



Recommendation 816 (1977)¹

Right of conscientious objection to military service

Parliamentary Assembly

The Assembly,

1. Wishing to promote legal status for conscientious objectors in Council of Europe member states ;
2. Recalling its [Recommendation 478 \(1967\)](#) and [Resolution 337 \(1967\)](#), on the right of conscientious objection ;
3. Re-asserting the principles stated in [Resolution 337 \(1967\)](#), which form an integral part of this recommendation,
4. Recommends that the Committee of Ministers:
 - a. urge the governments of member states, in so far as they have not already done so, to bring their legislation into line with the principles adopted by the Assembly ;
 - b. introduce the right of conscientious objection to military service into the European Convention on Human Rights.

1. Assembly debate on 7 October 1977 (10th Sitting) (see [Doc. 4027](#), report of the Legal Affairs Committee). Text adopted by the Assembly on 7 October 1977 (10th Sitting).



Appendix APPENDIX

Principles relating to the right of conscientious objection to military service

A. Basic principles

1. Persons liable to conscription for military service who, for reasons of conscience or profound conviction arising from religious, ethical, moral, humanitarian, philosophical or similar motives, refuse to perform armed service shall enjoy a personal right to be released from the obligation to perform such service.
2. This right shall be regarded as deriving logically from the fundamental rights of the individual in democratic rule of law states, which are guaranteed in Article 9 of the European Convention on Human Rights.

B. Procedure

1. Persons liable for military service should be informed, when notified of their call-up or prospective call-up, of the rights they are entitled to exercise.
2. Where the decision regarding the recognition of the right of conscientious objection is taken in the first instance by an administrative authority, the decision-taking body shall be entirely separate from the military authorities, and its composition shall guarantee maximum independence and impartiality.
3. Where the decision regarding the recognition of the right of conscientious objection is taken in the first instance by an administrative authority, its decision shall be subject to control by at least one other administrative body, composed likewise in the manner prescribed above, and subsequently to the control of at least one independent judicial body.
4. The legislative authorities should investigate how the exercise of the right claimed can be made more effective by ensuring that objections and judicial appeals have the effect of suspending the armed service call-up order until the decision regarding the claim has been rendered.
5. Applicants should also be granted a hearing, and be entitled to be represented and to call relevant witnesses.

C. Alternative service

1. The period to be served in alternative work shall be at least as long as the period of normal military service.
2. The social and financial equality of recognised conscientious objectors and ordinary conscripts shall be guaranteed.
3. The governments concerned shall ensure that conscientious objectors are employed in social work or other work of national importance-having regard also to the manifold needs of the developing countries.