

Statement of interpretation on Article 1§2: length of alternative service to replace military service

The length of service to replace military service (alternative service during which persons are deprived of the right to earn their living in an occupation freely entered must be reasonable. The Committee evaluates whether the length of such replacement service is reasonable in view of the period of military service, whether it is proportionate and not excessive.

The Committee recalls in this respect Recommendation R(87)8 of the Committee of Ministers Regarding Conscientious Objection to Compulsory Military Service which provides that 'Alternative service shall not be of a punitive nature. Its duration shall, in comparison to that of military service, remain within reasonable limits.'

The Committee notes that compulsory military service has been abolished by many States Parties in the past decade and that only a minority of States retain such a service.

The Committee has in the past stated that alternative service which is not more than 1.5 times the length of military service is in principle in conformity with the Charter. The Committee wishes now to further develop its case law, the question remains one of proportionality and reasonableness but the approach need to be more flexible and holistic. Where the length of military service is short the Committee will not necessarily insist on alternative service being not more than 1.5 times the length of military service. Nevertheless, the longer the period of military service is the stricter the Committee will be in evaluating the reasonableness of any additional length of the alternative service.