INTERNATIONAL FELLOWSHIP OF RECONCILIATION (IFOR) and CONSCIENCE AND PEACE TAX INTERNATIONAL (CPTI)

Submission to the 110th Session of the Human Rights Committee for the attention of the Country Report Task Force on ROMANIA

(Military service, conscientious objection and related issues)

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Basic Information

Population (November 2012, estimated\(^1\)) 21,849,000
Conscription was suspended with effect from the beginning of 2007.
Conscientious objection had been recognised on a limited basis since 1996.
Minimum recruitment age\(^2\): 18

Manpower reaching “militarily significant age” in 20103: 117,798
Armed forces active strength, November 2012: 71,400
as a percentage of the number of men reaching “military age” 60.6%

Military expenditure US $ equivalent, 20125 $2,185m
Per capita $100
As % of GDP 1.2%

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\(^1\) Source: The Military Balance 2013 (International Institute of Strategic Studies, London), which bases its estimate on “demographic statistics taken from the US Census Bureau”.

\(^2\) Source: Child Soldiers International (formerly Coalition to Stop the Use of Child Soldiers), Louder than words: an agenda for action to end state use of child soldiers, London, September 2012.

\(^3\) Source: CIA World Factbook. https://www.cia.gov/library/publications/the-world-factbook/index.html. The CIA defines “militarily significant age” as 16. However its estimates have not been updated since 2010 and therefore relate to the cohort of the male population reaching 19 (a more common recruitment age in most countries) in 2013. This figure is more meaningful than total population in assessing the comparative impact of military recruitment in different countries.


Conscientious objection to military service was first recognised in Romania in Article 4 of Law 46/1996 “On the Preparation of the Population for Defence”, and the implementing provisions were contained in Government Decree 618/1997. Recognised conscientious objectors to military service. The arrangements did not conform with international standards. Applications could be lodged only within 15 days of first receiving call-up papers, only members of a small number of listed religious denominations were eligible, and the duration of the alternative service required of recognised conscientious objectors was set at twice that of military service.

In this context, when Romania last reported under the International Covenant on Civil and Political Rights, the Human Rights Committee in its concluding observations expressed its concern “that the State party has not provided for the right to conscientious objection without discrimination” and recommended “The State party should amend its legislation to provide for conscientious objection, in a manner that is consistent with articles 18 and 26 of the Covenant.”

No changes to the legislation regarding conscientious objection were reported, but Law 395/2005, which took effect from the beginning of 2007, decreed “the suspension of conscription during peacetime and the transition to a voluntary military service”. Under Article 3 of the Law, all male citizens are still obliged to register with the military authorities on turning 18, and are liable for military service at the age of 20, should conscription be reimposed. (The Declaration made in 2001 upon ratification of the Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict had stated that the conscription age might be reduced to 18 in wartime. It has not been subsequently amended.)

Law 384/2006 “on the status of voluntary soldiers” laid the foundation for recruitment into the fully professional army. Under this law, volunteers sign an initial four-year contract. Replying to a questionnaire from the Council of Europe, Romania stated “There are no specific legal provisions, but [under Article 85 of ] Law 80/1995 on the military personnel statute, it is possible to request to leave the armed forces for reason of conscience.” Without mentioning this provision, the Romanian Embassy in London had in 2008 assured War Resisters' International that “a voluntary soldier can cancel the contract at any time by resignation.” However, they added that a soldier who wishes to leave within two years of completing a training programme of more than 90 days must refund the cost of the training. The European Committee on Social Rights in 2012 addressed these questions, stressing that “any minimum period [of service in the armed forces] must be of a reasonable duration and in cases of longer minimum periods due to education or training that an individual has benefitted from, the length must be proportionate to the duration of the education and training. Likewise, any fees/costs to be paid on early termination of service must be proportionate.” The Committee had previously found that the excessive duration of alternative service breached the European Social Charter, but abandoned the dialogue on this subject, “noting from other sources that Romania has abolished conscription and that therefore alternative service is no longer in existence”.

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6 CCPR/C/Add.111, 28th July, 1999, para 17.
7 Professional soldiers and the right to conscientious objection in the European Union (Information against war, repression, and for another society No. 5 – Documentation produced for Tobias Pflüger MEP), Brussels, October 2008, p45.
8 Council of Europe, Steering Committee for Human Rights (CDDH), DRAFT REPORT on the implementation of the Committee of Ministers Recommendation CM/Rec 2010/4 on the human rights of members of armed forces CDDH(2013)003, Strasbourg, 27th February 2013
9 Professional soldiers and the right to conscientious objection in the European Union., op cit.
10 Council of Europe, European Committee of Social Rights, Conclusions 2012 (Romania), Strasbourg, January 2013, p8, (Article 1, Section 3: Other aspects of the right to earn one's living in an occupation freely entered upon)
Suggestions for the list of issues

1) In the event of the reintroduction of conscription pursuant to Article 3 of Law 395/2005, would conscientious objectors again be subject to the arrangements which applied under Law 46/1996 and the implementing decrees? (See paragraph 17 of the previous Concluding Observations.)

2) To what extent, given the requirement to refund the costs of training, is it in practice possible - including for reasons of conscience – to terminate a military service contract early. Has the State party reviewed the relevant regulations in the light of the comments made by the European Committee on Social Rights in 2012?