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**Can conscientious objectors
be good citizens?**

**A look at relationship between
freedom of conscience and duty to the state**

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Rights of citizenship have long been equated with the obligation to perform military service in defense of a state.¹ Linda Kerber describes the word “citizen” as carrying military overtones since antiquity.² The idea of the citizen-soldier was certainly present in ancient Greece. Peter Riesenberg describes civic virtue in Sparta as “absolute military efficiency”³ Plato insisted that those qualified to rule must first prove fitness in military matters.⁴ The great proponent of liberty John Stuart Mill insisted that liberty included a responsibility to bear one’s “fair share in the common defence.”⁵ This equating of citizenship with military duty was present at the origins of the United States. Sarah Livingston Jay (wife of the senior U.S. negotiator in Paris, John Jay) toasted the end of the U.S. Revolutionary War with “May all our Citizens be Soldiers, and all our Soldiers Citizens”.⁶ The equation of citizenship with soldiering is echoed in a 1918 opinion of U.S. Supreme Court Chief Justice Edward Douglas White: “the Highest duty of the citizen is to bear arms at the call of the nations . . . The very conception of a just government and its duty to the citizen includes the reciprocal obligation of the citizen to render military service in case of need and the right to compel it.”⁷ White was not alone in his sentiment that the highest duty of citizens is to bear arms. The Court’s decision was unanimous.

This principle of citizen obligation to perform military service can come into direct conflict another generally recognized principle—freedom of religion. John Locke is an early proponent for toleration of differences in religious ideology.⁸ The United States included religious freedom at its founding. The First Amendment of the U.S. Constitution states that “Congress shall make no law respecting an establishment of religion, or prohibiting the free

¹ Moskos and Chambers 3.

² Kerber 236, 238.

³ *Citizenship in the Western Tradition: Plato to Rousseau*. Chapel Hill: University of North Carolina Press, 1992: 20-21, qtd in Kerber 237.

⁴ *Republic* 403e-404c, 413e-415d.

⁵ Mill 81.

⁶ Kerber 236.

⁷ qtd in Kerber 246.

⁸ *A Letter Concerning Toleration*. Locke was speaking in particular about toleration of differences among Protestant Christians. Today, this principle is widely accepted as applying not just to Protestant Christians but equally to those who choose to practice, or not to practice, any religion.

exercise thereof." More recently, the United Nations Universal Declaration of Human Rights claims the right to freedom of thought, conscience and religion. This freedom includes "includes freedom to change his religion or belief, and freedom, either alone or in community with others and in public or private, to manifest his religion or belief in teaching, practice, worship and observance."⁹ Numerous other constitutions and human rights documents include similar provisions ensuring freedom to act in harmony with one's beliefs and conscience. The conflict between the claims of citizens' duty to defend the state and the claim to freedom of thought, conscience and religion comes from the fact that the conscience of some will not permit them to engage in military or armed conflict. In contrast with the citizens' willingness to kill or be killed in defense of his community, state or state's interest, some citizens refuse to kill and are willing to die for this conviction of conscience. The question of this paper is, can these two principles be accommodated within the same context? Is good citizenship only a matter of military service or are other qualities important? Can those who object to military service contribute to the welfare of the state in a similar manner but in one that accommodates his or her conscience? In short, can conscientious objectors be good citizens? The purpose of this paper is to assert that the answer to this question is yes—conscientious objectors can be good citizens. It also documents development of and respect for the right of conscientious objection in Europe over recent decades.

The paper follows this format. First is a brief description of several claims of conscience against military service. What ideas shape the conscience of some who object to military service? Next is an examination of human rights claims of conscientious objection to military service as contained in international human rights treaties and covenants—in particular, those of the United Nations, the European Union and the Council of Europe. Is the right of conscientious objection a recognized right? Some states recognize the claim that conscientious objectors can be good citizens by accepting alternate forms of service.

⁹ Article 18.

They incorporated the claim of conscientious objection to military service into their constitutions and laws. Other states have not. This leads to the next question addressed: what is the impact on a state and its citizens when the right of conscientious objection to military service is not acknowledged? This section includes as an overview of European state response to conscientious objection. The impact of refusal to acknowledge conscientious objectors is assessed particularly through the example of Greece. The final section looks at issues that conscientious objector cases have brought to the European Court of Human Rights, including discussion of the Court's unwillingness to formally acknowledge conscientious objection as integral to freedom of religion and conscience.

Claims of conscientious objection to military service

In the context of this paper, a conscientious objector is someone who refuses to begin or to continue to bear arms or to serve in the military. Some object on universal principles. Others object to specific wars or activities.¹⁰ Some conscientious objectors do not object to serving in the military but will do so only in a noncombatant positions, for example, as medics or in transport. Others refuse all connection with the military. Additionally, some claim conscientious objection at the time they are initially conscripted. Others reach their decision after joining the military or after having completed military service. All these are conscientious objectors. The reasons for conscientious objection to military service vary from group to group and from person to person, but to gain some insight into motives driving conscientious objection, this section offers a sampling of the pacifist ideas found within two religious groups: Buddhist and Christian.¹¹

Richard Reilly describes Buddhist principles leading to conscientious objection. He cites Buddhism's "First Precept" as "Abstain from the taking of life"—a prohibition on

¹⁰ Moskos and Chambers 5.

¹¹ Claims based on secular motives are as varied as the people making the claim, but they are growing in number. (Moskos and Chambers 8, 196-206.)

“destroying, causing to be destroyed, or sanctioning the destruction of a living being.”¹² Buddhist principles insist that one must avoid being the cause of unnecessary suffering.¹³ The “principle of impartiality” is another influence. Impartiality carries an idea also found in the Christian “Golden Rule”—to treat others in the way in which we would want to be treated.¹⁴ Compassion is also important to Buddhist pacifism: it identifies with the suffering or need of another.¹⁵ If one cannot help, at least one should do no harm.¹⁶ Additionally, impartiality, compassion and other similar qualities apply not only within one’s nation-state, but universally.¹⁷ The First Precept, the principle of impartiality, avoidance of causing harm, and compassion all convey to some practicing Buddhism the conviction that engaging in armed conflict is morally wrong. Demanding that they do this is an effort to coerce them into violating their conscience.

Christian principles that lead to conscientious objection can include Isaiah’s prophecy that those from all nations who wish to worship in God’s house must “beat their swords into plowshares and their spears into pruning shears. Nation will not lift up sword against nation, neither will they learn war anymore” (Isaiah 2:4).^{18, 19} The claim is that God requires his followers not to engage in warfare. They are to beat their swords into plowshares. Another influence toward pacifism is the words attributed to Jesus: “Return your sword to its place, for all those who take the sword will perish by the sword” (Matthew 25:52). In other words, Jesus prohibited his followers from engaging in armed conflict, even to protect him.²⁰ Jesus is also said to have stated: “No one has love greater than this, that someone should surrender his soul in behalf of his friends. YOU are my friends if YOU

¹² Reilly 118.

¹³ Reilly 119.

¹⁴ Reilly 119.

¹⁵ Reilly 118.

¹⁶ Reilly 120.

¹⁷ Reilly 123.

¹⁸ Scriptural cites are from the *New World Translation of the Holy Scriptures*. Brooklyn, NY: Watchtower Bible and Tract Society, 1984.

¹⁹ A quote of Isaiah 2:4 appears on a wall in Ralph Bunche Park, located directly across the street from the United Nations building in New York City.

²⁰ See also Jesus’ answer to Pontius Pilate at John 18:36: “My kingdom is no part of this world. If my kingdom were part of this world, my attendants would have fought that I should not be delivered up to the Jews. But, as it is, my kingdom is not from this source.”

do what I am commanding YOU" (John 15: 13, 14).²¹ In other words, those who follow Christ would be willing to die to prevent harm to someone else. Jesus stated that claims of discipleship are established by demonstrating love for others: "I am giving YOU a new commandment, that YOU love one another; just as I have loved YOU, that YOU also love one another. By this all will know that YOU are my disciples, if YOU have love among yourselves" (John 13:34, 35), and "You must love your neighbor as yourself" (Matthew 22:39). Discipleship requires love of others. The parable of the Good Samaritan identifies anyone in need as "your neighbor." In short, the injunction against harming others includes not just those within one's nation-state but extends to all humans. These principles, defining all human as neighbors for whom one must demonstrate love and against whom one may never take up arms, contribute to the development of conscientious objection to military service among some Christians.

Principles described here are repeated in other religions and by others independent of religion. They make apparent that conscientious objection is not an intent to shirk a responsibility to others or to the state. Rather, conscientious objectors feel a moral obligation toward the welfare of all mankind that transcends any obligations to a state.

Recognition of the right of conscientious objection as part of international treaty

The right to live and act in harmony with one's conscience is recognized in numerous international human rights treaties. This section looks at how the United Nations, the European Union and the Council of Europe have recognized, and not recognized, this right.

United Nations

In the United Nations system, the right to conscientious objection lies within the right to freedom of thought, conscience and religion. This freedom's inclusion in the Universal Declaration of Human Rights (UDHR) is described above. A United Nations treaty

²¹ The capitalized "YOU" reflects that the pronoun in the original Greek is in the plural form.

that contains many of the rights in the UDHR is the International Covenant on Civil and Political Rights (ICCPR). Article 18 reads as follows:

- 1) Everyone shall have the right to freedom of thought, conscience and religion. This right shall include freedom to have or to adopt a religion or belief of his choice, and freedom, either individually or in community with others and in public or private, to manifest his religion or belief in worship, observance, practice and teaching.
- 2) No one shall be subject to coercion which would impair his freedom to have or to adopt a religion or belief of his choice.
- 3) Freedom to manifest one's religion or beliefs may be subject only to such limitations as are prescribed by law and are necessary to protect public safety, order, health, or morals or the fundamental rights and freedoms of others.
- 4) The States Parties to the present Covenant undertake to have respect for the liberty of parents and, when applicable, legal guardians to ensure the religious and moral education of their children in conformity with their own convictions.

Freedom of thought, conscience and religion includes the freedom to act in accord with one's beliefs. No one is to be coerced to contradict those beliefs. The only restriction on these freedoms are those necessary to protect public safety, order, health and morals—in other words, the fundamental rights and freedoms of others.

Does coercion to violate one's conscience in order to militarily defend the interests of the state fall within that which is necessary for the safety and order? The United Nations Human Rights Committee answered this question in its General Comment 22. The right of conscientious objection falls within the scope of Article 18:

The Covenant does not explicitly refer to a right to conscientious objection, but the Committee believes that such a right can be derived from Article 18, inasmuch as the obligation to use lethal force may seriously conflict with the freedom of conscience and the right to manifest one's religion or belief.²²

The Committee's comment, however, does not demand that State Parties implement domestic law to recognize conscientious objection or that they provide alternative civilian service in states with compulsory military service. Instead they comment that "when this right is recognized by law or practice" that there can be no differentiation in treatment

²² Human Rights Committee General comment No. 22, paragraph 11.

between different beliefs and there can be no discrimination against conscientious objectors.²³

In connection with different treatment of different beliefs, the Committee states that Article 18 “encompasses freedom of thought on all matters, personal conviction and the commitment to religion or belief, whether manifested individually or in community with others,” highlighting “the fact that the freedom of thought and the freedom of conscience are protected equally with the freedom of religion and belief.”²⁴ It includes “theistic, non-theistic and atheistic beliefs, as well as the right not to profess any religion or belief.”²⁵ In short, conscientious beliefs can be personal and do not need institutional support to be protected. States cannot discriminate because a belief is new or different from the dominant religions or ideology.

The United Nations Human Rights Commission has repeatedly issued resolutions that do insist on respect for the right of conscientious objection. An example is Resolution 1998/77 in which the Commission calls on states to refrain from imprisoning conscientious objectors, refrain from repeated punishment of conscientious objectors, not to discriminate against conscientious objectors in their conditions of service or in their economic, social, cultural, civil or political rights. Additionally, information on the right of conscientious objection should be made readily available to all persons affected by military service.^{26, 27} In its 2004 report to the Office of the High Commissioner of Human Rights, the Human Rights Commission laid out its best practices for respect of conscientious objection:

- (a) Acceptance of claim to be a conscientious objector accepted without further inquiry. . .
- (b) The nature of the decision-making process should be independent, impartial and non-discriminatory. . .

²³ Human Rights Committee General comment No. 22, paragraph 11.

²⁴ Human Rights Committee General comment No. 22, paragraph 1.

²⁵ Human Rights Committee General comment No. 22, paragraph 2.

²⁶ United Nations Human Rights Commission Resolution 1998/77.

²⁷ The Commission’s comments in this Resolution reflect an awareness of actions by various states against conscientious objectors, which will be discussed further under the section “When a state does not agree that conscientious objectors can be good citizens.”

- (c) Conscientious objection to military service derives from principles and reasons of conscience, including profound convictions, arising from religious, moral, ethical, humanitarian or similar motives. . .
- (d) The right should be available to persons prior to and during military service. . .
- (e) Various forms of alternative service should be compatible with the reasons for the conscientious objection, of a non-combatant or civilian nature, in the public interest and not of a punitive nature. . .
- (f) Measures should be taken to ensure conscientious objectors are not subject to repeated punishment for failure to perform military service. . .
- (g) There should be no discrimination against conscientious objectors in relation to their terms or conditions of service, or any economic, social, cultural, civil or political rights. . .
- (h) Asylum should be granted to those conscientious objectors compelled to leave their country of origin because they fear persecution owing to their refusal to perform military service. . .
- (i) Information should be made available to all persons affected by military service about the right to conscientious objection to military service, and the means of acquiring conscientious objection status. . .²⁸

Claims of note are, again, non-punitive and nondiscriminatory treatment of conscientious objectors, no repeat arrests for failure to perform military service, acceptance of claims of conscientious objection as valid by impartial decision-making bodies, and making available information on conscientious objection. Additionally, this description of state implementation of the right of conscientious objection includes the right to claim this status both before and during military service. This right to claim the status even after engaging in military activity is closely tied to the right to change one's religion or belief.

Treaty bodies of the United Nations describe conscientious objection to military service as inherent in the right to freedom of thought, conscience and religion. They call on State Parties to show respect for this right, but they have not yet specifically declared the obvious conclusion of their claims—states that do not respect the right of conscientious objection violate freedom of thought, conscience and religion.

²⁸ United Nations Commission Report on the 60th Session to the Office of the High Commissioner of Human Rights, paragraph 38.

European Union

Treaties and government bodies of both the European Union and the Council of Europe have in some measure claimed or protected the right of conscientious objection. These, however, are not unanimously unambiguous in their claims. The European Union Constitutional Treaty, Part II: The Charter of Fundamental Rights of the Union: Title II – Freedoms, Article II-70 states,

1) Everyone has the right to freedom of thought, conscience and religion. This right includes freedom to change religion or belief and freedom, either alone or in community with others and in public or in private, to manifest religion or belief, in worship, teaching, practice and observance.

Significantly, Paragraph 2 of this Article makes specific mention of the right to conscientious objection: “The right to conscientious objection is recognized.” However, rather than establishing a body-wide standard of respect for the right, it leaves implementation of this right to the states: the right is recognized “in accordance with the national laws governing the exercise of this right.” As will be discussed further later in this paper, the problem with this declaration is that many states of European Union do not respect the right of conscientious objection in the manner laid out by the United Nations Human Rights Commission as a standard for best practice. National laws of the European Union do not all demonstrate full respect for this right.

The Council of Europe

States wishing to join the European Union must first join the Council of Europe and comply with its treaties, including the Convention for the Protection of Human Rights and Fundamental Freedoms. Article 9 of this Convention states,

1) Everyone has the right to freedom of thought, conscience and religion; this right includes freedom to change his religion or belief and freedom, either alone or in community with others and in public or private, to manifest his religion or belief, in worship, teaching, practice and observance.

2) Freedom to manifest one's religion or beliefs shall be subject only to such limitations as are prescribed by law and are necessary in a democratic society in the interests of public safety, for the protection of public order, health or morals, or for the protection of the rights and freedoms of others.

Like the United Nations treaties and covenants, the Council of Europe recognizes the right to freedom of thought, conscience and religion, the right to practice and observe that religion or belief, and the right to change one's religion and beliefs.

Taking a stand on the issue, the Council of Europe's Committee of Ministers issued a formal recommendation to its Member States, instructing them to respect the right of conscientious objection. The 1987 Recommendation calls on Member States to ensure that their national law and practice allows conscientious objectors to be released from their obligation to perform military service (through alternative service if the State desires) and permits claims of conscientious objection to be made at any time, even after previous military service. Alternative service must include the option of completely civilian service and must not be punitive in nature or duration. Conscientious objectors cannot have reduced social or financial position when compared to military service.²⁹ The Council of Europe's Parliamentary Assembly issued a Recommendation in 2001, which laments that while all but five states have initiated provisions for conscientious objection, conditions continue to vary considerably from country to country. It again calls on states to recognize an individual's claim of conscientious objection at any point time, even if already serving as a member of the armed forces. Additionally, the Parliamentary Assembly urges the Council of Ministers to change the European Convention to specifically include the right of conscientious objection.³⁰ In a 2002, the Council of Europe's Directorate General of Human Rights stated, "For democratic states that respect rights and fundamental freedoms, respect for the right to conscientious objection cannot be seen as a minor issue divorced from the

²⁹ Recommendation No. R (87) 8 of the Committee of Ministers to member states regarding conscientious objection to compulsory military service (Adopted by the Committee of Ministers on 9 April 1987 at the 406th meeting of the Ministers' Deputies), a copy of which can be found in the Council of Europe Directorate General of Human Rights. "Conscientious Objection to Compulsory Military Service," Appendix II.

³⁰ Recommendation 1518 (2001) adopted by the Standing Committee, acting on behalf of the Parliamentary Assembly of the Council of Europe, on 23 May 2001, a copy of which can be found in the Council of Europe Directorate General of Human Rights. "Conscientious Objection to Compulsory Military Service," Appendix III.

mainstream of protection and promotion, at international level, of human rights.”³¹ These bodies of the Council of Europe have taken a stand in support of the right of conscientious objection. The Directorate General labeled it a “mainstream” right.

The body that can impose direct penalty for noncompliance with the European Convention is the European Court of Human Rights (ECHR). If a State Party to this convention violates the rights of an individual or group, these can charge their state with rights’ violations before the Court. A number of individuals have sought relief before the ECHR regarding violations of freedom thought, conscience and religion as manifest in conscientious objection to military service. Initially reluctant to address the issue, the Court and its Commission have more recently ruled in behalf of those claiming violations of their rights under the European Convention.³² Nevertheless, the Court has not yet taken the step made by both the United Nations and the European Union—declaring conscientious objection as inherent in freedom of religion and conscience.³³

Nongovernmental Organizations

A number of nongovernmental organizations actively promote the right of conscientious objection, in particular, Amnesty International, who regularly adopts as prisoners of conscience those imprisoned for conscientious objection and in 1997 launched a campaign to establish the right, at least in Europe.³⁴ In 2005, the Quaker Council for European Affairs issued the report “The Right to Conscientious Objection in Europe: A

³¹ Council of Europe Directorate General of Human Rights 6.

³² When the European Court of Human Rights was first established, before a claim could be presented to the Court, a Commission of Human Rights determined admissibility of the complaint, evaluated the facts and claims of the case, and then issued a report. After the Commission issued its report but before it was heard by the Court, the parties of the suit were encouraged to come to a “friendly settlement.” If no friendly settlement could be reached, the matter was then heard by the Court. To reduce what had come to be seen as unjust delays in relief for plaintiffs, the Court was revamped, under Protocol No. 11 in May 1994, to the current arrangement in which plaintiffs bring their case directly to the Court. Protocol No. 11 went into effect November 1998 (CoE Convention Protocol 11). See Article 38 of the Convention for the description of the current arrangement regarding friendly settlements.

³³ The Court’s comments on this right are discussed further below.

³⁴ See, for example Amnesty’s *Out of the Margins: the right to conscientious objection to military service in Europe*, released in 1997, defining the right to conscientious objection as a fundamental right and calling on European states to create nonmilitary alternatives and for the immediate and unconditional release of all imprisoned conscientious objectors (1-3).

Review of the Current Situation,” evaluating overall respect in Europe for the right of conscientious objection as well as a country-by-country evaluation of laws on conscientious objection and their application. Quakers also advocate for conscientious objection before the United Nations.³⁵

The United Nations, the European Union, and to a large measure, the Council of Europe all recognize the claim that conscientious objectors are indeed citizens in good standing. The right of conscientious objection falls within the right to freedom of thought, conscience and religion, which includes the right to follow one’s beliefs and not to be coerced to violate these. Nevertheless, conscientious objection is not fully respected, even in Europe. Can the assertion that conscientious objectors are good citizens be valid when so many states are reluctant to accept this claim? Answering that question requires first an examination of what happens to a state and its citizens when the claim of conscientious objection to military service is not recognized.

When a state does not agree that conscientious objectors can be good citizens

To assess the impact on a state and its people when conscientious objection is criminalized, one first needs to examine whether all that is required to be a good citizen is willingness to serve in the military. Most of us would readily respond that more is needed. Will Kymlicka and Wayne Norman looked at scholars recent comments on citizenship and found the following. In addition to being willing to defend one’s country, qualities of good citizenship include being self-reliant or self-supporting;³⁶ making good use of one’s talents;³⁷ holding a strong work ethic;³⁸ being fiscally responsible, paying one’s bills and taxes owed;³⁹ being law-abiding;⁴⁰ acting responsibly toward one’s own health and that of

³⁵ Quaker United Nations Office (QUNO)

³⁶ Kymlicka and Norman 356.

³⁷ Kymlicka and Norman 359.

³⁸ Kymlicka and Norman 365.

³⁹ Kymlicka and Norman 360.

⁴⁰ Kymlicka and Norman 365.

others;⁴¹ caring for and educating one's children well;⁴² coming to the aid of others in distress;⁴³ participating responsibly in politics (not using one's vote or office for self-enrichment);⁴⁴ maintaining open-mindedness and toleration of difference;⁴⁵ and demonstrating respect for others' rights.⁴⁶ What actually belongs on this list can be debated. Nevertheless, it validates the claim that more is required of good citizens than simply a willingness to serve in the military. Perhaps some who serve as citizen-soldiers fall short, or even fail, in other areas of citizenship. Would that negate their contribution? Nor should a willingness to contribute in many, if not all other, areas of citizen-life be completely negated by a conscientious objection to military service. Those who contribute in some of ways listed above do bring much to a community.

On the other hand, the community suffers a loss when it criminalizes conscientious objection. Greece offers a window into what happens when conscientious objection is not recognized as a human right and is instead criminalized.⁴⁷

Until 1997, Greece had universal conscription to military service, and once conscripted, individuals were considered to be under the authority of the military, subject to its jurisdiction rather than civilian authorities. Article 70(b) of Greece's Military Criminal Code, in force until 1995, stated, "A member of the armed forces who, having been ordered by his commander to perform a duty, refuses or fails to execute the order is punished." If the disobedience occurred in time of war or general mobilization, punishment was "death or, if there are extenuating circumstances, with life imprisonment or imprisonment of at least five years." This punishment was imposed even if the disobedience was refusal to wear a

⁴¹ Kymlicka and Norman 360.

⁴² Kymlicka and Norman 359.

⁴³ Kymlicka and Norman 368.

⁴⁴ Kymlicka and Norman 361.

⁴⁵ Kymlicka and Norman 360, 365.

⁴⁶ Kymlicka and Norman 365.

⁴⁷ Another window is offered through the conscientious objector cases brought before the ECHR, some of which are described below in the section "European Court of Human Rights' response to claims of conscientious objection."

military uniform as an act of conscientious objection to military service.⁴⁸ During the 1940s, two Witnesses were executed for refusal to serve in the military. The next death sentence scheduled to be carried out was in August 1966, Christos Kazanis, but international publicity turned the death sentence in to a felony conviction with a four and one-half year prison term.⁴⁹ From that point forward, the death sentences for conscientious objectors were commuted to prison terms under the “extenuating circumstances” clause (See, for example, *Thlimmenos v. Greece* Dec. 1998).⁵⁰ Before a 1977 law, repeated sentencing was permitted. Upon release from prison, an individual could be reconstituted and resented for refusal to serve in the military.⁵¹ Thus, eight to ten years of imprisonment was the average for the approximately 450 men convicted between 1949 and 1977.⁵² After 1977, those who refused to perform unarmed military service because of their religious beliefs were subject to imprisonment for a duration equivalent to that of the unarmed service.⁵³ Throughout this time and until the early 1990s, ill treatment of the conscientious objectors was widespread. Prison conditions were abusive and unsanitary. Prisoners were denied adequate shelter, covering, sanitation, food and medical care.⁵⁴ In 1993, Human Rights Without Frontiers calculated that from 1938 until 1992, nearly 2300 members of one religious group—Jehovah’s Witnesses—served more than 8300 years in Greek prisons for conscientious objection to military service.^{55, 56} Additionally, Greek convictions for refusal to

⁴⁸ *Tsirlis v. Greece*.

⁴⁹ Human Rights Without Frontiers, *Greece: Deliberate Violations of Human Rights*, page 24.

⁵⁰ Presidential Decree 506/1974, still in force throughout the time of the cases under review in this paper, had declared Greece to be under general mobilization (*Thlimmenos v. Greece* Dec 1998, paragraph 25).

⁵¹ Amnesty International, *Greece – 5,000 years of prison: Conscientious objectors in Greece*, page 1. Human Rights Without Frontiers, *Greece: Deliberate Violations of Human Rights*, pages 24-6.

⁵² Human Rights Without Frontiers, *Greece: Deliberate Violations of Human Rights*, page 26.

⁵³ *Thlimmenos v. Greece* (Dec. 1998), paragraph 27.

⁵⁴ Amnesty International *Greece: 5,000 years of prison: Conscientious objectors in Greece*, pages 4-5. Human Rights Without Frontiers *Greece: Deliberate Violations of Human Rights*, pages 25-27.

⁵⁵ *Greece: Deliberate Violations of Human Rights—1938-1992 Personal Narratives*, page 57.

⁵⁶ While Jehovah’s Witnesses are everywhere a minority religion, their numbers are large enough and their conscientious objector stance so nearly universal that they often make up a substantial portion of conscientious objectors. Because this is the case, Nicos Alivizatos describes the Greek authorities as labeling the problem of conscientious objectors as a religious minority issue (31). In Greece, those who were not Jehovah’s Witnesses were rarely prosecuted, making it easier to keep it a religious rather than a rights issue. (Amnesty International, *Greece – 5,000 years of prison:*

perform military service were felony convictions, carrying with them a lifetime discrimination and reduction in other civil and political rights.

Several days after losing an ECHR court case in May 1997, Greece finally passed a law to permit conscientious objection,⁵⁷ but civilian service was punitive in nature and duration. Conditions and housing were often less than adequate, and the work more punitive than constructive.⁵⁸ Civilian service is specifically forbidden to take place in one's home region or near a large city.⁵⁹ Greek Parliament passed a new law (3421/2005) governing military service in 2005, but it has not fixed many of the complaints. For example, it does not create a provision for declaring conscientious objection at any time, end repeated arrests of conscientious objectors⁶⁰, or reduce the punitive duration of alternative service.⁶¹

This description of conditions faced by conscientious objectors in Greece offers a glimpse into some of the price paid for nonrecognition of the right to conscientious objection—when conscientious objectors are seen as bad citizens.

It might seem that access to a supply of soldiers for national defense would make the costs paid by conscientious objectors worth the price.⁶² This ignores costs paid by the state itself for this stance. It might seem odd to describe trials, imprisonments and executions in terms of financial cost, but there is one nonetheless. Not only is there a financial cost to the imprisonment process, but the wages and work contribution of those

Conscientious objectors in Greece, Summary and page 4. See also their prisoner of conscience accounts in *Out of the Margins* and *Greece: High time to comply fully with European standards on conscientious objection*.)

⁵⁷ Alivizatos 31

⁵⁸ Private conversations between a local activist and the author.

⁵⁹ QCEA 36.

⁶⁰ After performing civilian service, conscientious objectors are reconstituted for military service. (Amnesty International, "Punished for their beliefs: how conscientious objectors continue to be deprived of their rights," page 1.)

⁶¹ Amnesty International, "Greece: High time to comply fully with European standards on conscientious objection."

⁶² Years ago, when provisions for conscientious objectors were less common, a question regularly heard by the author of this paper was, "what would happen if everyone was like you and refused to fight?" The answer to that was always easy, "Why then there would be no more war." Of course, state security can be a valid concern, but experience has shown that states are left with enough conscripts to fill the ranks of their military. Even when faced with conscription, those who actually claim conscientious objection are a minority. (See Table 2 in Appendix 1.)

imprisoned is lost to the individuals, to their families and to society in general. Additional loss occurs though the diminished contribution of the “convicts” after their release. Although passionate enough in their beliefs to go to prison rather than compromise their stand on nonviolence, in many lands, as for example in Greece, conscientious objectors can never become entrepreneurs, lawyers, doctors, political representatives, or the like. This contribution to society is also lost.

Far more conscientious objectors were executed in Germany during World War II than in Greece, but the Nuremberg trials of Nazi leaders helped to increase recognition of conscientious objection⁶³—orders to commit crimes against humanity require a refusal to submit to the authority of the state. The new (1949) constitution of the Federal Republic of Germany recognized the responsibility to adhere to one’s conscience over the law of the state. The Constitution guaranteed the right of conscientious objection, and when Germany reinstated a draft in 1959, provision was made for anyone who opposed armed conflict, providing a fully civilian alternative. Conscientious objectors included those opposed to all war or to a particular war, whether their motives were secular or religious, and whether they were currently in or out of the military, making Germany’s the most liberal provisions of any country in the world at that time.⁶⁴ As other governments became increasingly aware of the price paid for criminalizing conscientious objection and increasing respect for human rights more generally, more adopted provisions similar to Germany’s.

An overview of conscientious objection in Europe today

Most countries in Europe offer some form of recognition of conscientious objection. For countries without compulsory military service, the issue is not prominent, and ten European countries have suspended conscription in the last decade.⁶⁵ Nevertheless, conscription remains in twenty-nine of the forty-seven European countries surveyed by the

⁶³ Moskos and Chambers 14.

⁶⁴ Moskos and Chambers 14.

⁶⁵ Quaker Council for European Affairs (QCEA) 2

Quaker Council of European Affairs (QCEA).⁶⁶ Azerbaijan, Belarus and Turkey do not have any provision for conscientious objectors.⁶⁷ Romania and Ukraine offer it only on religious grounds, and Armenia, Cyprus, Greece, Lithuania, Moldova implement their provisions in a discriminatory manner.⁶⁸ Actually, the QCEA states that of the 26 countries they surveyed with provisions for conscientious objection, none of them have programs in full harmony with the best practices laid out by the Council of Europe.⁶⁹ (See Table 1 in Appendix 1.)

The largest area of difficulty is time limits imposed on applications for conscientious objection. Not only does this pose a problem due to conscripts lacking information in a timely manner, it does not allow for change of beliefs. For example, in Greece, if one has ever served in the military for any country at any time, he is not eligible to claim conscientious objection.⁷⁰ Those who convert or who change their beliefs and refuse to serve in the Greek military are repeatedly arrested and imprisoned for desertion.^{71, 72} There is also concern that in most European countries with conscription, applications for conscientious objection are examined as to their validity by Ministries of Defense, making the impartiality of the examination suspect.⁷³ A serious problem also exists in that in at least half of programs for alternative service are also administered by the Ministry of Defense—making it impossible for those with a conscientious objection to all forms of military service, even unarmed, community service, to offer themselves for alternative

⁶⁶ QCEA 2.

⁶⁷ QCEA 3. Today, in order to be accepted into the Council of Europe, countries must agree to implement conscientious objection. Turkey, however, has been a member since 1949. Belarus and Azerbaijan both made provision in their constitutions but have not yet passed legislation to implement these provisions. Georgia, on the other hand, passed the necessary laws but has never implemented them so conscientious objectors have no way to avail themselves of the provisions. (QCEQ 3)

⁶⁸ QCEA 4.

⁶⁹ QCEA 3.

⁷⁰ Those who move permanently to Greece and who are still of military age are required to serve for three months in the Greek military. (Amnesty International "Greece – Punished for their beliefs: how conscientious objectors continue to be deprived of their rights," page 3.)

⁷¹ Amnesty International "Greece – Punished for their beliefs: how conscientious objectors continue to be deprived of their rights," page 3.

⁷² Turkey does not recognize conscientious objection, and here too, conscientious objectors are subjected to repeated arrests. The discussion of *Ülke c. Turquie* under "European Court of Human Rights' response to claims of conscientious objection" below expands on this.

⁷³ QCEA 5

service.⁷⁴ In short, while the right of conscientious objection to military service has gained increasing legal recognition as a fundamental human right since the end of World War II, it is far from universally respected, even in Europe. Most countries in Europe are members of the Council of Europe and it should be through this mechanism that relief from violation of this right is achieved, yet the European Court of Human Rights is far behind other international and European bodies in recognizing the right of conscientious objection as inherent in the right to freedom of thought, conscience and religion. The next section offers an overview of the progress in recognition of conscientious objection before this Court, and the lack thereof.

European Court of Human Rights' response to claims of the right to conscientious objection

Numerous claims relating to conscientious objection have been presented to the European Court of Human Rights. Most of them revolve around four articles of the Convention: Article 3, no torture, inhuman or degrading treatment or punishment; Article 4, prohibition of slavery or force labour, which specifically excludes military service from this prohibition and "in case of conscientious objectors in countries where they are recognised, service exacted instead of compulsory military service"; Article 5, the right to liberty and security; Article 9, freedom of thought conscience and religion as describe above; and Article 14, prohibition of discrimination "on any ground such as sex, race, colour, language, religion, political or other opinion, national or social origin, association with a national minority, property, birth or other status."⁷⁵ To offer a point of reference on these cases mentioned below, the Court's first public hearing took place in 1960.⁷⁶ The first case in which the Court found any state in violation of Article 9 was not until 1993.⁷⁷

Grandrath v. Germany was an early case, 1967. Grandrath's claim was that civilian service was an alternate support of the military and performing it would also violate his

⁷⁴ QCEA 14.

⁷⁵ Council of Europe, European Convention of Human Rights.

⁷⁶ Council of Europe, "Early Developments."

⁷⁷ *Kokkinakis v. Greece*.

conscience. Additionally, he served as a minister of Jehovah's Witnesses and should be granted the exemption given to ministers of other religions, invoking both Article 9 and Article 14.⁷⁸ The Commission did not address the Article 14 claims. They did examine possible violations of Article 9, looking at it from two perspectives: would civilian service sufficiently interfere with his religious activities so as to constitute a violation of the freedom to practice one's religion, and was the requirement to perform civilian service in and of itself a violation of freedom of conscience. The Commission determined that civilian service would have given Grandrath sufficient time to pursue his religious activities so as to not violate Article 9. While it acknowledged that Grandrath's conscientious objection to alternative service was valid, the Commission found that the Convention did not "entitle a person to exemption from such service,"⁷⁹ setting this precedent on Article 9 that remains today: conscientious objection does not exempt those whose conscience will not allow civilian service as an alternative to military service. Grandrath's claim was declared inadmissible and was therefore never heard by the Court.

Another important precedent was set in *Conscientious Objectors v. Denmark* (1977). The claim, under Article 14, was that those serving in civilian service were discriminated against in wages and housing provisions when compared to military service. The Commission stated clearly that "the right to conscientious objection is not included among the rights and freedoms guaranteed by the Convention . . . Article 9 does not impose on a State the obligation to recognize conscientious objectors," therefore, any discrimination experienced could not violate Article 14.⁸⁰ The Commission's assertion that conscientious objection is not guaranteed in the Convention was restated in *X v. Federal Republic of Germany*, another 1977 case. In fact, in stark contrast with assertions from the United

⁷⁸ Grandrath had argued that, unlike ministers of many religions, ministers of Jehovah's Witnesses are not paid and must therefore work secularly to support their ministerial work. Grandrath spent about 120 hours per month in his ministerial activities. Nevertheless, his duties were equivalent to those who served as ministers in other religions and who received exemption from military and civilian service. The German law granting ministerial exemption required that it be their principal occupation (paragraphs 9, 11, and 16).

⁷⁹ *Grandrath v. Germany*, paragraph 32.

⁸⁰ *Conscientious Objectors v Denmark*, page 118.

Nations, the European Union and two other bodies of the Council of Europe that conscientious objection is a fundamental human right, the ECHR has never reexamined their claim that it is not and has allowed the precedent of this case to remain.⁸¹

One of the first cases in which conscientious objectors received a favorable judgment was *De Jong, Baljet and Van Den Brink v. the Netherlands* (1982). It was under Article 5(3) and 5(4). When arrested for refusal to serve in the military, the complainants had not been presented speedily to a judge. It was a procedural finding, though, rather than protection of conscientious objection in principle.

A 1983 case, *H. v. Netherlands*, also received a negative judgment. Because of his conviction as a conscientious objector, *H.*, was denied the right to vote for the same number of years as his prison sentence—a degrading punishment, he claimed. The Commission determined that the right to vote is not absolute, and although dishonor was attached to his sentence and his political restriction—particularly since it was related to conscientious objection—it did not constitute degrading treatment under Article 3 of the Convention. In 1985 (*Johansen v. Norway*), the Commission again stated that Article 9 does require a state to provide alternative service, and when it is provided, Article 9 does not exempt one from performing that service.

Also in 1985, *Nyssen v. Belgium* claimed that a court martial hearing to judge the admissibility of a claim of conscientious objection cannot be an impartial tribunal (Article 6 of the Convention), and finally, the Commission ruled in behalf of a conscientious objector on a substantive issue, granting this to be a potential violation of Nyssen's rights. Netherlands and Nyssen reached a "friendly settlement," and the case was not heard by the

⁸¹ In *Autio v. Finland* (1991) and *Julin v. Finland* (1991), the Commission again stated that conscientious objection is not a right under the European Convention, reinforcing this claim by reiterating a long list of cases in which the Commission had declared this to be true: "The Commission has previously found that the right to conscientious objection is not as such guaranteed by Article 9 (art. 9) of the Convention or any other provision of the Convention or its Protocols (cf. e.g. No. 7565/76, Dec. 7.3.77, D.R. 9 p. 117; No. 7705/76, Dec. 5.7.77, D.R. 9 p. 196; No. 10640/83, Dec. 9.5.84, D.R. 38 p. 219; No. 10410/83, Dec. 11.10.84, D.R. 40 p. 203; No. 11850/85, Dec. 2.3.87, D.R. 51 p. 180)." See also the discussion of *Thlimmenos v. Greece* (2000) and *Ülke c. Turquie* (2006) below.

court. Still, while this is one of the first claims of a conscientious objector to be acknowledged on its own merit, the Commission still does not directly acknowledge a right to conscientious objection.

The year 1987 saw two claims (*Van Buitenen v. the Netherlands* and *G v. the Netherlands*) that the length of civilian service as compared to military service was discriminatory and in violation of freedom of conscience (Article 14 and Article 9). The Commission stated that an act is discriminatory only if there is no "legitimate aim".⁸² Military service was more arduous than civilian service, which meant that preventing frivolous claims as a way of avoiding military service justified the longer term for civilian service.⁸³ The longer term could not be considered a punishment for religious beliefs. Both claims were denied.

Peters v. the Netherlands in 1994 addresses the issue of discrimination of claims made by those with secular rather than religious motives.⁸⁴ In this case, the issue was not acceptance of conscientious objector status, but the complete exemption from an obligation to serve under Dutch law for those holding or studying for "ecclesiastical office" or a "religious-humanitarian office." The Commission found that studying philosophy, even with the intent of using this knowledge for the benefit of others cannot be considered as equivalent to studying for ecclesiastical or religious-humanitarian office. It does not come within the meaning of Dutch law and cannot be considered discriminatory under Article 14 of the Convention. The case was ruled inadmissible.

Finally, in 1994, is another conscientious objector case (*Raninen v. Finland*) in which the Commission and then the Court found a violation of rights. A complete "conscientious

⁸² *Van Buitenen v. the Netherlands*

⁸³ In contrast to the supposed need of longer sentences to prevent frivolous claims, see Tables 1 and 2 in Appendix 1 for the number of those who claim conscientious objection even in countries with civilian service terms of service equal to the military.

⁸⁴ *Heudens v. Belgium* (1994) claimed that military conscription and civilian service were discriminatory because women are not required to perform either. The Commission did not address this claim, but dismissed it on procedural grounds. In 1996, *Spöttl v. Austria* makes a similar claim. This time, the Commission answers that this treatment is justified. Exempting women is common practice and within the purview of State discretion.

objector," Rainnen refused to perform either military or civilian service and informed the authorities of his refusal. As a result, Rainnen was arrested, questioned by military authorities or tribunals, or brought before courts at least twenty-seven times during a one-year period. During one of those arrests, Rainnen was handcuffed for several hours. During this same arrest, he was not properly notified of the reason for his arrest. The Commission found these two occurrences to merit further investigation and granted the complaint as admissible to the Court.⁸⁵ The Court found in behalf of Rainnen but only under Article 5 (1) (the right to liberty and security) on the date of one of his arrests.

In 1997, three claimants in Greece (*Georgiadis v. Greece*, *Tsirlis v. Greece*, and *Kouloumpas v. Greece*) again asserted that refusal to make provision for conscientious objectors within military law violates freedom of religion and conscience. These also charged discrimination by Greek authorities. Ministers of the Greek Orthodox Church were regularly granted exemption from military service, while ministers of other "known" religions were not. Although claiming exemption as ministers (Greece had no provision for conscientious objection at the time), all three men were inducted into the army and promptly given orders, which they refused to obey. They were repeatedly arrested for this refusal to comply and held by military authorities for "insubordination,"⁸⁶ even though when each arrest was finally brought to trial, civilian courts granted these men exemption as ministers. When the repeated arrests were finally halted, the men made claim under Greek law for compensation. These claims were denied. According to the military court, *Georgiadis*, for example, was himself the cause of his repeated arrests and detention.⁸⁷ The Commission granted admissibility for *Georgiadis*, but only under Article 6 (right to a fair trial), and to *Tsirlis and Kouloumpas*, again, only under Article 5 (1) (right to liberty and security) and Article 5 (5) (the right to compensation when the right to liberty and security

⁸⁵ Under Articles 3, 5 (1), 5(2), and 8 (2).

⁸⁶ See the section "When a state does not agree that conscientious objectors can be good citizens" for the conditions and terms surrounding conscientious objectors in Greece.

⁸⁷ Under a similar arrest and release pattern, Dimitrios Tsirlis and Timotheos Kouloumpas each spent a total of fifteen months in prison. Prison conditions they faced were similar to those described earlier in this paper. They too were denied compensation by Greece.

has been violated). The Court upheld the plaintiffs' claims, and Greece was ordered to pay compensation. As mentioned above, Greek Parliament passed legislation to acknowledge the right to conscientious objection shortly after losing these cases.

Another case against Greece (*Thlimmenos v. Greece*) represents the first time the Commission agreed that conscientious objection is inherent to the right to freedom of thought, conscience and religion. Thlimmenos qualified as a chartered accountant but was denied a license because of his felony conviction as a conscientious objector. He claimed that his conviction violated his freedom of religion, and he claimed compensation for lost wages. Greece denied his claims. The Commission ruled them admissible to the Court. Included, however, in the Commission's admissibility ruling are these words:

The Commission cannot ignore the fact that the applicant refused to serve in the armed forces because of his religious beliefs. Moreover, the Commission notes that the applicant never refused to comply with his general civic duties. At the time of the applicant's conviction the possibility of alternative service did not exist in Greece. As a result, Jehovah's Witnesses were faced with the choice of either serving in the armed forces or being convicted. In these circumstances, the Commission considers that the applicant's conviction amounted to an interference with his right to manifest his religion.⁸⁸

The Commission equated criminalizing conscientious objection with interference in religious freedom.

The European Court decided the case in favor of Thlimmenos. Taken in conjunction, Articles 9 and 14 had been violated. Greek law that made no provision for felony convictions of conscientious objectors when examining the moral fitness of chartered accountants imposed a disproportionate sanction, and the "applicant's exclusion from the profession of chartered accountants did not pursue a legitimate aim."⁸⁹ But the Court specifically refuses to confirm the claim of the Commission that freedom of thought, conscience and religion must include conscientious objection:

"the Court, as opposed to the Commission, does not find it necessary to examine whether the applicant's initial conviction and the authorities' subsequent refusal to appoint him amounted to interference with his rights under Article 9 § 1. In particular, the Court does not have to address, in the

⁸⁸ *Thlimmenos v. Greece* (4 December 1998), paragraph 45.

⁸⁹ *Thlimmenos v. Greece* (6 April 2000), paragraph 47.

present case, the question whether . . . the imposition of such sanctions on conscientious objectors to compulsory military service may in itself infringe the right to freedom of thought, conscience and religion guaranteed by Article 9 § 1.⁹⁰

In 2006, *Ülke c. Turquie* gave the Court another opportunity to step up to the plate. Ülke is a conscientious objector who refused to wear his uniform when inducted into the military. Turkey has no provision for conscientious objectors, and in the pattern followed in other places, Ülke was arrested, released and rearrested repeatedly, spending 701 days in prison.⁹¹ He claimed violations of Articles 3, 5, 8 and 9 of the Convention. Conscientious objection is an established right under the Constitutional Treaty of the European Union and Turkey's action toward the plaintiff violated this right.⁹² When determining admissibility, the Court found grounds to hear the case under violation of Article 9,⁹³ yet when making final decision on the case, the Court again refused to address the issue. Referring to *Thlimmenos* case, the Court reasserts that repeated arrests and lifetime penalties went beyond what could be needed to ensure military service in a democratic society, finding in behalf of the plaintiff for violations under Article 3.⁹⁴ Making additional reference to *Thlimmenos*, the Court states that as in that case, violations of Article 3 make it unnecessary for the Court to examine the claim that conscientious objection is inherent in freedom of conscience and religion:⁹⁵

With the case presenting serious questions under Article 3 of the Convention, the Court does not feel that it is necessary to delve into an examination of applicability under Article 9 of the Convention.⁹⁶

The Court found in behalf of the plaintiff without recognizing the validity of his most important claim. One cannot help but wonder why, when both the Human Rights

⁹⁰ *Thlimmenos v. Greece* (6 April 2000), paragraph 43.

⁹¹ *Ülke c. Turquie* (24 April 2006), paragraph 41.

⁹² *Ülke c. Turquie* (24 April 2006), paragraphs 3, 49.

⁹³ "La Cour estime qu'il y a lieu de joindre la question de l'applicabilité de l'article 9 au bien-fondé du grief tiré de cette disposition même." *Ülke c. Turquie* (1 June 2004). (The judgments in this case are available only in French.)

⁹⁴ *Ülke c. Turquie* (24 April 2006), paragraph 62-64.

⁹⁵ *Ülke c. Turquie* (24 April 2006), paragraphs 52-54.

⁹⁶ Translation provided by the author: "L'affaire posant des questions sérieuses sous l'angle de l'article 3 de la Convention, la Cour n'estime pas nécessaire d'approfondir son examen sur l'applicabilité de l'article 9 de la Convention." *Ülke c. Turquie* (24 April 2006), paragraph 54.

Committee and Human Rights Commission of the United Nations, the Constitutional Treaty of the European Union, and two bodies of the Council of Europe—the Council of Ministers and the Parliamentary Assembly—all declare the right of conscientious objection as inherent in the right to freedom of conscience, the European Court of Human Rights still refuses to do so.

Conclusion

The rights and the duties of citizens may at times conflict, as they sometimes do with the duty to defend one's state and the right to freedom of thought, conscience and religion. Nevertheless, international human rights treaties and the government bodies that enforce or administer those treaties assert that while this conflict may at times cause difficulty, those problems are not so great as to be unworkable. The best practices laid out by UN Human Rights Commission in its 2004 Report to the Office of the High Commission of Human Rights offer a stable framework for working out any difficulties between states and those who conscientiously object to military service. Even so, a question raised earlier in the paper was, if so many states have not yet fully recognized the right to conscientious objection by implementing these best practices, can the claim still hold that conscientious objectors can be good citizens. While the bulk of this paper concentrates on the tracing the development of respect for the right of conscientious objection in Europe, it also addresses the issue of whether conscientious objectors can be good citizens. Claims of conscientious objection come from an unwillingness to bring harm to others. Conscientious objectors contribute to the community in ways beyond military service. Denying the right to conscientious objection brings harm not just to those denied this right but to society and to the state, both through the expense of trials and imprisonment and through the loss of contributions conscientious objectors might have otherwise made. In short, conscientious objectors can be good citizens. States that fail to acknowledge this claim pay an unnecessary cost.

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APPENDIX I**Table 1 – Conscription and conscientious objection in EU member states**

EU MEMBER STATE	CONSCRIPTION	MILITARY SERVICE	CIVILIAN SERVICE	RIGHT TO CO
Austria	Yes	8 months	12 months	Since 1974
Belgium	No (since 1992)	-	-	-
Czech Republic*	No (since 2004)	-	-	-
Cyprus*	Yes	26 months	No–Religious COs are exempted	Revision of law pending
Denmark	Yes	9 months	9 months	Since 1917
Estonia*	Yes	8 months	16 months	Since 1994
Finland	Yes	6 months	13 months	Since 1931
France	No (since 2001)	-	-	-
Germany	Yes	9 months	9 months	Since 1949
Greece	Yes	12 months	23 months	Since 1997
Hungary*	No (since 2004)	-	-	-
Ireland	No (since always)	-	-	-
Italy	No (since 2004)	-	-	-
Latvia*	Yes	12 months	24 months	Since 1997
Lithuania*	Yes	12 months	18 months	Since 1990
Luxembourg	No (since 1967)	-	-	-
Malta*	No (since always)	-	-	-
Netherlands	No (since 1996)	-	-	-
Poland*	Yes	11 months	18 months	Since 1988
Portugal	No (since 2004)	-	-	-
Slovakia*	No (since 2005)	-	-	-
Slovenia*	No (since 2003)	-	-	-
Spain	No (since 2001)	-	-	-
Sweden	Yes	7,5 months	7,5 months	Since 1920
United Kingdom	No (since 1960)	-	-	-

* New EU Member States after the enlargement on 1 May 2004

Source: Amnesty International “Greece: High time to comply fully with European standards on conscientious objection.” They state, “This table was compiled on the basis of ‘The right to conscientious objection in Europe: A review of the current situation,’ Quaker Council for European Affairs, April 2005, and updated using information from official government sources.

APPENDIX I**Table 2 – Number of conscientious objectors**

STATE	NUMBER OF COS PER YEAR (APPROX.)
Albania	4
Armenia	20
Austria	6,000-10,000
Azerbaijan	N/A
Belarus	N/A
Bosnia Federation	3,000
Bosnia Rep. Srpska	20
Bulgaria	50
Croatia	10,000
Cyprus	10
Denmark	600-900
Estonia	less than 50
Finland	2,000-2,500
Georgia	Law exists but not implemented
Germany	170,000
Greece	150
Latvia	0-10
Lithuania	0-10
Macedonia	1,000
Moldova	3,000
Norway	2,000-2,500
Poland	4,000
Romania	not known
Russian Federation	1,500
Serbia & Montenegro	9,000
Slovakia	not known
Sweden	1,500-2,000
Switzerland	2,400
Turkey	N/A
Ukraine	1,500

Source: Quaker Council of European Affairs, "The Right to Conscientious Objection in Europe: A Review of the Current Situation," page 14.