,¹⁸⁵ launched in January 2024, and concludes that conscripts could be affected by NATO membership and could be sent abroad for one of three reasons.

1. Participation to a greater extent than already takes place in joint exercises and training within the framework of military cooperation.
2. In peacetime, participation in NATO troop deployments for the purpose of guarding NATO territory as a part of NATO's deterrence strategy.
3. In wartime, to fight for NATO, article 5 having been invoked. There are uncertainties as to whether it would be possible under the current legislation to force people to participate abroad in military operations abroad on behalf of NATO; the law states firmly that conscripts are to be used to defend Sweden. However the investigation showed that as operational military units within the armed forces rely heavily on conscripts it seems very likely that were article 5 to be invoked, conscripts would be used.

The fact that those who have already enlisted or been deployed were not able at the time of enlistment or conscription to consider the risk of being sent abroad on behalf of NATO raises questions about the democratic basis and transparency of the process. The report concludes that there is a pressing need for a broader public debate surrounding the implications of sending conscripts abroad within the NATO framework. The Swedish Peace and Arbitration Society is pushing for such a debate, and for a clear statement that no one can be sent abroad as part of NATO troops against their will.

– As reported by SWEFOR (the Swedish branch of IFOR)¹⁸⁶:

The Swedish government decided in 2023 to update the school curriculum for upper secondary school/college (10th–12th grade) by including "knowledge about NATO and the concept of total defence", obviously connected to the new – more militaristic – situation. In practice it will enter into force in 2024. The same change seems to be about to be made also for the lower grades, we are awaiting such a decision this year.

¹⁸⁵ Swedish Peace and Arbitration Society (Svenska Fredsoch Skiljedomsföreningen) NATO Report <https://www.svenskafreds.se/app/uploads/2023/10/sverige-i-nato-del-1-1.pdf>

¹⁸⁶ More info about the organisation at: <https://swefor.org/>



2.46. SWITZERLAND

[\[See country page on EBCO website\]](#)

Conscription currently imposed?	Yes		
Conscientious objection first recognised			
Current provisions			
Duration	Military service	Civilian service (% of military)	
	245 days Or longer depending on rank	368 days (150%)	
CO release of professional soldiers	Covered under the general law on alternative civilian service.		
Minimum recruitment age	18		
Population	Total	% males 15-19	Thus approx. annual cohort reaching 18
	8,793,000	2.4	42,206
Armed forces	Total strength	Of which conscripts	Compared to annual cohort above
	19,550	18,200 (93.1%)	46.3% (conscripts 43.1%)
Military expenditure	\$ (% change from 2022)	Per capita	% of GDP
	\$6,293m (+11.3%)	\$715.4	0.7%

Current situation & recent developments

Feedback from organisations

As reported by EBCO's Swiss member CIVIVA¹⁸⁷:

At the request of the far right-wing political party SVP, the Swiss Federal Council has yet again decided on several adaptations to the civilian alternative service (Zivildienst) laws in 2023, in order to restrict access to, and worsen the conditions of serving in alternative civilian service. This is only three years after it had proposed a package of restrictions in 2019. The declared intention of the adaptations is to prevent young men from accessing their right to Conscientious Objector status.

¹⁸⁷ More info about the organisation at: <https://www.servicecivil.ch/civiva>



One change is to undermine the independence of the civilian service from the military by placing it under the command of the civil defence authority.

A further package of six measures has been proposed for 2024:

1. a minimum number of 150 days of alternative service (irrespective of the number of days already served in the military prior to application for CO status)
2. the application of the 1.5 ratio of the duration of alternative service to that of military service to officers and NCOs, whose periods of military service are longer than those of the rank and file.
3. no placements that require a degree in human, dental or veterinary medicine
4. no admission of members of the armed forces with 0 remaining days of military service
5. a tightening of the rules regarding the timing of alternative civilian service, requiring that a placement be taken up within the year of admission.
6. likewise, in the case where the application was submitted during military basic training period (recruit school), an obligation to complete the long period of service within the calendar year following the legally binding admission.

The new minimum number of days to be served in civilian alternative service (item 1), and the new conditions for officers (item 2) will result in an increase in the relative duration of alternative service to up to 200% of that of military service, or more depending on the time of application. Moreover, it is once again being suggested that the individual examination of claims of conscientious objection should be reinstated, despite the claim that the differential duration of alternative service serves to test the sincerity of the objection. CIVIVA points out, furthermore, that the fact that currently no applications are formally rejected, by no means all lead to acceptances; in fact figures quoted in our report last year's report indicated that something like a quarter of all applications, and a greater proportion of applications lodged after military service had begun, were for one reason or another not proceeded with (although in some cases a later application might have been lodged by the same person). In total, less than a quarter of those passed as fit for military service are admitted to alternative service.

Feedback from the state

Obligatory military service is imposed on all male Swiss citizens. After a first information day, they have to report to a recruitment assessment that lasts three days and after which is determined whether or not they are apt to serve in the Armed forces or not. If they are, they then have to accomplish their military service. If they are not deemed apt for military service, they may serve in the Civil protection. If they are not apt for either service, they pay an exemption tax. The compulsory conscription is stipulated in the Federal Constitution. The ensuing procedures are stipulated in the Law on the Armed forces and the respective ordinances. Preparation for military service does not feature in the secondary education curriculum.



For conscripts (privates and lance corporals), the initial duration of service is at the most 280, but currently 245 days to be served in the period of 10 years. They are composed of a basic training of 5 months followed by yearly refresher-courses of 3-4 weeks.

Voluntary recruitment into military service is possible for female Swiss citizens. It is not possible for residents of other nationalities. Voluntary military service is governed in the law on the Armed Forces.

Conscripts can – at any time after declared fit for military service – stipulate a conflict of conscience and a demand serve in the Alternative Civilian Service instead. This is also guaranteed by the Federal Constitution. Conscripts are informed upon the possibilities of a conscientious objection during the first information day and during the recruitment assessment.

Applications do not undergo any scrutiny. Conscripts that choose to serve in the Alternative Civilian Service prove their conscientious objection by accepting the longer duration of civil service (1.5 times the duration of the military service). The Federal Office for Alternative Civilian service (Bundesamt für Zivildienst ZIVI (admin.ch)) is responsible for alternative service arrangements.

Conscripts are remunerated in the same way disregarding the branch of service (Armed Forces, Civil Protection, Alternative Civilian Service). They are entitled to 80% of their salary before their service. If this is not applicable (i.e. for students), a basic remuneration is paid. Added to that, all conscripts receive a daily pay (per diem). The remuneration in relation to the salary prior to service is administered by the Federal Department of Finance. Per diems are administered by the Armed Forces for military conscripts and by the cantonal civil protection authorities for Civil Protection conscripts. Conscripts in the Alternative Civilian Service receive their per diems by the institutions they are serving in (i.e. hospitals, care centres, etc.).

In the last years, by average 35'000 male citizens went through the recruiting assessment. Around 7'000 were declared inapt for both military service and civil protection. Around 3'000 were declared inapt for military service and apt for civil protection. Around 25'000 were initially declared apt for military service. Of these around 3'000 declared a conflict of conscience and were consequently transferred to the Alternative Civilian Service. Around 22'000 conscripts started basic military training every year. Of these, around 3'000 more conscripts chose to change to the Alternative Civilian Service during their military service period. The total number of applications accepted each year over the past decade (broken down for recent years – information supplied by CIVIVA – the number resulting from applications before conscription, during the initial "recruit school" phase of military service and subsequently;



Year	Total	Before conscription	During recruit school	Later
2013	5,243			
2014	5,757			
2015	5,835			
2016	6,169			
2017	6,785			
2018	6,205	3,036	904	2,264
2019	2,088	3,139	931	2,018
2020	5,254	2,907	731	1,596
2021	6,148	3,677	878	1,593
2022	6,635	3,769	764	2,102
2023	6,754	3,769	786	2,199



2.47. TÜRKIYE

[\[See country page on EBCO website\]](#)

Conscription currently imposed?	Yes		
Conscientious objection first recognised	Never recognised		
Current provisions			
Duration	Military service	Civilian service (% of military)	
	6 months	Not available	
CO release of professional soldiers	Not permitted		
Minimum recruitment age	19		
Population	Total	% males 15-19	Thus approx. annual cohort reaching 18
	83,593,000	4.0	668,744
Armed forces	Total strength	Of which conscripts	Compared to annual cohort above
	355,200	Not known	53.1%
Military expenditure	\$ (% change from 2022)	Per capita	% of GDP
	\$15,669m (+46.8%)	\$189.3	1.5%

As reported by EBCO's Turkish member Conscientious Objection Watch¹⁸⁸:

The situation of conscientious objectors to military service has not improved since 2023. Türkiye still maintains a system of obligatory military service. All male citizens become liable for service from the beginning of the calendar year of their 20th birthday. There is no recognition of the right to conscientious objection to military service, resulting in repeated prosecution (including imprisonment) and a limitation of rights which the European Court of Human Rights (ECtHR) has described as 'civil death' and cruel, inhuman or degrading treatment. Expressions about the military and conscientious objection are criminalised under "alienating the public from military service". Türkiye continues to take no action in response to a series of European Court of Human Rights

¹⁸⁸ More info about the organisation at: <https://vicdaniret.org/>



judgements finding violations of the right to freedom of thought, conscience and religion; prohibition of cruel, or degrading treatment; and the right to fair trial (in cases where the applicants were tried and convicted by military courts).¹⁸⁹

In July 2023, 17 years after the European Court of Human Rights first ruled in favour of conscientious objector Osman Murat Ülke, the Committee of Ministers of the Council of Europe took a surprisingly clear position on the violation of the right to conscientious objection in Türkiye. In its [decision](#) of 07.06.2023, the Committee of Ministers strongly urged the Turkish authorities to submit an "action plan" containing political and practical measures to recognise the right to conscientious objection. The Committee of Ministers stated that it would otherwise adopt a resolution for an interim solution within one year.

Before the Committee of Ministers' decision, Conscientious Objection Watch, together with the European Bureau for Conscientious Objection (EBCO), Connection e.V., International Fellowship of the Reconciliation (IFOR) and War Resisters' International (WRI), made a [joint submission](#) to the Committee of Ministers of the Council of Europe. In this joint submission, it was pointed out that conscientious objectors in Türkiye are not only prosecuted/punished for conscientious objection or desertion; conscientious objectors also face many other rights violations and restrictions, including heavy fines, repeated prosecutions on the same charges, violations of their rights to education, the right to vote and to work, restrictions on their freedom of movement, and "civil deaths" of conscientious objectors.

Throughout 2023, [Conscientious Objection Watch](#), member organisation of EBCO, continued to publish periodic bulletins for a year to document and make visible the current situation of conscientious objectors in Türkiye. In 2023, a total of 31 people in Türkiye declared their conscientious objection by contacting Conscientious Objection Watch.

The Conscientious Objection Watch continued to monitor the rights violations and restrictions suffered by people who do not want to do compulsory military service in 2023 in Türkiye. According to the information obtained from this monitoring, the rights violations and restrictions experienced by 56 people who contacted Conscientious Objection Watch are as follows:

¹⁸⁹ European Court of Human Rights, Final judgement, Case Ülke v Turkey (Application No. 39437/98), Strasbourg 24th January 2006; European Court of Human Rights, Deuxième Section, Affaire Ercep v Turquie (Requête no 43965/04), Arrêt, 22 novembre 2011; European Court of Human Rights, Case of Feti Demirtas v Turkey, Application No. 5260/07, Chamber Judgment of 17 January 2012; European Court of Human Rights, Case of Savda v Turkey (application no. 42730/05), Chamber Judgment of 12 June, 2012; European Court of Human Rights, Case of Tarhan v Turkey (application No. 9078/06). Chamber judgement of 17 July 2012; European Court of Human Rights, Deuxième Section, Affaire Buldu et autres v Turquie (Requête no 14017/08), Arrêt, 3 juin 2014



– Human Rights Violations, Restrictions and Prosecutions of Conscientious Objectors in Türkiye in 2023

- February: Conscientious objector Alpaslan Kaya was sentenced to 6 months in prison on the charge of being a draft evader.
- March: Conscientious objector İnan Mayıs Aru's appeal against the sentences given to him in 6 separate cases was rejected by the Court of Appeal and he was sentenced to 6 months and 7 days in total.
- March: The appeal against the judicial fine of 6,000 liras imposed on conscientious objector UG was rejected by the court and the verdict was upheld. The appeal against the 10-month prison sentence given to UG in another case was also rejected by the court and the decision was finalised. This is the third finalised prison sentence given to the fugitive conscientious objector.
- May: Conscientious objector Ersan Uğur Gör was sentenced to 5 separate penalties for not going to military service on the grounds that he was a draft evader. Gör was sentenced to a total of 16 months and 20 days, which was converted into a judicial fine and a total judicial fine of 15,000.00 TL.
- August: Conscientious objector Cihat Aydın was issued an administrative fine of 46,225.56 TL for not joining the military. Aydın appealed the fine through his lawyer.
- October: Conscientious objector Şendoğan Yazıcı was detained in Ankara on the basis of a denunciation made against him by an 'unknown' person. Yazıcı was interrogated by anti-terrorism police and released when it was realised that the tip-off was unfounded.

– Reports released by EBCO member organisation Conscientious Objection Watch

In May 2023, Conscientious Objection Watch published "The Multiplier Effect Of The Violation Of The Right To Conscientious Objection" in May. The report focuses on the restriction of freedom of



movement and violation of the right to work in the context of rights violations and restrictions experienced by conscientious objectors who refuse to perform compulsory military service in Türkiye. Violation of the right to work and restriction of freedom of movement are the most common threats to conscientious objectors in Türkiye. You can access the full report [here](#).

In October 2023, Conscientious Objection Watch sent an input to the United Nations Human Rights Office of the High Commissioner. The input submitted for the OHCHR's report on conscientious objection to military service also provided updated and comprehensive data on the situation of conscientious objectors in Türkiye. You can access Conscientious Objection Watch's full input [here](#).



2.48. UKRAINE

[\[See country page on EBCO website\]](#)

Conscription currently imposed?	Yes		
Conscientious objection first recognised	1991	Alternative (Non-Military) Service Law No. 1975-XII of 12th December 1991	
Current provisions	Not recognised	Alternative service was suspended under martial law, attempts to reintroduce it were blocked by MoD.	
Duration	Military service	Civilian service (% of military)	
	Indefinite (under martial law)	None	
CO release of professional soldiers	Not permitted		
Minimum recruitment age	18 (voluntary), 25 (compulsory)	Admission to the state military HEIs from 17 (considered military service), to military lyceums from 6-7	
Population¹⁹⁰	Total	% males 15-19	Thus approx. annual cohort reaching 18
	34,831,000	2.4	167,189
Armed forces	Total strength	Of which conscripts	Compared to annual cohort above
	c.800,000	650,000 (c80%)	478.5% (conscripts 388.8%)
Military expenditure	\$ (% change from 2022)	Per capita	% of GDP
	\$64,753m (+57.2%)	\$1,762.7	36.7%

Current situation & recent developments

Conscientious objection to military service has ceased to be recognised in Ukraine since the full-scale Russian invasion on 24 February 2022, and discharge from the army for reasons of conscience was

¹⁹⁰ The population figure is inevitably very approximate, excluding Ukrainians who have fled the country and the population of illegally-annexed Crimea and the occupied areas of Ukraine which, contrary to International Humanitarian Law, is being subjected to conscription into the Russian armed forces. It should be noted also that the armed forces formerly maintained by the self-styled secessionist "People's Republics" of Donetsk and Luhansk have now been merged with the Russian armed forces.



never allowed. Under the current mobilisation, no applications for alternative service have been granted, intensifying policies of total compulsory military registration and further conscription are ruling out conscientious objection. New mobilisation legislation aims at coercing everyone to register under fear of sanctions, fines, warrants and forced transporting to military recruitment centres by police. Those who have persisted in declaring themselves conscientious objectors have been prosecuted as draft evaders. Strategic communications humiliating all males who don't serve in the army as "draft evaders" create toxic public opinion, and an atmosphere of contempt and discrimination against holders of any non-militarist views and beliefs, where, in the words of a researcher of nonviolent resistance, conscientious objection became a social taboo.^{191,192} Instead, men and women are encouraged to serve in the army voluntarily by omnipresent advertising. The media and even human rights organisations ignore persecution of conscientious objectors or shame them as "draft evaders," and long-term militarisation of society for the sake of victory and survival after the victory became a main topic in the media. The domestic Law of Ukraine "On Alternative (Non-Military) Service" is currently applied not for protection of conscientious objectors but for denial in access to alternative service. Conscientious objectors have to rely on appeals, rarely successful, to constitutional principles and Ukraine's international human rights obligations, but courts and officials, with rare exceptions, are mostly accommodating to army's denial of conscientious objection. Also, traditionally, there are gaps and corruption helping wealthy people to circumvent hard mobilisation.

– *Compulsory military service under martial law*

Military duty in Ukraine, as defined by the Law of Ukraine "On military duty and military service," includes mandatory military registration and service in the armed forces or the reserve, as well as preparatory courses in all educational institutions, for instance "national patriotic upbringing", which starts from the first grade. All students in high school without exception are taught the basics of military doctrine and national security, civil defence and tactical medicine. Pre-conscription training, including the use of weapons, is mandatory for boys (apart of those exempted on the grounds of health or religious beliefs) and can be chosen voluntarily by girls with parental permission. In military lyceums cadets from childhood live in an atmosphere of army discipline, for other children summer camps of scouts are organised for the same purpose of military upbringing. All males from the beginning of the year of the 17th birthday, with some exemptions on the grounds of medical unfitness or criminal record, must be registered and assigned to conscription units. Women trained in medicine or pharmacy are also subject to mandatory military registration, and other female professionals needed for army could register and enlist voluntarily.

Military service is available from age 17 for cadets in higher military education institutions and from age 18 by a contract. Conscription for term-limited service in age 18-24 was ceased under martial law to be replaced with 3 months universal basic military training, but from age 25 every person with military registration, recognised as fit to serve by the military medical commission, can be mobilised unless there is exemption or deferral prescribed by law for a wide variety of health, family, education and occupation reasons, including work at positions considered vital for functioning of government

¹⁹¹ Ukrainian Nonviolent Civil Resistance in the Face of War,
https://www.icip.cat/wp-content/uploads/2022/10/ENG_VF.pdf

¹⁹² Belief or Betrayal? Ukraine's Conscientious Objectors Face Hostility,
<https://www.nytimes.com/2023/08/18/world/europe/ukraine-conscientious-objectors.html>



and economy. Mandatory military service under martial law is indefinite, unless age limit of 60 (or 65 for higher officers) is reached, or if there are grounds for discharge such as bad health, family circumstances, or prison sentence.

Under the Law "On military duty and military service," all males, subject to limited exemptions were obliged to perform 18 months military service. The Law on Alternative (Non-Military) Service of 1991, later linked with Article 35 of the 1996 Constitution of Ukraine, which prescribes "replacement of military duty with alternative non-military service when compliance with such contradicts religious beliefs of a citizen", introduced a civilian alternative service for conscientious objectors, but the detailed regulations limited access to members of ten specified religious denominations which were recognised as forbidding their adherents to bear arms.

Immediately following the Russian invasion, two Presidential decrees were issued. Decree 64/2022 declared martial law from 5.30am on 24th February 2022 and limited certain specified constitutional rights (not including those under Article 35). Decree 69/22 started a general mobilisation, under which every person registered for military service and passed as fit by a military medical commission could be called-up for indefinite service until reaching the age of 60 (or 65 for commissioned officers), subject to exemptions and deferrals for family, education or occupational reasons, including employment considered vital for the functioning of the government and economy. No mention was made of exemption for conscientious objectors. Call-up for limited-term military service was cancelled by other subsequent decrees, and this cancellation entailed cessation of accepting applications for alternative service. Mobilisation was further facilitated by a measure prohibiting all males aged between 18 and 60 to leave the country, or to depart without notice from their usual residence.

Mobilisation is conducted by army's territorial recruitment centres (ТЛК), which summon persons liable for military duty to renew their registration records and for medical examination; those who are found fit and benefit from no exemptions or deferrals can be called up immediately, and in some cases have been sent straight to the front line, but more commonly are transported to military training centres. In these centres, those who show unwillingness to serve suffer bullying to accept their fate and take the oath; the Military Commissars commanding the centres can impose administrative fines for non-compliance with mobilisation regulations and can force recruits to sign warnings of criminal liability for draft evasion. As mentioned above, those claiming to be conscientious objectors are assured, sometimes with the help of the local administrations who had been responsible for implementing it, that the Law of Ukraine "On Alternative (Non-Military) Service" does not allow access to such service in wartime. If they persist in their objection, they would be reported to the police on the charge of draft evasion.

– Treatment of conscientious objectors

In 2023-2024 a clear pattern of repressions against conscientious objectors and peace activists was formed.¹⁹³ At least 24 conscientious objectors have faced criminal cases that have reached court since February 2022, others are under investigation under Article 336 ("Refusing call-up for military

¹⁹³ Ukraine blatantly violates the human rights of peace activists and conscientious objectors: joint press release of EBCO, WRI, and IFOR, <https://ebco-beoc.org/node/613>



service during mobilisation or in a special period, and for military service during call-up of reservists in a special period") of the Criminal Code, which carries a penalty of three to five years imprisonment.

Christian conscientious objectors Vitaliy Alexeienko and Dmytro Zelinsky became prisoners of conscience after their religiously-motivated refusal to serve in the army. Zelinsky was initially acquitted, but then sentenced to three years' imprisonment after a prosecution appeal. Alexeienko was visited in prison by EBCO President Alexia Tsouni¹⁹⁴; his initial conviction was overturned by the Supreme Court¹⁹⁵ in May 2023 on the grounds that the first instance court had refused to consider arguments of conscience, but on retrial he received a suspended sentence for draft evasion, upheld in March 2024 against his appeal asking for acquittal and a prosecution appeal to replace the suspended sentence with actual incarceration. At the hearings in appellate court Alexeienko reiterated his religiously motivated objection and pledged to defend Ukraine from Russian aggression nonviolently, at his current job of postman, since communication is vital for survival and unity of civil society in Ukraine under attacks. Despite many press releases, the press didn't cover the trial and the court refused to grant a motion for webcast submitted by several international organisations including EBCO. When this report was finalised, we learned that three other conscientious objectors, a Jehovah's Witness, an Evangelical Christian, and Protestant conscientious objector Serhy Stadnitsky had been sentenced to three year terms of actual imprisonment¹⁹⁶.

Several other conscientious objectors were sentenced to suspended prison terms. Mykhailo Yavorsky was initially sentenced for actual prison term despite that the court considered his conscientious objection a mitigating factor, the court of appeal in Ivano-Frankivsk changed the verdict to suspended prison term, and Yavorsky has lodged a cassation complaint against his conviction which the Supreme Court rejected on 2 May 2024.

Andrii Vyshnevetsky, a religious objector and member of the Ukrainian Pacifist Movement, was denied discharge from military service, and the Supreme Court refused to grant his lawsuit to President Zelensky; after cassation the Grand Chamber of the Supreme Court quashed on procedural grounds the inaccurate judgement of first instance and wrote that the judiciary have no powers to compel President Zelensky to act for protection of human right to conscientious objection, to remedy relevant gaps in legislation. The Ukrainian Pacifist Movement complained to the Constitutional Court of Ukraine, which refused to open proceedings.

EBCO Board member Yuri Sheliashenko suffered a search of his apartment on 3rd August 2023 and has since been living under repeatedly extended house arrest while suffering investigation by the Ukrainian Security Service, on allegations which have so far been made public only that a September 2022 statement which he had issued in the name of the Ukrainian Pacifist Movement "justified Russian aggression", even while it explicitly condemned the invasion. His computer and smartphone

¹⁹⁴ Ukraine: EBCO visits imprisoned Christian conscientious objector Vitaly Alekseenko and calls for his immediate and unconditional release, <https://ebco-beoc.org/node/560>

¹⁹⁵ Supreme Court of Ukraine releases a prisoner of conscience: conscientious objector Vitaly Alekseenko, <https://ebco-beoc.org/node/572>

¹⁹⁶ Felix Corley, UKRAINE: Two new conscientious objector jail terms, Forum 18, https://www.forum18.org/archive.php?article_id=2906



were seized, and despite a Court ruling have not been returned. The ulterior objective would appear to be disrupting his anti-government activism, including his advocacy of the right to refuse to kill and his legal assistance to conscientious objectors¹⁹⁷. The Ministry of Justice of Ukraine has asked the Kyiv Region Administrative Court to prohibit and dissolve an EBCO member, Ukrainian Pacifist Movement.

– Enforcement of conscription policies and punishment of draft evaders

The enforcement of mobilisation has been accompanied by many irregularities and abuses. In 2021, the UN Human Rights Committee had expressed disquiet of reports of military recruiters illegally seizing people at random in the streets to transport them to recruitment offices; this practice continued under mobilisation in 2022-2024, in some publicly reported cases accompanied by gratuitous violence – beatings and deaths in custody of military recruiters were reported, in one instance the victim of alleged inhumane treatment went on hunger strike and fell into a coma. In many cases people have been recruited with no real medical examination, or completely disregarding their eligibility for exemption. At the same time, corruption was rife, with many recruits paying bribes to be declared unfit or to be given special authorisations to leave the country. In the summer of 2023 President Zelensky dismissed all Military Commissars most of whom had been exposed for personal enrichment or human rights violations. He subsequently fired those to whom they had been responsible – Minister of Defense Reznikov and army's commander General Zaluzhny. However, the new commander General Syrskyi and Minister Umerov adopted the position of their predecessors that reports of human rights violations related to mobilisation and of the unwillingness of some Ukrainians to go to war is "the enemy's narrative" which should be fought fiercely along with "draft evasion."

Harsh enforcement of conscription policies varies from total travel ban for all males in age 18-60 and requirements of military ID to enjoy civil rights, to brutal measures such as forced (in some public cases, scandalously violent) transportation of people from streets to military recruitment centres,¹⁹⁸ where they could be detained to break their will and sent to the army with no real medical examination, ignoring disabilities and exemptions. Some people detained in military recruitment or training centres died, in one case fell in coma, supposedly after inhuman treatment and hunger strike in protest against arbitrary detention.

Laws were adopted lowering the age of conscription during mobilisation from 27 to 25, giving recruitment centres access to personal records in public databases, allowing them to exert more pressure on those who are not willing to serve.

The Ministry of Defense proposed and the Cabinet of Ministers approved draft laws imposing draconian punishments and civil death for draft evasion; it was received so badly by society that

¹⁹⁷ Ukraine: Release peace activist Yuriy Sheliashenko and drop all charges against him, <https://ebco-beoc.org/node/589>

¹⁹⁸ Violations of human right to conscientious objection to military service in Ukraine: from 24 February 2022 to November 2023, <https://ebco-beoc.org/node/607>



government withdrew one of these laws and proposed another, also raising human rights concerns, but adopted a milder version after President Zelensky's public support. A way in which the army pressed the Parliament to adopt this law could be illustrated by the fact that the Parliamentary Commissioner for Human Rights Dmytro Lubinets was somehow forced to give up his criticism of absence of alternative service arrangements in the draft mobilisation law after a meeting with a Minister of Defence, though an amendment appeared in the new law giving to parliamentary commissioner personal deferral from conscription, revealing that previously he was vulnerable to possible hidden pressure by threats of conscription, to which his staff remains vulnerable.

The amendments to mobilisation legislation were signed by President Zelensky and expected to come into legal force in May 2024, that envisage obligation of all "subjects to military duty" (men aged 18-60 and women with medical qualifications) to "actualise" military registration, including medical examination, after which you could be sent to army if recognised fit to serve) during the 60 days after publication of the law and to carry at all times military IDs which can be demanded by police, military recruiters or border guard. Failure to comply could entail fine or suspension of driving licence; no conscientious objection exemptions envisaged. The forced transportation of people to recruitment centres is legalised if this is done by the police under order of the military commissar. Consular services for Ukrainians abroad will be provided in case of their military registration. Renewal of passports will not be permitted without military registration and ID, and males are required to return to Ukraine in order to renew their passports.

Also, a draft law hardening penalties for draft dodging was passed in first reading, it criminalises refusal to undergo military medical examination and increases fines for non-compliance with military regulations for a level from 200 to 5000 Euros.

According to the police, warrants are issued for stopping and transportation to recruitment centres of hundreds of thousands of people for failure to perform military duty; similar numbers of draft evaders were stated by officials of the Ministry of Defense. In February 2024, there were 9,400 police investigations of draft evasion cases. Nearly 20,000 men were stopped when trying to cross the border illegally; people risk their lives escaping Ukraine, since the border guard is allowed to shoot fugitives, and 25 men drowned attempting to swim the border river Tisza under water.

Sociological studies show that most Ukrainians believe that unwillingness to serve is a result of fear and lack of proper and just military organisation rather than unwillingness to fight because of religious and psychological reasons; polls show that society disapproves cruelty and corruption related to mobilisation, many people dislike the total travel ban for men and sympathise with those unwilling to serve out of fear of death.

People are rarely ready to openly declare their unwillingness to serve in the army, since it could lead to harsher punishments. For example, despite that in some cases desertion may be motivated by reasons of conscience, we failed to find any explicit public accounts of such sort, though there are informal signs it could be a case in some situations. However, there are many judgments in a public register of court decisions where people claim a right to alternative service or conscientious objection challenging refusals to consider their application for alternative service or defending against criminal and administrative charges in draft evasion, disobedience to commander (when ordered to take



oath, to depart to frontline, etc.), non-compliance with military regulations (mostly regarding military registration). Lawyers are mostly not recommending people to claim conscientious objection as defence, even if these people likely have genuine objections based on conscience, because it is not a part of Ukrainian legal culture and even practical matters of alternative service are mostly unknown to lawyers, except for a few working with marginal privileged churches. The media and even human rights organisations ignore persecution of conscientious objectors or shame them as "draft evaders."

Regulations of compulsory military service and alternative non-military service under martial law

Legislation	Description
Constitution of Ukraine	Article 9 says that treaties of Ukraine are part of national legislation of Ukraine; it allows conscientious objectors to invoke Art. 4, 18 of ICCPR and Art. 9, 15 of ECHR. Article 24 envisages equality before the law, in particular, on the grounds of religion or belief; it could not be limited in any circumstances, according to Article 64. Article 35 envisages freedom of worldview and religion, replacement of military duty with alternative non-military service when compliance with such contradicts religious beliefs of a citizen. Article 65 envisages a citizen's duty to defend Fatherland.
Law of Ukraine "On Military Duty and Military Service"	The law defines military duty (Article 1) setting exemptions for women and saying that it could be replaced with alternative service according to law.
Decree of the Cabinet of Ministers No 2066 of 10.11.1999	The decree sets procedure of alternative service in peacetime and lists privileged religious organisations membership in which is required for access to alternative service in peacetime.
Law of Ukraine "On Alternative (Non-Military) Service"	The law defines non-military service as alternative to term-limited military service and says in Article 1 that in time of emergency or under martial law right to alternative service could be limited.
Law of Ukraine "On Preparation for Mobilization and Mobilization"	The law envisages emergency powers of the military and other governmental bodies, including enforcement of conscription during mobilisation. In Article 22 it prescribes duties of citizens, in Article 23 deferrals from conscription are described.
Law of Ukraine "On the Legal Regime of Martial Law"	The law envisages that limitations of human rights under martial law must be exhaustively listed in the presidential decree and that UN Secretary General must be informed about derogations from the ICCPR. Article 20 says that rights listed in Article 64 (2) of the Constitution of Ukraine shall not be limited. With new amendments, the article requires that all males in age 18-60 must bear with them military ID and provide it for checking.
President's Decree № 64/2022 "On the imposition of martial law in Ukraine"	The decree declares martial law from 5.30am 24 February 2022 and limits rights of human and citizen, prescribed by Articles 30–34, 38, 39, 41–44, 53 of the Constitution of Ukraine. It was approved by the law and prolonged during all period of the reporting according to subsequent decrees and laws.
President's Decree № 69/2022 "On general mobilisation"	The decree declares general mobilisation, including conscription. No provisions for conscientious objectors are envisioned.

Legislation related to discrimination and persecution of conscientious objectors



Legislation	Description
Criminal Code of Ukraine	Mostly, conscientious objectors are punished for refusal to be conscripted under Article 336 (evasion of conscription during mobilisation is punishable from 3 to 5 years of incarceration).
Code of Ukraine on Administrative Offences	Mostly, conscientious objectors are punished for refusal to undergo military registration under Article 210 (violation of rules of military registration, punishable by a fine 20-40 Euro) and Article 210-1 (violation of defence and mobilisation legislation, punishable by a fine 80-120 Euro). Those who are trying to escape Ukraine could be punished under Article 204-1 (illegal crossing or attempt to cross the state border, punishable by a fine 80-200 Euro or administrative arrest up to 15 days).
Governmental decree No 1487 of 30.12.2022	The decree requires check of military registration documents for employment, education, etc. Non-compliance of individuals and institutions is punishable by administrative and criminal penalties.

Number of persons, sentenced by courts for crimes related to evasion of military service in Ukraine¹⁹⁹

Art. of Criminal Code of Ukraine / Year	2023	2022	2021	2020	2019	2018	2017	2016	2015	2014	2013	2012
332 (illegal smuggling of people across state border of Ukraine)	191	120	60	48	54	65	68	61	69	102	95	73
336 (evasion of conscription during mobilisation) – total number (incl. suspended sentences) above, number of incarceration sentences below	930 86	186 14	2 0	1 0	11 0	13 1	45 1	220 10	935 49	139 7	0 0	0 0
337 (evasion of military registration or gatherings)	28	12	34	73	156	110	21	3	2	0	0	0
407 (unauthorised absence at military unit)	1577	1036	1407	1506	2189	2267	2128	1937	1545	153	22	29
408 (desertion)	113	154	220	152	239	224	381	307	171	29	2	1
409 (evasion of military service by self-harm or alike)	32	19	8	8	3	3	6	25	92	23	11	11

Number of judgments in administrative offence cases related to evasion of military service in Ukraine²⁰⁰

¹⁹⁹ According to the court statistics published by the State Court Administration of Ukraine. Article 335 on evasion of term-limited conscription is not included, as in previous reports, since the term-limited conscription is suspended.

²⁰⁰ According to the court statistics published by the State Court Administration of Ukraine (on 204-1) and the search in the State Register of Court Decisions (numbers could be uncomplete because the penalty is applied



Art. of Code for Administrative Offences of Ukraine / Year	2023	2022	2021	2020	2019	2018	2017	2016	2015	2014	2013	2012
204-1 (illegal crossing or attempt to cross the state border)	5323	5738	2294	1714	2299	2846	2687	2918	4762	2310	3016	3186
210 (violation of rules of military registration)	484	139	152	56	148	121	74	68	118	6	8	8
210-1 (violation of defence and mobilisation legislation)	957	158	65	31	94	155	108	128	539	10	0	2

– Intensification of compulsory mobilisation and failure to preserve alternative service by new legislation

Army's persistence in holding all men in conscription serfdom has historical grounds. Conscription system in Ukraine was introduced by Russian Empire and cemented by Soviet Union after a short period of allowed exemptions in early years of communist regime, that ended in total repression rooting out all "peace sects." In Soviet Ukraine, like in all republics of Soviet Union, refusal to undergo military service motivated by religious reasons was officially considered as a crime of draft evasion, punishable by incarceration in peacetime and by death penalty during a wartime. Hundreds of patriotic conscientious objections to service in Soviet army were symbolic and brought closer dissolution of the communist empire. After declaration of independence in 1991, a law was adopted on alternative non-military service accessible for members of religious organisations, acting compliant to law, prohibiting use of weapons and military service. The law from the beginning had discriminatory nature, not recognizing conscientious objection as individual right, making alternative service an unpleasant non-qualified work during a term one and half longer than conscription, shaping alternative service as collective right of very marginal denominations allowed to exist in legal field as long as local civil and military administration tolerates them, the discretion frequently used to make shady arrangements and extort bribes. With Russian annexation of Crimea and proxy war in eastern Ukraine, in 2014 special period was proclaimed and conscription by mobilisation was started, when conscientious objectors faced non-recognition, some of them managed to uphold their rights in courts. Since term-limited conscription continued at that time, some young believers were allowed to replace it with alternative service. According to 2021 EBCO Annual Report, on the eve of Russian full-scale invasion there were 1659 legally recognised conscientious objectors, but that number quickly dropped because alternative service was suspended along with a term-limited conscription and the military recruiters pushed for mobilisation of believers.

Despite Article 35 of the Constitution of Ukraine envisages right to alternative service, it is interpreted by the army in light of law on alternative service which allows to "limit right to alternative service in special time," i.e. deny the right under martial law. Constitutionality of such position and the law on alternative service itself are doubtful, but courts usually accept it. According to opinion of judge German Anisimov, secretary of third chamber of criminal court of cassation in the Supreme

non-publicly by military commissars and became visible only when someone challenges imposed penalty in court).



Court, expressed at webinar for judges of lower courts and published on official website of the Supreme Court, right to alternative service could be limited under martial law and people who declare religious beliefs could be prosecuted for draft evasion under Article 336 of the Criminal Code of Ukraine²⁰¹. Ukraine is a party to International Covenant for Civil and Political Rights (ICCPR) and European Convention on Human Rights (ECHR), both require legal guarantees for conscientious objection to military service which is a human right non-derogable in wartime, but Ukraine never faced serious international pressure for lack of compliance with these human rights obligations. In the past years, as EBCO reported, UN Human Rights Committee and Council of Europe several times recommended Ukraine to guarantee fully and equitably human right to conscientious objection to military service, with no serious effect.

2023 annual report of Ukrainian Parliament Human Rights Commissioner²⁰² indicates numerous violations in the context of conscription, including complaints regarding the mobilisation of citizens who, according to the requirements of Article 35 of the Constitution, should be exempted from military service due to religious beliefs, since such exemption during a war is not regulated by the Law of Ukraine "On Alternative (Non-Military) Service". Seventh-day Adventist Church, Jehovah's Witnesses, and the Church of Evangelical Christian Baptists, whose creed does not allow the use of weapons, repeatedly requested the Commissioner to protect freedom of religion from violations of the rights of clergy and members of religious communities by recruitment centres, who treat them punitively as regular draft evaders. Officials of the recruitment centres explain their actions by absence of legal procedure implementing the right to alternative service, guaranteed by the Constitution of Ukraine, in conditions of martial law. The Commissioner raised the issue before the Committee of the Verkhovna Rada of Ukraine on National Security, Defense and Intelligence regarding the need to make appropriate changes to the legislation. After a series of public requests Ukrainian Pacifist Movement learned that the Commissioner's proposals were disseminated among the members of the committee and sent to Cabinet of Ministers where a Vice Prime Minister instructed Ministry of Defense in communication with the State Service of Ukraine for Ethnic Policy and Freedom of Conscience (DESS) with Ministry of Internal Affairs, Ministry of Economy, and Ukrainian Council of Churches and Religious Organisations to work on question of alternative service for clergy and believers. Ministry of Defense objected against any changes in current legislation which, in MoD interpretation, does not allow conscientious objection, and stated its interest in avoiding of "abuses of right to alternative service" and in providing alternative service within the army, like job of chaplains for clergy, or non-combatant duties (like kitchen and cleaning) for regular believers. The Ministry of Internal Affairs also objected, pointing out that alternative service increases risks of draft evasion, and the Ministry of Economy suggested using a procedure of reservation of employees of vital strategic enterprises to a limited number of clergy chosen by the DESS. Then the question was worked through regarding a number of people eligible for alternative service according to the 1999 list of privileged confessions approved by the government, and it

²⁰¹ Judges of Supreme Court told about features of consideration of criminal proceedings regarding crimes committed in circumstances of martial law or emergency, 9 October 2023 (in Ukrainian), https://supreme.court.gov.ua/supreme/pokazniki-diyalnosti/navch_suddiv_praciv_aparativ_2021/1489897/

²⁰² 2023 annual report of Ukrainian Parliament Human Rights Commissioner on observance and protection of human rights and freedoms of citizens of Ukraine (in Ukrainian), https://ombudsman.gov.ua/storage/app/media/uploaded-files/Щорічна_довідка_Уповноваженого_за_2023_рік.pdf



appeared that such number is near 60,000. When this report was concluded, responsible ministries and agencies claimed that they continue communication and consideration of question of alternative service under martial law, prioritising prevention of "abuses" by some sort of undisclosed "algorithm of actions," but all the respondents emphasised that they don't plan to draft in 2024 a legislation filling the gap in matters of alternative service or conscientious objection, at the same time denying that discriminatory measures towards conscientious objectors are planned under pretext of "fighting abuses." Last responses to public information requests from the parliamentary commissioner for human rights and DESS suggest that their proposals to include alternative service provisions into mobilisation legislation were rejected by lawmakers, and no further efforts are seemingly planned to guarantee right to conscientious objection under martial law.



2.49. UNITED KINGDOM

[\[See country page on EBCO website\]](#)

Conscription currently imposed?	No	Conscription imposed 1916-1919 and again from 1939. Abolished 1960. Last conscripts demobilised 1963.	
Conscientious objection first recognised			
CO release of professional soldiers	Regulations within each of the service branches cover the handling of applications for release.	An "independent" Advisory Committee on Conscientious Objection - is the ultimate appeal tribunal, but has met only once this century and upheld the military decision.	
Minimum recruitment age	16 for voluntary service		
Population	Total	% males 15-19	Thus approx. annual cohort reaching 18
	68,138,000	2.9	395,200
Armed forces	Total strength	Of which conscripts	Compared to annual cohort above
	144,400	-	36.5%
Military expenditure	\$ (% change from 2022)	Per capita	% of GDP
	\$59,990m (+16.9%)	\$1,106.4	2.3%

EBCO concerns

EBCO's principal concern in the UK is that a large proportion of the voluntary military recruitment is of persons aged sixteen, a situation which was criticised in detail by the UN Committee on the Rights of the Child in 2023 (see [Section 1.3.2 above](#)).



3. OVERVIEW OF NATIONAL PROVISIONS

3.1. HISTORICAL TIMELINE: CONSCRIPTION AND RECOGNITION OF CONSCIENTIOUS OBJECTION

Table 1. Historical timeline: Conscription and recognition of conscientious objection

Date	Conscription imposed	Suspended	Conscientious objection recognised
1903			Norway
1908	Portugal		
1916	UK		UK
1917			Denmark
1919		UK	
1920			Sweden
1922			Netherlands
1931			Finland
1935	Germany		
1938	Austria Hungary		
1939	UK		
1944	Luxembourg		
1945		Germany Austria	
1949			German Federal Republic
1956	Austria		Austria
1959	German Federal Republic		
1963	Cyprus	UK	France Luxembourg
1964			Belgium German Democratic Republic
1967		Luxembourg	
1972			Italy
1976			Portugal
1978			Spain
1988			Poland
1989			Hungary
1990			Croatia Latvia Lithuania
1991			Bulgaria Slovenia Ukraine



Date	Conscription imposed	Suspended	Conscientious objection recognised
1992		Belgium	Cyprus Czechoslovakia Estonia Georgia Moldova Switzerland Yugoslavia
1993			Russia
1994			Belarus
1995			Azerbaijan
1996			Bosnia-Herzegovina Romania
1997		France Netherlands	Greece
1998			Albania
2001			North Macedonia (at the time FYROM)
2002		Spain	
2003		Slovenia	Armenia
2004		Czechia Portugal	
2005		Bosnia-Herzegovina Hungary Italy	
2006		Montenegro Slovakia	
2007		Latvia North Macedonia (FYROM) Romania	
2008		Bulgaria Croatia Kosovo	
2009		Poland	
2010		Albania Lithuania Sweden	
2011		Germany Serbia	
2014		Ukraine	
2015	Lithuania Ukraine		
2017	Georgia	Georgia	
2018	Sweden		
2024	Latvia		



3.2. CONSCRIPTS AND CONTRACT OR PROFESSIONAL SOLDIERS

Table 2. Number and percentage of conscripts in government armed forces

Country	Total active strength of armed forces	Of which conscripts	% (descending order)	Date of estimate
Switzerland	19,550	18,200	93.1%	2023
Ukraine	800,000	650,000	81.3%	2023
Türkiye	355,200	?	(72.5%)	2015
Austria	22,200	15,544	70.0%	2023
Finland	23,850	16,050	67.3%	2023
Cyprus	12,000	?	(59.4%)	2020
Russia	1,100,000	550,000	50.0%	2023
Estonia	7,200	3,500	48.6%	2023
Armenia	42,900	18,950	44.2%	2023
Moldova	5,150	2,200	42.7%	2023
Greece	132,200	47,400	35.9%	2023
Norway	25,400	9,000	35.4%	2023
Denmark	15,400	4,700	30.5%	2023
Sweden	14,850	4,000	26.9%	2023
Lithuania	25,300	5,850	23.1%	2023
Georgia	20,650	4,350	21.1%	2023

We have no estimates of the number of conscripts serving in Azerbaijan or Belarus. The dated estimate of the proportion of conscripts in the Turkish armed forces must also be treated with caution; since then the duration of obligatory military service has been twice halved, correspondingly reducing the number of conscripts who are in uniform at any one time.

The figures for “conscripts” in Russia and Ukraine in this table includes all those called-up under mobilisation, although in the case of Ukraine many initially volunteered.

Conscription is also enforced by the internationally-unrecognised de facto authorities in the northern part of Cyprus, Abkhazia and South Ossetia (Georgia) and Transdniestria (Moldova) – the last named also has alternative service for conscientious objectors. However in none of these do we know the number of conscripts.



European Map of Conscientious Objection to Military Service

- Conscription: No
- Conscription: Yes – Recognition of conscientious objection: Yes
- Conscription: Yes – Recognition of conscientious objection: No



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Annual Report
2023/24**
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Table 3 below gives an alternative measure of militarisation, comparing for each country the entire armed forces manpower (whether conscript, contract, or professional) with the young male population, who furnish the overwhelming majority of recruits. The detailed population calculations, including allowances made for any part of the national territory which is outside effective government control, may be found in the individual country entries in Section 2.



Table 3. Armed forces compared to potential number of recruits

Country	Annual cohort of males reaching 18	Armed forces active strength	As % (descending order)
Ukraine (govt)	167,189	800,000	478.5
Armenia	17,336	42,900	247.5
Cyprus Republic ("TRNC")	5,180 2,145	12,000 3,000	231.7 139.9
Greece	60,888	132,200	217.1
Lithuania	13,280	25,300	190.5
Russia	792,428	1,100,000	138.8
Estonia	6,737	7,200	106.9
Bulgaria	36,871	36,950	100.2
Belarus	49,608	48,600	98.0
Georgia (govt)	24,060	20,650	85.8
Croatia	20,845	16,800	80.6
Azerbaijan	80,598	64,050	79.5
Malta	2,148	1,700	79.1
Montenegro	3,732	2,885	77.3
Finland	31,444	23,850	75.8
Norway	33,588	25,400	75.6
Serbia	37,481	28,150	75.1
North Macedonia	11,518	8,000	69.5
Romania	102,626	69,900	68.1
Latvia	9,839	6,600	67.1
Slovakia	27,845	17,850	64.1
Slovenia	10,080	6,400	63.5
Bosnia-Herzegovina	16,597	10,500	63.3
Hungary	57,339	32,150	56.1
Türkiye	668,744	355,200	53.1
Italy	305,110	160,900	52.7
Austria	42,917	22,200	51.7
Poland	195,710	100,000	51.1
Spain	255,004	124,150	48.7
France	423,063	203,850	48.2
Czechia	56,316	26,600	47.2
Portugal	55,204	26,050	47.2



Germany	387,412	181,000	46.7
Switzerland	42,206	19,550	46.3
Denmark	35,682	15,400	43.2
United Kingdom	395,200	144,400	36.5
Belgium	69,101	22,900	33.1
Netherlands	102,631	33,600	32.7
Kosovo	9,867	3,000	30.4
Moldova (govt)	17,696	5,150	29.1
Albania	17,992	4,650	25.8
Sweden	61,109	14,850	24.3
Luxembourg	3,702	900	24.3
Ireland	34,195	7,700	22.5
Iceland	2,310	250	10.8



3.3. COMPULSORY MILITARY SERVICE AND CIVILIAN SERVICE

For the countries which retain conscription, the relative durations of military and alternative civilian service are shown in the following table. What is compared here is the normal basic durations of military and alternative civilian service, before any of the adjustments to reflect rank, educational qualifications, etc. details of which are given in the individual country entries in Section 2.

Often, the duration of alternative service is set proportionally to the military service which would otherwise have been required, but sometimes the reductions in respect of personal circumstances are less generous. Likewise, some persons performing alternative service might in fact have found themselves faced with a longer duration of military service, but to quote the shortest possible discrepancy is misleading.

The table also indicates whether conscription currently applies to men only, or to both men and women, or whether women can volunteer to perform the normal conscript service (quite apart from the possibility of volunteering for a professional military career). Often they are freer to leave early than are men.

Table 4. Duration of military and civilian service (in months)

Country	Military service duration	Civilian service duration	Ratio to military service duration (ascending order)	Gender
Norway	12	<i>No alternative service required</i>		Both men and women
Sweden	11	11	1	Both men and women
Denmark	4	4	1	Women can volunteer
Moldova	12	12	1	Men only
Lithuania	9	10	1.1 <i>(unarmed military service)</i>	Men only
Cyprus	14	19	1.4	Men only
Estonia	8	12	1.5	Women can volunteer
Austria	6	9	1.5	Men only
Switzerland	~9	~13	1.5	Women can volunteer
Ukraine	Indefinite	<i>No alternative service available</i>		Women can volunteer
Georgia	12	18	1.5	Men only
Armenia	24	36	1.5	Men only
Greece	9	15	1.7	Men only
Russia	12	21	1.75	Men only
Belarus	18	36	2	Men only
Finland	~5.5	~11.5	2.1	Women can volunteer
Türkiye	6	<i>No alternative service available</i>		Men only
Azerbaijan	18	<i>No alternative service available</i>		Men only



3.4. MILITARY EXPENDITURE

Yet another measure of militarisation is given by military expenditure. Table 5 shows the figures for 2023 as reported by the Stockholm International Peace Research Institute (SIPRI),²⁰³ with the states ranked by expenditure per head of population.

It is not surprising that Ukraine in its war-time situation has overtaken wealthy Norway at the head of this list; as a proportion of GDP expenditure in Ukraine has now increased to 36.7%, far ahead of Russia (5.9%). It was not, however, in those warring states, where expenditure was already being maximised, that the greatest proportionate increases in the past year were recorded, but in the wider region. In Poland it doubled, in Moldova, from a very low base, it almost doubled. Albania, Armenia, Finland, Denmark, Türkiye and Estonia also recorded large increases. (In Türkiye most of the increase however simply reflected a dramatic blip in the 2022 figures.)

What is however noteworthy is that only in Greece and Norway (which as already noted until this year had the highest expenditure per capita in Europe) do SIPRI's 2023 figures show a reduction in expenditure. A small decline was also indicated in the expenditure by the EU's European Defence Fund, which is separate from the expenditure reported by individual member states, from the equivalent of \$1,283 to \$1,009.

Table 5. Military expenditure: European States 2023

Country	Military expenditure US\$ million 2023	% change from 2022	US\$ per capita	% of GDP
Ukraine	64,753	57.2%	1,762.7	36.7%
Norway	8,669	-0.3%	1,583.6	1.6%
Denmark	8,145	48.8%	1,377.9	2.0%
Finland	7,348	65.3%	1,325.2	2.4%
United Kingdom	59,990	16.9%	1,106.4	2.3%
Luxembourg	663	29.9%	1,011.4	0.8%
France	61,301	14.3%	946.6	2.1%
Netherlands	16,625	22.0%	943.6	1.5%
Estonia	1,189	45.4%	899.1	2.9%
Sweden	8,755	13.4%	825.0	1.5%
Germany	66,827	19.0%	802.3	1.5%
Lithuania	2,161	24.6%	795.0	2.7%
Poland	31,650	106.3%	771.5	3.8%
Russia	109,454	6.9%	757.8	5.9%
Greece	7,730	-11.6%	747.5	3.2%

²⁰³ Figures derived from the SIPRI Military Expenditure Database (Current USD). Available at: <https://www.sipri.org/databases/milex>



Switzerland	6,293	11.3%	715.4	0.7%
Belgium	7,629	10.7%	652.9	1.2%
Italy	35,529	2.4%	603.5	1.6%
Latvia	1,045	22.1%	571.2	2.3%
Spain	23,699	16.7%	498.7	1.5%
Austria	4,410	22.1%	492.2	0.8%
Czechia	5,056	26.2%	481.8	1.5%
Armenia	1,330	67.2%	478.6	5.5%
Slovakia	2,663	27.7%	459.6	2.0%
Cyprus	567	6.5%	449.9	1.8%
Hungary	4,355	33.7%	428.9	2.1%
Slovenia	908	17.1%	428.1	1.3%
Portugal	4,223	18.4%	412.1	1.5%
Croatia	1,439	12.2%	359.0	1.8%
Azerbaijan	3,562	19.1%	342.0	4.6%
Serbia	2,136	23.9%	298.8	2.9%
Bulgaria	1,918	33.5%	286.8	1.8%
Romania	5,611	8.1%	282.0	1.6%
Ireland	1,269	9.0%	251.0	0.2%
Malta	113	43.8%	210.5	0.6%
Türkiye	15,669	46.8%	189.3	1.5%
Montenegro	115	16.8%	182.9	1.6%
Belarus	1,403	27.0%	147.7	1.8%
Albania	398	73.9%	140.4	1.7%
Georgia	505	40.0%	135.4	1.7%
North Macedonia	267	21.1%	127.8	1.7%
Kosovo	133	23.8%	80.0	1.3%
Bosnia-Herzegovina	217	30.1%	67.5	0.8%
Moldova	93	95.6%	27.2	0.5%
Iceland	0	–	0.0	0.0%



3.5. JUVENILE RECRUITMENT

Under the Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict (OPAC), to which all our States are party, conscription, but not voluntary recruitment, of persons aged under eighteen is banned.

Austria and **Cyprus**, however, have provisions which permit conscripts to opt for personal convenience to perform their obligatory military service up to a year early, subject to parental consent. We would argue that such recruitment cannot truly count as “voluntary”, given that the service itself is compulsory, and urge these States to repeal this exception.

In Cyprus, this is compounded by the fact that in the relevant legislation liability is not from the eighteenth birthday, but from 1st January of the year of the eighteenth birthday – in other words while still aged seventeen.

The legislation in Greece is similarly worded, but there it is specified that actual call-up will be from 1st January of the year of the 19th birthday. In fact in many States the conscription process is started by a requirement to register, sometimes from the age of sixteen; in Russia and Armenia such procedures mean that call-up papers may be sent out immediately after the eighteenth birthday.

Of at least equal concern to EBCO are those States which continue to accept volunteers into professional or contract military service below the age of eighteen. These are **Germany**, the **Netherlands**, and the **UK**.

In the Netherlands, men or women may, with the written consent of their legal representatives, enlist at the age of seventeen as military trainees thus minimising any gap after the end of obligatory education. (In fact, in neighbouring Belgium, as the report in [Section 2.7](#) above shows, the minimum age of military recruitment is technically defined as the completion of obligatory education, which usually means 18, but leaves a loophole enabling a small number of volunteers each year to be initially enlisted before their eighteenth birthday.) The trainee status is kept completely separate – they cannot be deployed in any capacity – and can be converted into full membership of the armed forces only by personal application once the age of eighteen has been reached. Figures presented to the UN Committee on the Rights of the Child indicated that in 2009 there were 7,999 such enlistments, in 2010, 5,013; figures for the first part of 2011 indicated a continued steep decline.²⁰⁴ We do not have more recent figures to show whether this encouraging trend has continued, or whether this exception no longer accounts for a significant proportion of recruitment.

In Germany, by contrast, as reported in [Section 2.18](#) above, a record 10.6% of new recruits in 2023 were seventeen-year-olds, generally volunteering for initial service periods of between seven and twenty-three months.

In the UK, the situation is even more egregious. The minimum age for recruitment into the armed forces is 16. As in the Netherlands this is explained by the desirability of avoiding a gap after the end of obligatory education – it might be argued that this is more for the benefit of the recruiters than of

²⁰⁴ CRC/C/OPAC/NLD/1, 3rd March, 2024, para 17.



the potential recruits. In 2022/23 2,800 new recruits, 23% of the total intake, were aged sixteen or seventeen; in the army no less than 30% of new recruits were under 18, the majority, particularly for rank-and-file infantry roles, being 16. Notoriously also, those who do not take the opportunity of applying for discharge before their eighteenth birthday are thereafter committed to serve for the entire four-year initial period which applies for those recruited over the age of eighteen, so that their actual initial service period can be up to six years.

Documentation from both the UK and Germany on the disproportionate level of abuse suffered by juvenile recruits and of the long-term mental health impact is quoted at length in [Section 2.6 of the EBCO Annual Report 2022/23](#); see also the recommendations of the UN Committee on the Rights of the Child to both States – Germany in 2022 ([EBCO Report 2022/3, Section 1.1.3.2](#)) and the UK in 2023 ([Section 1.3.2](#) above). In 2022 also, although not mentioned in last year's EBCO Report, the Committee "recalling its previous recommendations" recommended to the Netherlands that it "raise the minimum age of voluntary recruitment into the armed forces to 18 years"²⁰⁵

In all the other States the minimum age for military recruitment is at least 18, and in many cases recruitment does not take place until 19 or older. As a result of the recruitment procedures, **Greece**, **Lithuania** and **Türkiye** report that the effective minimum conscription age is 19. As far as we know, the situation in Ukraine is unique. In 2015, while maintaining the age range of liability for conscription as 18 to 27, it moved to a practice of generally calling up conscripts only as they reached the upper age limit. This has in practice remained the normal minimum age for call-up under the current mobilisation, reduced in early April 2024 to 25.

Considerations particularly concerning the deployment, whether deliberate or accidental, in armed conflict apply also to minors who have been subject to a very common form of "backdoor" recruitment, enrolment in military schools of colleges, which enjoys a special dispensation from the age limits specified in OPAC.

Within Europe, according to our information, persons can be enrolled in military training establishments, under a variety of titles, at the age of 17 in **Armenia, Azerbaijan, Moldova** and **Ukraine**, 16 in **Belarus, France** and **Russia**. In many cases, students or cadets at these institutions are formally considered members of the armed forces whatever their age, accurately so if on successful graduation they cannot without penalty refuse to pursue a military career, if they are subject to military regulations and discipline at all times, not just within school hours, or are issued with a personal firearm.

Over and above such direct and indirect recruitment of juveniles into the armed forces, EBCO is very concerned about other aspects of the militarisation of youth, such as:

- preferential access for the armed forces to schools, whether for direct recruitment purposes or, where this is prohibited for activities generally designed to encourage pupils to contemplate military careers; also preferential access to pupils' contact details etc.

²⁰⁵ CRC/C/NLD/5-6, 9th March, 2022, para 43 (a)



-
- the institution, as in France, Denmark and Portugal of days of introduction to the military institutions as an obligatory part of the secondary school curriculum. At the very least, there ought to be a right of conscientious objection to participating, as in Portugal.
 - voluntary activities for school-age children or a nature to prepare them for military service, such as the Combined Cadet Force in the UK, or the Young Eagles programme run by the Ministry of Defence in Estonia.
 - the introduction of any form of military training as part of the ordinary curriculum in secondary schools.

We will continue to monitor all such activities, particularly as to whether they involve introducing persons aged under eighteen to weapons, which we consider completely inappropriate.

A unique concern are the moves to establish a “Universal National Service” for school-aged children in France, discussed in more length in [Section 2.16](#), above.



3.6. SERVING MEMBERS OF THE MILITARY

On 24th February 2010, the Committee of Ministers of the Council of Europe adopted Recommendation CM/Rec(2010)4 on human rights of members of the armed forces.

Section H, dealing with the right to freedom of thought, conscience and religion, contains the following paragraphs:

"42. Professional members of the armed forces should be able to leave the armed forces for reasons of conscience.

43. Requests by members of the armed forces to leave the armed forces for reasons of conscience should be examined within a reasonable time. Pending the examination of their requests they should be transferred to non-combat duties, where possible.

44. Any request to leave the armed forces for reasons of conscience should ultimately, where denied, be examined by an independent and impartial body.

45. Members of the armed forces having legally left the armed forces for reasons of conscience should not be subject to discrimination or to any criminal prosecution. No discrimination or prosecution should result from asking to leave the armed forces for reasons of conscience.

46. Members of the armed forces should be informed of the rights mentioned in [the above] paragraphs and the procedures available to exercise them."

The implementation of these recommendations has been patchy, as we indicate in the Country section above, drawing on a report published by War Resisters' International in 2008, the replies to a questionnaire circulated to member states in 2012 (which is to date the only detailed follow-up to the recommendation, which are reported at length in the [EBCO Report 2013, Section 2.7](#), and the replies to the recent questionnaires for EBCO Annual Reports.

In Germany and the Netherlands, the laws on conscientious objection to military service apply to all persons affected, whether conscripts, reservists, or professional members of the armed forces, therefore it is under these provisions that serving members of the armed forces may apply for release; in recent Annual Reports we have reported on the numbers of such requests in Germany.

Each branch of the armed forces in the United Kingdom has its own internal regulations governing the compassionate early release of serving personnel on the grounds of conscience. Unfortunately the application of these is in no way independent of the military, and injustices can and do occur.

It might also be noted that even where such provisions exist, the recommendation is rarely followed that while applications are being processed the applicant should as far as possible be relieved of duties which might conflict with the conscientious objection.

At the other extreme there are States which, contrary to international standards, if they accept the right of conscientious objection at all do so only in a very limited fashion with regard to first conscription, and have no provisions for the shortening of the period of military service in an individual case.

In most cases, however, the situation is less clear. Some States do not have specific regulations but have indicated that applications for release based on conscientious objection would be favourably



considered. Portugal indicates that an application might refer to the constitutional provisions guarding the right. Many States however refer to the specific provisions within the military service contract which may allow for its early termination by either party without giving reasons, subject to a specified period of notice, or by mutual consent, or by reference to the general laws covering employment contracts, or permit requests for early release to be submitted, leaving the decision entirely at the discretion of the chain of command. In this last category, it may be specified that requests may be refused for operational reasons, which will often mean in the very circumstances which have given rise to conscientious objections.

Where it is possible for the contract to be terminated early, it is not always clear that discriminatory conditions do not apply. A release on the grounds of conscientious objection should never be classified as in any way dishonourable, nor should it have any effect on after-service benefits, except of course to the extent that these represent the shorter period actually served. Nor should any general conditions intended to discourage or hamper early release – such as the requirement to “repay” the alleged costs of training.

EBCO will continue to monitor the actual situation and to encourage States to accord full rights in these circumstances to all members of their armed forces, including those who have enlisted voluntarily, recognising that conscientious objections can arise at any time.



3.7. CONSCIENTIOUS OBJECTORS AS REFUGEES

Only very rarely, and in specific circumstances, can conscientious objection be the main reason for the acceptance of an application for political asylum or other refugee protection. In Europe in recent years, the conditions have most frequently been met in the case of objectors from Türkiye, and indeed within the past year two Turkish COs have, with the support of EBCO member Conscientious Objection Watch, been granted asylum in France.²⁰⁶ Sadly, even well-grounded applications from Turkish conscientious objectors nevertheless continue to be rejected as has happened during the last year in Germany to both Ercan Genk and Onur Erden, both of whom thus face deportation and the risk of renewed call-up, punishment and “civil death”.²⁰⁷

It must be stated at the outset that, sadly, under international refugee law the threat of conscription is not in itself regarded as grounds for granting asylum. To require obligatory military service is considered a prerogative of the State, and any penalties for not responding to call-up are therefore considered as legitimate punishment. Moreover, the protection for conscientious objectors is very limited.²⁰⁸

It applies only when there is no provision, or no effective provision, to apply for exemption from military service in the relevant country as a conscientious objector, and the person concerned must also meet the criteria for recognition as a refugee on other grounds. This means that he must be at risk of persecution, in the event of return, “on Convention grounds”, namely as a member of an identifiable minority. This can be as a religious minority, an ethnic minority, perhaps a minority defined by its perceived political opposition; most optimistically one might try to argue that conscientious objectors as a group themselves form a definable minority. And to count as persecution any punishment must be considered as “excessive” or “disproportionate”, or be applied in a discriminatory fashion.

The criterion for refugee protection that the potential punishment is seen as excessive, or to discriminate in a manner contrary to the Geneva Convention against the individual was met, for example with deserters in former Yugoslavia who had to expect to be sentenced up to five years.

The case for protection can be strengthened if the service objected to is seen to be in violation of international law or likely to involve implication in the commission of war crimes or crimes against humanity, and indeed in such circumstances protection is not necessarily limited to recognised conscientious objectors. Article 9 of the EU Qualification Directive regulating who can be recognised as a refugee in the European Union, for instance specifically states that it applies wherever there is a threat of criminal prosecution for refusing to participate in wars that violate international law.²⁰⁹

²⁰⁶ Information from Vicdani Ret İzleme / Conscientious Objection Watch.

²⁰⁷ Information from Connection eV.

²⁰⁸ For an authoritative statement, see United Nations High Commission for Refugees, *Guidelines for International Protection, No. 10: Claims to Refugee Status related to Military Service within the context of Article 1A (2) of the 1951 Convention and/or the 1967 Protocol relating to the Status of Refugees*, 2014. See also

https://quno.org/sites/default/files/resources/QUNO%20-%20Conscientious%20Objection%20to%20Military%20Service%20and%20Refugee%20Status%20Determination_14_05.pdf

²⁰⁹ Directive 2011/95/EU of the European Parliament and of the Council of 13 December 2011 on standards for the qualification of third-country nationals or stateless persons as beneficiaries of international protection, for a



Since the Russian invasion of Ukraine on 24th February 2022, attention has particularly focussed on conscientious objectors and others who have fled to avoid embroilment in the war. In September 2022, EBCO, with War Resisters' International, the International Fellowship of Reconciliation, and Connection eV launched the Object War Campaign, seeking to protect all those who have left Russia, Ukraine, or Belarus (which could become directly involved in the conflict at any time), in order to avoid military mobilisation. The campaign continues, the need is as great as ever, but solid information on outcomes is hard to pin down. What follows, therefore, is an overview of the situation – each of the three countries being taken in turn to reflect the different conditions which apply.

Ukraine

On 4 March 2022, the Council of the EU adopted Decision (EU) 2022/382, recognising the existence of a mass influx of displaced persons from Ukraine as a result of the Russian invasion, and activating a Temporary Protection Directive which, in summary, allowed almost all categories of Ukrainian residents who had fled since the invasion to apply for a temporary residence permit in the EU. Initially giving the right to remain until 4th March 2024, this was extended on 28th September 2023 to apply until 4th March 2025. Denmark opted out of the directive but was introducing its own legislation which would give residence permits to Ukrainians without requiring them to apply for asylum; outside the EU, Switzerland and Norway introduced parallel temporary protection, awarded without individual assessment; the UK introduced measures covering those with existing links to the country and an unlimited scheme for public or private sponsorship for those without such links, giving in the first instance residence permission for one year.

The protection directive does not affect the right to apply for international protection under the Qualification Directive, however it has for the moment made it unnecessary for Ukrainians to apply for asylum. It does not exclude persons who are liable for military service, so few applications for asylum have been made from Ukrainians covered by the directive or those who were already on EU territory in February 2022, the main exception being a few applications from deserters absent without leave from the Ukrainian army who seek to use asylum applications as at least a temporary shield against possible deportation.

Despite the ban on leaving the country which Ukraine has imposed on males of military age leaving Ukraine, Eurostat estimates that adult men account for just under 20% of 4.2 million persons who are currently benefiting from protection under the Directive.²¹⁰ This would imply over 800,000 men within recruitment age, over and above any who were already on the territory of the EU before February 2022. Most men who have been allowed to leave Ukraine had been exempted from military service (whether or not through corruption) and are therefore not subject to mobilisation, but an unknown number of men, almost certainly probably in the tens of thousands have left the country irregularly. The [BBC reported](#), based on illegal border crossing data from the country's neighbours, that nearly 20,000 men left the country to avoid being drafted from February 2022 to November 2023, with Kyiv confirming to the BBC that another 21,000 were caught escaping.

uniform status for refugees or for persons eligible for subsidiary protection, and for the content of the protection granted (recast), 20th December, 2011

²¹⁰ EUROSTAT: "4.2 million people under temporary protection", 10th November 2023.



In September 2023, the Ukrainian government spoke of applying for the extradition of fugitive conscripts. It is believed that Poland at least initially responded by expelling some Ukrainian refugees under an agreement with Ukraine.²¹¹ However, the Austrian Ministry of Justice, for one, stated that “Austria's criminal courts would not extradite conscripts to their home country even if there was an extradition request from Ukraine”.²¹² The Ministry clarified that even though violation of compulsory military service is a criminally punishable offence, the European Extradition Convention (Article 4) does not specifically apply to such an offence, hence there exist no grounds for approving such extradition requests from Ukraine. Although Ukraine is currently taking measures to enable the service of call-up notices remotely on persons outside the national territory, there have been no more recent credible reports that the government has lobbied EU governments to deport males for this purpose, nor that any would be inclined to entertain this. (Documents seeming to indicate otherwise have proved to be forgeries, presumably Russian disinformation attempts.)

Should it eventually come to the situation where a conscientious objector from Ukraine feels it necessary to apply for asylum, there should be no difficulty in establishing his imminent liability for military recruitment, but it might be necessary to convince the deciding authority of the current situation that there is no opportunity to apply for recognition as a conscientious objector in Ukraine. However the biggest difficulty would probably be to establish in the individual case his bona fides as a conscientious objector rather than simply a person acting rationally in the interests of self-preservation; it would usually be necessary for the objector to provide historic evidence of declarations etc.

Russia²¹³

Numbers and where are they? The mass outflow of tens or hundreds of thousands of men in the weeks immediately following in the weeks immediately following the mobilisation announcement of September 2022 has slowed, but avoiders are still arriving in neighbouring countries, accompanied by a number of deserters from the Russian armed forces, which is almost certainly in hundreds although reliable estimates are inevitably hard to obtain. Many are reported to have escaped from Russia with the help of a secretive organisation called Idete Lesom, which translates either as “Go by the forest” or “Get lost”.

In July 2023, the Russian opposition analysis and policy network “RE: Russia” published a study on flight from Russia since February 24, 2022, concluding that between 820,000 and 920,000 people left Russia during this period. They estimated the following totals by present whereabouts as:

Country	Total	Country	Total
Serbia	150,000	EU	55,000–100,000
Kazakhstan	150,000	Georgia	62,000

²¹¹ Connection eV “Get out: information for dissatisfied soldiers from Ukraine (article 3509, undated)

²¹² <https://orf.at/stories/3330446/> - 8 September 2023

²¹³ Unless otherwise cited, information in this section comes from, Connection eV, “Russians refusing to go to war – What are the chances of protection and asylum?”, 20th February, 2024. <https://en.connection-ev.org/article-4051>



Armenia	110,000	Israel	75,000–85,000
Montenegro	65,000–85,000	USA	30,000–40,000
Turkey	90,000–100,000	Other countries	30,000

In September 2023 Connection eV used that study to update its estimate of the number of men concerned who are liable to military service, arriving now at a figure of at least 250,000, as compared with their estimate of 170,000 a year previously. To allow for exemptions, they had assumed that only 70% of males in the relevant age group were actually available for recruitment, but noting that as the war continues, the criteria for exemptions or deferrals might be tightened.²¹⁴

Statements of political intent have been encouraging towards Russian deserters, in particular, but in order to take advantage of any implicit promises they must first obtain admission to European countries. Unlike Ukrainians, Russians do not enjoy an automatic right of entry to the EU, but must always apply for a visa. Since the invasion of Ukraine, however, there has been an increased reluctance to grant such visas, except to a privileged minority who are already recognised as vocal critics of government policy. The biggest losers from Russia's pariah status have thus ironically been those who resist participation in the very action which brought about that status. In practice many are stranded in the first country to which they managed to flee, usually Armenia, Georgia, Kazakhstan, Serbia or Turkey. Turkey —and since the end of January 2022, Kazakhstan— grant Russian citizens only a limited residence status of three months, which cannot be extended at will. In Georgia, permission to stay is limited to twelve months. Deportations to Russia have been reported from Kazakhstan and Armenia. None of these States is prepared to grant asylum to Russian citizens, who must therefore seek to move on. This is not easy. We are aware from miscellaneous personal contacts of Russians who have been allowed to settle in Czechia, Bulgaria, Canada, and Argentina. Most have been persons with an existing job, at which they can continue working in their new location. Special reference must be made to the situation in Israel, which is prepared to admit persons fleeing Russia or Ukraine and (without conferring refugee status) give them residence permits after a few months. What most of them do not realise is that this renders them – both male and female – liable to conscription into the Israeli army, so that having escaped embroilment in one war they may find themselves trapped into conscription into another.²¹⁵

It is not clear how many deserters or evaders have already been obliged by circumstances to return to Russia. An additional problem faced by many is that they have only "internal" passports, which permit travel to former Soviet Republics, but not further afield. This impinges particularly heavily on members of minority indigenous communities, who were illicitly targeted in the mobilisation. In general, applications for asylum cannot be launched from third countries, and applications for visas must be made from within Russia itself — it is usually not feasible for these people to return in order to do so.

²¹⁴ Rudi Friedrich "Russia: Escape from participation in the war: Current figures, September 2023" <https://en.connection-ev.org/article-3873>, 19th September, 2023.

²¹⁵ Or Ben David, "New Profile: Helping Russian and Ukrainian refugees in Israel refuse service in occupation." <https://www.refuser.org/refuser-updates>, 23rd July 2023



Political and popular statements of support: These were led by Charles Michel, President of the EU Council, who declared on 4th June 2022: "If you want no part in killing your Ukrainian brothers and sisters, if you don't want to be a criminal, drop your arms, stop the fighting, leave the battlefield," adding that granting asylum to Russian deserters is "a valuable idea that should be pursued."

On 28th April, 2022, the German Bundestag, in a resolution on support for Ukraine, appealed to Russian soldiers to lay down their arms and stated that "the path to the German and European asylum procedure is open to them."

See the [EU Section above](#) for the Resolution of the European Parliament, on 16th February 2023 and the open letter dated 24th July 2023 and signed by seventeen MEPs which specifically addressed the problems of entry to the EU.

A long list of German politicians expressing similar support is headed by Federal Chancellor Olaf Scholz, who has stated "I am in favour of offering these people [Russians who refuse to be drafted into the military] protection."

And a resolution of the 13th Synod of the Protestant Church in Germany (EKD) on 5th December 2023 stated: "Conscientious objection is an internationally recognised human right. Many people from war zones or countries involved in wars who are threatened with military service try to avoid it. There are also soldiers on the front line who want to lay down their weapons in the face of horror. In many countries, they face repression and prison sentences for doing so, and in some countries even the death penalty. Against this backdrop, the Synod asks the Council of the EKD to ... advocate that Germany open up the possibility of entry to people, especially from Russia, who refuse to do military service or desert, that Germany protect these people and grant them asylum."

Official advice and jurisprudence: distinction drawn between deserters and evaders: There can be no doubt that the Russian invasion of Ukraine is considered a breach of international law. For instance the International Court of Justice on 16th March 2022 ordered Russia to suspend the invasion.²¹⁶

The European Court of Justice, the highest court in the European Union, has twice ruled on the question of refusal to participate in such a war. It found that those affected would have to have previously submitted a formal application for conscientious objection in their country, which was rejected or at least did not prevent them from being sent to a war zone as part of the fighting force. They would have also to prove that they were actually recruited and that there was a serious threat of deployment in war.

In Germany, based on advice from the Federal Office for Migration, the Federal Ministry of the Interior stated in May 2022, "it can be assumed that imminent acts of persecution are usually linked to a reason for persecution (Section 3b Asylum Act). Since even the term 'war', in relation to the attack on Ukraine, can be penalised in the Russian Federation as an oppositional political statement, desertion —as an active statement against the waging of war— can be seen as an expression of an oppositional conviction."

²¹⁶ <https://www.ici-cij.org/node/106135>, 16th March 2022



The advice of the Federal Office for Migration was however far more guarded with regard to those seeking to avoid possible mobilisation, arguing that as the announced target for the mobilisation was 300,000 out of 25 million Russian men who were potentially liable, a "considerable probability" of mobilisation could not be assumed in individual cases. A parliamentary reply from the Ministry of the Interior dated 20th September 2023 indicates that these guidelines were updated at the beginning of September 2023, and stated, "The current decision-making practice provides for the following: - Deserters should continue to receive international protection on a regular basis; - Persons who are to be drafted into the army and refuse to serve will receive international protection if the conditions for this are met. These are, in particular, acts of persecution in connection with a reason for persecution. However, these conditions are less likely to be met for this group of people than for deserters." The reply also emphasised that "EU protection and asylum must also be extended to Ukrainian deserters and conscientious objectors."

A ruling from the Grand Chamber of the National Asylum Court (CNDA) in France on 6th September 2023 took more account of the actual situation. It found that Russian nationals who refuse partial mobilisation or forced recruitment as part of the war in Ukraine must be granted refugee status, as they would be induced directly or indirectly to participate in the large-scale commission of war crimes by the Russian armed forces. The Court also found that the partial mobilisation in September 2022 was broadly defined and that it was not possible to avoid military service by performing alternative civilian service. In addition, the mobilisation was marred by numerous irregularities affecting both those affected and the mobilisation procedures. The CNDA also stated that the partial mobilisation was de jure and de facto still in force, although the Russian Minister of Defence had declared that the mobilisation target would be reached by the end of 2022. Even so, to take advantage of this ruling, individuals would have to prove that they were actually at risk of being recruited for the war. Nor does it seem to take account of the well-attested fact that under the present mobilisation there are no provisions allowing application for recognition as conscientious objectors, nor the reasonable fear that a person who had already attempted to escape the country would face an enhanced risk of persecution, and possibly of recruitment, on return.

Finally, it might be mentioned that in two successive decisions, on 30th November and 12th December 2023, the European Court on Human Rights refused to apply Article 39 to impose interim measures preventing the return of a Russian citizen who had overstayed his permission to remain in Hungary,²¹⁷ applying the principle of *non-refoulement*. The person concerned had not been called-up for military service, but he was able to produce convincing evidence that he belonged to the 'A' category of reservists, had a technical-engineering background and the rank of a reservist officer, all of which, together with the location of his home region would cause him to rank highly in the qualification priorities; moreover his opposition to the war had been made public, which produced a further risk of him being targeted as a dissident. The European Court is not obliged to justify its decisions in such cases, but the failure to take account of the individual risk factors, coupled with the apparent assumption that Russia is not intrinsically an unsafe country for returns is frankly alarming.

²¹⁷ See the detailed analysis of this case by Eszter BENKŐ, Tamás FAZEKAS and Zsolt SZEKERES dated 12th March 2024, at <https://strasbourgobservers.com/2024/03/12/imminent-risk-of-irreparable-harm-why-failure-to-protect-russians-fleeing-the-putin-regime-would-be-a-serious-blow-to-the-courts-reputation/#more-9914>



Asylum applications and decisions: We do not have comprehensive information on the number of asylum applications lodged by Russian men in Europe as a whole, let alone of how many specifically cited military recruitment issues, or the outcomes, which seem to have been mixed. It is however clear that there has been an increase in such applications.

According to EUROSTAT figures, in the period from February 2022 to April 2023 inclusive, 21,790 Russian nationals applied for asylum in the EU. This figure included 9,580 applications by men between the ages of 18 and 64, about 44% of the total. By October 2023, this latter figure had increased to 12,000.

In Germany, in 2023 up to the end of August, there were 2,337 applications from asylum from Russian males aged 18 to 65, as compared with 1,150 from February to December 2022. The Russian Federation had been the source of most asylum applications after Syria, Türkiye, Afghanistan, Iraq, Iran and Georgia. Of the 2,377, proceedings had been discontinued in 836 cases with a reference under the "Dublin rules" to the country of entry into the Schengen zone. A mere 44 of the applications had been decided on their merits, of which 75% had been rejected. Only 11 applicants had received international protection, a mere 1.2% of all applications. Over 60% remained undecided. In all respects these figures represented a deterioration as compared with the previous period, when a much larger number, 81, applications had been accepted, 12.9% of all applications and 39.7% of those decided on their merits, and slightly over half of all applications had been resolved one way or another.

A ministerial answer in the Belgian parliament on 31st January 2024 revealed that the number of asylum applications from Russians had increased from 726 in 2022 to 931 in 2023. All had been put on hold until mid-February 2024 – one hopes while more accurate situation information was sought.²¹⁸ After September 2022 the number of asylum applications is reported to have tripled in Austria, beginning to decline again from April 2023.

The most positive news is that between January and mid-March 2024, no fewer than nineteen Russian deserters were granted asylum in France, more than the total number of Russian men granted asylum in Germany in the previous year – no indication is given of whether there had been any earlier cases.²¹⁹

Most reports of cases involving Russians seeking to avoid mobilisation indicate that they were turned down because the courts were not convinced that mobilisation was indeed likely, and therefore that there was a risk of punishment, excessive or not. Sometimes more spurious claims were made in the judgements – for instance in one case in Austria the ruling argued that "the authorities cannot assume that the Russian army is committing systematic human rights or international law violations."²²⁰

²¹⁸ 2024 01 31 Belgian Parliament: Question de Guillaume Defossé à Nicole de Moor (Asile et Migration) sur "La protection des objecteurs de conscience russes, biélorusses et ukrainiens" (55041635C)

²¹⁹ Le Figaro and AFP, "Guerre en Ukraine: la France a accordé l'asile à 19 déserteurs de l'armée russe en 2024", 22nd March 2024

²²⁰ <https://www.derstandard.at/story/3000000175228/bfa-weisst-asylgesuch-eines-russischen-re>, 19th June 2023



At least two positive decisions have however been made by German administrative courts. On 20th March, 2023, in the case of a seventeen-year-old Chechen, the Berlin Administrative Court ruled "The plaintiff ... is threatened with serious harm in the form of inhuman and degrading treatment because it is considerably probable that he will be conscripted for military service after his return and in connection with this ... and from this point in time there is also the considerably probable danger of being sent to the Ukraine war ..., where the plaintiff ... would have to expect to be forced to participate in a war of aggression contrary to international law and acts contrary to international law and/or human rights, or to suffer serious harm to life and limb himself." And in a case where the risk of conscription was not so obviously imminent, the Halle Administrative Court ruled on 27th April 2023, "In the case of the applicant ..., however, there is a case of forced flight because, as a 38-year-old Chechen man with no health restrictions, he is threatened with forced recruitment for military service in Ukraine if he returns to his country of origin. Persecution within the meaning of Section 3a (1) Asylum Act may also include ... prosecution or punishment for refusal to perform military service in a conflict if the military service would involve crimes or acts that would fall under the exclusion clauses of Section 3 (2) Asylum Act. ... The war waged by Russia in Ukraine is a war of aggression under international law and, according to the evidence introduced into the proceedings, it appears ... considerably likely that the applicant ... as a healthy Chechen man will be drafted against his will into a Chechen combat unit and sent to Ukraine to commit war crimes and crimes against humanity or at least to act contrary to the purposes and principles of the United Nations."

Even within their limitations, however, the existing guidelines are not being implemented consistently in Germany, as illustrated by a decision dated 29th September 2023. This concerned a Russian who was able to show a call-up notice for reserve service, documentation with which few persons are liable to be able to leave Russia. The Court quoted a clarification by the Russian Supreme Court from as long ago as 2008 that Article 328 of the Criminal Code does not apply to reservists, but only to withdrawal from basic military service." In the specific case, the BAMF states that Russian law provides only for a warning or a fine, and therefore alone "does not constitute an act of persecution by state or non-state actors in accordance with Section 3a Asylum Act", the Court admits that it cannot be ruled out "that harsher punishments will be imposed on those withdrawn from mobilisation during the Ukraine war and in the further course of the war," but nevertheless concludes "according to the current legal situation, concrete enforcement is not so likely that it could be assumed that the applicant would be threatened with targeted state persecution or individual harm to such an extent that this would be considered an act of persecution upon return to Russia."

Generally applications from Russian draft evaders are denied with the reason that a recruitment would not be likely enough. German authorities and even courts argue page for page why in particular cases the applicants don't have to expect a likely recruitment. For instance the Berlin Administrative Court on 24th November 2023²²¹, quoted the advice from the Federal Ministry of the Interior that during the mobilisation campaign in September-November 2022 only 300,000 were recruited from an amount of 25 million in order to argue that the applicant, a Chechen, need not personally fear singling out for recruitment, nor punishment for refusal.

²²¹ Verwaltungsgericht Berlin, Urteil vom 24.11.2023, 33 K 499.16 A



It seems that an almost impossible burden of proof of potential recruitment will continue to hamper cases in the German courts concerning persons seeking to escape the danger of mobilisation in Russia in the absence of further firm leadership at the political level. It will be interesting to see whether call-up notices sent electronically to persons who have already left Russia, as has now been authorised by a change in the law (see [Russia section](#)), will be considered by the courts as more persuasive.

Belarus

The number of Belarussian males who had left the country by September 2022 in order to escape the possibility of military service, has been estimated as 22,000.²²² According to the organisation Nash Dom, by July 2023, there were some 55,000 Belarusians in Lithuania alone, with hundreds still arriving each month.²²³ Since the 2020 election, according to a study by the Parliamentary Assembly of the Council of Europe, the number of refugees leaving Belarus had been in total anything between 200,000 and 500,000.²²⁴ One might assume that some 25% would be adult males – using the calculations made by Connection eV with regard to Russia, perhaps 70% of these might be liable to military recruitment.

A particular problem has been caused by legislation brought in in 2023 which requires any Belarussian wishing to renew a passport to return to the country in order to do this, effectively rendering stateless those who would be at risk of imprisonment or military recruitment should they do so.

Objectors leave Belarus mainly in anticipation of a general mobilisation on the Russian or Ukrainian model in the event that Belarus decides to take an active part in supporting the invasion. Those who are at most danger are those who have performed military service in the past, whether as conscripts or willingly. The largest number cross the land border into Lithuania. Sadly, Lithuania is very suspicious of persons coming from Belarus, even those who have been clearly identified as opponents of the regime, and within six months listed as “national security threats” over 1,165 Belarusians, often simply on the basis of past army service or attendance at a cadet academy.²²⁵ Negative decisions on residency applications surged for Belarusians, especially compared to other nationals like Russians, with approximately 300 receiving refusals. No Belarussian conscientious objector, even those who have been clearly identified as political opponents of the government, have succeeded in acquiring asylum in Lithuania. Some who were already resident in Lithuania have seen their status challenged; cases in 2023 which attracted particular attention but reached at least a temporary solution were those of Vitaly Darvashkyn and Ivan Strashkevich.²²⁶

Darvashkyn, who had resigned from the Belarussian army in 1998 and had subsequently been active in the opposition movement, fled to Lithuania shortly after the Russian invasion of Ukraine. He

²²² Friedrich, R. “Germany: Federal Office for Migration rejects asylum for Russian refusers: Russia, Belarus, Ukraine: What about the protection of refusers?”, 17th February 2023, <https://en.connection-ev.org/article-3736>

²²³ <https://news.house/60784>

²²⁴ <https://pace.coe.int/en/news/8955/belarusians-in-exile-an-overlooked-issue-addressed-by-the-parliamentary-assembly>

²²⁵ <https://news.house/60784>

²²⁶ <https://news.house/60802>



obtained a temporary residence permit and had worked as a lorry-driver, meanwhile taking a visible part in anti-Belarusian protests. On April 26th, 2023, on the basis of his previous service in the Belarusian army, his residence permit was revoked and he was placed on a list of “undesirable persons” subject to a five-year ban from entering EU territory. On June 27th, both decisions were overturned by the Court, but the migration service and the Department of National Security had lodged a further appeal.

Strashkevich, an ethnic Lithuanian who had served as a border guard in Belarus, came to Lithuania via Poland on a work visa in 2019. He had subsequently appeared in a film documenting human rights abuses by the Belarusian border service. On 5th June, 2023 the authorities refused to extend his work visa on the basis of his former service, and, like Darvashkyn, he was subjected to a five-year ban on entering the EU. He subsequently applied for asylum in Lithuania, but meanwhile was incarcerated under strict conditions in a refugee camp. His case was eventually resolved by an agreement that he could be deported to Poland, where he has been able to apply for asylum under the Dublin rules, as it was the country where he first entered the EU.

Then in late November 2023, the Migration Department of the Interior Ministry of the Republic of Lithuania denied asylum to a Belarusian deserter, Mikita Sviryd. Sviryd had deserted from armed deployment, leaving his weapon in Belarus, informed the Lithuanian authorities about the movement of Russian military equipment, and provided details of events on the border with Ukraine during the days of the Russian invasion. As a result, as well as desertion, he could be charged with terrorism, extremism, and treason, leading to up to 20 years in prison and possibly even the death penalty if he should be returned to Belarus.²²⁷

Belarusians encounter the same problems as Russians in obtaining entry to the EU. Moreover, unless and until mobilisation is imposed in Belarus they will remain unable to apply for asylum on the basis of probable military service. Many, however, should be able to make out a case that if returned they will encounter persecution as known opponents of the regime.

Recommendations

The organisations involved in the Object War Campaign call for the following changes to current policy and practice within Europe.

First, as long as the present conflict persists, no person, and especially no person who might be subject to military recruitment, should be returned against his or her will to the warring states.

Second, applications from Russian citizens should be allowed to submit applications for admission to the European Union from countries outside Russia where they are threatened with deportation to Russia. They should be given access to humanitarian visas.

Third, persons arriving at the EU's border from warring States and seeking protection should not be subjected to illegal “pushbacks”.

²²⁷ Email from Olga Karatch, Nash Dom, 2nd January 2024



Fourth, that the EU should adopt a reception programme so that those Russian citizens who have at great personal risk turned their backs on their country's government are given opportunities for training, employment and social integration in the EU.

Fifth, recognising the imminent likelihood that Belarus may actively join in the conflict, equivalent protections should be given to persons fleeing that country. Especially, in view of that country's recent reactivation of the death penalty, no person who might face that penalty should be returned to Belarus.



3.8. CONSCIENTIOUS OBJECTION IN TIME OF WAR AND OTHER NATIONAL EMERGENCIES

President of European Council Charles Michel is not alone when after his calls on Russian soldiers to desert and promises of asylum he started to call for preparations to war in Europe and reintroduction of compulsory military service for men and women.

Among growing ramble of such sort, it is especially important to check how strong our legal safeguards of human right to conscientious objection to military service are and whether relevant provisions in national legislation and international law could protect under martial law or in time of other national emergency the right to refuse to kill which is especially precious and deserves special protection in such dangerous time. Human rights to peace and conscientious objection to military service are intrinsically linked.²²⁸ Freedom of conscience is an important restraint to the ability of commanders to mobilise people for bloodshed and give them cruel orders, thus preventing extreme escalations and tragedies, helping causes of human rights, humanitarianism and nonviolent resistance, strengthening the practice of peaceful conflict resolution. For example, conscientious objectors movement in the United States contributed to finishing the Vietnam war, and patriotic conscientious objectors in former Soviet Ukraine engaged the youth into the national democratic movement which facilitated the peaceful dissolution of the Soviet Union and the declaration of national independence.

In this chapter, we don't intend to provide comprehensive overview of the situation in all European countries, that perhaps would be a subject in the next EBCO annual reports. Our aim is rather to recall main authorities in international law, to identify best domestic practices today and in the past, as well as current problems and challenges. Partly, we have done this previously in every annual report, but without this particular focus the topic was not elaborated enough.

Historical predecessors of conscientious objection, exemptions from mandatory military service for clergy and monks in case of war, existed for millennia in many countries of different cultures and religions. Introduction of conscription and recognition of human right to conscientious objection was linked to eruption of enormously lethal modern wars of mass armies.

During WWI, UK conscription law in 1916 included a provision recognizing the right of conscientious objection for members of historical peace churches, and conscription law of 1917 in the U.S. exempted members of well-recognised "religious sects or organisations" whose creed or principles prohibit any form of participation in war.²²⁹

During WWII, Prime Minister Winston Churchill, answering to a question in UK Parliament, said that "...the rights which have been granted in this war and the last to conscientious objectors are well-known, and are a definite part of British policy. Anything in the nature of persecution, victimisation, or man-hunting is odious to the British people."

²²⁸ Michael Wiener and David Fernández Puyana (eds.), *A Missing Piece for Peace: Bringing Together the Right to Peace and Freedom of Conscientious Objection to Military Service* (UPEACE Press, 2022).

²²⁹ Charles Moskos and John Chambers (eds.), *The New Conscientious Objection: From Sacred to Secular Resistance* (Oxford: Oxford University Press, 1993).



First of all it is of vital urgency to highlight that, according to international standards, as a recognised human right, conscientious objection is an universal right which applies to everyone and is non-derogable, thus it applies always and there cannot be exceptions.

In the practice, with spreading legal recognition of conscientious objection in Europe, relevant acts envisaged wartime provisions for conscientious objectors.

In Germany, the right to conscientious objection was recognised by Article 4 of the 1949 Constitution (Grundgesetz) in wording clearly applicable in time of war (“No one may be compelled against his conscience to perform war service as a combatant”).

In France, by Articles 6, 7 of the 1963 Law n°63-1255, in time of war and mobilisation conscientious objectors must be provided with unarmed service or relief missions of national interest.

According to Italian “Rules for the recognition of conscientious objection” (Marcora Law No 772/1972), Article 10: “In times of war, those admitted to unarmed military service or alternative civilian service may be assigned to non-armed services, even if these are dangerous activities.” Additionally, it is worth highlighting the Italian Constitution in its art. 11 says “Italy repudiates war as an instrument of offence against the freedom of other peoples and as a means of settling international disputes; it allows, on equal terms with other states, the limitations of sovereignty necessary for an order that ensures peace and justice among nations; it promotes and favours international organisations directed to this end.”²³⁰

Even the former systematic violators of the right to conscientious objection might conceive the necessity of wartime exemptions when they change their behaviour under international pressure. In Armenia, after a lost case (Bayatyan v. Armenia) before the Grand Chamber of the European Court of Human Rights, a law on alternative service amended in 2013 allows alternative service in time of war or national emergency. The Constitution of the Republic of Armenia in Article 76 does not directly protect alternative service envisaged by Article 41 (3) from suspension in case of emergency, but requires compliance with international commitments with respect to derogations from the state obligations. It is notable that during the 2020-2021 martial law, when notifying the Council of Europe about derogations from its obligations under European Convention on Human Rights, Armenia did not derogate from Article 9 of the Convention which protects the right to conscientious objection.

Instead of such commendable compliance to international human rights law, neighbouring Azerbaijan chose not to recognise conscientious objection despite that its 1995 Constitution allows the introduction of alternative service by a law. Such law was discussed but never adopted for decades, and many conscientious objectors were imprisoned despite that, in 2021, President Aliyev pardoned some prisoners of conscience. Usually this intentional gap in human rights legislation is explained as originating from the necessity to defend against Armenia.

Responding to the “state of war” excuse for violations of human right to conscientious objection to military service, in §97 of the judgement in the case *Mushfig Mammadov and Others v. Azerbaijan*

²³⁰ <https://www.senato.it/istituzione/la-costituzione/principi-fondamentali/articolo-11>



(2019)²³¹, ECtHR ruled that a mere reference to the “necessity of defending the territorial integrity of the State” does not in itself constitute grounds capable of justifying the absence of an appropriate alternative service.

However, the same excuse is used in Ukraine where after the start of Russian full-scale invasion and the declaration of martial law on 24 February 2022, alternative service was suspended and conscientious objectors in some cases were imprisoned.

The situation in Russia is more complicated: there is no legal procedure for alternative service in time of mobilisation, but the Supreme Court in 2023 recognised it as a constitutional right. In practice, the applicability of such right is still uncertain and depends on future legislative regulation, which will hardly be sufficient for consistent conscientious objectors, since changes already adopted allow the transfer of people from alternative service to civilian jobs in the army during mobilisation.

The universally recognised citizen’s duty to defend one’s country, as well as a government’s right to mobilise citizens for self-defence in international law, is a powerful argument usually invoked to deny conscientious objection claims. Some argue, however, that such a duty could be performed by nonviolent means and this way is even more preferable morally, because effective methods of nonviolent resistance to aggression, when prevalent and scaled to a macro level, might pave a way to the abolition of any war in the life of humankind.

It is not only beneficial but, in fact, necessary for democratic societies to respect freedom of conscience. As Harlan Stone, former Chief Justice of the United States, said when he defended the wartime exemption of conscientious objectors: “both morals and sound policy require that the state should not violate the conscience of the individual. All our history gives confirmation to the view that liberty of conscience has a moral and social value which makes it worthy of preservation at the hands of the state.” Many legal scholars hold the same position, and the core of this argument is that conscientious objection is rooted in the personal sphere of inner beliefs, or the forum internum of the individual, which cannot be interfered with by the State, even in time of war or public emergency that may threaten the life of nation, thus being an absolute human right,²³² especially since the sanctity of life as a fundamental human right explains conscientious objections to taking a human life for any “reasons.”

This thinking is reflected also in the International Covenant for Civil and Political Rights and in the jurisprudence of the UN Human Rights Committee.

The fundamental character of the freedoms to have or adopt a religion or belief which entails conscientious objection to military service enshrined in Article 18(1) of the Covenant is reflected in the fact that, according to Article 18(2) of the Covenant, no one shall be subject to coercion which

²³¹ <https://hudoc.echr.coe.int/eng?i=001-196606>

²³² Özgür Heval Çınar (2013). *Conscientious Objection to Military Service in International Human Rights Law*. Palgrave Macmillan, New York.



would impair their freedom to have or to adopt a religion or belief of their choice,²³³ and these provisions could not be derogated from, even in a time of public emergency, as stated in article 4(2) of the Covenant.

In the concluding observations on the fifth periodic report of Finland (CCPR/CO/82/FIN, para. 14),²³⁴ the Human Rights Committee stated that the “State party should fully acknowledge the right to conscientious objection and, accordingly, guarantee it both in wartime and in peacetime.” In the case *Petromelidis v. Greece* (CCPR/C/132/D/3065/2017)²³⁵ and in other Views on individual communications the Committee also recalled that the fundamental character of the freedoms enshrined in article 18 (1) of the Covenant was reflected in the fact that the provision could not be derogated from, even in a time of public emergency, as stated in article 4 (2) of the Covenant. According to the 2022 OHCHR analytical report (A/HRC/50/43),²³⁶ similarly, the Working Group on Arbitrary Detention and other special procedures of the Human Rights Council have strongly considered that the right to conscientious objection to military service is part of the absolutely protected right to hold a belief under article 18 (1) whose internal freedom cannot be restricted by States (forum internum approach).

Since the Article 15 of the European Convention on Human Rights allows derogation of State parties to the Convention from their obligations under the Convention only “provided that such measures are not inconsistent with its other obligations under international law,” and since the ICCPR is almost universally ratified in Europe, the non-derogable character of the human right to conscientious objection under ICCPR implies also its non-derogable character under ECHR. Articles 9 and 15 of the Convention are thus connected: a conscientious objector’s rooted inner beliefs, or forum internum, regarding military service is inviolable.

The European Bureau for Conscientious Objection calls on all European states to guarantee the human right to conscientious objection to military service in time of war and other public emergencies and to provide protection and asylum to all refugees in danger of being repressed for their conscientious objection in their countries, especially in wartime and if the legal recognition of conscientious objection in these countries is absent or does not comply with international human rights standards.

²³³ It is important to differentiate an absolute right to have or adopt a religion or belief, which is absolute according to Article 18(2) of the Covenant, from a freedom to manifest it, which could be limited according to Article 18(3). Denial in legal recognition of conscientious objection to military service violates the right to have or adopt religion or belief.

²³⁴ <https://undocs.org/CCPR/CO/82/FIN>

²³⁵ <https://undocs.org/CCPR/C/132/D/3065/2017>

²³⁶ <https://undocs.org/A/HRC/50/43>



4. NEW PUBLICATIONS

Documentary “LOVE FOR LIFE”



The German filmmaker Annette Ortlieb produced a documentary about Ludwig Baumann, German deserter of WWII. In cooperation with EBCO the premiere of this film took place in Bremen on 19 November 2023. EBCO was represented by former president Friedhelm Schneider.

Ludwig Baumann (1921–2018) was present and spoke at an event of EBCO in the concentration camp of Mauthausen in 1997.

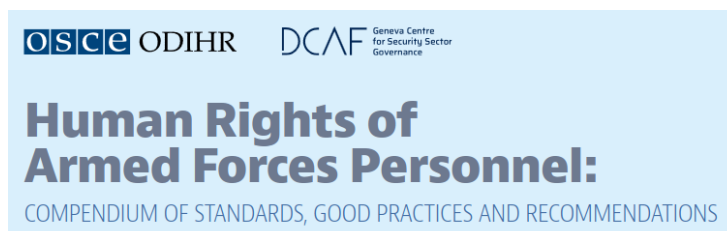
The film is about the courage to desert, the power of staying true to oneself and a vision that changed the Federal Republic of Germany and the long road to rehabilitate the 30,000 Wehrmacht deserters sentenced to death. A tribute to humanity and against war.

An English subtitled version is being prepared for 2024. For more information see:

<https://upgr.bv-opfer-ns-militaerjustiz.de/uploads/Dateien/PB2023/PM20231113BV-Premiere-DIE-LIEBE-ZUM-LEBEN.pdf> (Press Release) and

[https://upgr.bv-opfer-ns-militaerjustiz.de/uploads/Dateien/PB2023/LIEBE-ZUM-LEBEN-PRESSEHEFT%20\(1\).pdf](https://upgr.bv-opfer-ns-militaerjustiz.de/uploads/Dateien/PB2023/LIEBE-ZUM-LEBEN-PRESSEHEFT%20(1).pdf) (more detailed press information in German language)

Handbook “Human Rights in the Armed Forces”



We missed in 2021 the issue of the updated handbook “Human Rights of Armed Forces Personnel: Compendium of Standards, Good Practice, and Recommendations” published by the Geneva Centre for Security Sector Governance on behalf of the Office on Democratic Institutions and Human Rights of the Organisation for Security and Co-operation in Europe. (<https://www.dcaf.ch/human-rights-armed-forces-personnel-compendium-standards-good-practice-a>



[nd-recommendations](#)) When it first appeared in 2008 this document was influential in establishing the right of conscientious objection for all serving members of the armed forces, later confirmed by Council of Europe Committee of Ministers Resolution CM/Res(2010)4.

Documentary “Shalom — Salaam — Peace”



We should also mention the documentary film on Israeli conscientious objectors and peace activists, issued on 20th February 2024 by the co-operative FemArtAction, filmed in Israel and Palestine, and directed by Alexia Tsouni, EBCO President.

After 7th October 2023 some Israelis struggle even harder to hold everyone’s humanity. Is their dual loyalty a threat or a big hope for this place?

This documentary covers the period from 7th October 2023 (the Hamas-led attack) to the end of 2023 (the imprisonment of 18-year-old Tal Mitnick, the first Israeli male conscientious objector of the current war, and the filing of the case South Africa vs Israel at the International Court of Justice), presenting the events in Israel and Palestine (both Gaza and the West Bank), as well as the movement and the oppression of the anti-occupation / anti-Zionist Israelis, with the parallel narrative of Sahar Vardi, an Israeli female conscientious objector and anti-occupation activist in Jerusalem.

Full details at <https://femartact.gr/?p=2276>

Documentary “Ukrainians refusing military service”

This film tells stories of Ukrainians who refuse to serve in army, like two young musicians dreaming to go abroad, conscientious objector Vitaliy Alexeienko, and a pacifist Yurii Sheliashenko advocating alternative civilian service. After two years of Russian invasion and military mobilisation in Ukraine, the film asks how can the freedom of the country be defended without violating the freedom of its residents. German version is published under a title “Ukrainer auf der Flucht vor dem Militärdienst” <https://www.arte.tv/de/videos/118267-004-A/re-ukrainer-auf-der-flucht-vor-dem-militaerdienst/> and French version is published under a title “Les Ukrainiens fuient le service militaire” <https://www.arte.tv/fr/videos/118267-004-A/arte-regards/>



5. RECOMMENDATIONS

EBCO will be presenting this report to the European Parliament, to the Parliamentary Assembly and the Commissioner for Human Rights of the Council of Europe, and to various State authorities. In each case EBCO accompanies it with a set of targeted recommendations.

Meanwhile EBCO repeats its general recommendations, applicable to all European States:

- 1) if they have not already done so, to **abolish all compulsory military service**, and meanwhile refrain from prosecuting or otherwise harassing conscientious objectors, with no further action required from such persons; or –secondly– providing a nonpunitive and non-discriminatory alternative service of purely civilian nature;
- 2) to **recognise in law the right to conscientious objection to military service** and ensure that it is possible for all conscientious objectors to avoid enlistment in the armed forces and for all serving members of the armed forces or reservists to obtain release without penalties should they develop conscientious objections, and that the civil, economic and political rights of conscientious objectors are fully protected;
- 3) to immediately cease any recruitment into the armed forces of **persons aged under 18** and stop any military-type training of such persons;
- 4) to accept **applications for asylum** from all persons seeking to escape military service in any country where there is no adequate provision for conscientious objectors, and especially where they are in danger of being otherwise forced to participate in armed conflict;
- 5) to decrease **military expenditure** and increase social spending, and to make available to citizens with conscientious objections means of specifying that no part of the taxes which they have personally paid is directed towards military expenditure;
- 6) to introduce **peace education** in all parts of the education system and prevent any form of militarisation of curricula.



6. THANKS

EBCO wishes to sincerely thank all governments, national human rights institutions, as well as international and national non-governmental organisations and solidarity groups who responded to the request of EBCO for provision of information.

EBCO thanks as well all those who will contribute to the dissemination of its Report in a way that it can meet its purposes such as raising awareness and giving needed attention to violations of the human right to conscientious objection to military service.