

END CONSCRIPTION CAMPAIGN

P.O. Box 537
Kengray 2100

Phone: 836-8423
Fax: 834-3189

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The Technical Committee on Fundamental
Rights During the Transition
World Trade Centre
Kempton Park

Fax No: 397-~~4498~~²²¹¹

Attn: Melody Emmett

**MOTIVATION FOR SPECIFIC REFERENCE TO BE MADE TO THE RIGHTS OF
CONSCIENTIOUS OBJECTORS IN THE TRANSITIONAL BILL OF RIGHTS**

With reference to the 10th Draft of the Bill on Fundamental Rights the End Conscription Campaign would like to propose that Clause 14(1) of the Bill should be amended as follows (our amendment underlined):

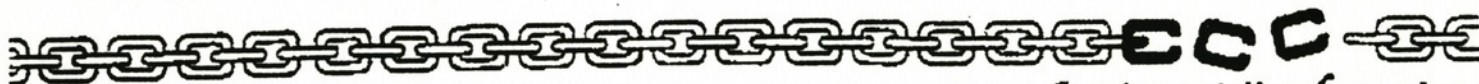
Every person shall have the right to freedom of conscience, religion, thought, belief and opinion, which shall include academic freedom in institutions of higher learning and the right of conscientious objection to military service.

Our motivation is as follows:

1. Participation in war has serious moral implications as war involves the taking of human life. In consequence, the denial of conscience which follows from being compelled to serve in an armed force where one believes this to be wrong, is all the greater.
2. That "the right of everyone to have conscientious objection to military service as a legitimate exercise of the right to freedom of thought, conscience and religion" is recognised by a resolution of the United Nations Commission on Human Rights, (Commission on Human Rights, Resolution 1989/59, March 1989).
3. That the right of conscientious objection to military service is not necessarily effectively recognised in the Draft Bill of Rights, which may be interpreted to imply a general right to hold beliefs but not necessarily to act in terms of them.
4. That the right to freedom of conscience which is provided for in Section 14(1) would effectively be meaningless in relation to conscientious objectors, unless their right to act in terms of their consciences is specifically recognised.
5. That due to the severity of the denial of conscience which follows from the denial of the rights of conscientious objectors to military service, specific reference should be made to the right of conscientious objection to military service in the Bill of Rights of the Transitional Constitution.

Yours faithfully

Chris de Villiers
CHRIS DE VILLIERS
ECC CHAIRPERSON



End Conscription Campaign