Opinion 132 (1987)[1]

Conscientious objection to compulsory military service

Parliamentary Assembly

The Assembly,

1. Having studied the draft recommendation to governments of member states regarding conscientious objection to compulsory military service, and its explanatory report elaborated by the Council of Europe's Steering Committee for Human Rights ;

2. Recalling its numerous past efforts in favour of the recognition and the effective implementation of the right of conscientious objection to military service ;

3. Recalling, in particular, its Resolution 337 (1967) and its Recommendation 816 (1977), and the principles relating to the right of conscientious objection to military service attached to these two texts ;

4. Considering that this draft recommendation is not fully in conformity with the aims of the Assembly as laid down in its Resolution 337 (1967) and in its Recommendation 816 (1977) ;

5. Satisfied that the Committee of Ministers instructed the Council of Europe's Steering Committee for Human Rights to deal with the right of conscientious objection to military service ;

6. Expressing its appreciation that the Committee of Ministers decided to transmit to it, for opinion, the draft recommendation elaborated by the steering committee (Doc. 5606),

7. Approves the provisions of this draft recommendation, subject to the following amendments, and expresses the hope that it may soon be adopted by the Committee of Ministers ;

8. Proposes the following amendments to the draft recommendation :

a. In paragraph 2, replace the words ‘‘States may" by ‘‘States shall" ;

b. In paragraph 4, replace the words ‘‘should, as a rule", by ‘‘shall" ;

c. In paragraph 8, replace the words ‘‘The law may" by ‘‘The law shall" ;

d. add, after paragraph 6, the words ‘‘before an independent court" and delete paragraph 7 ;

e. In paragraph 11, replace the words ‘‘shall not have less social and financial rights than persons" by ‘‘shall have social and financial rights similar to the rights of persons".

1. Assembly debate on 30 January 1987 (28th Sitting) (see Doc. 5606, request for opinion by the Committee of Ministers ; and Doc. 5663, report of the Legal Affairs Committee). Text adopted by the Assembly on 30 January 1987 (28th Sitting).