



Ministry
of Defence

Ministry of Defence
Main Building
Whitehall
London SW1A 2HB
United Kingdom

Ref: TO2021/00566

E-mail: People-Sec-ParliMailbox@mod.gov.uk

Ms Alexia Tsouni
ebco@ebco-beoc.org

22 January 2021

Dear Ms Tsouni,

Thank you for your email of 14 January 2020, regarding conscientious objection in the UK Armed Forces. Your email has been passed to the Defence People Secretariat within the Ministry of Defence (MOD), and I have been asked to reply.

There has been no compulsory conscription in the UK since the end of National Service in 1963 and the Government has no current plans to reintroduce any form of National Service. Since 1963, it has been the policy of successive Governments that the best way of providing for the defence of our country is by maintaining professional Armed Forces which are manned by volunteers. Conscription was legislated for via the National Service Act 1948 and preceding wartime legislation.

In the UK, the minimum age for officer entrants into Service is 17 and for other ranks is 16. Parental consent must be obtained for those under the age of 18 before an application can proceed.

The UK has a long tradition of recognising the right of individuals not to fight and, in 1916, due to the combined efforts of politicians and peace organisations, such as the Quakers, the Military Service Act saw the UK become the first country to give legal recognition to individual conscience, which was subsequently enshrined in the Universal Declaration of Human Rights. The Act allowed for objectors to be absolutely exempted, to perform alternative civilian service, or to serve as a non-combatant in the army's Non-Combatant Corps, according to the extent to which they could convince a Military Service Tribunal of the quality of their objection.

All members of the Armed Forces may apply to leave their Service on grounds of conscience, and the MOD has a well-established procedure that has remained departmental policy under successive governments for personnel who, during their service, develop a genuine conscientious objection to further military service. Information about the procedure, including the right to appeal, is available in service publications to which armed forces personnel have access either electronically or through their unit, and such cases are handled administratively by the Service concerned and are dealt with first by the individual's chain of command. Moreover, applications for discharge on the grounds of conscience from Service personnel are dealt with by the Chain of Command and a decision made as to whether the plea is rejected or approved. If the plea is approved, and considered genuine, arrangements are made for the applicant to be discharged from the Services on compassionate grounds.

Armed Forces personnel stand in a unique position as they do not enter into contracts of employment and are unable, in most cases, to terminate their employment at will. Whilst it is recognised that personnel should be able to apply to leave the Armed Forces when they feel that continuing to serve is incompatible with their conscience, it would be untenable, however, if

personnel claiming to be a conscientious objector were allowed to leave when the chain of command does not consider their claim to be genuine. This would leave the system open to abuse as some personnel might make this claim in order to circumvent the ordinary discharge mechanisms and, in so doing, avoid any liability to serve as part of the reserve forces or fulfil any return of service obligations.

It is vital, therefore, that the chain of command continues to have the power to reject applications from personnel wishing to leave on the ground of conscience where it is considered that the applicant is not a conscientious objector. To sustain this position however, it is also vital for the independent mechanism to be made available to personnel whose application to leave have been rejected by the chain of command.

If a plea is rejected, then the applicant will be advised that they must continue to serve under their present terms of engagement and will be subject to normal Service discipline. Applicants may however appeal against the decision and have their case heard by the Advisory Committee on Conscientious Objectors (ACCO). The ACCO is a non-statutory advisory non-departmental body which was established in 1970, to hear appeals from Service personnel whose applications to leave the Armed Forces on grounds of conscience have been rejected by the Service authorities. Members of the ACCO are appointed by the Lord Chancellor and the Ministry of Justice. The membership consists of a Chair and Vice-Chair (both of whom require a legal qualification) and four lay members. At a hearing, a quorum is required which consist of the Chair or the deputy Chair and two lay members. If ACCO approve the appeal, then the applicant will be called on to resign/be discharged. If the ACCO reject the plea, then the applicant will be advised that they must continue to serve under their present terms of engagement and will be subject to normal Service discipline. Whilst the application and appeal procedure is in progress, the individual's Commanding Officer retains the right, prior to any final decision, to employ the individual on operations, to give lawful commands and take disciplinary action if such commands are disobeyed.

The ACCO is chaired infrequently as it meets only when a member of the Armed Forces brings an appeal, and since its formation in 1970, the Committee has considered 37 appeals. The Committee last met in 2010, and since then there have been no new cases referred to it. The findings of the Committee are submitted to the Secretary of State for Defence in the form of advice.

I hope this information is helpful and provides you with the necessary information for your report.

Yours sincerely,

Defence People Secretariat.