

Conscientious Objection to Military Service

The OHR wishes to announce an initiative in support of the implementation of Council of Europe standards on conscientious objection to military service in Bosnia and Herzegovina.

The first step in this initiative has been taken with the successful Informational Meeting for Civil Society on Conscientious Objection Issues in Bosnia and Herzegovina, held last Friday in Sarajevo. This meeting was initiated by the OHR, and co-organized by the Sarajevo NGO Zene Zenama and the German NGO Schuler Helfen Leben. The discussion among 15 NGOs from both Entities showed that there is great civil society support for introducing the right to conscientious objection in Bosnia and Herzegovina.

The right to conscientious objection means the right of an individual to refuse to perform compulsory military service based on his or her moral, religious, philosophical, political, or other objections to being a member of the armed forces. Conscientious objection is usually viewed in relation to the right to thought, conscience and religion, which is applicable in Bosnia and Herzegovina by means of Article 9 of the European Convention on Human Rights. It is a right that has been enshrined in the constitutions and laws of most of the member-states of the Council of Europe. Article II.1 of the BiH Constitution entrusts Bosnia and Herzegovina and both Entities with the task of ensuring the highest level of internationally recognized human rights and fundamental freedoms, and conscientious objection clearly belongs to this category.

The obligation to recognize conscientious objectors and exempt them from military service does not conflict with the general right of states to require compulsory service, which can

either be military or civilian in nature, of their citizens. In other words, fully implementing the right to conscientious objection would simply require Bosnia and Herzegovina to broaden the types of national service it requires of its citizens to include alternative service, of a genuinely non-military nature, to be performed by those citizens who are recognized as conscientious objectors. Such alternative service could consist of work in such fields as education, health care, civil disaster relief, and environmental protection. It is the experience of many European countries that the institution of alternative service pays for itself many times over, allowing young citizens to perform their national service in a manner bringing direct societal and economic benefits.

While provisions on conscientious objection already exist in both the Federation Law on Defense (Articles 72 and 81-94) and the Republika Srpska Law on the Army (Articles 215-219), they have hardly been implemented and are not in full compliance with existing Council of Europe standards.

The Committee of Ministers of the Council of Europe has articulated a clear set of standards regarding the procedures for recognizing conscientious objectors and the terms of alternative service in its Resolution R (87) 8. The Directorate of Human Rights of the Council of Europe has generously offered to provide technical support to candidate-states-such as Bosnia and Herzegovina-in legislatively implementing these standards, and such implementation would clearly be viewed favorably by Council of Europe in evaluating Bosnia and Herzegovina's candidacy.

At a meeting to be held soon, experts appointed by the Directorate of Human Rights of the Council of Europe will be introduced to both civil society groups and representatives of the Governments of Bosnia and Herzegovina and the Entities competent for conscientious objection and alternative service matters. After this meeting, the OHR expects local drafting

groups to be formed. In conjunction with the Council of Europe experts, they will draft legislation that will allow Bosnia and Herzegovina to introduce and fully respect the important right of conscientious objection.