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Conscientious objection to military service is closely tied to freedom of religion or belief. In USCIRF's global monitoring of religious freedom, we have observed how many conscientious objectors are motivated by deeply-held religious beliefs. In countries not providing a civilian alternative service regime, the conflict between religious beliefs and forced conscription into military service has resulted in lengthy prison sentences for individuals.

The UN Human Rights Council, and its predecessor the UN Human Rights Commission, repeatedly have recognized "the right of everyone to have conscientious objection to military service as a legitimate exercise of the right to freedom of thought, conscience, and religion, as laid down in article 18 of the Universal Declaration of Human Rights and article 18 of the International Covenant on Civil and Political Rights." As recently as July 2012, the Human Rights Council called on all states to review their laws, policies and practices relating to conscientious objection to military service.

The Parliamentary Assembly of the Council of Europe repeatedly has called on member states to provide alternative civilian service, and recognition of conscientious objection is required for Council of Europe (CoE) membership. In 2011, the European Court of Human Rights (ECtHR), in a case against Armenia, ruled that the failure to recognize conscientious objection violates the European Convention's guarantee of the freedom of thought, conscience and religion or belief. As the CoE's Human Rights Commissioner has said, "[p]eople should not be imprisoned when their religious or other convictions prevent them from doing military service. Instead they should be offered a genuinely civilian alternative."

Nevertheless, some countries continue to imprison Jehovah's Witnesses and other individuals who object, based on conscience or religion, to compulsory military service. As discussed in the relevant country chapters in this Annual Report, there currently are conscientious objectors in prison in Eritrea, Turkmenistan, and Azerbaijan. In recent years, conscientious objectors also have been imprisoned in Belarus and Turkey.

Armenia and South Korea are two countries not on either of USCIRF's tiers that have imprisoned significant numbers of conscientious objectors and continue to struggle with balancing national security concerns with their international human rights obligations.

When it joined the CoE in 2001, Armenia committed itself to introduce a civilian alternative service by 2004. However, the law it enacted – which has been criticized by experts from the UN, the CoE, and the Organization for Security and Cooperation in Europe – leaves alternative service under Defense Ministry oversight, making it unacceptable for most conscientious objectors. Moreover, the 42-month duration of alternative service is the world's longest. The ECtHR has issued four decisions along with fines against Armenia in conscientious objection-related cases. In its most recent ruling, in November 2012, the ECtHR found that Armenia had violated the rights of 17 jailed Jehovah's Witness conscientious objectors and for the first time in such a case, the Armenian judge on the court did not dissent. Also in November 2012, two Jehovah's Witnesses were imprisoned in Armenia, bringing the current total of conscientious objectors in prison to 31, most of whom are serving terms of two to three years. An additional 15 have been convicted but are not in prison pending appeals, according to Forum 18.

Since 1950, over 17,000 Jehovah's Witnesses and other conscientious objectors have served eighteen- month sentences for violating South Korea's Military Service Act (MSA), which requires all 19 to 35- year-old Korean men to serve a two-year military commitment. National military service is a national duty stipulated in Article 39 of the Constitution. There are around 800 Koreans currently serving 18- month sentences for refusing military service. The UN Human Rights Committee has repeatedly ruled that South Korea is violating the basic human rights of conscientious objectors, contrary to its commitments under the International Covenant on Civil and Political Rights, particularly Article 18.

There have been several attempts to create a system of alternative civilian service for conscientious objectors in South Korea. South Korea's Supreme Court and National Human Rights Committee have recommended an alternative civilian service system for conscientious objectors. In 2007, the outgoing administration of President Roh Moo-hyun announced a program offering objectors three years of civilian service. However, that program was postponed indefinitely by the administration of President Lee Myung-bak, citing heightened conflict with neighbor North Korea. South Korea's Ministry of Defense views mandatory military service as a matter of both national security and social cohesion. This view was supported by the Constitutional Court in August 2011, which upheld the law penalizing conscientious objectors who refuse military service. The incoming President, Park Guen-hye, continues to face the twin dilemmas of heightened security concerns and the imprisonment of individuals who object by conscience and religion to any military service.

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