



The Right to Conscientious Objection in Europe: A Review of the Current Situation

Country Report: LATVIA

Conscription

Conscription is regulated by the 1997 Law on Military Service. The length of military service is 12 months, and 9 months for university graduates. All men between the ages of 19 and 27 are liable for military service. Reservist duties apply up to the age of 55. Apart from medical and social reasons, exemption may also be granted to graduates of state universities who have completed a voluntary military training during their studies.¹

The Latvian government has announced that it will phase out conscription by 2007. The armed forces are planned to consist solely of professional soldiers by 2007.²

Statistics

The armed forces comprise 4,800 troops, including 1,600 conscripts. Every year, approx. 20,000 young men reach conscription age; approx. 10 per cent are recruited.

Conscientious objection

Legal basis

The right to conscientious objection is legally recognized by the 2002 Law on Alternative Service.³

The Law entered into force on 1 July 2002. Before 2002, the right to conscientious objection was not legally recognized.⁴

Scope

Both religious and non-religious grounds for conscientious objection are legally recognized. According to Article 1 of the Law on Alternative Service, the purpose of the Law is "to guarantee freedom of human thought, conscience and religious beliefs by linking such freedom with the duty of a citizen towards the State".

Time limits

CO applications can only be made before starting military service. Article 5.5 of the Law on Alternative Service mentions the possibility of transfer from substitute service to military service, but there are no legal provisions for a transfer vice versa. Applications can thus not be made by serving conscripts or reservists.

There are no legal provisions for conscientious objection for professional soldiers. The Law on Alternative Service only applies to conscripts.⁵

¹ 'Conscripts service', www.mod.gov.lv (Ministry of Defence)

² Ministry of Defence of the Republic of Latvia: Amendments to the Alternative Service Law to be reviewed, 20 July 2004, www.mod.gov.lv

³ English translation of The Law on Alternative Service, www.mod.gov.lv/index.php?pid=12343

⁴ In 1991, when still a part of the former Soviet Union, the Latvian Parliament adopted a law on alternative service. However, provisions on conscientious objection were practically abolished again in 1993. The 1997 Law on Military Service contained some provisions on conscientious objection, but called for the introduction of further legislation.

Procedure

CO applications must be made to the local conscription centre (Ministry of Defence). The Law on Alternative Service does not specify if applications are individually examined and if there is a personal interview. According to the Latvian government, applications are decided on by a commission consisting of members of the Ministry of Defence and the National Human Rights Commission.⁶

The Law on Alternative Service contains no specific regulations on the right to appeal in case the application is rejected. However, all conscripts may appeal against decisions concerning call-up for regular military service within ten days to the local conscription centre (Ministry of Defence).⁷ This option is apparently also available for conscripts whose CO applications are rejected.

Substitute service

The length of substitute service is 24 months, and 18 months for university graduates. This is twice the length of military service.

Substitute service is administered by the Ministry of Defence. According to Article 4.1 of the Law on Alternative Service, substitute service may be performed in both government institutions and non-governmental organisations working in areas like social care, health care and fire fighting. The exact list of institutions where substitute service may be performed is proposed by the Ministry of Defence, in cooperation with (local) government institutions. It is not known how far substitute service has been organised in practice.

Practice

The Law on Alternative Service entered into force on 1 July 2002.

By the end of 2002, no CO applications had been made yet.⁸ According to the Latvian government in October 2003, the number of CO applications is low. The government also stated that all applications had been approved so far.⁹ More detailed figures are not known.

The number of applications is believed to be still low and most likely confined to members of the Jehovah's Witnesses. The only known cases of COs applying for substitute service before 2002 were in fact Jehovah's Witnesses. There are no CO groups or human rights organisations campaigning on conscientious objection.

Background

Before the Law on Alternative Service was passed in 2002, there were not many known cases of COs either. The only known cases were in 1999 when two Jehovah's Witnesses refused military service and applied for an alternative service outside the armed forces, which was not available at the time. Their requests were first denied by the authorities, but in 2000 they got exempt from service altogether.¹⁰ Their cases attracted considerable international attention, which seems to have contributed to the introduction of the Law on Alternative Service.

⁵ A 2001 report by the Council of Europe concluded from a Latvian government response submitted in 1999 that "regular servicemen's right of conscientious objection is recognized" in Latvia. (Exercise of the right of conscientious objection to military service in Council of Europe member states, Report Committee on Legal Affairs and Human Rights, Doc. 8809 (Revised), 4 May 2001). The text of the government response is not publicly available, but the conclusions drawn in the report are probably the result of a misunderstanding. In 1999, the Law on Alternative Service had not even been passed, so at that time the right to conscientious objection was not even legally recognized for conscripts.

⁶ United Nations Human Rights Committee, Summary record of the 2150th meeting, Consideration of second periodic report of Latvia (CCPR/C/SR.2150), 7 November 2003.

⁷ 'Conscripts service', www.mod.gov.lv

⁸ International Helsinki Federation for Human Rights: Annual Report 2003.

⁹ United Nations Human Rights Committee (CCPR/C/SR.2150).

¹⁰ In 2000 a new regulation was introduced, which exempts clerics of registered religious organisations from military service. One of the Jehovah's Witnesses concerned was a minister with the Jehovah's Witnesses and thus got exemption on this ground. (Amnesty International: Latvia. The Right to Conscientious Objection EUR 52/01/00, Concerns in Europe January-June 2000 EUR 01/03/00)

In 2003, the United Nations Human Rights Committee in its concluding observations on Latvia's periodic report, expressed its concern about the punitive length of substitute service being twice as long as military service.¹¹ The duration of substitute service is in fact remarkable, because the Ministry of Defence publicly stated in 2000 that "the length of alternative service would be the same as military service".¹²

The comments by the United Nations Human Rights Committee have apparently been discussed within the Latvian government. In April and July 2004, amendments to the Law on Alternative Service reducing the length of substitute service to one year were sent for discussion to the Cabinet of Ministers.¹³

By February 2005, the length of substitute service has apparently still not been reduced.

¹¹ United Nations Human Rights Committee, Concluding observations of the Human Rights Committee: Latvia (CCPR/CO/79/LVA), 6 November 2003.

¹² Ministry of Defence of the Republic of Latvia: Position of the Ministry of Defence on the question of alternative service, 11 August 2000, www.mod.gov.lv

¹³ Ministry of Defence of the Republic of Latvia: Amendments to the Alternative Service Law have been submitted, 22 April 2004 & Amendments to the Alternative Service Law to be reviewed, 20 July 2004, www.mod.gov.lv