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Colombia: Conscientious Objection to Military Service

Friends World Committee for Consultation (Quakers) would like to refer to paragraph 90 of the report of the High Commissioner for Human Rights on the situation of human rights in Colombia,¹ which states that during 2010 the High Commissioner's office in Colombia "observed irregular, and in some cases clearly illegal practices in the military recruitment process" and recommends that "these practices should be discontinued as soon as possible. Rapid development of mechanisms to regulate military service, including conscientious objection, with full respect for human rights, is urged."

Our contacts in Colombia inform us that a large proportion of military recruitment continues to take the form of what are locally known as *batidas*; where young men are systematically stopped in public places. These can happen at least weekly in the public transport systems of the major cities, but they are also frequent in rural areas.

Requiring unwilling young men to perform military service is not the best way to assure a country's security, but as long as such legal provisions exist it is legitimate to monitor the fulfilment of individuals' military obligations. However, as the Working Group on Arbitrary Detention has pointed out, the penalties established in Colombian law for non-compliance with the recruitment requirements "are exclusively of a pecuniary nature (...) In no case are arrest, detainment and enrolment in the army against one's expressly declared will authorized."²

By their nature, such methods of recruitment do not spare those who are not subject to military service, or are entitled to exemption. The linkage made by the High Commissioner's Office of irregular recruitment methods and conscientious objection is particularly relevant.

¹ A/HRC/16/22, 3 February 2011.

² Working Group on Arbitrary Detention, Opinion No. 8/2008, Paragraph 22 (A/HRC/10/21/Add. 3)

In July 2010, in its concluding observations on Colombia, the Human Rights Committee noted with satisfaction Constitutional Court ruling C-728 of 2009 which had confirmed that the recognition of conscientious objections to military service was required by the Constitution of Colombia itself as well as by its international treaty obligations. The Committee echoed the Court's call that Colombia “should, without delay, adopt legislation recognizing and regulating conscientious objection”.³ However, no legislative proposal has yet appeared.

We welcome the active interest shown in this issue by the OHCHR Colombia offices in both Bogota and Medellin and encourage them to continue closely monitoring military recruitment patterns and pressing for the early introduction of legislative provisions on conscientious objection.

³ CCPR/C/COL/CO/6, para 22.