

Conscientious Objection in Azerbaijan

Research conducted by Subhan Hasanli
Samad Rahimli

Comparative Report

CONTENTS

1. Introduction.....	3
2. Abstract	4
3. Conscientious objection	5
4. The reasons of the conscientious objection.....	6
4.1. Religious reasons.....	6
4.2. Secular reason	7
5. The international norms and comparative practice.....	9
6. Alternative military service in Azerbaijan	19
7. Alternativ Military Service in Eastern Partnership Countries	23
7.1. Russia	23
7.2. Ukraine.....	35
7.3. Belarus.....	36
8. Conclusion.....	37
9. Recommendations	38



1. Introduction

One of the obligations which Azerbaijan has taken on it when it was entering the Council of Europe has also been the law on “Alternative Military Service”. It is also noted on the application for membership in the Council of Europe that Azerbaijan will soon accept the law regarding the Alternative Military Service. Even though there have been discussions regarding this topic in public and Milli Majlis (the National Parliament) at different times since 2001 up to now, the law has not been accepted yet. The Government officials put forward an argument that the country is at an ongoing war situation as the cause of the unacceptance of this law. It is such a great unfortunate that it has nearly been 19 years since that time neither the civil society nor the political parties have shown any attitude to the issue and instead, many activists and religious groups have experienced pressures for not refusing to go to the military service as it's been shown on the research. We have researched the Alternative Military Service models and their implementation in Azerbaijan and Eastern Partnership Countries regarding this research. Besides, the standards of organizations such as OSCE, the U.N., the Council of Europe have been shown in the research. The opinions of independent experts on Alternative Military services have been placed apart from the discussions conducted in the Milli Majlis and media in the Azerbaijani part of the research. The main target group of the research is lawyers, human rights defenders, local and international organizations working on human rights.



2. Abstract

The presented report is based on the comment of the legislation of the Republic of Azerbaijan, conventions which Azerbaijan has joined, local legislation of countries such as Russia, Ukraine, Belarus and also reports of local and international organizations. The monitoring of internal legislation and media has been carried out based on predefined standards in the research period. Furthermore, numerous recommendations have been given in the research based on the obligations that Azerbaijan has taken. Firstly the conscientious objection has been researched in the research, and then the causes of the conscientious objection have been shown. Opinions and arguments to the conscientious objection approached due to secular and religious reasons have been given here. The international standards that have been accepted regarding the alternative military service have been researched in the third part of the research. Both an analysis at the legislation level regarding the situation of the alternative military service in Azerbaijan and media monitoring (especially at the context of the stenograms of the Milli Majlis) have been conducted in the fourth part. The situation of the alternative military service and current legislation in Russia as well as Eastern Partnership countries such as Belarus and Ukraine have been researched in the fifth part and at the end of the research, recommendations have been given regarding the problems that have been emerged during the research.



3. Conscientious objection

Conscientious objection is as old as history of wars. According to historical records, Maximilian was the first man who refused to participate at war.¹ Maximilian whose father was served in Roman army was sentenced to death for refusing to serve in the army. Later, many groups were deported from military service because of adaptation of Christianity as the religion of the state. For example, Jewish service was banned. With the adoption of Christianity, many Christians rejected the war, though they were in the Roman army. The historical source of conscientious objection in the West is Christianity because, according to pacifist thought in Christianity, it is bad to put an end to human life, no matter what. Although Islam and Judaism do not support pacifism, Buddhism is against wars. However, the conscientious objection in the modern meaning was born with emergence of the national states, especially French revolution. After all adult men enlisted in French army, other European states began to adopt the Compulsory Military Service law.

Equivalent definition of which called "objection" in the English language can not be determined in Azerbaijan language². It is translated into Turkish language as "vicdani ret" (Conscientious objection). In German language, this term is translated as *Kriegsdienstverweigerung* and the main emphasis lies on the "the rejection of military service"³. Another form of this term in German language is "*Kriegsdienstverweigerung aus*

¹ http://www.ohchr.org/documents/publications/conscientiousobjection_en.pdf

² https://en.wikipedia.org/wiki/conscientious_objector

³ <https://de.wikipedia.org/wiki/kriegsdienstverweigerung>

Gewissensgründen" -"The rejection of military service for conscientious reasons". There is no unanimous opinion on this term in Azerbaijan. The translation of the term in literally sense like Turkish does not mean exactly what the term " conscientious objection " means. The definition of the word "conscience" is explained in the explanatory dictionary of the Azerbaijani language: a sense of moral responsibility, a sense of being purehearted for his or her own actions, accepting of his or her actions as good or bad⁴. Although conscientious objection emerged in religious backgrounds in ancient times, there are conscientious objectors among secular people in modern times. That is why, we considered it would be more suitable to use the term of conscientious protest. In the explanatory dictionary, "conscience" refers to the thought and belief of the human on the environment, life and being ; faith, confidence. For that reason, this term can give a more comprehensive explanation⁵. The conscientious objection is refusal of the mandatory military service for philosophical, religious, conscientious, humanitarian reasons.

4. The reasons of the conscientious objection

4.1. Religious reasons

The religious reasons have been base for the conscientious objection. The first christian conscientious objector was Maximilian in the history. Maximilian was summoned to the Roman army. But Maximilian refused to serve in the army and he was sentenced to death in the end. Afterward, from 16th century until nowadays many protestant groups (Mennonites, Quakers) have rejected using weapons and fighting because of the command "Do not

⁴ <https://www.azleks.az/online-dictionary/vicdan>

⁵ <https://www.azleks.az/online-dictionary/%c9%99qid%c9%99>

kill”, one of the 10 commandments. In modern times, religion based conscientious objection is often found in Jehovah's Witnesses. Because of their beliefs, Jehovah's Witnesses reject performing in compulsory military service. Those who believe in this belief state that the base of their beliefs is pacifism and all forms of war and violence are forbidden⁶. When it comes to religion based conscientious objection the biggest problem that we confront is the sincerity of the people who are conscientious objector because, as we know, religion is a very broad concept. There are many sects within a religion which are very different from one another. For example, many different denominations have emerged in the religion of Islam that a norm which is acceptable for one denomination is not acceptable for another denomination. When it comes conscientious objection, the military service is not problem for some people who are believe in this religion, but it is problem for others. For this reason, first of all, it is necessary to determine which religious groups will use the right to protest and then investigate. For example, in some countries, it is possible to use the right to conscientious objection by presenting a document certifying membership in Jehovah's Witnesses.

4.2. Secular reason

Conscientious objection can be divided into several categories. However, the classification is based on the religious or secular nature of the motivation that leads to conscientious objection. Religious reason was mentioned above and it was shown as reason of occurrence of conscientious objection. Unlike religious reasons, secular protests are complicated and difficult category to distinguish among states. By its nature, a state forces

⁶ CASE OF EFSTRATIOU V. GREECE

people to be obedient through military service. It requires their unconditional submission. Many philosophical currents and ideological thoughts reject the obedience and see it as dangerous. Many philosophical doctrine and ideological thoughts reject the obedience and see it as dangerous. There are individuals among people that reject the compulsory military service because of ideological reasons and they want to serve in the rear and do not want armed services. The most obvious example of this is the conscientious objectors serving in the American army and serving as medical workers in the Vietnam War. There are also conscientious objectors who refuse to serve in the army but want to serve in the social sphere. Conscientious objectors from this category sometimes work longer in civil service, for example in a nursing home, in hospitals, orphanage, in emergency medical services, or in any other state-defined job than the military service. These individuals work as volunteer and receive fewer salary than military service. In recent years, the duration difference between military service and civilian service is balanced in a number of countries.

The most difficult category of conscientious objectors for the state is the total conscientious objectors. Total conscientious objectors reject not only military service but alternative military and civilian services. The total conscientious objectors are generally against the state concept. They refuse to pay off taxes, the citizenship and all ties that connect them to the state. Total conscientious objectors question the power of the state over people and prefer to disobey the state power. Today, total conscientious objectors are imprisoned in many parts of the world.



5. The international norms and comparative practice

The right to conscientious objection is not directly recognized by international agreements and it is not a part of international customary law. This right is deduced mainly from freedom of conscience clauses of international human rights conventions and pacts.

Historical patterns demonstrate that states are vulnerable and not eager in recognition of this right. This attitude changed recently (particularly, after 1970-80s) in some geographical area, i.e. Western Europe and Northern America.

The right to conscientious objection originated from imposition of mandatory requirement of military service, i.e. conscription (military draft). The conscription system applied near universally especially in World War I period. During this period people objected to war on various grounds (secular or religious) relied to right to conscientious objection for resisting military draft. This resistance established new movement demanding recognition of their rights. This anti-war movement managed to bring this matter as a separate comprehensive right.

After World War II, main big powers agreed to set up new multilateral universal human rights system as a response to previous injustice and oppression of totalitarian regimes of 20th century. This resulted adoption of Universal Declaration on Human Rights in 1948 and subsequently, adoption of two separate International Pacts – International Pact on Civil and Political Rights and International Pact on Economic, Social and Cultural Rights in 1966. These treaties established international human rights system and alternatively, recognized as international human rights bill.

In parallel, different kinds of regional human rights mechanisms established as well. In our context, it was European human rights mechanism – European Convention on Human Rights which adopted in 1950 (Azerbaijan joined effectively in 2002).

Both International Pact on Civil and Political Rights (Article 18) and European Convention on Human Rights (Article 9) recognized, *inter alia*, freedom of conscience as a separate right. However, as it can be seen from the context right to conscientious objection was not separately mentioned despite being enormous issue pre-World War II period. Founders of international human rights system acted reluctantly in resolving this issue probably because of Cold War period and even many countries have problems to abandon conscription model. Therefore, at that time the question whether this right is recognized continued to be controversial.

Many European states recognized this right especially after 1970s. The trend of recognition was following: The earliest was the United Kingdom in 1916, followed by Denmark (1917), Sweden (1920), the Netherlands (1920-23), Norway (1922), Finland (1931), Germany (1949), France and Luxembourg (1963), Belgium (1964), Italy (1972), Austria (1974), Portugal (1976) and Spain (1978). A big wave of recognitions ensued in the late 1980s and the 1990s, when almost all the then or future member States which had not yet done so introduced such a right into their domestic legal systems. These include Poland (1988), the Czech Republic and Hungary (1989), Croatia (1990), Estonia, Moldova and Slovenia (1991), Cyprus, the former Federal Republic of Yugoslavia (which in 2006 divided into two member States: Serbia and Montenegro, both of which retained that right) and Ukraine (1992), Latvia

(1993), Slovakia and Switzerland (1995), Bosnia and Herzegovina, Lithuania and Romania (1996), Georgia and Greece (1997) and Bulgaria (1998). From the remaining member States, “the former Yugoslav Republic of Macedonia”, which as early as in 1992 had provided for a possibility to perform non-armed military service, introduced a genuine alternative civilian service in 2001. Russia and Albania, which in 1993 and 1998 respectively had constitutionally recognised the right to conscientious objection, fully implemented it through laws in 2004 and 2003 respectively. Azerbaijan constitutionally recognised the right to conscientious objection in 1995 but no implementing laws have yet been introduced. Conscientious objectors are not recognised in Turkey. In most of the member States where conscientious objection was or is recognised and fully implemented, conscientious objector status could or can be claimed on the basis not only of religious beliefs but also of a relatively broad range of personal beliefs of a non-religious nature, the only exceptions being Romania and Ukraine, where the right to claim conscientious objector status is limited to religious grounds alone. In some member States, the right to claim conscientious objector status only applied or applies during peacetime, as in Poland, Belgium and Finland, while in others, like Montenegro and Slovakia, the right to claim such status by definition applies only in time of mobilisation or war. Finally, some member States, like Finland, allow certain categories of conscientious objectors to be exempted also from alternative service.⁷

Ambivalent approach to the matter is best described in the landmark case of European Court of Human Rights, *Bayatyan v. Armenia* (23459/03, 07/07/2011, [Grand Chamber]). In this case the European Court faced how to

⁷ <http://hudoc.echr.coe.int/eng?i=001-105611>

resolve this problem. Because, despite Article 9 of the Convention recognized the freedom of conscience as being separate right, in contra version, Article 4.3 (b) exempted 'any service of a military character or, in case of conscientious objectors in countries where they are recognised, service exacted instead of compulsory military service' from the meaning of forced military service. It seems from this latter provision that there might be clash of rules.

Earlier in the European Court's and former European Commission's case law relied this conflict of laws and ruled that Article 9 of the Convention does not recognize the right to conscience objection.

The initial position of the Commission was set out in the case of Grandrath v. the Federal Republic of Germany which concerned a Jehovah's Witness who sought to be exempted not only from military but also from substitute civilian service. He alleged a violation of Article 9 of the Convention on the ground that the authorities had imposed on him a service which was contrary to his conscience and religion and had punished him for his refusal to perform such service. The Commission observed at the outset that, while Article 9 guaranteed the right to freedom of thought, conscience and religion in general, Article 4 of the Convention contained a provision which expressly dealt with the question of compulsory service exacted in the place of military service in the case of conscientious objectors. It concluded that, since Article 4 expressly recognised that civilian service might be imposed on conscientious objectors as a substitute for military service, objections of conscience did not, under the Convention, entitle a person to exemption from such service.⁸

⁸ <https://strasbourgobservers.com/2011/07/20/recognizing-the-right-to-conscientious-objection-%e2%80%93-part-i-%e2%80%93-correcting-a-mistake/>

As outlined in the Grand Chamber's *Bayatyan v. Armenia* judgment (paras. 94-96)⁹, similarly, in *G.Z. v. Austria* (no. 5591/72, Commission decision of 2 April 1973, Collection 43, p. 161) the Commission stated that, in interpreting Article 9 of the Convention, it had also taken into consideration the terms of Article 4 § 3 (b) of the Convention, which provided that forced or compulsory labour should not include "any service of a military character or, in case of conscientious objectors in countries where they are recognised, service exacted instead of compulsory military service". By including the words "in countries where they are recognised" in Article 4 § 3 (b), a choice was left to the High Contracting Parties whether or not to recognise conscientious objectors and, if they were so recognised, to provide some substitute service. The Commission, for this reason, found that Article 9, as qualified by Article 4 § 3 (b), did not impose on a State the obligation to recognise conscientious objectors and, consequently, to make special arrangements for the exercise of their right to freedom of conscience and religion as far as it affected their compulsory military service. It followed that these Articles did not prevent a State which had not recognised conscientious objectors from punishing those who refused to do military service. This approach was subsequently confirmed by the Commission in *X v. Germany*, which concerned the applicant's conscientious objection to substitute civilian service (no. 7705/76, Commission decision of 5 July 1977, Decisions and Reports (DR) 9, p. 201). In *Conscientious Objectors v. Denmark* (no. 7565/76, Commission decision of 7 March 1977, DR 9, p. 117), the Commission reiterated that the right to conscientious objection was not included among

⁹ <http://hudoc.echr.coe.int/eng?i=001-105611>

the rights and freedoms guaranteed by the Convention. In *A. v. Switzerland* (no. 10640/83, Commission decision of 9 May 1984, DR 38, p. 222) the Commission reaffirmed its position and added that neither the sentence passed on the applicant for refusing to perform military service nor the fact of its not being suspended could constitute a breach of Article 9. The finding that the Convention as such did not guarantee a right to conscientious objection was upheld by the Commission on several subsequent occasions (see *N. v. Sweden*, no. 10410/83, Commission decision of 11 October 1984, DR 40, p. 203; see also, *mutatis mutandis*, *Autio v. Finland*, no. 17086/90, Commission decision of 6 December 1991, DR 72, p. 246; and *Peters and Heudens*, both cited above). In these cases, nevertheless, the Commission was prepared to accept that, notwithstanding the above principles, the facts fell within the ambit of Article 9 and the applicants' allegations of discrimination were therefore to be examined under Article 14 of the Convention.

However, in the *Bayatyan* case the Court agreed to change its case law. The Court ruled that imposition of criminal conviction to person who is Jehovah's Witness was not necessary in democratic society and it was violation of Article 9 and violation of freedom of conscience. Thus, in *Bayatyan* case, the European Court explicitly recognized right to conscientious objection as an explicit right (paras. 125-127):

"The Court admits that any system of compulsory military service imposes a heavy burden on citizens. It will be acceptable if it is shared in an equitable manner and if exemptions from this duty are based on solid and convincing grounds...The Court has already found that the applicant had solid and convincing reasons justifying his exemption from military

service...It further notes that the applicant never refused to comply with his civic obligations in general. On the contrary, he explicitly requested the authorities to provide him with the opportunity to perform alternative civilian service. Thus, the applicant was prepared, for convincing reasons, to share the societal burden equally with his compatriots engaged in compulsory military service by performing alternative service. In the absence of such an opportunity, the applicant had to serve a prison sentence instead. The Court further reiterates that pluralism, tolerance and broadmindedness are hallmarks of a “democratic society”. Although individual interests must on occasion be subordinated to those of a group, democracy does not simply mean that the views of a majority must always prevail: a balance must be achieved which ensures the fair and proper treatment of people from minorities and avoids any abuse of a dominant position...Thus, respect on the part of the State towards the beliefs of a minority religious group like the applicant’s by providing them with the opportunity to serve society as dictated by their conscience might, far from creating unjust inequalities or discrimination as claimed by the Government, rather ensure cohesive and stable pluralism and promote religious harmony and tolerance in society...”.

After explicit judgment the European Court established right to conscientious objection in hard law or international treaty law with help of dynamic and evolutionary interpretation and therefore, this right is a solid part of hard law.

It should be mentioned that similar approach also was taken by UN Human Rights Committee which is authorized to interpretation of International Covenant on Civil and Political Rights (including Article 18). In

its decision of 2006, In the cases of Yeo-Bum Yoon v. Republic of Korea and Myung-Jin Choi v. Republic of Korea, in which the Committee for the first time had to deal with complaints of two convicted Jehovah's Witnesses with respect to a country where the right to conscientious objection was not recognised. The UNHRC held as follows: "8.2 The Committee ... notes that article 8, paragraph 3, of the Covenant excludes from the scope of 'forced or compulsory labour', which is proscribed, 'any service of a military character and, in countries where conscientious objection is recognized, any national service required by law of conscientious objectors'. It follows that the article 8 of the Covenant itself neither recognizes nor excludes a right of conscientious objection. Thus, the present claim is to be assessed solely in the light of article 18 of the Covenant ..."10

Thus, the European human rights mechanism is not alone in its recognition of the right and UN human rights mechanism also is taken the similar approach.

It should be noted that recognition of this right as a part of strict treaty law is taken time. However, since 1960s international public organizations in their soft law recognized this right as integral part of human rights. The following soft law examples can be added.

The fundamental principles of the Resolution 337 by the Council of Europe's Parliamentary Assembly (1967) states that "Persons liable to conscription for military service who, for reasons of conscience or profound conviction arising from religious, ethical, moral, humanitarian, philosophical

¹⁰ <https://strasbourgobservers.com/2011/07/27/recognizing-the-right-to-conscientious-objection-%e2%80%93-part-ii-%e2%80%93-coherence-of-human-rights/>; <https://www.refworld.org/docid/48abd57dd.html>

or similar motives, refuse to perform armed service shall enjoy a personal right to be released from the obligation to perform such service”¹¹. It further states in the document that “this right shall be regarded as deriving logically from the fundamental rights of the individual in democratic Rule of Law States which are guaranteed in Article 9 of the European Convention on Human Rights”. In fact, although Article 9 of the Convention (Freedom of thought, Conscience and Religion) does not mention the conscientious objection directly, it is indirectly guaranteed as a logical consequence of the freedom which mentioned in this article. The main emphasis in the document is alternative military service, which is still mandatory instead of compulsory military service. The characteristics of alternative military service have been mentioned in the document. According to the council's resolution, alternative military service should have the following characteristics:

- A person who is responsible for military service should be informed that they have such rights and can use it during the conscription.
- The decision on the recognition of a conscientious objection is first accepted by the administrative body. The body which approves the decision have to be separate from military bodies.

The Recommendation 1518 which was recently adopted by the Parliamentary Assembly, is extremely significant and important¹². In the second paragraph of the recommendation, it is emphasized that the right of the conscientious objection is an integral part of the freedom of thought and conscience which are enshrined in the Universal Declaration of Human Rights

¹¹ <http://assembly.coe.int/nw/xml/xref/xref-xml2html-en.asp?fileid=15752&lang=en#>

¹² <http://assembly.coe.int/nw/xml/xref/xref-xml2html-en.asp?fileid=16909&lang=en>

and the European Convention on Human Rights. At the same time, the Assembly accordingly recommends that the Committee of Ministers invite those member states that have not yet done so to introduce into their legislation:

- The right to be registered as a conscientious objector at any time: before, during or after conscription, or performance of military service;
- The right for permanent members of the armed forces to apply for the granting of conscientious objector status;
- The right for all conscripts to receive information on conscientious objector status and the means of obtaining it;
- genuine alternative service of a clearly civilian nature, which should be neither deterrent nor punitive in character.

UN has approved the right to conscientious objection and has regarded it as part of the freedom of the thought, conscience and religion in several resolutions. Starting with the decision no. 46 (1987) , UN took the same position on this issue at different times (1999, 2002)¹³. The UN Human Rights Commission has also made a number of decisions regarding the conscientious objection. The decision no. 59 by the commission (1989) evaluates the right to the conscientious objection in the context of religion and freedom of conscience¹⁴.

As for the member states of the Council of Europe, it would be more accurate to evaluate them in three groups:

1. The countries where the compulsory military service has been abolished

¹³ <http://www.refworld.org/docid/3b00f0ce50.html>

¹⁴ http://www.ohchr.org/documents/issues/ruleoflaw/conscientiousobjection/e-cn_4-res-1989-59.pdf

2. The countries where compulsory military service exists as well as the conscientious objection
3. The countries where compulsory military service exists and the right to the conscientious objection is not recognized

Eventually, only Turkey from the Council of Europe do not recognize the right to the conscientious objection. Azerbaijan despite recognizing this right in the constitutional level, there is no comprehensive legislative act for implementation this right. Therefore, still beneficiaries of this right effectively deprived to use their right in practice.

6. Alternative military service in Azerbaijan

After the amendment to the Constitution in 2002, according to the second part of 76. Article of the Constitution of the Republic of Azerbaijan ("Homeland Defense"), "if the faith of citizens contradicts the actual military service, it is permitted to replace the actual military service with alternative service in cases prescribed by law". One of the commitments undertaken by Azerbaijan when joining the Council of Europe in 2001 was the Law on Alternative Military Service¹⁵. It is noted in the request of Azerbaijan for membership of the Council of Europe that Azerbaijan will soon adopt the Law on Alternative Services¹⁶. Deputy Chairman of the Milli Mejlis (parliament) Ziyafet Asgarov said that the Law on Alternative Military Service would be discussed at the spring session of the Parliament in an interview with AZERTAC in 2003¹⁷. Ziyafet Asgarov said in his statement that this project

¹⁵ <http://www.assembly.coe.int/documents/workingdocs/2007/edoc11226.pdf> (8.14)

¹⁶ <http://assembly.coe.int/nw/xml/xref/xref-xml2html-en.asp?fileid=16816&lang=en>

¹⁷ https://azertag.az/xeber/alternativ_harbi_xidmat_haqqinda_qanunun_layihasi_hazirlanir-977954

would be intended to be discussed at the spring session of the parliament in 2004. Asgarov also noted that the bill would "guarantee fully the national security and sovereignty of the Azerbaijan. But in later years, we see that the change of the rhetoric regarding the Law on Alternative Military Service. For example, Samad Seyidov, head of the Azerbaijani delegation to the Parliamentary Assembly of the Council of Europe (PACE) in 2007, said in an interview that "Azerbaijan has committed itself to the adoption of the Law on Alternative Military Service in front of the Council of Europe and therefore this commitment have to been fulfilled"¹⁸. However, Seyidov drew attention to the Karabakh conflict in his same interview and noted that nobody would create problems for the failure to fulfill this commitment. Because the whole world knows that Azerbaijan is in a war situation. In January 2011, the member of the Security and Defense Committee of the Parliament, General Alagha Huseynov in an interview with Modern.az said: "You know, our soldier does not have military service to kill anyone. Our army must provide our territorial integrity. Our soldiers will also be opposed to which forces are against our territorial integrity. This is the main task of the army of all countries in the world. Now about 20 percent of our lands are under occupation. What Should We Do? Every citizen must work for the integrity of our lands. Requesting alternative military service in Azerbaijan at this time means treason"¹⁹. In January 2011, member of the Azerbaijani Parliament's Security and Defense Committee, General Alga Huseynov in an interview with Modern.az said: "You know, our soldier does not have military service

¹⁸ <https://www.azadliq.org/a/387291.html>

¹⁹ <http://modern.az/az/news/10796#gsc.tab=0>

to kill anyone. Our army must ensure our territorial integrity. Which forces are against our territorial integrity, our soldiers will also be opposed to it. This is the main task of the army of all countries of the world. Now about 20 percent of our lands are under occupation. What should we do? Every citizen must work for the integrity of our lands. Requesting alternative military service in Azerbaijan at this time means treason. This is unambiguous. After all, those who are believe in different religious movements will declare that they do not want to go to the military service". If we look at the stenogram of the parliament on 13th December in the same year, we can see that the MPs' approach to this issue is not unambiguous when discussing the draft law on military obligation and military service²⁰. For example, MP Ganira Pashayeva said in her speech, "I say my personal opinion. Personally, though I am against it, it is the constitutional right of citizens. We have to pay attention to the implementation of this law. Mechanisms must be very serious not to abuse it. We all know that today Christian religious sects work very seriously in our country. They receive support from different countries, different organizations. If you look, you will see that the real military service is forbidden for them and they are against it. We need to pay more attention to this issue in order to prevent such cases from happening among young people whose age are suitable for military service " Chingiz Ganizade said: "That is right, as a human rights defender, I am always a participant of these conversations with foreigners, and of course, it is recognized by law. As a citizen, I think that it would be better to skip this issue until our lands were

²⁰ <http://www.meclis.gov.az/?/az/stenoqram/277>

liberated from occupation". MP Musa Gasimli said "Finally, I think the alternative service due to conscientious reasons is harmful for Azerbaijan's national interests. This is the circumstance of some organizations. But in the future, I consider it will be a tool to put our citizens against one another and weaken our army. In my opinion, this should be clarified". It should be noted that the grounds for exemption from the Compulsory Military Service were indicated in the 23th article of the Law on Military Obligation and Military Service and although the grounds contain a statement on "people who are called up for Compulsory Military Service", the procedure for implementation of this statement has not been specified. In October 2012, military expert Cesur Sumerinli said in an interview with FactXeber.com that "the failure to adopt a law on alternative service is a purely technical problem. The state of war is a pretext. But I am sure that it has nothing to do with being in a state of war. Moreover, one of the recommendations of the Venice Commission on "The Law of the Republic of Azerbaijan on Freedom of Religion" was about "provide alternative civilian service to those who refuse to serve in military service due to religious or non-religious beliefs because of

4. Article (freedom of religion).

There are notable cases in claiming the right to conscientious objection. For example, political activist Bakhtiyar Hajiyevev relied to this right when the Government with political reasons sent him to conscription and was unsuccessful.²¹ He was convicted for his refusal to serve in army. Also there are dozens of cases of members of Jehovah's Witnesses religious community

²¹ <http://www.icconnectblog.com/2011/04/mandatory-military-service-and-broken-promises-in-azerbaijan-the-case-of-bakhtiyar-hajiyev/>; <https://www.thecrimson.com/article/2011/4/29/bakhtiyar-fontfamily-school-azerbaijan/>

in Azerbaijan who refuse to serve in army and demand alternative services. They are faced criminal conviction which resulted 1-2 years imprisonment and (or) subjected ill-treatment in the hands of Azerbaijani military authorities (Forum 18, Oslo based human rights organization follows such cases in Azerbaijan, see more in the footnote).²² Some of these cases were lodged with the European Court and some cases communicated.²³

Consequently, the right conscientious objection despite being recognized in constitutional level, there is no comprehensive legislative act for implementation of this right. Azerbaijani military authorities and domestic court refuse uphold the constitutional right. The Government is not interested in implementation of this right which is integral part of the Constitution and one of the undertakings of the Azerbaijan before the Council of Europe.²⁴

7. Alternativ Military Service in Eastern Partnership Countries

7.1. Russia

The concept of alternative military service is reflected in Russian legislation as an alternative civilian service. In Russia, this issue is mentioned in the country's supreme law and in the July 25, 2002 Federal Law on Alternative Civil Service. This law came into force on January 1, 2004. Article 59 of the Constitution of the Russian Federation states that "if the beliefs or beliefs of a citizen of the Russian Federation are incompatible with military service, and in other cases provided by federal law, he (the citizen of the Russian Federation) has the right to substitute military service with

²² http://www.forum18.org/archive.php?article_id=2415

²³ <http://hudoc.echr.coe.int/eng?i=001-171871>; <http://hudoc.echr.coe.int/eng?i=001-170069>; <http://hudoc.echr.coe.int/eng?i=001-169313>.

²⁴ <https://assembly.coe.int/nw/xml/xref/xref-xml2html-en.asp?fileid=16816&lang=en>

alternative civilian service."²⁵ Article 1 of the Federal Law on Alternative Civil Service, which regulates this area, provides the following definition of alternative civil service: "Alternative civil service is a specific type of labor activity for the public and state interests, in exchange for conscription military service."²⁶ From this it becomes clear that the issue in the Russian Federation is regulated by the legislature. The Russian legislature used the expression of labor activity while giving legal advice to alternative civil service. That is, as opposed to military service, alternative civilian service is considered to be the job of a citizen, and this is included in the internship. Article 1, Paragraph 2 of Part 1 of the same law states that the labor activity of a citizen who has been an alternative civilian service is governed by the Labor Code of the Russian Federation, taking into account the specifics contained in this law.

In order to investigate this issue in Russia, it is necessary to look at the Law on Alternative Civil Service and to examine the mechanism of its implementation, the problems and some statistics related to it. First of all, it should be noted that "Alternative Civil Service" is a law that has great potential in Russia.²⁷ This right includes the following issues: Citizen in alternative civil service: He gets paid for the work he does;

1. The work you do is governed by the Labor Code (and by special circumstances in the law);

²⁵ <http://www.constitution.ru/10003000/10003000-4.htm>

²⁶

<http://www.consultant.ru/cons/cgi/online.cgi?req=doc&base=LAW&n=301187&fld=134&dst=1000000001,0&rnd=0.763537283016176#08854528474250991>

²⁷ <https://soldiersmothers.ru/wp-content/uploads/2015/07/AGS.pdf>

2. The right to leave, the right to rest on the days off (these days are also included in the term of service, that is, if a civilian is on leave, alternative service is in progress);
3. Work experience;
4. He can go home after work;
5. Can work and study;
6. At the end of the service he gets a military ticket, etc.

As you can see, this law provides great opportunities for citizens in Russia. When examining this right, the first question may be, when (under what circumstances) the right of alternative civil service emerges. It is clear from this point that the right of alternative civil service in Russia is not a natural, but a positive right and is determined by the state. To be more precise, there is a duty of a citizen (conscript military service), which is the right we are talking about if the law meets the criteria. Article 2 of the Law on Alternative Civil Service addresses this question. Citizen conscription service has the right to be replaced by alternative civil service in the following cases:

1. Military service is contrary to his / her beliefs or beliefs.
2. Citizen belongs to one of the few indigenous peoples of the Russian Federation, conducts traditional (customary) life, conducts traditional (customary) economic activities and is engaged in the traditional (traditional) activities of the few indigenous peoples of the Russian Federation.²⁸

It is clear from the first point here that in order to substitute conscription for alternative civilian service, it must be contrary to the beliefs or beliefs of the individual. The issue of faith and belief must be distinguished here. Thus,

²⁸ <http://pravo.gov.ru/proxy/ips/?docbody=&nd=102077393>

the issue of faith exposes the religious factor, that is, the citizen wants to replace military service by providing a religious basis of his or her religious affiliation. As for the beliefs, it is not possible for a citizen to have a religious affiliation, belief, etc. The factors are irrelevant. In this case, the citizen simply expresses his or her beliefs. These may be philosophical, moral, ethical, political, legal or other complex criteria. The citizen is free here, and according to his own convictions he has the right to substitute conscription for alternative civilian service. An interesting point here is that if a citizen wants to defend his homeland in a non-military manner but in another peaceable manner, he or she will have the right to alternative civilian service.²⁹

This law also takes into account the minorities living in the Russian Federation at this time. There are nations that engage in certain activities (farming) to protect their traditions. Representatives of the same people are also entitled to alternative civilian service. In this case, the State grants such representatives the right to protect the indigenous peoples. When a person is a representative of the indigenous minority, he or she is entitled to alternative civilian service, not because of his beliefs or beliefs, but because he is the core of this nation.

Since conscription military service is intended for citizens of purely male gender in Russia, it is concluded that the right to alternative civilian service also applies to men. According to the law, citizens of the age range 18 (up to 18) and conscripted military service have the right to apply for military service in person. The citizen should indicate in the application that he would like to

²⁹ https://www.gov.spb.ru/gov/terr/reg_kalinin/prizyv-grazhdan-na-voennuyu-sluzhbu/alternativnaya-grazhdanskaya-sluzhba/

replace the conscription service with alternative civilian service. In this case, a citizen has the right to justify their beliefs or beliefs. That is, the citizen's application states why he came to this decision (belief, belief, etc.). He also has the right to add his autobiography and charter from his work. Citizens also have the right to include in the application the names of persons they will present as witnesses. Even if there are no witnesses, a citizen can file this application purely to indicate his / her own will.³⁰

After filing the application is considered at the initial stage. After that the citizen is undergoing medical examination. Because a citizen who is not eligible for military service may not be drafted into the military. Thus, a citizen who is not conscripted into the conscription service does not have access to alternative civilian service. If a citizen is eligible for military service, he or she will receive a summons to resolve the application. In this case the commission can ask the citizen questions. The commission should consider the matter only with its own participation. Citizen answers questions, reiterates his desire to change alter civic service and underlines the reasons. If a citizen has entered in advance the names of persons as witnesses, these persons must also appear in the commission. If a citizen submits documents on his / her beliefs or beliefs, the commission will review those documents again during the session. As a result of the meeting, the commission may make 2 decisions. Decision on replacing military service with alternative civilian service or refusal of such replacement. If the Commission decides to reject the decision, it must justify its conclusion. If a citizen is dissatisfied with the decision, he / she may file an

³⁰ <http://czn.kurganobl.ru/4493.html>

administrative dispute with the higher authority (military commission) or the court. During a dispute, a citizen cannot be called to military service.³¹

The Federal Law on Alternative Civil Service specifies the reasons for the Commission's refusal to use alternative civil services.³² These are:

1. Citizen's term of application for alternative civil service has been delayed.
2. If the documents submitted by a citizen do not correspond to his / her issues (beliefs and beliefs).
3. If the documents submitted by the citizen contain false information.
4. The citizen has been summoned twice to a military commission meeting and has not come to both sessions without good reason.
5. If the citizen has previously been provided with alternative civilian service and the citizen has refused to do so.

The commission must therefore make a decision based on the law and justify it. If the commission decides to replace the military with an alternative service, the next step is to inform the citizen about the time and place of service. According to the law in Russia, the duration of alternative military service is currently defined as two types depending on the location. The term of service is 21 months for a citizen performing his / her service in enterprises, offices and organizations. In that case, a citizen may also take a leave, and during the vacations, the service will expire. For citizens engaged in military service (military unit, facility, organization or office), this period is 18 months.³³

³¹ <http://base.garant.ru/184751/b6e02e45ca70d110df0019b9fe339c70/>

³² <https://mintrud.karelia.ru/content/часто%20задаваемые%20вопросы%20по%20агс>

³³ <http://www.garant.ru/actual/prizyv/alternative/>

Citizens of Russia, who have obtained alternative civilian service rights, mail services, nurses, hairdressers, engineers, programmers, truckers, pilots, drivers, machinists, cooks, carpenters, firefighters, gardener, locksmiths, sanitarians, laborers. and so on. work in positions.³⁴ Regardless of the work being done, the main purpose is to provide civilian military service with civilian service and ultimately to the benefit of the state and the public

Citizens who have served alternative civilian services conclude employment agreements with their employers. It is the job of the employer to conclude a contract with a citizen sent by the military commissariat to work. He shall inform the Commissariat and the relevant authorities within 3 days.³⁵

Citizens who provide alternative civilian service have a number of rights and responsibilities. They enjoy all the rights and freedoms other citizens have, except as provided by law. Their job is included in the length of service, which means that the civil service is entitled to work. Citizen also receives the right for part-time education after work. Citizen spends time after work at home (where he lives). The employing organization provides free dormitories for citizens who provide alternative civil services. She has security and health care rights during her employment. They are insured by the state at work. In the event of an accident or disability, alternative civilian service providers may also be eligible for pensions and compensation. They are also paid for their work. In addition, citizens enjoy other rights provided by law.³⁶

³⁴ <https://recrut.mil.ru/career/alternative/positions.htm>

³⁵ https://studme.org/1029022814509/pravo/trudovoy_dogovor_alternativnoy_grazhdanskoy_sluzhbe

³⁶ <https://edu.garant.ru/education/army/11/5/>

In addition to the rights, there are duties of citizens who provide alternative civilian services. They, like everyone else, must perform all the duties prescribed by the constitution and adhere to labor discipline. Many actions are banned in the provision of civil services to citizens. These prohibitions (in the case of alternative civil service) include:³⁷

1. A citizen may not voluntarily terminate his employment contract and refuse from his duties.
2. The manager cannot hold positions.
3. He may not participate in strikes or other forms of protest that cease to operate.
4. He may not work in other positions (jobs) during alternative civilian service.
5. Can not engage in entrepreneurial activity.
6. The location of the organization in which it operates cannot leave the residence without the consent of the employer.

Citizens usually provide alternative civilian services far from where they live. In practice, however, there are cases in which dormitories provide alternative civilian services in the area where they live.³⁸

In the course of alternative civil service, citizens are subject to disciplinary, administrative, material, civil, legal and criminal liability under the laws of Russia, and, with due regard to the nature of alternative civil service.³⁹

³⁷ <https://zakonbase.ru/content/part/1098747>

³⁸ http://old.redstar.ru/2001/03/24_03/pravo51.html

³⁹ <https://prokuror-kaluga.ru/razyasnenie-4781.html>



Citizen's civil service ends on two grounds:⁴⁰

1. When a citizen is dismissed from alternative civil service.
2. In case of death of a citizen is declared missing or dead in the manner prescribed by law.

When a citizen expires, interferes with his health (medical commission's opinion), and when a citizen is sentenced to imprisonment in accordance with the law, he / she completes his service (dismissed).

Vacancies for alternative civil service are determined by the Ministry of Labor and Social Protection of the Russian Federation. As a rule, these tasks are low-paid jobs. As noted, the main purpose of the alternative civil service is for the citizen to work for the state and public interest. That is why it is natural that salaries are low according to these interests. Citizens who choose alternative civilian service do not engage in military service, do not carry weapons, do not wear military uniforms and, instead, work for their state and society by doing less work. It is hard to look at a number of vacancy statistics. In 2005, the number of vacancies for alternative civilian services was 3,336. In 2008, 9209. In 2010, there were 7 federal executive bodies and 67 executive bodies of the federations to organize an alternative civil service. At that time, 5700 vacancies were offered from 563 organizations for a total of 121 positions (professions).⁴¹ In 2019, 638 organizations provided 3,215 vacancies for alternative civil services.⁴²

⁴⁰ <http://www.semiluki-rayon.ru/node/659>

⁴¹ https://web.archive.org/web/20130702231024/http://www.trud22.ru/news/20101215_1002.html

⁴² <https://rg.ru/2019/03/12/po-kakim-professiiam-mozhno-projti-alternativnuiu-sluzhbu.html>

Representatives of minority indigenous peoples are usually sent to deer farms (brigades). Here they perform their customary activities. Occupational areas that are most frequently assigned to alternative civilian service are sanitary and post office work. Among the most demanded jobs is the construction sector. These include workers, travelers, electricians and others. cases are related. Although civilian citizens seek first jobs in accordance with their qualifications, this is not always the case. 58% of citizens who seek alternative civil services generally have no vocational education. Even though 15% have vocational education, an employer does not need a specialist in any other profession. Statistics show that 70% of those who provide alternative civil services work in their area, as not every body has a dormitory to provide them. The number of organizations that have separate dormitories for alternative civil service providers (among vacancies) is 10%.⁴³

In 2010, 324 people were recruited for alternative religions because of their beliefs (mostly from pacifism). In 2010, minority citizens had no applications for alternative civilian service. In 2010, of the 383 alternative civilian citizens, 295 went to work in 52 different executive bodies of the Russian Federation. 243 people were employed in the social sphere, 29 in education, and 23 in agriculture. 88 citizens were sent to work in 5 federal agencies. As an example, 77 people went to the Federal Communications Agency, 4 to Roscosmos, 3 to the Federal Medical Biological Agency, 2 to the Federal Agency for Special Construction, and 2 to the Federal Penitentiary Service.⁴⁴

⁴³ <https://dic.academic.ru/dic.nsf/ruwiki/1726309>

⁴⁴ <http://blackjob.spb.ru/dogovori/harakteristika-na-prizyvniku-v-voenkomat-s-mesta-ucheby>

From 2004 to 2010, only 5,388 applications were submitted by citizens for alternative civilian service. About 4072 of these citizens (80.5%) decided to replace military service with alternative civilian service.⁴⁵ According to statistics, applications for alternative services are mostly received in Krasnodar, Stavropol, Moscow and Smolensk.⁴⁶

In Russia, the law on alternative civil service has not passed without a dispute. In 2014, a citizen named Andrei Suvorov filed a complaint to the Constitutional Court of the Russian Federation. The citizen complained that his rationale for alternative civil service was not accepted by the commission and a decision was made that no alternative civil service should be appointed. The civil justification stated that the principles of conscription are not humanistic and violate human rights. As a result, the citizen submitted a request for the consideration of specific articles of alternative civil service not consistent with the Constitution. The Constitutional Court, on the other hand, declined to consider his complaint, stating that the justification of a citizen did not indicate that he had any beliefs or beliefs (contrary to military service). The court noted that the alternative civilian service was not the citizen's choice between the two options. Alternative civilian service refers to views opposed to military service because of their beliefs (beliefs or beliefs), and they should not be based solely on beliefs or beliefs, such as the principle of conscription in the military. Just because a citizen has a negative attitude to military service does not mean that he or she has faith. The Constitutional Court used the experience of the European Court of Human Rights at that time. Bayatyan is

⁴⁵ http://spzc.ru/alternativnaja_sluzba_v_armii.html

⁴⁶ <http://gazmas.spb.ru/alternativnaya-grazhdanskaya-sluzhba-vidy.html>

about to leave for Armenia (July 7, 2011). Thus, in its decision on the case, the ECtHR stated that refusal to serve in the military should be based on the serious and irreconcilable conflict between the individual's beliefs and his or her religious or other convictions. Refusal to serve in the military shall be sufficiently serious, interrelated and so-called belief or belief that the use of Article 9 (Freedom of Thought, Conscience and Religion) of the Convention on the Protection of Human Rights and Fundamental Freedoms is important. At the end of the decision, the Constitutional Court stated that the citizen did not express his beliefs and beliefs, stating that he had only disagreed with existing legislation to choose this right, which was not enough to choose alternative civil law.⁴⁷

The Constitutional Court's decision sparked criticism and criticism by Lev Levinson, an expert on alternative civil services. Levinson commented on the decision: "The Constitutional Court considers that to replace military service with alternative civilian service, there must be strict, deep and sincere faith, not just any belief, and that this belief must be in conflict with military service. From this we can conclude that when applying for this matter, a citizen should indicate in his statement that his faith is serious, deep and sincere. The question then arises that there are no criteria for measuring and defining the aforementioned factors, which should be regarded as beliefs. In addition, the Constitutional Court does not accept citizens' political beliefs as beliefs. But we know that citizens may have political convictions against conscription. The Constitutional Court's decision makes it clear that the military commission (or judicial authority in the event of a disputed decision)

⁴⁷ <https://www.garant.ru/products/ipo/prime/doc/70609280/>

is not entitled to alternative civilian service by referring to the Constitutional Court's conclusion that it is not a "civil belief". owns it "⁴⁸

7.2. Ukraine

The term we have mentioned in Ukraine is used as an alternative non-military service. Alternative non-military service has found its legal basis in the Ukrainian Constitution, the Law on Alternative (Non-Military) Service, and the Law on Military Service and Military Service. According to Article 35 (4) of the Ukrainian Constitution, the performance of military duties is contrary to the religious beliefs of a citizen, and their performance must be replaced by alternative (non-military) services.⁴⁹

In Ukraine, alternative (non-military) service is very narrow in relation to Russia. This is because the law of the country regulating this area is very limited in the use of the rights (the carrier of the subject). Thus, Article 2 of the Alternative (Non-Military) Service Act of December 12, 1991 states that this right is only applicable to religious organizations that are in conflict with military service and weapons under Ukrainian law. The carriers of the (true) religious beliefs. From this, it can be concluded that a person who is not a carrier of religious denominations in Ukraine, whose list is determined by the state, cannot use alternative services. In other words, if in Russia this issue is regulated by faith or belief, in Ukraine, this issue is regulated by religious belief.⁵⁰

⁴⁸ <http://www.army-hr.ru/article/11497.html>

⁴⁹ <https://portal.rada.gov.ua/uploads/documents/27396.pdf>

⁵⁰ <http://consultant.parus.ua/?doc=003077AAFE>

Religious organizations operating in Ukraine against weapons and military service are:⁵¹

1. Adventist-reformists.
2. Day 7 Adventists.
3. Evangelical Christians.
4. Evangelical Baptist Christians.
5. Jehovah's Witnesses.
6. Krishna Communities, etc.

Thus, the current legislation narrowed this area in Ukraine and, as a result, reflected in statistics. Because the number of members of these religious organizations is not much in the general population, the number of people who choose alternative services is small.

In terms of power, the law regulating this issue in Ukraine is similar to the law in Russia. Different factors are simply technical and cover a number of issues. The term of alternative service in Ukraine is 18 months for those with higher education and 27 months for those without higher education.⁵²

7.3. Belarus

In Belarus, this right was created much later than in Russia and Ukraine. If the law governing this area was adopted in Russia in 2002 and Ukraine in 1991, the first alternative service law in Belarus was passed in 2015 and came into force on July 1, 2016. In addition, it should be noted that this question was reflected in the Constitution on March 15, 1994. Article 57 states that the

⁵¹ <https://odessa-life.od.ua/article/9116-Alternativnaya-sluzhba-cto-eto-takoe-i-komu-mozhno>

⁵² <https://fdlx.com/all/108356-srok-alternativnoj-sluzhby-v-ukraine-gde-proxodit-alternativnaya-sluzhba.html>

procedure for alternative military service is regulated by law. However, a law regulating the area has not been passed for 22 years.⁵³

In Belarus, as in Ukraine, alternative service is limited to religious beliefs. That is, there is no place for belief. Thus, Article 3 of the Alternative Service Law states that those who are in conflict with their religious beliefs may enjoy this right.⁵⁴

In essence, the law adopted in Belarus is similar to the law in Ukraine and Russia, and, as always, different points cover technical and some areas. The alternative service in Belarus is 24 months for those with higher education and 36 months for those without higher education.⁵⁵

8. Conclusion

If we summarize these, we can say that since 2013 no alternative military service or Alternative Civil Service issue has been discussed in Azerbaijan except for the fact that those who have been brought to justice for not going to military service. Both the State and other parties, Civil Society and Political Parties have not delivered or have not been able to deliver their views on this issue to the society. Although a number of cases has been sent to the European Court of Human Rights and the European Court of Human Rights, there has been little or no coverage in the media. First of all, before the adoption of a law, I think that broad discussions on this issue should be held in the society, and the opinions and thoughts of the concerned parties should be discussed. The issue should be considered and discussed in terms of "community benefit"

⁵³ <http://pravo.by/pravovaya-informatsiya/normativnye-dokumenty/konstitutsiya-respubliki-belarus/>

⁵⁴ https://kodeksy-by.com/zakon_rb_ob_al_ternativnoj_sluzhbe/3.htm

⁵⁵ https://kodeksy-by.com/zakon_rb_ob_al_ternativnoj_sluzhbe/19.htm

rather than a "commitment". What kind of problem of society will the "Alternative Service" or the adoption of the Law on Alternative Military Service solve? Is the society ready for the adoption of this law? How will Azerbaijan's war situation affect the future of this issue? The discussion on adaptation or refusing of law will be useless until this kind of the questions are discussed in the society.

9. Recommendations

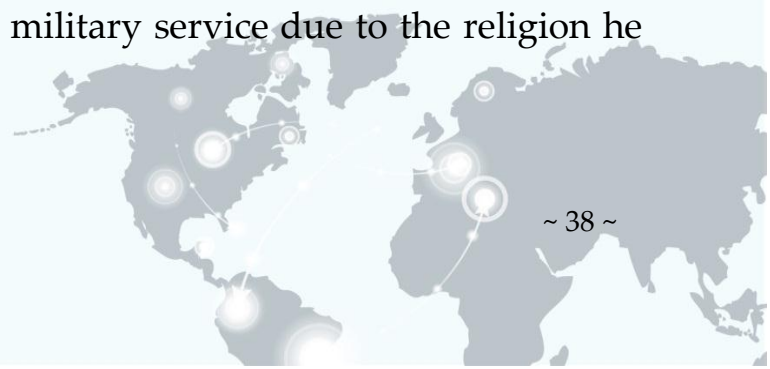
1) A dialogue between the State and the Civil Society has to be conducted by taking the freedom of religion and conscience

shown on Article 76 of the Constitution into account and the draft law which will arise as a result of the above-mentioned dialogue must be presented to the Milli Majlis.

2) Enlightenment activities to be carried out among the citizens for the necessity of the alternative military service.

3) Independent individuals and the representatives of the civil society must also be included in the composition of the commission which determines who will benefit from this right and under what conditions when the law on alternative military service gets accepted and they must also carry out monitoring.

While the acceptance of law, belief and religion matters must be evaluated separately and appeals to both categories must be researched transparently. Because, the belief matter puts the religion factor to the center, so citizen purely wants to replace the military service due to the religion he belongs to.



But in the consciousness matter the religion, belief and etc. factors of the citizen are not related. The citizens just express his consciousness this time. These can be philosophical, moral-ethic, political, legal or other complex criterions. The government must not only look at the appeals of individuals with religions regarding the alternative military service but also individuals with a consciousness that is opposite to military service.

4) Individuals must not be taken to the military service in the period while their appeals regarding the alternative military service is being reviewed by both government bodies and courts.

