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Oral Statement by Friends World Committee for Consultation (Quakers), an international non-governmental organisation in General Consultative Status with ECOSOC, to the UN Commission on Human Rights (60<sup>th</sup> session)

Delivered by Rachel Taylor, Quaker UN Office, Geneva, on April 2004

### Item 11(g) **Conscientious Objection to Military Service**

Friends World Committee for Consultation (Quakers) welcomes the continued attention to the subject of conscientious objection to military service by this Commission as well as by Governments.

We would like to thank the 22 Governments, 10 national human rights institutions, the Council of Europe and the non-governmental organisations who submitted information to the Office of the UN High Commissioner for Human Rights in response to their request for information on best practices in the recognition of the right of conscientious objection to military service and the provision of alternative service. We appreciate the analysis of information provided in the Office's report (E/CN.4/2004/55) while regretting that the richness of this material is not reflected more fully.

In particular, the report fails to take account of the many instances where *de facto* provision is made for alternative service (either by national or local authorities) even where conscientious objection is not recognised by law. Furthermore, the Commission resolutions on this subject clearly establish that the right of conscientious objection is not only for conscripts at the time of call-up, but, being based on the right to freedom of thought, conscience and religion, equally applies to those who volunteered to serve in the armed forces and to serving conscripts. Many States, both those with all volunteer forces and those with mixed conscript and volunteer ones, recognise this and apply it in practice.

The current conflicts in the Middle East, and the controversy about their legality and the way in which they are being conducted, have led to an increase in claims of 'selective objection' – those where the objection is not to all use of arms but to their use in the particular circumstances. At the same time, such objectors are less likely to be recognised by the State concerned and more likely to be subjected to imprisonment and other punishment, as well as harassment and ill-treatment generally. Often, they seek asylum or temporary protection abroad. In order to facilitate return and reintegration in the post-conflict situation, States

should grant, and effectively implement, amnesties and restitution of rights, in law and practice, for all those who have refused to undertake or continue military service on grounds of conscience.

Finally, Mr Chairman, we would like to urge all States who have not yet done so, to provide for conscientious objection to military service for conscripts, volunteers and reservists, in line with the provisions of Commission resolution 1998/77, and immediately to stop imprisoning conscientious objectors and to release those who are in prison.

Thank you, Mr. Chairman.