



THE NATIONAL CONTEXT: HOW THE CIVIL SERVICE WAS BORN IN ITALY

1.1 *Evolution of the Civil Service*

33 years have now passed since the introduction of conscientious objection to military service. Until that time, a citizen who refused to don a uniform and be trained in the use of arms was arrested, tried and generally condemned to a sentence that did not wipe out the crime.

In **1972**, with the approval of Law 772, *Regulations for the recognition of conscientious objection*, in Italy too a **civil service** was born. This Law stated that males called up for military service could declare themselves conscientious objectors on religious, philosophical or moral grounds. The objector had to work in the area of welfare, civil protection, forestry protection or education.

The Law was immediately the object of **numerous criticisms**. The limitations of the new legislation most frequently contested regarded the verification of the authenticity of the motives cited, which was entrusted to control mechanisms that ended up being a deterrent, and the longer duration of the service. An application for conscientious objection had to be presented to a **Commission that evaluated the “sincerity” of the objection** and was processed by the Ministry of Defence, that is the very institution against which the young person was registering his refusal; while the duration of the alternative service was eight months longer than for military service, that is to say two years, or double that of the service passed in barracks for normal subscription.

In **1977** *Regulations implementing Law 772* were passed. In these the bureaucratic procedure for dealing with the application for conscientious objection was indicated and it was emphasised that an objector could not be employed in logistic, technical or administrative roles that involved the use of



arms (even if only in training). The Regulations also stated that an objector could be reassigned from the Ministry of Defence to Entities, organisations or bodies offering welfare assistance, education, civil protection or forestry protection.

It needs to be pointed out that with Law 772 there was still only a partial legitimization of the right to conscientious objection, since civil service was not yet considered one of the possible ways of serving the country. Furthermore, until 1985 a conscientious objector was bound to demonstrate to the Commission *when, how and where* he had “professed” the profound convictions adopted as motives of conscience. In **1985**, with Decision 16 of the Council of State, this obligation lapsed, and the power of the Commission was limited to ascertaining the formal requirements laid down in Law 772, i.e. no possession of any licenses permitting the use of firearms and no sentence for wrongful possession of firearms.

A further step forward was the full legitimating of civil service. This occurred in **1989** when the Constitutional Court issued a judgement, important for its wide-reaching repercussions, on the duration of the service carried out by objectors. The longer Constitutional Court, the longer duration of the service was unjustified, since this service corresponded for all intents and purposes to the normal military conscription (save only for exemption of the compulsion to bear arms). A “diversity” of duration, certainly much more limited than that stated in the Law, should only be justified in the event of an objector’s having to undergo a period of education and training, in relation to the specific civil service he had to perform.

Also in 1989, the European Parliament and the United Nations passed Resolutions on the subject. With Resolution 15, the European Parliament recommended that anyone subject to compulsory military service could *at any time* refuse to carry out that military service. It also recommended that *a declaration giving a reason should be sufficient for a person to be recognised as a conscientious objector*. Meanwhile, with Resolution 59, the United Nations recognised the right of any person to object to military service, as a *right to liberty of thought, conscience, and religion*. These Resolutions also



recommended the creation within legal systems of independent and impartial bodies to assess matters of conscientious objection.

1992 represents another crucial stage in the recognition of the right to conscientious objection. In January of that year, a new Law was approved on the basis of which all that was necessary for exercising the right to conscientious objection was an application giving a motive, and the Ministry of Defence would be able to decree the rejection of the application only for ostensible reasons (possession of licences to bear firearms, sentences for violent crimes, membership of subversive groups, etc.).

Furthermore, the duration of civil service was to be the same as for military service, plus a training period of three months. In the month of February, however, the President of the Republic, Cossiga, sent the Law back to the Upper and Lower Houses. Among the reasons that the President adduced, the most important appears to have been the abolition of a Commission evaluating the sincerity and seriousness of the grounds for objection. The Law therefore did not enter the Statutes, and lapsed.

The debate continued in **1994** and **1995** at national and international level. Internationally, the European Parliament recognised conscientious objection as a *subjective right* (1994), while in Italy the “Ceccato Amendment” was approved, providing for the admission to civil service of all those in excess of conscription requirements (1995).

Two of the largest Third Sector entities employing conscientious objectors – Caritas and ARCI – and the Tuscan Regional Authority (1996) also took part in the debate at that time. The two organisations proposed that young women should have voluntary access to civil service, that training courses and information campaigns be set up, and that the possibility of carrying out the service abroad be allowed. The Regional Authority of Tuscany approved a Law for civil service planning and the financing of related training and information activities.

In the summer of 1996, the Senate communicated to the Office of the President bill number 1034, on the basis of which it would be possible to



recruit annually, as volunteers in the civil service, persons in excess of military conscription requirements.

It also provided that the substitute service could be carried out in the Municipal Police, and it was made a priority to allocate young people to the Provinces in which they resided.

Various bills followed, and so **we arrive at 1997**. The Government presented its own **National Civil Service institution bill**. Three types of person are identified in the bill: young males who have to do compulsory military service and choose civil service; young males who – unfit for military service – voluntarily ask to do civil service; and young females who wish to do civil or military service. The right to declare oneself a conscientious objector is recognised. The duration of civil service was to be the same as for military service and to be preceded by a maximum training period of three months.

The tasks of coordinating and planning the new National Civil Service were entrusted to a National Agency set up within the Prime Minister's Department. In particular, the Law states that the Agency shall draw up the list of persons suitable for National Civil Service, allocate young people to public and private organisations, arrange training courses, carry out checks on the activities, prepare information campaigns, and investigate times and ways to include foreign citizens (regularly resident in Italy) in the Civil Service.

The points in this bill receiving most discussion were the following:

- the concept of the compulsory nature of the military or civil service;
- the longer duration of the civil service (due to an introductory training period for young persons not exceeding three months);
- the possibility granted to the Ministry of Defence of drawing on the National Civil Service list (if it deems it necessary for satisfying the requirements of the armed forces).

The 8th of July **1998**, the Senate of the Republic finally approved the “**new regulations governing conscientious objection**” (**Law 230**), which thus took precedence over the old Law 772. This Law marked a very important step for substitute civil service, since it changed the possible choice of



objecting to into a citizen's subjective right, a reason why the special Commission for examining applications disappeared.

Responsibilities for the Civil Service and for managing it were transferred from the Ministry of Defence to a specific Office in the Prime Minister's Department (**UNSC – National Office for Civil Service**). In particular, the Office, having received the applications that had arrived at the Ministry of Defence (to which they are sent in the first instance), organises and manages the call-up and employment of conscientious objectors. The Law provides that UNSC shall promote and organise the training and education of objectors, and draw up agreements with public and private entities and organisations, on the basis of specific plans for employment. In order to have objectors allocated to them, entities and organisations must satisfy requirements such as the absence of any profit motive, and involvement in the sectors of welfare assistance, protection of the artistic heritage or environment, civil protection or cooperation in development. They must also have been active for at least three years and guarantee organisational capacity and the real prospect of employing the objectors.

The new Law introduces a clause aimed at encouraging the **inclinations** and **preferences** of the young people involved, allowing them the possibility of indicating, at the time of presenting their application, their own preferences as to a vocational area or work sector, including any inclination towards specific public or private entities.

The Law also provides for the creation of a **National Council for Civil Service**, a permanent consultative body that the UNSC can refer matters to and receive advice from. It is called to express opinions on the most important decisions regarding the Civil Service, and includes representatives of the Administrative Departments of the State, the Department for Civil Protection, the Fire Brigade, the Third Sector, and conscientious objectors. The birth of the Council is the most obvious example of the state's recognition of the weight and influence acquired by those that are active in the social work area. Finally, a National Civil Service Fund was set up in the Prime Minister's Department, to receive funds previously managed by the Ministry of



Defence. All the expenses incurred by implementation of Law 230 are financed by, and within the budgetary constraints of, this Fund.

Besides these innovations, the Law sanctions those rights long claimed ever since approval of Law 772/1972, now establishing **full parity between those performing Civil Service and those performing Military Service** in terms of national insurance and administration rights, and rights relating to points recognised for participating in competitions for public positions.

As is evident from the historical summary traced this far, Law 230/1998 is the fruit of years of demands and work by organisations and civil society, commencing immediately after the passage of Law 772, to get Civil Service and conscientious objection fully recognised as a form of defence of one's country through non-military means, and as an instrument for affirming those values of social solidarity recognised and guaranteed in the Constitution.

Nevertheless, the **results** produced by the Law **are not fully satisfactory**. This is because of a series of reasons that can mostly be attributed to the low value placed on Civil Service over the years by the institutions. Among the most important and neglected innovations has certainly been the provision that objectors were to receive a proper training, which should have had the effect of getting young people professionalized and fully involved in the projects of their organisations. One of the problems most frequently encountered by the entities working with objectors in fact is the difficulty of providing for the training of these young people in the absence of suitable finance and therefore of qualified staff to assign to this task. Thus, the same things have continued to happen as in the past, i.e. time is mostly given to on-the-job training, the effectiveness of which depends a lot on the young person's capacity to adapt, and his/her interest in the sector in which s/he finds him/herself operating in, as well as on the autonomous training capacities of the entity concerned.

Also as regards the provision allowing individuals to carry out their Civil Service abroad, on the basis of special bilateral agreements, in missions of a humanitarian nature or to cooperate on development, even though some experiences have been started up, they have not produced the results hope



for, in the first place because of the difficulties of drawing up bilateral agreements.

The malfunctions of the system have therefore prevented the reform Law of 1998 from producing that relaunch of Civil Service for objectors that many parties had looked for.

One of the most negative indirect effects in this regard can be attributed to the fact that real recognition of the value of Civil Service experiences could have helped create a fertile terrain in which the new Civil Service, set up in Law 64/2001, might grow on a voluntary basis.

It was in February **2001** that **the Chamber of Deputies finally approved the Law instituting the National Civil Service (Law 54/2001)**. It should be pointed out that this Law had become necessary in tandem with the approval of the Law reforming the Armed Forces (Law 331/2000). Since substitute civil service had been put on a par with military service as soon as Law 331 was passed, new regulations had to be prepared to set up a Civil Service on an exclusively voluntary basis, also open to women, a Service which no longer received its legitimating solely from being a substitute for compulsory conscription.

The path leading to the approval of Law 64 was relatively straightforward and was helped by the positive attitude displayed over recent years by the political parties and the Ministry of Defence.

Already when Law 230 reforming conscientious objection was approved, in the perspective of the transition to a new model of European defence entrusted to military professionals, it had been hoped that a National Civil Service would be created that would be independent of military service.

The aims of the new Law are set out in Art. 1, which states that the Civil Service must: contribute to the defence of the Nation with non-military means and activities; encourage the realisation of the Constitutional principles of social solidarity; promote solidarity and cooperation, at national and international level, with particular reference to the protection of social rights,



personal help services and peace education among peoples; participate in safeguarding and caring for the National heritage...; contribute to the civil, social, cultural and professional training of young people through activities carried out in entities and administrations operating abroad.

Civil Service activities can be carried out in Italy and abroad. The new legal measures did not even change the Body responsible for the organisation, implementation and running of the voluntary Civil Service, which remains UNSC - the National Civil Service Office - which has been managing the service performed by conscientious objectors since 1998¹.

A new departure however was that the new organisational model and the procedures for its implementation attribute **important Civil Service responsibilities to the Regions and autonomous Provinces** (Legislative Decree 77/2002). Among their tasks are the selection and approval of projects that have a Regional or Provincial dimension, the creation and management of Regional and Provincial registers of Civil Service entities, and activities of publicity and training.

With Legislative Decree 77, foreshadowed by article 2 of the Law and approved on 5 April 2002, the Government identified the persons admitted to the Civil Service, the admission procedures, duration, and pay. The duration of the service will be 12 months, with weekly employment of between 30 and 36 hours, and pay that is commensurate with that of volunteers doing their year's military service, plus any allowance for activities carried out abroad. Pending the full entry into force of the Laws passed and the completion of legislation on the new Civil Service, **the Law regulates the transition period from the system founded on compulsion to a voluntary one, formally establishing for this phase a mixed system made up of volunteers and conscientious objectors** (Section II of Law 64/2001).

¹ The National Civil Service Office (UNSC), in the Prime Minister's Department, was instituted by art. 8 of Law 230/1998



Persons admitted to participate voluntarily in Civil Service, ever since the transition phase, are: **young conscripts declared unfit for military service and young women between the ages of 18 and 26.**

This explains why at present the young volunteers in the new SCN (National Civil Service) are almost all women, with a negligible proportion of men (about 3%: source the National Civil Service Office). For men liable for conscription the possibility of doing Civil Service was linked, at least until the abrogation of compulsory military service, to conscientious objection.

Finally it should be remembered that the **Circular of the Prime Minister's Department of 10 November 2003, no. 535291/I.1, "Regulations on the accreditation of National Civil Service entities"**, introduced a new system of accreditation of National Civil Service entities, as a necessary condition for their presenting National Civil Service projects².

² The procedure for accreditation consists of ascertaining that entities adequately satisfy the structural and organizational requirements, and have the competences and resources to devote specifically to the National Civil Service.

The regulations set out in the Circular apply therefore in the transitional period, and accreditation leads to enrolment in a provisional register, which entities with Regional, Provincial or Municipal responsibilities may access.

Presentation of National Civil Service projects is permitted only to accredited entities. All entities with national and local responsibilities, and satisfying the requirements stated in the Law, can present an application for accreditation. Since there is no automatic cross-over from the conscientious objection system to the National Civil Service system, entities with an agreement to employ conscientious objectors are not included in the provisional register, but must make an application and show that they satisfy the organizational requirements according to the accreditation procedures. For the purposes of accreditation, an entity must demonstrate that it satisfies the requirements set out in art. 3 of Law 64 of 2001, i.e.:

- it is a non-profit organization;
- it possesses the organizational capacity and ability to offer employment for the National Civil Service;
- its mission objectives correspond with the aims set out in art. 1 of Law 64;
- it has been carrying out work continuously for at least three years.

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In general, therefore, one can say that the formal characteristics of the voluntary Civil Service, in the transition period, do not differ greatly for those outlined in Law 230/1998. The principal innovations relate to:

- the new individuals admitted: young women and men unfit for military service;
- the training obligation, of which 30 hours are of a general nature and 50 hours devoted to specific training;
- the different method of selection: through a publicly announced competitive process rather than through the presentation of a declaration of conscientious objection; the different duration (12 months instead of 10);
- the different remuneration: commensurate with that of volunteer military servicemen (433.80 Euro net a month for volunteers, as against 100 Euro for objectors and conscripted servicemen);
- the widening of options for Civil Service abroad;
- participation in creating the Civil Service Fund, with financing coming from the resources of the state budget and also from allocations (or donations) from public and private entities and bodies.

From a substantive point of view however there are other important innovations, besides the principle of voluntary participation. In fact, already in the transition phase, it is now mandatory, in the new Civil Service, to develop employment activities and opportunities for volunteers on the basis of **specific project proposed by the entities**, which must indicate clear methodologies for the measures planned and guarantee training opportunities and training content for the participants involved.



1.2 Problems remaining

The new National Civil Service on a voluntary basis **represents an innovative instrument for rethinking the relation of citizenship** between young people and institutions, and for supporting social policies in Italy. It offers young people the chance of developing professional training in the context of social work, at the same time constituting an important challenge to voluntary associations and the Third Sector in view of the end of conscientious objection.

The present start-up phase does not yet make it possible to assess fully the first effects of the new legislation, since only with time will the limitations and strengths of the new National Civil Service become apparent. However, it is already possible to reflect on some problematic aspects that have emerged in this first period of operation.

One first problematic element can be found in the **semantic and conceptual ambiguity generated by defining the National Civil Service as being on a voluntary basis**. It is precisely the innovation of **pay**, which for now equates to 72% of the pay for servicemen in their year's conscription, or a total of 433.80 Euro gross (355.42 net of withholding tax), that has aroused and continues to feed contrasting reactions.

Alongside those who see in this principle a very direct and concrete way of involving young people in social service, there is no lack of people who see in it a distortion of the very nature of Civil Service and would have liked the principle of compulsion to have been retained. **In particular, there is discussion around the decision to call the new Civil Service “voluntary”, a term which in Law 266/1991 (the Framework Law on Voluntary Service) has the precise meaning of unpaid action in favour of third parties**, as Art. 2 clearly states: *“by voluntary work is meant work that is done in a personal, spontaneous and unpaid manner, through an organisation which the volunteer belongs to, without no profit even indirect in view and exclusively for purposes of social solidarity.”* In this sense there is indeed a confusing superimposition of meanings.



Furthermore, the provision of a form of “wage” makes it essential to carry out an campaign to communicate the image of the new National Civil Service, the SCN, clarifying and preserving its objectives and those qualities that have accrued from civil service over the years. An operation of this sort is vital in order to **avoid the SCN’s becoming attractive only to those young people that cannot succeed in entering the workforce**, thus distorting the aims of the Service.

Even if, on the basis of the data presently available on the first young people involved in the SCN, it is difficult to generalise, it is nevertheless possible to detect a tendency for applications for SCN to exceed the number of posts made available by entities in the south of the country, i.e. the areas where the problem of youth unemployment is most acute, while the situation in the north is very different, where evidently the economic motive is not what is pushing young people into choosing the new SCN. The **risk** in this respect is that the **SCN is seen as a sort of socially useful employment**, a risk that would distort its function and objectives.

Furthermore, in relation to right to freedom of choice for young people, there is a risk that in future, when the scheme is up and running, the new Civil Service will not be able to guarantee the same number of people as those that used to do Civil Service as conscientious objectors, both as a result of available resources (the new Service is in fact more costly for the state) and also because of the lower number of people that will probably declare themselves to be interested. The risk attaching to the new Law is that **the lack of any obligation will radically reduce the number of young people interested in dedicating a period of their lives to Civil Service**, with negative consequences for Italy’s welfare assistance system and social and cultural policies.

How to attract young people through projects that develop human and professional qualities will therefore be a central problem for those entities and institutions that have a fundamental need to employ young people.



It will therefore be crucial to relaunch the values of such Service on the basis of civil and social commitment, to go out to meet and respond to the desire of young people to commit themselves to becoming involved.

It will also be necessary to give serious thought to the nature of their motives. Young people who choose the new Civil Service may indeed be impelled not only by motives of idealism, but by needs of a pragmatic nature, for example the need to become independent of their families, to obtain personal gratification, educational credits, specific competences or to realise the hope of becoming a permanent staff member of the organisation in which they have done their service.

But there is another problematic aspect to be considered, which is anthropological and cultural in kind: **with the end of compulsory military service, a fundamentally important moment, the transition from youth to adulthood, is no longer marked in any formal way.**

In other words, with the end of compulsory military service and substitute civil service, there is no longer that cultural element that helped form the civil conscience of millions of people. In this perspective, the new Civil Service can represent an opportunity for reconstructing this moment of transition and rediscovering a personal and social identity.

The new name therefore opens new scenarios and creates an opportunity for service to the community and for training the young people involved. As regards this latter aspect, the National Civil Service poses the **problem of training**, an essential factor for attributing value to the experience of those that choose to participate. Indeed, on training depend not only the possibility of a young person's gaining professional competences and strengthening his/her motivation, but also of his/her making a valuable contribution to the associations and entities in which s/he is employed.



For voluntary and Third Sector organisations, the institution of this new form of Civil Service represents a great challenge. If on the one hand there is the worry of not managing to involve a sufficient number of young people to carry on the activities at present sustained by conscientious objectors, on the other there is the awareness of the chance to relaunch the reasons for their mission.

They find themselves faced with the need to invest in youth, trying to attract them through projects that are developmental from both the human and professional points of view: the more the projects meet the interests and needs of young people, the more they will be motivated to join and to ensure a continuous commitment over the twelve months of the Service.

To date however, **the continuity of the commitment also represents an issue**, because young men and women performing voluntary service by choice can interrupt their activity at any moment, irrespective of the project in which they are working. The only disincentive to their taking this type of decision is the impossibility of their being included in another Civil Service project.

It is as well to bear in mind that the burden of working according to set projects, as laid down in the Law, might cause some difficulties for the associations. This is not only because of the consequences deriving from a certain degree of rigidity in working according to well-defined steps, but also because the definition of valid employment projects requires large financial resources, the use of professionals and a high organisational and managerial capacity, as well as a basic consistent approach to reach the objectives fixed in advance.

On the other hand, approval of Law 64/2002 also requires a considerable investment from the state to promote the new National Civil Service and guarantee that it does not become merely a channel for recruiting low cost workers needed to provide social services.



1.3 A Look at Europe

In countries of the European Union, the right to conscientious objection is generally respected. Various countries have abolished compulsory military service, others are planning to abolish it, still others allow the possibility of carrying out civil service in public and private organisations with a social purpose.

European policy on conscientious object is nevertheless heterogeneous and not without its problems. We could in fact say that **an actual Community policy on this subject does not exist**. Objection to military service is in fact included in the defence policies of the individual countries, and is therefore exclusively a matter of national sovereignty. Any intervention by the Union is based on a “check” on the subject of human rights, but the recommendations emanating from the European Parliament are not obligatory for the Member Countries.

History is a factor that divides Europe in this matter. EU countries have had (and still have) different “toleration rates” towards conscientious objectors. Take France, where the relationship between military institutions and the citizenry has always been very strong, and where objectors have never received much sympathy, or on the other hand Denmark, where conscientious objection was actually introduced in 1917.

Consider also Germany, which included the right to conscientious objection in its Constitution, or Greece, where young people who declared themselves contrary to the use of arms had to decide whether to undertake unarmed military service for 3 years or face prison.

Besides Italy – during a phase of “transition” – the countries of the Union that maintain compulsory military service and which therefore have a civil service that is an alternative to military service are numerous, among them: Austria, Denmark, Finland, Germany, Greece, Portugal and Sweden.



The following table provides a summary of the European situation.

Table 1 –Military service and conscientious objection in some countries of the European Union

| Country | Characteristics |
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| Belgium | <p>Conscription was suspended in 1992. Since 1995 the Belgian armed forces have been made up only of volunteers.</p> <p>Belgium recognised the right to conscientious objection in 1965. In 1995, some pacifist organisations proposed to include the right to conscientious objection in the Constitution and to institute a voluntary civil service.</p> <p>The proposal was not accepted; the trade unions were opposed, maintaining that state financing of voluntary civil service would prove an obstacle to policies combating unemployment.</p> <p>The Belgian social system provides assistance for what is called a “sabbatical year”, a year in which employed persons can voluntarily interrupt their working activity (without compromising the relationship with their employers) to dedicate themselves to voluntary work in non-profit organisations or also to their families and the care of their children. More and more people are choosing to take up this temporary form of voluntary service.</p> |
| Denmark | <p>It is compulsory. Compulsory conscription is included in the 1953 Constitution. All males between the ages of 18 and 30 are subject to this obligation. The duration of the service varies from 4 to 13 months, according to the branch of the armed forces to which a conscript is assigned.</p> <p>Legally recognised since 1917. Application must be made within 4 weeks of being called to arms, addressed to Ministry of Internal Affairs; it can be presented with a more detailed and extensive motivation while military service is being done, and can also be presented by military professionals.</p> <p>Its duration is from 4 to 13 months, depending on the military section to which the conscript would otherwise have been assigned. The</p> |



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| | <p>substitute service is run by the Ministry of Internal Affairs and may be carried out in government and non-governmental organisations: hospitals, aid services, theatres, museums, peace and environmental organisations. An objector can choose in which organisation to perform the service. Denmark was the first European country to recognise the right to conscientious objection. Over the years, also thanks to movements organised by associations of objectors, legislation on objection and the substitute service has been modified, to meet objectors' requests.</p> |
| <p>Finland</p> | <p>It is compulsory on the basis of the 1919 Constitution. The Law governing it dates from 1950. All males aged between 18 and 30 in peacetime and between 17 and 60 in emergency situations or time of war are subject to military service. The duration of the service is 8 months; 9 1/2 months in some sections of the armed forces; 11 months for some categories (officers, etc.). Legally recognised since 1931. The current legislation governing it dates from 1991. The duration of the service is 13 months.</p> <p>A declaration of objection, for which no individual examination is required, can be presented to the Ministry of Defence either at the time of the call to arms or while the military service is under way. Reservists can also declare themselves as objectors at any time. This is organised and managed by the Ministry of Labour.</p> <p>An objector can be employed by government bodies and non-profit organisations engaged in social activities delivering care and assistance, education and environmental protection and rescue operations. Since 1991, non-governmental organisations can also use objectors subject to authorisation by the Ministry of Labour. The cost of objectors is principally borne by the organisations employing them. The duration of substitute service is 13 months.</p> <p>It is also possible to carry out non-armed service within the armed forces for 11 months, but this option is not very frequent. Each year about 2,000 conscripts declare themselves conscientious objectors (about 6% of the total conscripts called to arms).</p> |
| <p>Francia</p> | <p>Not covered by the Constitution. It was made compulsory on the basis of a 1971 Law up to 2001. From 2002 military service has no longer been compulsory. The Law approved in 1997 established that the last conscripts would be those born before 1 January 1979. Until 2001 citizens between the ages of 18 and 50 were subject to compulsory</p> |



conscription. The duration of the military service was 10 months.

Recognised as a right in 1963. The 1983 legislation provides for recognition of this right for personal reasons that contrast with the use of arms. For as long as compulsory conscription applied, substitute service was the alternative for objectors. For a period of 20 months, an objector could be assigned to a government or non-government organisation, and choose to be employed in activities of welfare, social service, youth work, environmental protection, peace organisations and defence of human rights. It was also possible to carry out the service in activities abroad, such as humanitarian missions.

The suspension of compulsory conscription has stimulated a political and social debate in France about the duties of each citizen in defence of the mother country. This debate has led to the approval of a new system of promoting civil service on a voluntary basis and of participation by the young in defence. Thus it was that, as from October 1999, and following the pilot project named *Rendez-vous citoyen* involving French youth in 5 days of training as part of the educational process and of civil service development, it became compulsory for all the youth of France to participate in the day named *Appel de préparation à la défense*. The training day is compulsory for young adults from 16 to 18 years of age and focuses on the presentation of the objectives, means and organisation of national defence, of the different forms of voluntary service and of military training. Young people who do not take part are not admitted to their final examinations and cannot obtain a degree from state universities.

Alongside the *Appel de préparation à la défense* there is a new voluntary civil service, instituted in the month of February 2000. Young people between the ages of 18 and 30 can carry out an activity, for between 6 and 24 months, in 3 different sectors:

1. defence, security and prevention;
2. social cohesion and solidarity;
3. international cooperation and humanitarian aid.

A young person in civil service will sign a contract and receive a salary of 630 Euro a month. The *Comité de coordination pour le service civil* (CCSC) has criticised the new civil service precisely in relation to this last point, the wage for young volunteers, maintaining that it is too high and for this reason compromises the voluntary nature of the new service.



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| Germany | <p>The obligation to perform military service is laid down in the Constitution, as amended in 1956, with the latest amendment coming in 1995; it states that all males aged between 18 and 28 are subject to this obligation. The duration is 10 months.</p> <p>It is recognised as a right by the 1949 Constitution. The relevant legislation was drawn up in 1983 and states that those objecting to armed service on grounds of conscience must perform a substitute civil service.</p> <p>Although the Constitution and 1983 Law refer generically to “reasons of conscience”, in practice the status of objector is recognised on religious, ethical and moral grounds.</p> <p>This is regulated by a Law of 1986, the last amendment to which came in 1995. The duration of the service is 13 months. Requests for recognition of the status of object are considered both from those who are already doing military service and from military professionals.</p> <p>Civil service is organised and managed by the Federal Office for Civil Service and is carried out in Public Entities or non-governmental organisations. In Germany the welfare sector is strongly dependent on the activity and contribution of conscientious objectors. This is one of the reasons why Germany, different from what is happening in other European countries, is not planning to abolish compulsory conscription.</p> <p>Conscientious objectors who carry out volunteer work abroad for at least 15 months are exempt from the obligation to perform a substitute service; the same applies to those who, while refusing both military service and substitute service, promise to carry out voluntary work in welfare or caring institutions for at least 25 months.</p> |
| Greece | <p>It is a Constitutional obligation. The Law governing it states that all men between the ages of 18 and 50 are subject to military service, the duration of which is: 19 months in the army, 21 in the air-force and 23 in the navy.</p> <p>The Law recognising conscientious objection was passed in 1997 and came into force in 1998. Up to then, in accordance with a law of 1977, it was possible for those refusing the use of arms on religious grounds to do non-armed military service. In 1988 this option was extended to those who objected to the use of arms for non-religious and moral</p> |



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| | <p>reasons.</p> <p>Until the end of 1977, no substitute service existed, by those who refused the use of arms carried out nonarmed service inside the armed forces, which could last from 38 to 46 months. The 1997 Law instituted a substitute service, to which conscripts are admitted after examination of the application by a special committee consisting of 5 members, 2 of them officers; this service lasts 18 months more than military service. Until 1998, those refusing military service and nonarmed military service encountered many obstacles: refusal of a passport, impossibility of leaving the country, and discrimination in finding work in the public sector.</p> <p>The rigidity of the Greek system of recruitment, also due to the tensions in the Island of Cyprus and with neighbouring Turkey, has driven many Greeks to leave their country to avoid military service. According to officials, between 8,000 and 35,000 conscripts did this, while according to objectors' organisations the between 40,000 and 70,000 left.</p> |
| <p>Ireland</p> | <p>It is not compulsory. The Constitution provides for the introduction of compulsory conscription only in cases of emergency. The minimum age for entering the army as a volunteer is 17.</p> <p>There are no Laws recognising the right to objection. However, military professionals who decide to object can at any time apply to be discharged.</p> |
| <p>Luxembourg</p> | <p>Conscription was abolished in 1967. Luxembourg has a small army of volunteers. There are no Laws recognising this as a right. Discharge, for military professionals who have questions of conscience, is at the discretion of the Military Authority.</p> <p>In 1963, during the period of compulsory conscription (1945-1967), a law was approved recognising the right to objection and the possibility of carrying out a substitute service, which lasted one and a half times the duration of military service.</p> |
| <p>Netherlands</p> | <p>Compulsory conscription, provided for in the Constitution, was suspended in 1992. The last year in which conscripts did military service was 1996. The Constitution states that the Laws relating to military service shall recognised the right to exemption from this obligation for those who state a serious objection of conscience. The</p> |



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| | <p>Netherlands approved a Law recognising conscientious objection in 1962 (the last amendment to this Law was in 1997). This right is also recognised for professional soldiers, who at any time during their service, can declare themselves to be objectors and be discharged.</p> <p>Notwithstanding the suspension of compulsory conscription, all seventeen-year-olds are recorded in the military registers, but they are not called up for the traditional conscription examination.</p> |
| <p>Portugal</p> | <p>Compulsory conscription is laid down in the 1976 Constitution, and the Law governing military service was passed in 1987. The Law states that all males aged between 18 and 35 are obliged to do military service; and provides for the participation of women in the armed forces as volunteers. The duration of the compulsory military service is 4 months. If numbers are insufficient, the Ministry of Defence can prolong the service for a further 4.</p> <p>This is recognised as a right by the Constitution. It is possible to apply for recognition of the status of objector on religious, moral, humanitarian and philosophical grounds, whether before military service, while carrying out the service, or in time of war.</p> <p>Women and men who voluntarily enrol in the armed forces are excluded from recognition of the status of objector.</p> <p>This lasts 7 months, three of which are spent in training courses on the function of the substitute service and preparing for the work that has to be done. The sectors in which objectors can work are those of interest to society (public health, environment, cultural assets, civil protection, promotion of culture). They can also perform the service in countries administered by Portugal or the European Union.</p> <p>The wage for objectors is the same as that for conscripts doing military service.</p> |
| <p>Sweden</p> | <p>Compulsory conscription is not provided for in the Constitution, but the Swedish legislation of 1994 is founded on the concept of total defence, whereby all citizens must participate in the defence of their country. The total defence system comprises: military service, civil defence service, and services in the general interest. Military service is compulsory for all males aged between 18 and 47, and lasts 7 and half months (from 10 to 15 for officers and from 18 to 20 months in</p> |



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| | <p>the navy).</p> <p>Women can enrol on a voluntary basis. This has been recognised as a right since 1920, in cases in which a person objects on moral grounds to the use of arms. Application for recognition of the status of objector can also be presented to the National Service Administration during the course of military service.</p> <p>Professional soldiers cannot request the status of conscientious objector. This is managed by the Civil Service Council. The general defence service which involves all citizens between the ages of 16 and 70 does not include a training period, and it an obligation that can be imposed during periods of “intense state of alert”. Young women can also participate voluntarily in the substitute service.</p> |
| <p>United Kingdom</p> | <p>Compulsory conscription ended in 1960. Military service is voluntary. It is possible to enrol from the age of 16.</p> <p>It is possible for military professionals to apply for the status of conscientious objector at any time. The United Kingdom has arranged for the launch of a pilot scheme “<i>Millennium Service</i>”, to introduce the <i>National Citizen’s Service</i>.</p> |