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LATVIA

The Right To Conscientious Objection

Amnesty International has expressed concern about the absence of a genuinely civilian alternative to military service in Latvia on a number of occasions (*see Latvia entries in Concerns in Europe July - December 1999 AI Index: EUR 01/01/00 and January - June 2000 AI Index: EUR 01/03/00*). In its letters to the Latvian authorities the organization has stated that it will adopt as prisoners of conscience anyone who is imprisoned for refusing to bear arms on grounds of conscience, provided they have not had access to such a genuinely civilian alternative to military service.

Background

Amnesty International considers a conscientious objector to be any person liable to conscription for military service or registration for conscription for military service who refuses to perform armed service or any other direct or indirect participation in wars or armed conflicts for reasons of conscience or profound conviction. The right to conscientious objection was first introduced in Latvia in March 1990 reportedly in reaction to a wave of people who did not wish to serve in the Soviet army. Shortly afterwards in May 1990 Latvia declared independence from the Soviet Union, establishing its own national army at the end of 1991.

In April 1993 the Latvian authorities passed a law which effectively abolished the right to conscientious objection, although exceptions were reportedly made in certain cases, such as for Jehovah's Witnesses for example. However, according to Amnesty International's information a law on military service, *Law on Compulsory Military Service*, was adopted in February 1997 which also did not contain a provision which would allow conscientious objectors to undertake a genuinely alternative civilian service. Furthermore, unlike the legislation of April 1993 fewer exceptions to military service were reportedly made under the new legislation. Amnesty International originally wrote to the Latvian authorities in December 1996 expressing its concern that the law on military service did not provide for a genuinely civilian alternative to military service.

The Cases of Romans Nemiro and Vladimirs Gamajunovs

In 1999 Amnesty International learned of the cases of two Latvian citizens who refused to serve in the Latvian army on grounds of conscience. Romans Nemiro and Vladimirs Gamajunovs, who is a religious minister, were drafted on 14 January 1999 and 16 February 1999 respectively by the Military Conscription Centre. Both men made appeals against their conscription to the Military Conscription Control

Commission on the basis that serving in the military would conflict with their conscientiously held beliefs as Jehovah's Witnesses. However, the Military Conscription Control Commission rejected their appeals. In September 1999 Amnesty International wrote to the Latvian authorities expressing concern that the two men may be imprisoned for their conscientiously held beliefs.

Amnesty International learned that the Latvian parliament, the Saeima, adopted the final draft of *The Amendment to the Law on Compulsory Military Service* on 20 December 1999, which exempted from military service ordained clerics who belong to religious organizations registered by the Ministry of Justice, and persons being trained in educational institutions of these organizations to become members of their clerical staff. During the parliamentary debate about the amendment Chairman Seiksts of the Commission of Human Rights and Public Affairs reportedly proposed that legal provision for an alternative civilian service should be made in the legislation being debated. Although 37 members of the Saeima voted for his proposal, four were against and 35 abstained, which meant that the proposal was not adopted.

As a result of the adoption of the final draft of *The Amendment to the Law on Compulsory Military Service*, Vladimirs Gamajunovs, who is a religious minister of the Jehovah's Witnesses, was exempted from military service on 19 January 2000. However, Romans Nemiro, who is not a trainee or a religious minister, was not exempted from compulsory service and due to the absence of an alternative civilian service may still be imprisoned for his conscientiously held beliefs. Amnesty International is also informed that there are currently several other men in Latvia who may face imprisonment for their conscientiously held beliefs.

Recent Developments

Amnesty International has recently learned that the Latvian authorities are again considering whether to introduce a civilian alternative to military service. At the end of July 2000 Amnesty International received a response from the Chancery of the President of Latvia, which stated: "Corresponding to your concern about the absence of an alternative civilian service to military conscription in Latvia, we have asked for opinion from the state office of human rights and the Committee of human rights and society affairs of the Parliament of Latvia. We will inform you about the point of view of the President in this issue when we have received replies from the above mentioned institutions". On 8 August 2000 the Ministry of Defence issued a statement outlining its position regarding the introduction of an alternative service in Latvia and its wish to convene a round-table discussion in order to debate the issue with various Latvian non-governmental organizations and religious groups. In its statement the Ministry of Defence outlined its view of the possible form an alternative service would assume, stating:

"According to the basic principles of general defence, all members of society are involved in the defence of the state, both military and civil structures are involved. This is why alternative service is a component of general defence and young men who choose not to serve in the military but in an alternative service also fulfil their duty to the state. Those undertaking alternative service are subjected to mobilisation and in the case of need are assigned tasks that do not involve the bearing of arms. Therefore the manner how alternative service can be served will be expressed in regulations and will be determined by taking into consideration the non-military functions of general defence. Alternative service can involve only areas such as health care, social care, emergency services and rescue services, that, in the case of mobilization, can be given specific tasks. The length of alternative service would be the same as military service - one year".

Amnesty International welcomes the decision of the Latvian authorities to apparently seriously consider the right to conscientious objection in Latvia and its decision to invite the views of various non-governmental organizations and religious groups in Latvian society. Amnesty International recognizes that

the position of the Ministry of Defence regarding an alternative civilian service to military conscription may not correspond with the positions of the other ministries of state involved in the process of consultation or with the eventual alternative civilian service which may be introduced. However, the Ministry of Defence is reportedly an influential party to the conscientious objection debate in Latvia and Amnesty International is concerned that the Ministry of Defence's model of an alternative civilian service is not genuinely civilian in form, since conscientious objectors might be forced to perform non-military support functions in Latvia's armed forces. Amnesty International is therefore urging the Latvian authorities to ensure that in order for any alternative civilian service to be genuine it must be of purely civilian character and under civilian control.

The Right to Conscientious Objection

Amnesty International has campaigned for many years for the recognition by governments of the right to conscientious objection to military service and for the protection of that right in national legislation. The right to conscientious objection is supported by many intergovernmental bodies concerned with human rights at both the international and European level, from which can be inferred that the right to conscientious objection extends not only to people who base their objection on profound conviction arising from religious beliefs but also to people who base their objection on profound conviction arising from ethical, moral, humanitarian, philosophical or similar motives.

In 1987, the United Nations Commission on Human Rights adopted Resolution 1987/46, which explicitly defines conscientious objection to military service as "a legitimate exercise of freedom of thought, conscience and religion." This definition has been reaffirmed in subsequent resolutions adopted by the Commission in 1989, 1993, and 1995. The Commission's 1995 Resolution (1995/83) appeals to all UN member states "...if they have not already done so, to enact legislation and to take measures aimed at exemption from military service on the basis of a genuinely held conscientious objection to armed service."

Article 9 of the European Convention for the Protection of Human Rights and Fundamental Freedoms, to which Latvia is a state party, also states: "Everyone has the right to freedom of thought, conscience and religion". Furthermore, the Council of Europe Committee of Ministers' Recommendation No. R (87) 8 Regarding Conscientious Objection to Compulsory Military Service recommends that the governments of member states bring their national law and practice into line with the basic principle: "That anyone liable to conscription for military service who, for compelling reasons of conscience, refuses to be involved in the use of arms, shall have the right to be released from the obligation to perform such service... Such persons may be liable to perform alternative service." The importance which the Council of Europe attaches to the recognition of the right to conscientious objection and the provision of a genuinely civilian alternative service in each of its member states was reflected in the decision of the Council's Steering Committee for Human Rights to Convene a Group of Specialists to assist member states with the drafting and implementation of appropriate legislation in this area.

Recommendations:

Amnesty International welcomes the decision of the Latvian authorities to consider introducing an alternative civilian service to military service. The organization believes that the Latvian authorities should ensure that a genuinely alternative civilian service that is not punitive in length and that is of purely civilian character and under civilian control is introduced for conscientious objectors in Latvia whose objection is based on profound conviction arising from religious, ethical, moral, humanitarian, philosophical or similar motives. Amnesty International recommends that, until a genuinely alternative civilian service is implemented, conscientious objectors, such as Romans Nemiro, should either be excluded from military service altogether or permitted to wait until an alternative service is in place. Amnesty International will adopt as a prisoner of conscience anyone who is imprisoned for refusing to bear arms on grounds of

conscience, provided they have not had access to a genuinely alternative civil service that is not punitive in length and that is of purely of civilian character and under civilian control.