



**C**onscientious  
**O**bjector  
**S**upport  
**G**roup

**What is  
COSG?**

# What is COSG?

The Conscientious Objector Support Group (COSG) was established in 1979 to support conscientious objectors (C.O.s) who had been imprisoned for refusing to serve in the SADF. We are a national organisation committed to non-racialism, non-sexism and democracy.

## **Our aims are:**

- 1. To defend the right of the individual to refuse, on grounds of conscience, to render military service;**
- 2. To give support to C.O.s and to publicise their stands;**
- 3. To support the families and friends of C.O.s;**
- 4. To oppose militarisation and conscription in the interests of building a just peace in our country;**
- 5. To work for improvements in legislation regarding conscientious objection;**
- 6. To liaise and co-operate with like-minded organisations, both locally and internationally, to promote these objectives.**

# Whom do we help?

We support C.O.s who refuse to be conscripted for religious, ethical, moral or political reasons as well as their families and friends. We help C.O.s:

- **facing trial and in jail;**
- **doing community service or serving as non-combatants in the SADF;**
- **evading conscription inside South Africa;**
- **who went into exile and have returned.**

# What do we do?

COSG offers a forum in which issues related to objection can be discussed. (Through this we provide support to C.O.s and those close to them.) We can provide specific services in the areas of support , campaigns and trials.

## These include:

- People experienced in support and campaign groups;
- Skills and resources to run campaigns, e.g., media production and press liaison;
- A manual for support and campaign groups;
- Access to sympathetic lawyers.





# Do you want to get involved?

If you are an objector or interested in supporting C.O.s, your help will be appreciated by all C.O.s. Register your concern by joining COSG.

If you could benefit from our services, or know anyone who could, please write to COSG at one of the following addresses or phone one of the people listed below:

## Cape Town

P O Box 13032  
Mowbray  
7705

Ivan Toms - 021-6892866 (h)

## Durban

P O Box 2861  
Durban  
4001

Michael Graaf - 031-210845 (h)  
Richard Steele - 031-3015663 (w)  
and Anita Kromberg

## Johannesburg

P O Box 591  
Kengray  
2100

Nan Cross - 011-6147458 (h)  
- 011-3392010 (w)



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THE CONSCIENTIOUS OBJECTOR SUPPORT GROUP

SUBMISSION TO THE VAN LOGGERENBERG COMMITTEE

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DATED: 20 February, 1990



This document is submitted by the Conscientious Objector Support Group (COSG), a national organisation formed in 1980 to support those who, for reasons of conscience, refuse to do military service.

- \* COSG affirms the right of the individual to conscientiously object to military service;
- \* COSG calls for the provision of a constructive and non-punitive form of alternative, non-military service for all objectors.

## 1. INTRODUCTION

In General Malan's parliamentary address of 20 April, 1989, he mandated the Van Loggerenberg Committee (hereafter called the committee) to investigate the manpower needs of the SADF, including the system of national service. Later, on 30 November 1989, General Malan stated that the committee was also considering questions related to the system of community service. This submission relates specifically to these issues and does not deal with any of the other tasks assigned to the committee.

In outlining the terms of reference of the committee, General Malan recognised the inter-relatedness of the economic, social, political and security spheres and he mandated the committee to evaluate new factors and trends in these different fields.

In the light of this mandate our submission highlights changes that have occurred in this wider context, where this context has a bearing on South Africa's security considerations. We assert that it is in the interests of the SADF and the country as a whole that a non-military, non-punitive community service be offered to all conscripts as an alternative to military service.

## 2. CHANGES IN THE ECONOMIC, POLITICAL AND SOCIAL SPHERES

The current system of conscription, which only allows for a very limited form of alternative service, should be reviewed by evaluating security needs in the light of wider economic, political and social factors.

### 2.1. Economic Factors

There are clear economic reasons why a system of alternative national service should be introduced, and with the current surplus of manpower in the SADF, this would not be in conflict with the security needs of the country.

The effect of the brain drain has been widely researched and reported on. Suffice to say here that it is a matter of concern not only to us, but also to the professions, the universities and the business community. In an article that appeared in *The Sunday Star* in June of last year, Professor Robert Charlton, Vice-Chancellor of the University of the Witwatersrand drew attention to the already well publicised shortage of doctors, engineers,



accountants, artisans, etc. We quote;

"Because (South Africa) so urgently needs skilled people, the brain drain is all the more disastrous. We need all the people we presently educate and more, and when some of them leave for other countries we all suffer. The emigrating doctors have had the most publicity, but the haemorrhage of actuaries, accountants, engineers, scientists and entrepreneurs is probably proportionately just as large, and more serious for our economic health."

Professor Charlton later goes on to suggest some reasons for the brain drain.

"General anxiety about the future, and for the young white men the prospect of military service, are the main reasons for leaving." (Annexure A)

A month earlier, the Business Day published the findings of a survey which was done amongst University of the Witwatersrand medical students. Of the 232 white males surveyed, 30% were not prepared to do military service. However half that number said they would stay if given the option of alternative service for an equivalent period. Military service was the single biggest reason given by students wanting to emigrate, followed by political instability. The results of the survey were presented in a paper delivered to the annual conference of the National Medical and Dental Association (NAMDA). (Annexure B)

Other similar studies support the finding that a high proportion of male emigrants would opt to remain in South Africa were some form of non-punitive, community service available to them.

Such community service would benefit the country in that it could help alleviate some of the crisis situations currently being experienced in sectors such as health, education and social welfare.

We submit that South Africa cannot afford to lose so many skilled people to emigration, and that the current security situation does not warrant the costly continuation of military conscription without reasonable alternatives. As the security needs of the country have diminished, so needs in areas such as health and education have increased and we would further submit that the introduction of an extended system of community service is a more appropriate response to the present climate, than the continuation of the present system of conscription. Community service should be available to all conscripts who have conscientious objections to military service; it should be available in government departments as well as in non-government service, church and welfare organisations and it should be of the same time duration as military service.

## 2.2. Political Factors

### 2.2.1. Regional Stability

The regional balance of forces has clearly changed in the last



few months, particularly with troop withdrawals from Namibia and Angola. In addition the USSR is recognised even by the South African military establishment, as playing a very altered role in the region. General Malan has been quoted as saying that the SADF will no longer engage in cross-border raids. He also committed the SADF to a vastly reduced role in national and subcontinental politics. (Sunday Star 3.12.1989 - Annexure C).

### 2.2.2. Reform within the Country

Negotiations are fast becoming the central political issue within the country. The talk is of reconciliation, and building a future together; the concept of white supremacy has been discredited; there is generally a mood of optimism and we are all being called to commit ourselves to working for a new South Africa. In the light of this, the lack of accommodation of conscientious objectors jars and unless it is dealt with, will become a thorn in the flesh of the SADF and the government.

Since the beginning of 1988, four men have been jailed for their refusal to do military service. We submit that the position of these four jailed objectors has been entirely vindicated by the present political climate. They all spoke of their abhorrence of racism as enshrined in apartheid legislation, and they all rejected the use of the SADF in SA's townships, in Namibia and in other neighbouring states. The regional changes that have occurred as well as the government's new commitment to break down apartheid legislation, speaks of the validity of the stands taken by these four. The extent of support they have received both from within and from without the country, has been phenomenal and is an indication that as long as these men remain in jail, the bona fides of the government will be questioned by many. Jailed conscientious objectors have all expressed their willingness to serve South Africa were a system of genuine community service to be introduced.

The retention of the system of conscription for white males, stands in stark contrast to the overall move away from the outdated concept of "white nation". Young white men carry an oppressive and outdated burden. With the changed role of the SADF within and beyond South Africa's borders, we would argue that the SADF can afford to reassess the question of conscientious objection. The introduction of an extended system of community service would be in line with the general political climate of reconciliation and negotiation and, would make a substantial contribution towards alleviating some of the dire social problems currently being experienced. It would also prevent the issue of objection becoming an ongoing source of embarrassment to the state and the SADF.

## 2.3. Social Factors

### 2.3.1. The Position of Conscientious Objectors

Since the Geldenhuys Committee met in 1985, there has been a massive increase in conscientious objection. In 1987, 23 men publically declared their refusal to do military service on



grounds of conscience; a year later their numbers had risen to 143 and in September of last year a national register of conscientious objectors was launched with 771 names already on the list.

The number of objectors who are prepared to serve lengthy jail sentences for their refusal has also risen dramatically. Dr. Ivan Toms was the first person to be sentenced since the amendment of the Defence Act in 1983. He was joined a few months later by David Bruce, Charles Bester and Saul Batzofin.

In addition, and in spite of the reductions in national service liability, there are at least 5 men around the country who have been charged with refusing to serve. They are:

\* The Rev. Douglas Torr, an Anglican priest currently serving in a parish in Coronationville and working at a children's home. He objected to initial service in August, 1989 and, unless the Defence Act is amended to reflect the recent reductions, faces a possible 6 year sentence.

\* Richard Clacey, a rural development worker from Pietermaritzburg. He faces 18 months in spite of being in his fourth call-up cycle with only 26 days owing.

\* Michael Graaf, a researcher at the University of Natal (Durban). He did his initial service 10 years ago in Namibia and faces 18 months for his refusal to do any further camps.

\* Gary Rathbone, a Johannesburg musician, faces a minimum of 18 months in prison, He served in the Permanent Force for four years.

\* Andre Croucamp who is working with an insurance company in Johannesburg. He faces 3 years for his refusal to do camps.

### 2.3.2. Jail Conditions for Conscientious Objectors

The position of South African objectors is widely acknowledged to be excessively harsh. Even when a national serviceman was theoretically still liable to 2 years initial service and 720 days of camps, the 6 year jail sentence was criticised as being excessive from quarters as divergent as the Democratic party and the Conservative Party. The six year sentence is the most severe anywhere in the world and in the last 15 years no other country has sentenced a conscientious objector to a sentence of that duration. Now with the reductions to national service, the lengthy jail sentence becomes even more iniquitous, as it now amounts to more than 3 times the length of service a conscript would be obliged to serve. This is clearly contrary to the intention of the legislature when it decreed that objectors should be jailed for one and a half times the length of liability owing.

Also objectors, are punished further through their harsh prison conditions. There appears to be a deliberate policy of separating objectors from one another. In addition they are not



considered security prisoners and are consequently held with common criminals. This involves a further risk and psychological cost for them. Dr. Ivan Toms was assaulted by a fellow prisoner, receiving stitches to his face. The person was later convicted in the Magistrates Court of the assault. (Star 19-02-1990 : Annexure D).

To conclude this section, we submit that the current manpower surplus experienced by the SADF; the changed regional balance of forces and the reduced role of the military within the country, should provide the opportunity for a greater accommodation of conscientious objectors. The provision of a non-punitive non-military alternative service option for all who are unwilling to do military service, would be in accordance with the government's commitment to reform. In addition the extension of the system of community service would go some way towards alleviating very real needs in less privileged communities and would encourage skilled men to remain in the country rather than emigrating. Finally we suspect that the unprecedented harshness with which objectors are treated will prove to be a source of ongoing embarrassment to both the government and the SADF. We consequently believe that the state can only gain from an accommodation of conscientious objection.

### 3. SUPPORT FOR THE RIGHT TO CONSCIENTIOUS OBJECTION

#### 3.1. International Precedent

The right to freedom of conscience is a clearly established international principle.

"Everyone has the right to freedom of thought, conscience and religion; this right includes freedom to .... manifest his (or her) religion or belief in teaching, practice, worship or observance."

(Article 18 of the Universal Declaration of Human Rights)

The right to conscientious objection as an expression of the right of freedom of conscience also enjoys international recognition.

The most recent example known to us, is a resolution passed on 8 March 1989, by the Human Rights Commission of the United Nations, recognising the right to conscientious objection to military service. (Annexure E)

In its concluding paragraphs the resolution:

"Recognises the right of everyone to have conscientious objections to military service as a legitimate exercise of the right of freedom of thought, conscience and religion;"

"Recommends to States with a system of compulsory military service .... that they introduce for conscientious objectors various forms of alternative service .... and that they refrain from subjecting such persons to imprisonment;"



"Emphasises that such forms of alternative service be in principle of a non-combatant or civilian character, in the public interest and not of a punitive nature."

The resolution was sponsored by Austria, Canada, Costa Rica, France, Federal Republic of Germany, Hungary, Netherlands, Portugal, Spain, Sweden, and the United Kingdom.

Conscientious objection to military service has been an issue for the United Nations and its predecessor the League of Nations for some 60 years, with an increasing number of states initiating legislation on the issue, the most recent examples being Hungary and Poland. Annexure F provides a few examples of clauses on conscientious objection included in the constitutions or bills of rights of various countries.

### 3.2. South African Support for the Right to Conscientious Objection

#### 3.2.1. Church Support

The churches of South Africa have on the whole taken a strong position in favour of the right to conscientious objection. Annexed hereto as Annexure G are statements from the Catholic Church, the Church of the Province of South Africa, the Methodist Church of South Africa, The Presbyterian Church of South Africa, the United Congregational Church of South Africa and the Baptist Union of SA. They all recognise the right of an individual to have conscientious objections to military service, and they all call on the government to provide alternative forms of service for such objectors.

#### 3.2.2. The Democratic Party

The Democratic Party calls for the phasing out of conscription altogether. During this phasing out period, it advocates a system of alternative National Service which will be available to conscripts on application. (Annexure H)

#### 3.2.3. Public Support

Organisations like the End Conscription Campaign (ECC) demonstrated widespread support for the call to end conscription and, as an interim call, for the introduction of an extended system of alternative service. The End Conscription Campaign was restricted in August 1988 in terms of the State of Emergency, the restriction remaining in force until 2 February 1990. At the time of its restriction there were 54 organisations affiliated to ECC and the organisation claimed an active membership of almost 1000 members.

In the period following the restriction of ECC, whilst it was unable to operate, there were a number of independent actions which clearly demonstrated the breadth of support for the right to conscientious objection. Perhaps the best example is a stand of approximately 900 mothers which took place in February 1989. The women involved all signed a statement calling for a system



of non-military community service to be introduced for all those who felt in good conscience that they could not serve in the SADF. Some of the mother had sons in the army, some had sons living in exile and three of the mothers had sons in jail for their refusal to render service.

In addition, earlier this year leading members of the business community expressed their support for a young businessman Saul Batzofin, sentenced to jail for 18 months for his refusal to serve in the SADF. They urged the government to provide an acceptable non-military form of community service. (Annexure I)

#### 4. CONCLUSION

Conscription involves a serious breach of citizens' freedom. The continuation of such a system should therefore be reviewed by any government committee set up to investigate security issues. In making a decision to maintain conscription the security needs should always be weighed up against the economic and social costs of such a system. When security needs diminish, consideration should be given to wider factors such as the economic cost of conscription; the fact that people are being forced to act contrary to their consciences; increased emmigration; etc.

We would argue that the current diminished security needs of the country, provide an ideal opportunity for the government to accommodate all conscientious objectors. The economic, social and political benefits that will accrue to the government following such an action should be a major consideration in this committee's recommendations to parliament.

##### 4.1. Recommendations

In the light of the above, we would submit that the committee should make the following recommendations to parliament :

1. The ending of conscription and the introduction of a professional voluntary army.
2. In the interim, a system of Alternative Service should be introduced. It should be available to all conscripts on application.
  - 2.1. Such a system should be of the same length as military service;
  - 2.2. It should be available in government and non-government agencies;
  - 2.3. There should be parity between the rate of pay of military national servicemen and community national servicemen.
3. There should be a moratorium on all conscientious objector trials, pending the introduction of a system of alternative service.
4. Conscientious objectors who left the country in order to avoid military service, should be permitted to return to South Africa without fear of prosecution, in order to perform alternative service.



5. Jailed objectors should be released with immediate effect. If they have served less than 1 year and 10 months, they should be permitted to do community service in order to make up the difference in time.
  6. At the very least, the committee should recommend that the Defence Act be amended to reflect the recent reductions of camps (April 1989) and initial service (December 1989), so that the reductions have an automatic bearing on the sentencing of objectors. If the act is not amended, objectors will be obliged to serve sentences based on their liability as it was defined in 1982. The amended policy with regard to remission for jailed objectors is a totally inadequate response to this issue. The length of sentence of an objector should not be left to the discretion of the prison authorities. In addition, the minimum sentence of 18 months should be reviewed and should be abolished, or at least scaled down to reflect the reductions. In line with the other reductions the minimum sentence should not exceed 8 months.
  7. Whilst the state continues to imprison objectors, they should be held as political prisoners and not as common criminals. At the very least, the committee should recommend that they be held together.
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Sunday Star 4.6.89

# The brain drain must be stopped

IN order to prosper, any country must ensure that its brightest minds are educated. In a developing country such as ours, it is doubly important, because if the country is to move forward, the one essential factor is a generous supply of skilled and educated people.

Indeed, several Pacific rim countries have proved that through education and training — and hard work — a nation can prosper mightily even with little in the way of natural resources. Many other countries have proved that merely selling what they can grow or dig out of the ground leads only to huge national debts.

South Africa is critically short of highly skilled and educated people. We have an enormous educational backlog, and we have been told by Minister F W de Klerk that we can no longer afford to catch up within 10 years as the Government had planned to do. We get poorer by the year as we sell off our mineral assets for what in real terms are diminishing returns.

If we do not "do a Taiwan" and turn ourselves from predominantly an exporter of raw materials into an innovative manufacturing country, we shall no longer be developing, we shall decline. But "to do a Taiwan" requires many more educated and trained people than we have — and also, of course, that we should work harder than many of us are accustomed to; but that is another story.

Because we so urgently need skilled people, the brain drain is all the more disastrous. We need all the people we presently educate and more, and when some of them leave for other countries we all suffer. The emigrating doctors have had the most publicity, but the haemorrhage of actuaries, accountants, engineers, scientists and entrepreneurs is probably proportionately just as large, and more serious for our economic health.

The flow used to be in the opposite direction, and the immigration of many of the highly skilled

**By Professor Robert Charlton, Vice-Chancellor of the University of the Witwatersrand.**



people who have brought us to our present state of development represented an overseas investment in South Africa as important as the financial one. But that has dried up.

The universities are suffering from the brain drain just as much as commerce, industry and the professions. A total of 128 staff members, excluding clinical staff, left the university in 1988, ie about 13 percent of the 948 full-time and 91 major-time staff employed. Not counting clinicians from the academic hospitals, 44 of the 128 Wits academics who resigned from the university during 1988 left the country.

Thirteen of the 128 went to other South African universities who are competing for staff in a shrinking pool but without the ability to start a "price war" because they are all equally short of funds. Most of the rest who left Witwatersrand University went to the private sector in search of better pay. The loss from the other English language universities would be comparable.

That figure of 44 academics emigrating may not seem enormous, representing as it does just over 4 percent of the Wits non-clinical teaching staff, but the potential academics who are leaving soon after graduating should be added to it. Just how many of those there are is a matter for speculation, but they include some of the brightest minds, our investment for the future.

Academics have always been particularly mobile. Wits academics used to go overseas for their

higher degrees as a matter of course, usually returning after a few years with their horizons broadened. However, many of those who go overseas these days don't come back, and we do not find many overseas graduates to replace them.

A generation ago about one third of our academic staff were not South Africans, and they brought with them fresh approaches and valuable personal contacts with the great Western universities.

While we are academically strong enough to develop our own staff, the shortage of new blood is dangerous, as it leaves us not only short of good people but also at risk of being short of new ideas and approaches. We in South Africa are in danger of becoming inbred and parochial.

The cost of travelling to conferences overseas, and sporadic academic boycotting, accentuate the isolation, to the detriment not only of the universities, but of the whole country. If our universities are allowed to become intellectually impoverished through the brain drain and through the weakening contact with the global university community our students will be the poorer for it and our graduates less well equipped to serve the nation.

General anxiety about the future, and for the young white men the prospect of military service, are the main reasons for leaving. For the established academic there are the added attractions overseas of better research facilities, easier access to colleagues with similar interests and better pay.

What can the universities do about the academic brain drain? We can try to make teaching here as attractive as possible. That includes trying to see to it that our academics get paid enough to be modestly comfortable, and that they have adequate facilities and funding for their research. But until the political and economic future of our country looks brighter, too many of them will continue to leave; and we need them to stay in order to help make a better future.

Annexure A



## Army 'biggest reason for leaving'

THE number of medical graduates leaving SA would drop considerably if the men were given the option of alternative service to military conscription, a survey among fourth, fifth and sixth year medical students at Wits University's medical school found.

Two students at the medical school, Eli Silber and Ian Michelow, who did the survey in conjunction with Dr Max Price of Wits' Centre for the Study of Health Policy, said of 232 white males surveyed at the school, 30% were not prepared to do military service.

However, half that number said they would stay if given the option of alterna-

DIANNA GAMES

tive service for an equivalent period, the three said in a paper at the National Medical and Dental Association (Namda) annual conference in Johannesburg yesterday.

Military service was the single biggest reason given by students wanting to emigrate, followed by political instability.

There was general support for rural community service as part or all of the alternative service. Half the respondents said they were prepared to do military service, which meant the army would not be short of doctors if alternative service was approved.



# **Malan to curb SADF role in politics**

**Sarah Sussens**

DEFENCE Minister General Magnus Malan has committed the South African Defence Force to a vastly reduced role in national and subcontinental politics.

In a speech at a passing-out parade in Oudtshoorn yesterday, General Malan said the SADF would no longer engage in cross-border raids and there was no reason to support anti-government groups in neighbouring countries.

He said the army welcomed the re-structuring of the National Management System as it "took the pressure off them".

"During the height of the revolutionary climate in the mid-1980s ... the security forces, and specifically the army, went out of their way to stabilise and normalise the situation. This led to a situation where, strictly speaking, we were performing tasks that did not fall within the ambit of our duties," he said.

## **Restructured**

"And it is for exactly this reason that the NMS will be restructured."

He said the NMS was not a creation of the army and any reports of tensions between him and the State President were untrue. The army had welcomed the announcement by Mr de Klerk.

Although General Malan has hinted that the controversial raids will end, this is the first time he had directly spelt out such a move.

He said this "particular role" of the SADF was no longer necessary. "Over the last few decades the situation demanded that the SADF engage in cross-border operations, not only in Angola but in other countries. These were preventative measures aimed at flushing out revolutionaries and terrorists," he said.

## **Lost ability**

Speaking about the political situation in southern Africa, General Malan said the Frontline states had "lost the ability" to continue their struggle against South Africa.

He said the decline of Marxism had brought about a desire to find new ways of development, and in this respect South Africa was eager to assist.

"The SADF accepts that there are groups in conflict in some of our neighbouring countries and that they must find ways to sort out their own differences."

Any group or individual from South Africa who interfered in the politics of neighbouring countries did so without Government approval, he said.



By Monica Nicolson

Rape is the biggest fear facing conscientious objectors serving a jail sentence.

Conscientious objectors recently released from jail told The Star how they were forced to fight off sexual advances.

Anti-conscription campaigner Dr Ivan Toms said he was beaten up and nearly raped by a destructive and violent inmate.

Mr Saul Batzofin, imprisoned at Zonderwater for refusing to complete his army camps, was sexually harassed on countless occasions.

In October last year, Dr Toms took legal action against Daniel Knipe, who made several sexual advances towards the doctor in the Pollsmoor prison bathroom.

The second time, Dr Toms punched him in the face and Knipe retaliated by smashing the doctor's face so badly he received dozens of stitches.

"Although I was very angry at Knipe, I was shocked and frightened the system had forced me to react violently — I had never hit anyone before," he said.

The magistrate found Knipe to be anti-social, sexually promiscuous with serious aggressive and violent behaviour.

Although Dr Toms tried to get transferred to the Pretoria Central prison to join political prisoners, this was refused. Prison authorities continued to lock the two up together for 12 days, until the incident was reported in newspapers, Dr Toms said.

An admitted homosexual, Dr Toms said rape was no less

## The assault jailed objectors fear most

traumatic for him than for women who are raped by men.

Dr Toms is suing the Minister of Justice, Mr Kobie Coetsee, for R10 000 damages because he alleged the authorities failed to protect him. The case proceeds in Cape Town in April 5.

Mr Batzofin was luckier — he managed to avoid violent confrontation.

"Being raped is a huge problem and a definite reality. I was really scared. Nobody's there to protect you — its every man for himself.

### CRIMINALS

"Men offered me gifts, stroked my face and once, someone lay down next to me on the bed and began rubbing my leg," he said.

Jailed conscientious objectors said the problem arose because, in terms of the Defence Act (1983), refusing to do military service is a criminal offence — they may not be categorised as political prisoners. Thus, pacifists are confined with violent men such as murderers and rapists.

Both men said that although the prison authorities were aware of sexual harassment and rape, the situation was ignored. They claimed condoms were not handed out because authorities believed it condoned homosexu-

ality, making innocent rape victims vulnerable to Aids.

End Conscription Campaign (ECC) chairman, Mr Chris de Villiers, said conscientious objectors were jailed for their stand against violence and would therefore be marked targets in prison.

The ECC plans to launch a campaign calling for the release of objectors later in the year.

"With Mr FW de Klerk's announcement that political prisoners are to be released, the Government should find no difficulty in releasing objectors."

Asked to comment, an SA Prisons Service spokesman replied as follows:

"At present a civil action is pending in respect of this (Dr Toms) particular case and consequently it is not possible to provide any information.

"However, it can be mentioned that the Prisons Service regards every complaint of an alleged assault, no matter how petty, in a very serious light and prisoners are not allowed to intimidate each other. Prisoners are daily given the opportunity to lodge complaints or requests, and preventive measures, for example the re-allocation of sleeping quarters, are instituted should it appear that a prisoner is threatened."





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COMMISSION ON HUMAN RIGHTS Forty-fifth session Agenda item 15

THE ROLE OF YOUTH IN THE PROMOTION AND PROTECTION OF HUMAN RIGHTS, INCLUDING THE QUESTION OF CONSCIENTIOUS OBJECTION TO MILITARY SERVICE

Austria\*\*, Canada, Costa Rica\*\*, France, Germany, Federal Republic of, Hungary\*\*, Netherlands\*\*, Spain and Sweden: draft resolution Portugal and United Kingdom

Conscientious objection to military service

The Commission on Human Rights,

Reaffirming that all Member States have an obligation to promote and protect human rights and fundamental freedoms and to fulfil the obligations they have undertaken under the various international human rights instruments, the Charter of the United Nations and humanitarian law,

Mindful of articles 3 and 18 of the Universal Declaration of Human Rights, which proclaim the right to life, liberty and security of person and the right to freedom of thought, conscience and religion,

\* Re-issued for technical reasons.

\*\* In accordance with rule 69, paragraph 3 of the rules of procedure of the functional commissions of the Economic and Social Council.

Bearing in mind that the International Covenant on Civil and Political Rights recognizes that everyone has the right to freedom of thought, conscience and religion,

Bearing in mind also General Assembly resolutions 34/151 of 17 December 1979, which designated 1985 as International Youth Year: Participation, Development, Peace, 2037 (XX) of 7 December 1965, which states that young people shall be brought up with an understanding, and in the spirit, of peace, justice and respect for all persons, and 2447 (XXIII) of 19 December 1968,

Recalling its resolution 40 (XXXVII) of 12 March 1981, in which it pointed to the need for a better understanding of the circumstances under which military service might be objected to on the grounds of conscience,

Noting the important role of youth in the promotion of international peace and co-operation as well as of human rights and fundamental freedoms,

Recalling General Assembly resolution 33/165 of 20 December 1978, in which the Assembly recognized the right of all persons to refuse service in military or police forces used to enforce apartheid and called upon Member States to grant asylum or safe transit to another State, in the spirit of the Declaration on Territorial Asylum, to persons compelled to leave their country of nationality solely because of a conscientious objection to assisting in the enforcement of apartheid through service in military or police forces,

Expressing its conviction that consistent and sincere efforts on the part of all States aimed at the definitive removal of the threat of war, the preservation of international peace, the realization of the right to self-determination and the development of international co-operation in accordance with the Charter of the United Nations would ultimately result in the creation of conditions under which military service would become unnecessary,

Taking into consideration its resolution 1984/33 of 12 March 1984 and Economic and Social Council resolution 1984/27 of 24 May 1984, by which it was decided to give the widest possible distribution to the report prepared by Mr. Eide and Mr. Mubanga-Chipoya (E/CN.4/Sub.2/1983/30), with a view to receiving comments from Governments, relevant United Nations bodies and specialized agencies, other intergovernmental organizations and non-governmental organizations,



Recalling its resolution 1987/46 of 10 March 1987 in which it appealed to States to recognize that conscientious objection to military service be considered a legitimate exercise of the right to freedom of thought, conscience and religion recognized by the Universal Declaration of Human Rights and the International Covenant on Civil and Political Rights, and that States refrain from subjecting to imprisonment persons exercising this right,

Recalling the comprehensive report submitted by Mr. Eide and Mr. Mubanga-Chipoya on the question of conscientious objection to military service containing conclusions and recommendations as well as the replies of Governments and international organizations to the Secretary-General's request for comments and observations (E/CN.4/1985/25 and Add. 1-4).

Recalling the Sub-Commission's report on the question of conscientious objection to military service (E/CN.4/Sub.2/1983/30), which reflects the relevant international norms and standards embodied in various human rights instruments and describes State practice concerning voluntary or compulsory performance of military service,

Taking into consideration that, although in some States no provision is made in their domestic legislation concerning the recognition of conscientious objection to military service, in practice they provide for non-combatant service within the military framework and sometimes for civilian alternative service,

Having considered the report of the Secretary-General (E/CN.4/1989/30),

Recognizing that conscientious objection to military service derives from principles and reasons of conscience, including profound convictions, arising from religious, ~~ethical~~ or similar motives,

1. Recognizes the right of everyone to have conscientious objections to military service as a legitimate exercise of the right of freedom of thought, conscience and religion as laid down in article 18 of the Universal Declaration of Human Rights as well as article 18 of the International Covenant on Civil and Political Rights;

2. Appeals to States to enact legislation and to take measures aimed at exemption from military service, on the basis of a genuinely held conscientious objection to armed service;

3. Recommends to States with a system of compulsory military service, where such provision has not already been made, that they introduce for conscientious objectors various forms of alternative service which are compatible with the reasons for conscientious objection, bearing in mind the experience of some States in this respect, and that they refrain from subjecting such persons to imprisonment;

4. Emphasizes that such forms of alternative service be in principle of a non-combatant or civilian character, in the public interest and not of a punitive nature;

5. Recommends to Member States, if they have not already done so, that they establish within the framework of their national legal system independent and impartial decision-making bodies with the task of determining whether a conscientious objection is valid in a specific case;

6. Requests the Secretary-General to transmit the text of this resolution to all States Members of the United Nations;

7. Also requests the Secretary-General to report to the Commission at its forty-seventh session on the question of conscientious objection to military service, taking into account the comments provided by Governments and further information received by him;

8. Decides to consider this matter further at its forty-seventh session under the agenda item "The role of youth in the promotion and protection of human rights, including the question of conscientious objection to military service".

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Annexure F

SOME EXAMPLES OF CLAUSES ON CONSCIENTIOUS OBJECTION INCLUDED IN THE CONSTITUTIONS OR BILLS OF RIGHTS OF VARIOUS COUNTRIES.

A. WEST GERMANY

Article 4 (Freedom of Faith and Creed)

3. No one may be compelled against his conscience to render war service involving the use of arms. Details shall be regulated by a federal law.

Article 12a (Liability to Military and Other Service)

2. A person who refuses, on grounds of conscience, to render war service involving the use of arms may be required to render a substitute service. The duration of such substitute service shall not exceed the duration of military service. Details shall be regulated by a law which shall not interfere with the freedom of conscience and must also provide for the possibility of a substitute service not connected with units of the Armed Forces or of the Federal Border Guard.

B. AUSTRIA

"Every male Austrian citizen is liable for military service. Whoever refuses to fulfil his defence obligations on the grounds of conscience and is exempted from it, is to render alternative service. Details will be determined by law."

C. PORTUGAL

Article 41 : (Freedom of Conscience, Religion and Worship) (1982 text)

6. The right to be a conscientious objector shall be safeguarded in accordance with the law.

Article 41 : (1972 text)

5. The right of conscientious objectors shall be recognised, provided that conscientious objectors shall be required to perform unarmed service for a period identical with that of compulsory military service.

D. SPAIN

Article 30

1. Citizens have the right and duty to defend Spain.
2. The law shall determine the military obligations of Spaniards and shall regulate, with all due guarantees, conscientious objection, as well as other causes for exemption from compulsory military service, and it may when appropriate, impose a substitute social service.
3. A civilian service may be established for the accomplishment of objectives of general interest.



## Annexure G

### SOUTH AFRICAN CHURCH SUPPORT FOR CONSCIENTIOUS OBJECTORS.

#### 1. The Church of the Province of South Africa (CPSA)

The Provincial Synod of the CPSA (1985)

"Believing that people should never be compelled against their consciences to participate in military structures .... calls upon the Government in South Africa to widen the grounds for conscientious objectors by basing these on ethical, not only religious criteria and specifically to include selective objection."

#### 2. The Methodist Church of South Africa

Annual Conference (1985)

"Conference affirms that the position of the conscientious objector has a legitimate place within the Christian tradition and that the right to discuss, question or advocate this position must be regarded as an integral part of the religious liberty fundamental to the health of our society."

"The Conference, while appreciating the work of the Naude Committee of the S.A.D.F. and the positive aspect of the Defence Amendment Act of 1983, finds the new provisions on Conscientious Objectors, taken as a whole, to be inadequate and calls for:

1. The recognition of ethical, moral and philosophical objections to warfare;
2. The recognition of the Just War objector, whether or not his position involves a religious basis or political assessment."

#### 3. The Presbyterian Church of South Africa

1979 - "The Assembly reaffirms its support of the right of young men to be conscientious objectors in South Africa, provided their motives are sincere.

The Assembly assures any member of our Church who refuses to do military service and suffers a consequent penalty of the continuing solidarity of its fellowship with him. It calls on all ministers and members of our Church to give moral and pastoral support to sincere conscientious objectors, wherever they can .... The Assembly appeals to the Minister of Defence to amend the law so as to provide an alternative form of national service to military service."

1985 - The Assembly approves the proposals for the recognition of conscientious objectors who are not recognised by the South African Defence Act.



#### 4. The United Congregational Church of South Africa (UCSSA)

The General Assembly - 1979

"The Assembly of the UCSSA expresses its concern about legislation on conscientious objection. It notes that this grants the right to be exempt from military service on religious grounds only to members of religious organisations with a pacifist tradition or confession. A basic tenet of Congregational tradition, however is the liberty of individual conscience under God and his Word. Therefore, though we do not legislate to our members on such issues as military service, we strongly support those who do object to military service on religious or moral grounds."

#### 5. The Baptist Union of South Africa

1979 - "This Assembly of the Baptist Union ..... recognises the right of individuals to express their genuine and sincere objection to taking up arms on the grounds of conscience or religious convictions."



Page 13 of the Democratic Party Election Manifesto

**PROVIDING EFFICIENT DEFENCE**

South Africa needs a strong Defence Force but cannot afford to waste money and manpower on an inefficient and controversial system of conscription.

We will:

1. establish a well-paid, well-trained, well-disciplined and non-racial Permanent Force.
2. build a strong, non-racial voluntary Citizen Force.

We will achieve this by:

- \* immediately reducing National Service to one year and reducing Citizen Force camps to four, with the view to phasing out compulsory military conscription altogether.
- \* During this phasing out period, alternative National Service will be available to conscripts on application.

Our Defence Force will be leaner and more efficient. With double the number of police and decreased political friction, the Defence Force will be relieved of its many duties within our borders. Improved international relations will also mean no arms embargo and ready access to modern technology.

The benefits to our society and economy will be immense and immediate.



Annexure I

STATEMENT OF SUPPORT

As members of the business community we wish to affirm our support for Saul Batzofin and those men who choose to stay in South Africa and contribute to the economy, but who, by reason of moral, religious or political convictions, are not prepared to serve in the SADF. We believe that these people should enjoy the same ongoing employment benefits currently granted by companies to employees who serve in the SADF. Furthermore, in order to utilise their skills for the economic benefit of our society, we urge the government to provide an acceptable non-military form of community service.

Signed by:

Bruno Corte	M.B. Hofmeyer
J.S. Freek	J. Howard
C.A. Hall	P.K. Loveday
G. Haumant	K.W. Maxwell
C. Heever	G.A. Muller
T.L. Smith	A.N. Walker
D.W. Williams	P.G.A. Wrighton

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