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PUBLIC STATEMENT

Bulgaria: Amnesty International Urges National Assembly to Ensure Draft Law on Alternative Service is in Line with International Principles

Amnesty International is concerned that a draft law on alternative service, currently under debate by the Bulgarian National Assembly, does not fully ensure the right to conscientious objection to military service. The organisation expressed its fears in a letter sent to Yordan Sokolov, the Chairman of the National Assembly on 2 February.

Under Article 5, paragraph 2, of the Draft Law on Alternative Service, the Governmental Department for Religious Affairs is instructed to provide information to the Alternative Service Commission about "religious communities which forbid the carrying of arms". Amnesty International is concerned that this provision might allow the government to deny the right to alternative service to people belonging to unrecognised religious communities or to people who have individually developed a conscientious objection to carrying arms although their religious community is not opposed to military service as such.

Amnesty International is calling on the Bulgarian National Assembly to recognise that the right to refuse military service is inherent in the notion of freedom of thought, conscience and religion, as recognized in the Universal Declaration of Human Rights and the International Covenant on Civil and Political Rights. Therefore everyone should have the right to refuse to do armed military service for reasons of conscience or profound conviction arising from religious, ethical, moral, humanitarian, philosophical, political or similar motives.

Alternative service in Bulgaria would be twice the length of armed military service according to another provision (Article 15) of the Draft Law. Amnesty International believes that this constitutes punishment for a person's conscientiously held conviction, and urges the Bulgarian government to reduce it to a duration which is not punitive, in line with the recommendation of the Council of Europe.

The right to apply for alternative service is restricted by Article 7, paragraph 2, which imposes time limits for the submission of an application for alternative service. This obliges conscientious objectors to submit their application before beginning their military service. All those who develop a conscientious objection after call-up and induction into the armed forces, or after completing military service - when they are liable to carry out armed service in reserve units - would be disqualified.

Amnesty International recognises that a person may change their conscientiously held beliefs over time, and considers that this should be recognised in national legislation, as recommended by the UN and the Council of Europe: "If refusal to perform military service is acknowledged as being based on a conflict of conscience, it follows that this conflict might occur at any moment in a person's life"(Paragraph 26, Explanatory Report to 1987 Council of Europe Recommendation).

Amnesty International calls on the Bulgarian National Assembly to confirm its country's commitment to promoting conscientious objection to military service as a fundamental human right, by ensuring that the new Law on Alternative Service will comply with internationally recognised principles, including the resolutions of the Human Rights Commission of the United Nations, the Council of Europe and the Parliament of the European Union, an organisation which Bulgaria aspires to join.

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