

CSCE Citizens' Initiative for Conscientious Objection

Ådalsparkvej 23, 3. tv., DK - 2970 Hørsholm, Denmark

His Excellency Patricio Aylwin
President of Chile
c/o Embassy of Chile
Kastelsvej 15, 3.
2100 København Ø

Date 27 May 1993
Ref. PMP/
No.: co.80.01/93

ARCHIVO

Your Excellency,

Welcome to Denmark. I hope that Your Excellency will enjoy the stay in our country, though short it may be.

Allow me to take this opportunity to address Your Excellency about an issue of concern to The CSCE Citizens' Initiative of Conscientious Objection:

We understand that the question of conscientious objection to military service is an issue of current interest in Chile. Therefore, we take the liberty to draw Your Excellency's attention to the decision by the United Nations Commission on Human Rights to recognize conscientious objection to military service as "a legitimate exercise of the right to freedom of thought, conscience and religion" (Resolution 1989/59).

The right to conscientious objection to military service has been recognized in Danish law since 1917. The conscientious objectors work in public organizations or institutions in non-military jobs. As of 1 July 1986 the length of the conscientious objection service has been equal to the length of service from which the conscript is transferred.

We hope that the experience of Denmark in this respect will be usefull to the authorities of Chile responsible of this issue, and we take the liberty to attach an extract of a report of the United Nations Secretary-General presented to the Commssion on Human Rights on 4 December 1992, comments provided by the Government of Denmark.

./.

We are confident that the Danish authorities responsible for conscientious objection service will provide further information about their experiences in this field if so requested by the relevant authorities of Chile.

We would appreciate Your Excellency's comments on this question and any further information about the current status of conscientious objection to military service in Chile that may be available, and we remain,

Yours respectfully and sincerely,



Preben Meier Pedersen
Chairman

J + TW 1983



Economic and Social
Council

Distr.
GENERAL

E/CN.4/1993/68
4 December 1992

ENGLISH
Original: ENGLISH/FRENCH/
SPANISH

COMMISSION ON HUMAN RIGHTS
Forty-ninth session
Item 26 of the provisional agenda

THE ROLE OF YOUTH IN THE PROMOTION AND PROTECTION OF
HUMAN RIGHTS, INCLUDING THE QUESTION OF CONSCIENTIOUS
OBJECTION TO MILITARY SERVICE

Report of the Secretary-General prepared pursuant
to Commission resolution 1991/65

CONTENTS

	<u>Page</u>
Introduction	2
I. COMMENTS PROVIDED BY GOVERNMENTS	2
Argentina	2
Bahrain	7
Brazil	7
Costa Rica	7
Croatia	8
Denmark	8
Ecuador	11
Equatorial Guinea	11
Finland	11
Norway	13
Panama	15
San Marino	16
Slovenia	16
Tunisia	17
Yugoslavia	17
II. OTHER INFORMATION RECEIVED	18
Non-governmental organizations	18

Introduction

1. In its resolution 1991/65 of 6 March 1991, the Commission on Human Rights requested the Secretary-General to report on the question of conscientious objection to military service, taking into account the comments provided by Governments and further information received by him, to the Commission at its forty-ninth session.

2. In accordance with this request, the Secretary-General invited States Members of the United Nations, by a note verbale dated 14 August 1992, to forward to him any comments or information on the above-mentioned question that they might wish to make. In reply to his request, the Secretary-General received information from the Governments of Argentina, Bahrain, Brazil, Costa Rica, Croatia, Denmark, Ecuador, Equatorial Guinea, Norway, Panama, Papua New Guinea, San Marino, Slovenia and Yugoslavia. These replies are contained in part I of the present report.

3. The Secretary-General also received information on the above-mentioned question from the Friends World Committee for Consultation, a non-governmental organization in consultative status (category II). The information is contained in part II of this report.

4. Any further information or comments will be submitted in addenda to the present report.

I. COMMENTS PROVIDED BY GOVERNMENTS

Denmark

[19 October 1992]
[Original: English]

1. Article 81 of the Danish Constitution prescribes that every fit man has to contribute in person to the defence of his country. The more detailed rules for this compulsory National Service are given in the Danish National Service Law of 1980.
2. As per article 2 of this law, National Service in Denmark can be:
 - (a) Military service;
 - (b) Civil defence service;
 - (c) Development service abroad for those with appropriate skills; and
 - (d) Civilian service.
3. The civilian service is administered by the Danish Conscription Administration under the Ministry of the Interior.

4. Danish legislation recognizes conscientious objection (CO) to military service. The first law was in 1917. Since that time many things have been changed, but the original ideas are still the same.
5. CO status is granted to a person who objects to military service based upon his conscience. This can be because of religious or ethical reasons. An application which is solely politically based will be refused.
6. Application of CO status must be sent in writing stating the reasons, i.e. the matter of conscience. This application should be sent within four weeks on receipt of the call-up papers for the armed forces or civil defence service.
7. The reason for this four-week time-limit is so that the military authorities have the possibility to replace the COs with other conscripts.
8. The application can be sent in before the conscript has received his call-up papers for the armed forces or civil defence service and CO status may be granted, but the length of the alternative service cannot be stated until the final half-yearly distribution of the conscripts has taken place and the call-up papers are sent out.
9. As per Law No. 394 of 10 June 1987, an application can now also be submitted during the service. Still, the application should be based upon the conscience of the conscript. He has to state, when his conscience-conflict started and the reasons for it. It should also be explained, in what way the conflict has been confirmed during his service.
10. In due time before being called up every conscript receives a leaflet which, among other things, describes the rules of compulsory National Service. This leaflet has a separate chapter on civilian service, containing information on the right to refuse military service for reasons of conscience, about the procedure for applying for CO status, and the length and types of work in the civilian service. Together with the call-up papers for the armed forces or civil defence service the conscripts receive information about the possibility of transfer to civilian service.
11. In order to prevent improper use of CO status for reasons other than that of conscience, the length of CO service has always been longer than the military service, approximately one-third longer. Up to 1986 the CO time was 11 months. As of 1 July 1986 the law was amended to the effect that now the length of the CO service has to be equal to the length of the service from which the conscript is transferred. In Denmark the lengths of service go from 3 days up to 14 months, so the COs will also have very differentiated lengths of service.
12. The service starts with an introductory stay of a maximum of 10 days, when the conscripts are informed of their duties and their rights and of the social and practical conditions of the service.

13. After this introduction the conscripts spend the rest of their service working in institutions with which the Danish Conscript Administration has made an arrangement about supplying COs for various jobs. The COs can during the introductory stay choose the sort of institution he finds most convenient as to interest, geographical position, etc. The institutions are evenly distributed all over the country, which makes it possible for most conscripts to get a job near his home.

14. The COs work in public organizations or institutions in non-military jobs. The specific rules are provided by the Minister of the Interior, and the practical organization rests with the Danish Conscript Administration. Examples of such institutions are those for children, young people, old people, and mentally and physically disabled people; cultural institutions such as museums, theatres, libraries, etc.; peace organizations; and organizations connected with the United Nations, the national church and environmental organizations.

15. It is a condition, however, that the conscript works as an "extra", i.e. he may not be employed in an approved vacant job, and he may not be used in a job demanding a special skill or in an institution which he knows or where he has been previously employed.

16. The COs have more or less the same conditions as the conscripts in the military forces and the civil defence service. The only difference concerns the economic conditions of the service: while the military conscripts and the conscripts in the civil defence service receive a monthly pay, the COs receive daily allowances. However, because of the special tax rules and because of a house-rent grant from the institution where the COs work, the actual economic difference is almost nil.

17. During the last 10 years the following numbers of conscripts have been transferred to civilian service:

<u>Year</u>	<u>No.</u>
1981	660
1982	513
1983	431
1984	378
1985	282
1986	329
1987	460
1988	595
1989	676
1990	614
1991	525



Santiago, 28 de Julio de 1993

Señor
Preben Meier Pederson
Presidente C.S.C.E. Iniciativa Ciudadana
para una Objeción Consciente
Horsholm
DINAMARCA

Estimado señor Meier Pederson:

Acuso recibo de su amable carta del 27 de Mayo último, mediante la cual me explica el tema de la objeción consciente a hacer el servicio militar.

Como usted expresa, se trata de una materia que ha cobrado interés en algunos sectores de nuestro país, razón por la cual sus informaciones son de evidente utilidad para nosotros.

Agradeciendo su preocupación, aprovecho la oportunidad para hacerle llegar el testimonio de mi mayor consideración.

Patricio Aylwin Azocar

OBJ: Devolver sobre dirigido a
Señor Preben Meier Pederson

REF: C.B. Ord. No. 15083
de fecha 30.07.93

sobre ady

9

COPENHAGUE, 2 DE SEPTIEMBRE DE 1993

COMUNICACION BREVE

1.- Infous ha sido imposible hacer llegar a su destinatario, Señor Preben Meier Pederson, el sobre que le dirige el embajador Roberto Cifuentes, Asesor Especial de S.E. el Presidente de la República en materias internacionales, en razón que tal sobre ha sido devuelto por la CSCE, entidad que señala que señor Preben Meier Pederson no tiene participación alguna en ella y que desconoce su actual dirección.

2.- Por nuestra parte, hemos tratado de ubicar a señor Pederson, pero nuestros esfuerzos han sido fallidos, ya que esta persona no figura en guía telefónica correspondiente a la localidad de Hørsholm.

3.- En consecuencia, devuelvo a US. el sobre en cuestión.



Saluda a US.

Fernando Cisternas
Fernando Cisternas
Encargado de Negocios

FC/wf

DISTRIBUCION

- 1.- RR EE (DIPRO) c.a.
- 2.- RR EE (ARCHIGRAL)
- 3.- E. Dinamarca, arch.

MINISTERIO DE RELACIONES EXTERIORES	
Dirección de Protocolo	
N°	
E.	
ENTRADA	13 SEP 1993
TRAMITE	
SALIDA	13 SEP 1993



10/21

ni cu

REPUBLICA DE CHILE

Presidencia

MEMORANDUM

DE: *Patricio Aylwin Azócar*

A: *Roberto Cifuentes*

*Propórcese una respuesta
conmuto de roles y agradeciendo su
comprometimiento*

Ayl

21 JUL 1993



TRADUCCIÓN AUTÉNTICA

I-410/93

CSCE Iniciativa Ciudadana para una Objeción Consciente
Adalsparvej 23, 3 tv.DK - 2970 Horsholm, Dinamarca

Su Excelencia
Patricio Aylwin
Presidente de Chile
a/c Embajada de Chile
Kastelsvej 15, 3.
2100 Kobenhavn 0

Fecha: 27 de mayo de 1993
Ref.: PMP
No.: co.80.01/93

Su Excelencia,

Bienvenido a Dinamarca. Espero que Su Excelencia disfrute su estada en nuestro país, a pesar de la brevedad de la misma.

Permítame aprovechar la oportunidad para hacer presente a Vuestra Excelencia un tema de preocupación para CSCE Iniciativa Ciudadana para una Objeción Consciente:

Entendemos que el tema de la objeción consciente a hacer el servicio militar es un asunto de interés contingente en Chile. Por lo tanto, nos tomamos la libertad de

-- // --



-- // --

llamar la atención de Su Excelencia con respecto a la decisión de la Comisión de las Naciones Unidas sobre Derechos Humanos de reconocer la objeción consciente a hacer el servicio militar como "un ejercicio legítimo del derecho a la libertad de pensamiento, conciencia y religión" (Resolución 1989/59).

El derecho a una objeción consciente a hacer el servicio militar ha sido reconocido en la legislación danesa desde 1917. Quienes conscientemente objetan hacer el servicio militar trabajan en organismos o instituciones públicos en trabajos paramilitares. A contar del 1 de julio de 1986, la duración de la objeción consciente a hacer el servicio militar ha sido igual a la duración del servicio desde el cual el conscripto es transferido.

Esperamos que la experiencia de Dinamarca a este respecto sea de utilidad para las autoridades de Chile que tienen la responsabilidad de esta materia, y nos tomamos la libertad de adjuntar un extracto de un informe del Secretario General de las Naciones Unidas presentado a la Comisión de Derechos Humanos el 4 de diciembre de 1992, comentarios proporcionados por el Gobierno de Dinamarca.

Confiamos en que las autoridades danesas responsables de la objeción consciente al servicio le proporcionarán

-- // --



-- // --

mayor información acerca de las experiencias en este campo, si así fuere solicitada por las autoridades pertinentes de Chile.

Apreciaríamos los comentarios de Su Excelencia sobre esta materia y cualquier información adicional que pueda tener a su disposición sobre la actual situación de la objeción consciente al servicio militar en Chile.

Saluda atentamente,

Firmado: Preben Meier Pederson
Presidente

=====

SANTIAGO DE CHILE, a 7 de julio de 1993



LA TRADUCTORA OFICIAL

93/12066

REPUBLICA DE CHILE
MINISTERIO DE RELACIONES EXTERIORS

Preben Meier Pedersen
Presidente C.S.C.E. Iniciativa Ciudadana para una
Objeción Consciente.

Explica que el tema de la objeción consciente a hacer el servicio militar le parece un asunto de interés contingente en Chile. Razón por la que desea llamar la atención de S.E. con respecto a la decisión de la Comisión de las Naciones Unidas sobre Derechos Humanos de reconocer la objeción consciente a hacer el servicio militar como " un ejercicio legítimo a la libertad de pensamiento, consciencia y religión.

Adjunto envío un extracto de un informe del Secretario General de las N.U. presentado el 04.12.92.

R. Cifuentes

Propuse Borrada respuesta 26.07.93 RC

CSCE Iniciativa Ciudadana para una Objeción Consciente
Adalsparvej 23, 3 tv.DK - 2970 Horsholm, Dinamarca

Su Excelencia
Patricio Aylwin
Presidente de Chile
a/c Embajada de Chile
Kastelsvej 15, 3.
2100 Kobenhavn 0

Fecha: 27 de mayo de 1993
Ref.: PMP
No.: co.80.01/93

Su Excelencia,

Bienvenido a Dinamarca. Espero que Su Excelencia disfrute su estada en nuestro pais, a pesar de la brevedad de la misma.

Permitame aprovechar la oportunidad para hacer presente a Vuestra Excelencia un tema de preocupación para CSCE Iniciativa Ciudadana para una Objeción Consciente:

Entendemos que el tema de la objeción consciente a hacer el servicio militar es un asunto de interés contingente en Chile. Por lo tanto, nos tomamos la libertad de

-- // --

-- // --

llamar la atención de Su Excelencia con respecto a la decisión de la Comisión de las Naciones Unidas sobre Derechos Humanos de reconocer la objeción consciente a hacer el servicio militar como "un ejercicio legítimo del derecho a la libertad de pensamiento, conciencia y religión" (Resolución 1989/59).

El derecho a una objeción consciente a hacer el servicio militar ha sido reconocido en la legislación danesa desde 1917. Quienes conscientemente objetan hacer el servicio militar trabajan en organismos o instituciones públicos en trabajos paramilitares. A contar del 1 de julio de 1986, la duración de la objeción consciente a hacer el servicio militar ha sido igual a la duración del servicio desde el cual el conscripto es transferido.

Esperamos que la experiencia de Dinamarca a este respecto sea de utilidad para las autoridades de Chile que tienen la responsabilidad de esta materia, y nos tomamos la libertad de adjuntar un extracto de un informe del Secretario General de las Naciones Unidas presentado a la Comisión de Derechos Humanos el 4 de diciembre de 1992, comentarios proporcionados por el Gobierno de Dinamarca.

Confiamos en que las autoridades danesas responsables de la objeción consciente al servicio le proporcionarán

-- // --

-- // --

mayor información acerca de las experiencias en este campo, si así fuere solicitada por las autoridades pertinentes de Chile.

Apreciaríamos los comentarios de Su Excelencia sobre esta materia y cualquier información adicional que pueda tener a su disposición sobre la actual situación de la objeción consciente al servicio militar en Chile.

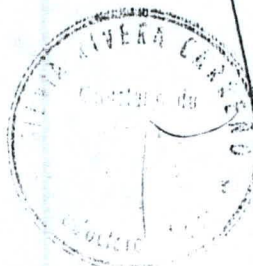
Saluda atentamente,

Firmado: Preben Meier Pederson

Presidente

=====

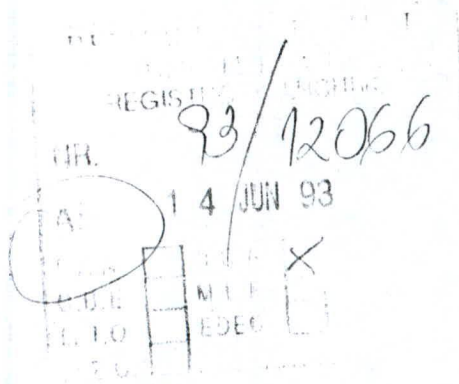
SANTIAGO DE CHILE, a 7 de julio de 1993



LA TRADUCTORA OFICIAL

CSCE Citizens' Initiative for Conscientious Objection

Ådalsparkvej 23, 3. tv., DK - 2970 Hørsholm, Denmark



lwin

Date 27 May 1993
Ref. PMP/
No.: co.80.01/93

Your Excellency,

Welcome to Denmark. I hope that Your Excellency will enjoy the stay in our country, though short it may be.

Allow me to take this opportunity to address Your Excellency about an issue of concern to The CSCE Citizens' Initiative of Conscientious Objection:

We understand that the question of conscientious objection to military service is an issue of current interest in Chile. Therefore, we take the liberty to draw Your Excellency's attention to the decision by the United Nations Commission on Human Rights to recognize conscientious objection to military service as "a legitimate exercise of the right to freedom of thought, conscience and religion" (Resolution 1989/59).

The right to conscientious objection to military service has been recognized in Danish law since 1917. The conscientious objectors work in public organizations or institutions in non-military jobs. As of 1 July 1986 the length of the conscientious objection service has been equal to the length of service from which the conscript is transferred.

We hope that the experience of Denmark in this respect will be usefull to the authorities of Chile responsible of this issue, and we take the liberty to attach an extract of a report of the United Nations Secretary-General presented to the Commssion on Human Rights on 4 December 1992, comments provided by the Government of Denmark.

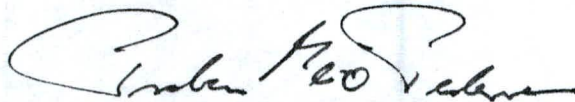
./.

The CSCE Citizens' Initiative for Conscientions Objection is an independent group of people concerned with the right to conscientious objection recognized by the United Nations Commission on Human Rights as "a legitimate exercise of the right to freedom of thought, conscience and religion" (Resolution 1989/59), and with the plight of people imprisoned because of their conscientious objection to military service.

We are confident that the Danish authorities responsible for conscientious objection service will provide further information about their experiences in this field if so requested by the relevant authorities of Chile.

We would appreciate Your Excellency's comments on this question and any further information about the current status of conscientious objection to military service in Chile that may be available, and we remain,

Yours respectfully and sincerely,

A handwritten signature in black ink, appearing to read 'Preben Meier Pedersen', written in a cursive style.

Preben Meier Pedersen
Chairman



**Economic and Social
Council**

Distr.
GENERAL

E/CN.4/1993/68
4 December 1992

ENGLISH
Original: ENGLISH/FRENCH/
SPANISH

COMMISSION ON HUMAN RIGHTS
Forty-ninth session
Item 26 of the provisional agenda

THE ROLE OF YOUTH IN THE PROMOTION AND PROTECTION OF
HUMAN RIGHTS, INCLUDING THE QUESTION OF CONSCIENTIOUS
OBJECTION TO MILITARY SERVICE

Report of the Secretary-General prepared pursuant
to Commission resolution 1991/65

CONTENTS

	<u>Page</u>
Introduction	2
I. COMMENTS PROVIDED BY GOVERNMENTS	2
Argentina	2
Bahrain	7
Brazil	7
Costa Rica	7
Croatia	8
Denmark	8
Ecuador	11
Equatorial Guinea	11
Finland	11
Norway	13
Panama	15
San Marino	16
Slovenia	16
Tunisia	17
Yugoslavia	17
II. OTHER INFORMATION RECEIVED	18
Non-governmental organizations	18

Introduction

1. In its resolution 1991/65 of 6 March 1991, the Commission on Human Rights requested the Secretary-General to report on the question of conscientious objection to military service, taking into account the comments provided by Governments and further information received by him, to the Commission at its forty-ninth session.
2. In accordance with this request, the Secretary-General invited States Members of the United Nations, by a note verbale dated 14 August 1992, to forward to him any comments or information on the above-mentioned question that they might wish to make. In reply to his request, the Secretary-General received information from the Governments of Argentina, Bahrain, Brazil, Costa Rica, Croatia, Denmark, Ecuador, Equatorial Guinea, Norway, Panama, Papua New Guinea, San Marino, Slovenia and Yugoslavia. These replies are contained in part I of the present report.
3. The Secretary-General also received information on the above-mentioned question from the Friends World Committee for Consultation, a non-governmental organization in consultative status (category II). The information is contained in part II of this report.
4. Any further information or comments will be submitted in addenda to the present report.

I. COMMENTS PROVIDED BY GOVERNMENTS

Denmark

[19 October 1992]
[Original: English]

1. Article 81 of the Danish Constitution prescribes that every fit man has to contribute in person to the defence of his country. The more detailed rules for this compulsory National Service are given in the Danish National Service Law of 1980.
2. As per article 2 of this law, National Service in Denmark can be:
 - (a) Military service;
 - (b) Civil defence service;
 - (c) Development service abroad for those with appropriate skills; and
 - (d) Civilian service.
3. The civilian service is administered by the Danish Conscription Administration under the Ministry of the Interior.

4. Danish legislation recognizes conscientious objection (CO) to military service. The first law was in 1917. Since that time many things have been changed, but the original ideas are still the same.
5. CO status is granted to a person who objects to military service based upon his conscience. This can be because of religious or ethical reasons. An application which is solely politically based will be refused.
6. Application of CO status must be sent in writing stating the reasons, i.e. the matter of conscience. This application should be sent within four weeks on receipt of the call-up papers for the armed forces or civil defence service.
7. The reason for this four-week time-limit is so that the military authorities have the possibility to replace the COs with other conscripts.
8. The application can be sent in before the conscript has received his call-up papers for the armed forces or civil defence service and CO status may be granted, but the length of the alternative service cannot be stated until the final half-yearly distribution of the conscripts has taken place and the call-up papers are sent out.
9. As per Law No. 394 of 10 June 1987, an application can now also be submitted during the service. Still, the application should be based upon the conscience of the conscript. He has to state, when his conscience-conflict started and the reasons for it. It should also be explained, in what way the conflict has been confirmed during his service.
10. In due time before being called up every conscript receives a leaflet which, among other things, describes the rules of compulsory National Service. This leaflet has a separate chapter on civilian service, containing information on the right to refuse military service for reasons of conscience, about the procedure for applying for CO status, and the length and types of work in the civilian service. Together with the call-up papers for the armed forces or civil defence service the conscripts receive information about the possibility of transfer to civilian service.
11. In order to prevent improper use of CO status for reasons other than that of conscience, the length of CO service has always been longer than the military service, approximately one-third longer. Up to 1986 the CO time was 11 months. As of 1 July 1986 the law was amended to the effect that now the length of the CO service has to be equal to the length of the service from which the conscript is transferred. In Denmark the lengths of service go from 3 days up to 14 months, so the COs will also have very differentiated lengths of service.
12. The service starts with an introductory stay of a maximum of 10 days, when the conscripts are informed of their duties and their rights and of the social and practical conditions of the service.

13. After this introduction the conscripts spend the rest of their service working in institutions with which the Danish Conscript Administration has made an arrangement about supplying COs for various jobs. The COs can during the introductory stay choose the sort of institution he finds most convenient as to interest, geographical position, etc. The institutions are evenly distributed all over the country, which makes it possible for most conscripts to get a job near his home.

14. The COs work in public organizations or institutions in non-military jobs. The specific rules are provided by the Minister of the Interior, and the practical organization rests with the Danish Conscript Administration. Examples of such institutions are those for children, young people, old people, and mentally and physically disabled people; cultural institutions such as museums, theatres, libraries, etc.; peace organizations; and organizations connected with the United Nations, the national church and environmental organizations.

15. It is a condition, however, that the conscript works as an "extra", i.e. he may not be employed in an approved vacant job, and he may not be used in a job demanding a special skill or in an institution which he knows or where he has been previously employed.

16. The COs have more or less the same conditions as the conscripts in the military forces and the civil defence service. The only difference concerns the economic conditions of the service: while the military conscripts and the conscripts in the civil defence service receive a monthly pay, the COs receive daily allowances. However, because of the special tax rules and because of a house-rent grant from the institution where the COs work, the actual economic difference is almost nil.

17. During the last 10 years the following numbers of conscripts have been transferred to civilian service:

<u>Year</u>	<u>No.</u>
1981	660
1982	513
1983	431
1984	378
1985	282
1986	329
1987	460
1988	595
1989	676
1990	614
1991	525



Señor
Preben Meier Pederson
Presidente C.S.C.E. Iniciativa
Ciudadana para una Objeción Consciente
Horsholm
DINAMARCA