



OFFICE OF THE HIGH COMMISSIONER FOR HUMAN RIGHTS



1995/83. Conscientious objection to military service

The Commission on Human Rights,

Reaffirming that all Member States have an obligation to promote and protect human rights and fundamental freedoms and to fulfil the

obligations they have undertaken under the various international human rights instruments, the Charter of the United Nations and humanitarian law,

Bearing in mind that it is recognized in the Universal Declaration of Human Rights and the International Covenant on Civil and Political Rights that everyone has the right to life, liberty and security of person, as well as the right to freedom of thought, conscience and religion,

Recalling its resolution 1989/59 of 8 March 1989, in which it recognized the right of everyone to have conscientious objections to military service as a legitimate exercise of the right to freedom of thought, conscience and religion,

Recalling also its resolution 40 (XXXVII) of 12 March 1981, in which it pointed to the need for a better understanding of the circumstances under which military service might be objected to on grounds of conscience,

Recalling further the comprehensive report by Mr. Asbjørn Eide and Mr. Chama Mubanga-Chipoya entitled Conscientious Objection to Military Service (United Nations publication, Sales No. E.85.XIV.1) submitted to the Subcommission on Prevention of Discrimination and Protection of Minorities at its thirty-sixth session,

Taking into consideration that some States provide for non-combatant service within the military framework and sometimes for alternative civilian service, even though no provision is made in their domestic legislation concerning the recognition of conscientious objection to military service,

Recalling its resolution 1993/84 of 10 March 1993, in which it requested the Secretary-General to report to the Commission on the matter at its fifty-first session,

Having considered the report of the Secretary-General (E/CN.4/1995/99), and thanking those Governments that provided comments to the Secretary-General,

Noting General Comment No. 22 (48) of the Human Rights Committee on article 18 of the International Covenant on Civil and Political Rights, in which the Committee inter alia expressed the view that a right of conscientious objection can be derived from article 18 and that, when this right is recognized by law or practice, there should be no differentiation between conscientious objectors on the basis of the nature of their particular beliefs and that, likewise, there should be no discrimination against conscientious objectors because they have failed to perform military service,

Aware that persons performing military service may develop conscientious objections,

Recognizing that conscientious objection to military service derives from principles and reasons of conscience, including profound convictions, arising from religious, ethical, humanitarian or similar motives,

Recalling article 14 of the Universal Declaration of Human Rights which recognizes the right of everyone to seek and enjoy in other countries asylum from persecution,

1. Draws attention to the right of everyone to have conscientious objections to military service as a legitimate exercise of the right to freedom of thought, conscience and religion, as laid down in article 18 of the

Universal Declaration of Human Rights, as well as article 18 of the International Covenant on Civil and Political Rights;

2. Affirms that persons performing military service should not be excluded from the right to have conscientious objections to military service;

3. Appeals to States, if they have not already done so, to enact legislation and to take measures aimed at exemption from military service on the basis of a genuinely held conscientious objection to armed service;

4. Urges States in their law and practice not to differentiate between conscientious objectors on the basis of the nature of their particular beliefs nor to discriminate against recognized conscientious objectors for failure to perform military service;

5. Reminds States with a system of compulsory military service, where such provision has not already been made, of its recommendation that they introduce for conscientious objectors various forms of alternative service which are compatible with the reasons for conscientious objection and that they refrain from subjecting conscientious objectors to imprisonment;

6. Emphasizes that such forms of alternative service should be of a non-combatant or civilian character, in the public interest and not of a punitive nature;

7. Recognizes that some States accept claims of conscientious objection as valid without inquiry, and appeals to Member States that do not have such a system to establish, within the framework of their national legal system, independent and impartial decision-making bodies with the task of determining whether a conscientious objection is valid in a specific case;

8. Affirms the importance of the availability of information about the right to conscientious objection to military service, and the means of acquiring conscientious objector status, to all relevant persons affected by military service;

9. Requests the Secretary-General to transmit the text of the present resolution to all States Members of the United Nations and to include the right of conscientious objection to military service in the public information activities of the United Nations, including the United Nations Decade for Human Rights Education;

10. Also requests the Secretary-General to submit to the Commission at its fifty-third session an update of the information provided in the annexes to the report by Mr. Asbjørn Eide and Mr. Chama Mubanga-Chipoya, taking into account information from Governments and non-governmental organizations and any further information available to him;

11. Decides to consider this matter further at its fifty-third session under an agenda item with a new title: "The question of conscientious objection to military service".

62nd meeting
8 March 1995

[Adopted without a vote. See chap. XXVI. E/CN.4/1995/176]