

## The Bandrés Molet & Bindi resolution

Resolution of 19 January 1994 on conscientious objection in the Member States of the Community



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The European Parliament,

- having regard to the motions for resolutions by:

(a) Mr Kostopoulos on recognition of the right of conscientious objection to military service and alternative arrangements for non-military or social service (B3-0248/91),

(b) Mr von Wechmar and others on behalf of the LDR Group on persecution of conscientious objectors and of ethnic minorities in Greece '(B3-0623/92),

(c) Mr Sisó Cruellas on the performance of military service by young people who reside in a Member State of which they are not nationals (B3-0459/92),

- having regard to its resolutions of 7 February 1983 on conscientious objection, 13 October 1989 on conscientious objection and alternative civilian service, 21 January 1993 on religious freedom in Greece and the compulsory declaration of religion on the Greek identity card, 11 March 1993 on respect for human rights in the European Community (annual report of the European Parliament), and 22 April 1993 on the compulsory mention of religion on Greek identity cards,

- having regard to written questions Nos 1241/90, 1242/90, 1389/90, 2295/90, 2645/90, 2646/90, 2898/90, 2905/90, 2908/90, 130/91, 694/91 and 1449/91,

- having regard to petitions Nos 34/92, 161/92, 184/93 and 343/93,

- having regard to resolution 1989/59 of the United Nations Commission on Human Rights,

- having regard to Recommendation R(87)8 of the Committee of Ministers of the Council of Europe,

- having regard to Article F of the EU Treaty and Articles 100, 7, 8a and 48(2) of the EC Treaty,

- having regard to Rule 45 of its Rules of Procedure,

- having regard to the report by the Committee on Civil Liberties and Internal Affairs (A3-0411/93),

A. deploring the lack of response to its resolutions of 1983 and 1989 referred to above. especially the possibility of refusing for reasons of conscience to fulfil an obligation to perform military service,

B. stating once again that the protection of human rights and fundamental freedoms is one of the European Community's main duties, as is stipulated inter alia in the Preamble to the Maastricht Treaty,

C. whereas conscientious objection to military service is inherent to the concept of freedom of thought, conscience and religion, as recognized in Article 9 of the European Convention for the Protection of Human Rights and Fundamental Freedoms,

D. whereas the United Nations Commission on Human Rights confirmed this interpretation on 20 July 1993 in its general comments on Article 18 of the International Covenant on Civil and Political Rights,

E reiterating the fact that the right of conscientious objection is a principle recognized under the law of all Member States in which military service is compulsory, with the exception of Greece, which is the only country where unarmed military service exists, but that the provisions governing this right vary widely between Member States which, as far as young people are concerned, acts as an obstacle to European integration,

F. having regard to its resolutions of 14 June 1991 and 21 November 1991 on European citizenship in which it stated inter alia that the status of European citizenship implies that the human rights and fundamental freedoms of all citizens must be protected and that discrimination against citizens on the basis of the Member State to which they belong cannot be tolerated under any circumstances,

1. Considers conscientious objection to be a real subjective right, as recognized by resolution 1989/59 of the United Nations Commission on Human Rights, closely connected with the exercise of individual freedoms and, therefore, that community service may take the form of either military or civilian service;

2. Believes that 'conscientious objector' should be taken to mean someone who. faced with an obligation to perform military service, refuses to do so on religious, ethical or philosophical grounds or for reasons of conscience and calls on all Member States to adopt this definition;

3. Subscribes to the basic principles defined by the Committee of Ministers of the Council of Europe in its recommendation R(87)8 on conscientious objection to compulsory military service and considers that this recommendation is a minimum basis for provisions concerning civilian service which should link all the Member States of the Council of Europe;

4. Points out that conscientious objection is an issue of international importance, as is demonstrated by the resolution adopted by the United Nations Commission on Human Rights in 1989, the Recommendation adopted by the Committee of Ministers of the Council of Europe in 1987 and its resolution of 1989, all of which include the right of conscientious objection to military service among the various rights and stipulate that alternative civilian service must not be punitive in nature;

5. Is convinced that the right of conscientious objection derives from the human rights and fundamental freedoms which the Union undertakes to respect pursuant to Article F(2) of the EU Treaty and, therefore, that the harmonization of legislation in this field falls within the competence of the European Community;

6. Calls on the Member States to study, as a matter of common interest, the experience of those which have abolished compulsory military service, in favour of fully professional armed services. accepting that all citizens of a Member State should enjoy the same rights and fulfil the same obligations;

7. Calls therefore on the Commission to submit as soon as possible

- a proposal for the harmonization of legislation and minimum guarantees of the protection of the right of conscientious objection, such as those laid down in paragraph 49 of its aforementioned resolution of 11 March 1993 on respect for human rights in the European Community, with a view to eliminating the current discrimination between Member States,

- a proposal for the establishment of a European civilian service open to both conscientious objectors and volunteers from the Member States,

- an exchange programme allowing those engaged in alternative civilian service to choose to perform it in another Member State or in a developing country as part of a cooperation programme;

8. Considers that this service should also be able to be performed with organizations in other Member States, without the need for reciprocity and even when there is no conscription in the country concerned;

9. Calls on the Member States to ensure that compulsory military service and civilian service performed at institutions which do not come under the supervision of the Defence Ministry are of the same length, pursuant to paragraph 51 of its aforementioned resolution of 11 March 1993 on respect for human rights in the EC;

10. Believes furthermore that conscientious objectors performing civilian service must enjoy the same rights as conscripts engaged in armed military service, both in social terms - in respect of access to vocational training, for example - and in terms of pay;

11. Condemns those states where objectors are imprisoned, as asserted by Amnesty international, and calls on the Greek Government in particular to take the necessary steps as a matter of urgency to conform to the principles laid down in this resolution;

12. Emphasizes that freedom of religious belief is firmly established as one of the basic individual rights set out in the Universal Declaration of Human Rights and the European Convention on Human Rights and restates therefore the views set out in its aforementioned resolutions of 21 January 1993 and 22 April 1993 on the compulsory declaration of religion on identity cards;

13. Calls for the right of conscientious objection and the right to civilian service to be incorporated in a protocol to the European Convention on Human Rights;

14. Calls on the Member States of the European Union which do not have (or no longer have) conscription and military and civilian service nevertheless to guarantee the fundamental right of conscientious objection;

15. Calls on the Commission to ask the Member States of the European Union and the countries which have applied for accession to comply with the principles laid down in its aforementioned resolutions of 7 February 1983, 13 October 1989 and 11 March 1993 and in this resolution;

16. Instructs its Committee on Civil Liberties to draw up an annual report on the application by the Member States of its resolutions on conscientious objection and civilian service, and to involve the European Bureau for Conscientious Objection;

17. Instructs its President to forward this resolution to the Council, the Commission and the governments and parliaments of the Member States and the countries which have applied for accession.