

Conscience and Peace Tax International

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The October 2009 Session of the UN Human Rights Committee

Conscience and Peace Tax International (CPTI) and the Quaker United Nations Office, Geneva joined forces to bring conscientious objectors from Colombia, Israel and Russia to the 97th Session of the UN Human Rights Committee, which started on 12th October.

The Human Rights Committee considers periodic reports from “states parties” to the International Covenant on Civil and Political Rights. As it happens, over the last couple of years these reports have almost all been from countries where there is no obligatory military service, or (as in Sweden and Denmark) where there are reasonable alternative service arrangements for conscientious objectors.

Suddenly, at this month's session, not only is the Russian Federation, (a country where the arrangements for conscientious objectors still leave a lot to be desired), among the governments that are being questioned in public hearings by the Committee, but the programme also includes private meetings at which Committee members consider questions to be raised in advance of future hearings with Colombia and Israel.

This was an unique opportunity for us to set up a briefing for members of the Human Rights Committee on the issue of conscientious objection to military service, featuring speakers from all three countries.



In the autumn sunlight of the Quaker House garden at the completion of the programme.

From left to right: Andrey Kalikh (Russia), Klaus Talaverano (Spanish interpreter), Holly Mason-White (QUNO), Deybi Cuesta (Colombia), Haggai Matar (Israel), Danna Frank (Israel), and Rachel Brett (QUNO). Photo by Derek Brett (CPTI).

ANOOC, the Colombian national association of conscientious objectors, chose as their representative Deybi Cuesta, from the young people's antimilitarist co-operative Quinta Mandiamento in Barrancabermeja, in the north of the country.

New Profile in Israel sent Haggai Matar and Danna Frank. Haggai was a signatory of the 2001/2002 *shministim* (High School Seniors) letter stating their opposition to participating in the occupation of the Palestinian territories, and was one of the five who were singled out to be put through a military court martial for refusing enlistment. In all he spent two years in military prison. He now works as a journalist in Israel.

Danna, called up like all young women on leaving school, defied her family to declare herself a pacifist. Turned down, like almost all, by the Israeli Army's "conscience committee", she eventually chose the most reliable way of avoiding military service, by agreeing to see a psychiatrist and be certified mentally unsuitable - a course of action which can have all sorts of negative consequences in one's future career. She now heads New Profile's counselling service for young people who have problems regarding military service.

From Russia we hosted Andrey Kalikh of the All-Russian NGO Coalition for a Democratic Civilian Service, whom we know from recent meetings of the European Bureau for Conscientious Objection.

Monday morning was the opportunity to address the Committee "in plenary" - that is, with all members present, and simultaneous interpretation provided by the UN. On Monday evening all four of our visitors addressed a public meeting at Quaker House which brought together members of the Geneva Quaker Meeting, local peace activists and NGOs working at the UN. On Tuesday, in our "informal NGO briefing", they spoke in depth with four members of the Committee who gave up an hour between sessions to hear them; they then went straight to a meeting with staff of the Office of the High Commissioner for Human Rights who work with some of the "special procedures" - independent experts and groups of experts mandated to look at specific categories of human rights violations. Then on Wednesday they all participated in an "off the record" lunch at Quaker House to introduce diplomats from four continents not only to the situation in their particular countries, but also to general issues surrounding the right of conscientious objection to military service.

What did they have to tell us? In Colombia, there is a complete non-recognition of conscientious objection to military service. The recruitment system typically involves sealing off exits from mass transit systems and loading into an army truck any young man who cannot produce the magic piece of paper which shows he has already done his

military service. Also, without either earning or buying this piece of paper, (the "*libreta militar*"), no one can graduate from University, and most jobs in the formal economy are sealed off. In the cities, many Colombian conscientious objectors end up as "perpetual students", supporting themselves with a succession of unofficial jobs. In the remoter parts of the country, those who escape the army's round-ups are at constant risk of being captured and incorporated against their will in the forces of the opposition guerrillas. Those who assist conscientious objectors can find themselves receiving all-too-credible individual death threats from the supposedly outlawed pro-Government "paramilitaries"

In Israel, there is a much more efficient recruitment system, and even an acceptance of conscientious objection - for those who are able to convince the Israeli Defence Force (IDF) that they are "pure" pacifists. Pacifists, according to the IDF, must be vegan, they cannot wear leather (even a watchstrap), they must not wear black t-shirts, nor listen to heavy metal music. And their position must be clear by the age of sixteen, when the process of registration for military service begins in the schools. Conscientious objectors who are not approved by the military authorities (there is no judicial or other civilian oversight) are typically locked up in a military prison for between a fortnight and a month, then brought before another disciplinary hearing where they are asked whether they are now ready to perform their military service, or whether they want to be examined by a military psychiatrist. If they refuse both options, another short sentence follows, and so the process continues until they break, one way or the other.

Danna brought to Geneva copies of the latest *shministim* letter, and a few days later, on 22nd October, Efi Brenner became the first of its eighteen-year-old signatories to be locked up in military prison. (For more and latest information visit www.newprofile.org).

In Russia, an alternative service law, (which finally came into effect in 2004), supposedly recognises the right of conscientious objection to military service, although most potential conscripts have no access to information about the possibility, and those conscientious objectors who do manage to get access to alternative service are doubly punished. All sorts of restrictions were imposed deliberately in order to make the conditions of alternative service no easier than those of military service. Alternative service must be performed in a "different subject of the Russian Federation" - the equivalent in the USA would be "a different state of the union", but the distances involved in Russia are vaster. During the entire period of their alternative service, conscientious objectors are not allowed to leave the place of work without their employer's permission. By contrast with conscripts, who are clothed and fed by the army, those performing alternative service are often paid at less than subsistence level. Despite all these additional penalties, the law sets the duration of alternative service at one-and-three-quarters times that of military service; until military service was cut to one year in 2008 this took from conscientious objectors three-and-a-half years of their life. Add to this that in the first instance the army

decides who is and who is not a conscientious objector (and releases no figures of the number of applications it turns down), that conscientious objectors may, with no choice in the matter, be assigned to perform "civilian" work for the military, and a virulent media campaign orchestrated by the military painting conscientious objectors as cowards, traitors, and adherents of suspicious sects, and alternative service as "dirty work" not fit for "real men", and one can see how far Russia still has to come before its treatment of conscientious objectors is really in accordance with international standards.

Just before our briefing on Tuesday, it was announced that a Special Session of the Human Rights Council (the inter-Governmental body which reports direct to the General Assembly) had been called to consider "the situation in the Occupied Palestinian Territories, including East Jerusalem," but of course principally about the Goldstone Report on January's events in Gaza. Haggai embarked on a frantic fax correspondence with his editor in Tel Aviv, and was able to get press accreditation, so on Thursday morning, while Danna and Deybi flew off to east and west, he stayed on in Geneva to cover that perhaps momentous meeting. Andrey too remained in Geneva, so as to attend the Committee's public examination of the Russian delegation and to take part in a couple of breakfast-time briefings for the Committee arranged by the large group of NGOs who had come from Russia. Afterwards he enjoyed a well-deserved weekend as a tourist in Geneva with his wife and baby son.

Despite what looked suspiciously like deliberate filibustering on the part of the Russian delegation - they spoke with apparent sincerity but at a length which took no account of the limited time available - we were successful in one of our limited objectives for the exercise; a question was asked about the alternative service arrangements. The end of the Committee's session on 30th October will reveal whether the issue has thus been included in the Committee's "concluding observations" and recommendations to the Russian Federation. We will have to wait a little longer to discover whether we were successful in our other short term objectives - to get conscientious objection to military service into the "lists of issues" to be sent to the governments of Colombia and Israel before their examination by the Committee next year.

Yes, it is all just words on some of the reams of paper churned out by the United Nations. No one in Geneva, or New York, has a magic wand. We cannot hope that bringing someone to speak to the UN will suddenly, miraculously, change the situation on the ground. But gradually the message gets through and every so often we see changes in the real world which may have been helped on just a little by our activities in the rarefied atmosphere of the UN.

Ecuador, which was examined by the Human Rights Committee on the 19th and 20th of October, is a case in point. Until recently, Ecuador, like Colombia and other countries in

the region, had maintained a military conscription system based on the "*libreta militar*". This document became essential for any man wanting to obtain academic or professional qualifications, to travel out of the country, to be employed by any public body, or even to obtain a driving licence. For those who had not performed military service, a "*libreta militar*" was available on payment of a specific military tax - the "compensation quota" - which was set at one rate for those formally exempted, (for instance on grounds of health), and at a rather higher rate for those who had managed to avoid military service but who wanted to legitimise their situation. While campaigning against such surprisingly common arrangements, particularly when they result in conscientious objectors being forced to make a direct financial contribution to the military authorities, CPTI also finds them a useful proof that the distinction between conscripting people into the armed forces and taxing them to fund military expenditure is by no means as clear cut as are opponents sometimes try to argue.

We regularly provide the Human Rights Committee with written submissions on the situation in reporting countries with regard to conscientious objection to military service (in which we include service exacted in the form of taxation). This work is done by our permanent representative in Geneva, Derek Brett, supported (as indeed was CPTI's contribution to the costs of this month's programme) by a grant from the Joseph Rowntree Charitable Trust in the UK. When at its July session this year the Committee was drawing up the list of issues for the consideration of Ecuador's report, our submission focussed strongly on this military tax, and we were gratified that the matter was taken up in the list of issues. "Please provide information," the Committee asked, "on the system of charging for the military passbook (*libreta militar*) and indicate whether the system includes persons who are exempt from military service. In addition, please comment on whether the system of charging for the military passbook is consistent with article 18 [freedom of thought, conscience and religion] of the Covenant and indicate how the State party guarantees that the rights under article 18 of persons who do not buy a military passbook are respected."

Ecuador sent in written replies to the list of issues (in Spanish only). These revealed that a new constitution in 2008 had completely changed the situation described in the State Report (and our latest information from Ecuadorean conscientious objectors). In light of a decision of the constitutional court in 2007 on the failure of the military recruitment law to accommodate the right of conscientious objection, the new constitution stipulates that military service is voluntary. As regards the *libreta militar*, the replies state: "With effect from the ruling by the Constitutional Court, the restrictions placed on *remisos* ["draft dodgers"] were suspended, including those on holding public or private office, leaving the country, obtaining a driving licence, or matriculating at [ie being admitted to a course in] an educational institution. As a result, the *libreta militar*, which certified the completion of service in the Armed Forces, and without which no-one could exercise the

aforementioned rights, is no longer a prerequisite for men to travel, study, drive etc. Moreover the libreta militar is in disuse and all the regulations concerning its issue and use have been repealed.” CPTI's submission to the October session of the Committee had to be hastily re-drafted in order to welcome the changes, to hope they were being fully implemented on the ground, and to commend them as an example to other countries in the region.

All the CPTI submissions to this session of the Human Rights Committee, together with the brief statements delivered by Haggai and Deybi in the opening plenary and Andrey's report on "Implementation of the Right of Conscientious Objection in the Russian Federation," will shortly be available from the CPTI website.

The following are weblinks to additional information:

The War Resisters International article about the detention of Efi Brenner:

<http://wri-irg.org/node/9040>

The Shministim website:

<http://www.shministim.com/>

An interview with one of founders of New Profile:

http://www.jewishvoiceforpeace.org/publish/article_1116.shtml

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