INTERNATIONAL FELLOWSHIP OF RECONCILIATION (IFOR)  
and  
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Submission to the 111th Session of the Human Rights Committee  

GEORGIA  

(Military service, conscientious objection and related issues)  

Updated : June 2014  

Summary  

Although conscientious objection to military service was recognised in the 1997 Law on Alternative Service, there are doubts as to whether the provisions of that Law have ever been fully implemented. The discrepancy between the specified duration of alternative service and that of military service has been criticised by the Council of Europe, and Georgia accepted a recommendation in the first cycle of the Universal Periodic Review that the duration of alternative service should be made the same as that of military service.  

Mandatory reserve service was instituted in 2006; as indicated in the Fourth Periodic Report the lack of any provisions for conscientious objectors in the relevant legislation was in 2011 found by the Constitutional Court of Georgia to be unconstitutional.  

This submission also expresses concern about the subjection of children of school age to military training, including the use of automatic weapons, particularly in so-called “Patriot Camps”.  

Basic information

GEORGIA became an independent UN member state in 1992 on the break-up of the Soviet Union. A complex civil war ensued; by the mid-1990’s direct military confrontation had ceased, leaving about half of the country under the control of separate secessionist movements in Abkhazia, Adzharia and South Ossetia (Tskhinvali Region to the Georgian authorities). In 2004 Adzharia, centred on the Black Sea port of Batumi, voluntarily relinquished its claim to independence, but Abkhazia and South Ossetia remain de facto outside the control of the Georgian government. Attempts to re-establish central government control over secessionist areas culminated in the ill-judged August 2008 offensive against South Ossetia, which was in a brief but bloody war repulsed, Russia intervening in support of the secessionists. Russia subsequently recognised both South Ossetia and Abkhazia as independent states; the Georgian government considers these regions, where a total of some 7,000 Russian troops are currently stationed, 1 to be under Russian occupation.

Population (November 2013, estimated2) 4,556,000

Military service obligatory for male citizens and residents aged 18 to 27 years.
Duration was reduced to 12 months, but increased again to 15 months in 2012.

Conscientious objection first recognised in the 1997 Law on Alternative Service.
Duration of alternative service currently 24 months (but see text).

Minimum recruitment age3: 18 (but see text).

Males reaching “militarily significant age” 4:

Armed forces active strength, November 2013 (of whom conscripts)5: 20,650 (4,050 - 19.6%) as a percentage of the number of men reaching “military age”: 69.5% (13.6%)

There is also a paramilitary Coast Guard, responsible to the Ministry of the Interior, with a strength of 5,400, which since 2009 has incorporated the Navy, and, separately, some 6,300 Ministry of the Interior troops.6 It should also be noted that the populations of Abkhazia and South Ossetia are not available for recruitment hence the armed forces represent a considerably higher proportion of the population of the area under Government control.

Military expenditure (US $ equivalent, 2013)7 $443m
Per capita $97
As % of GDP 2.8%

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2 Source: The Military Balance 2014 (International Institute of Strategic Studies, London), which bases its estimate on “demographic statistics taken from the US Census Bureau”.
4 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 20 (a more common recruitment age in most countries) in 2014. This figure is more meaningful than total population in assessing the comparative impact of military recruitment in different countries.
5 As quoted by the International Institute of Strategic Studies (London) in The Military Balance 2014
6 Ibid, pp 220, 221.
7 Stockholm International Peace Research Institute (SIPRI), April 2014.
Military Service in Georgia

On independence Georgia inherited the Soviet system of 24 months' obligatory military service for all males aged between 18 and 27, with two call-ups each year, in the Spring and in the Autumn. The duration of military service was reduced in 1995 to 18 months. At some point since 2007, when Georgia last reported under the ICCPR, it was further reduced to 12 months. In 2012 it was again increased to 15 months. But under the new government this change was reversed a few months later. There are numerous exemptions; these include priests, and all persons who are the only son in their family, or orphans, or themselves fathers. Students may postpone military service until after graduation.

In the late 1990’s, the manpower of the armed forces was over 30,000, but numbers were subsequently reduced sharply, partly in response to resource constraints, and partly by a deliberate policy of “professionalisation” in order to shift the balance from quantity to quality, as part of the effort to obtain membership of NATO.

In the Summer of 2002, an amendment to the Law on Military Service and Conscription instituted three categories of military service - mandatory, contract and career/reserve. “Contract” troops, male or female, could volunteer for an initial period of three years, after which they would have the option of signing up for a long-term military career; the intention being that such volunteers would eventually form two-thirds of the armed forces’ manpower. On December 14th 2006 parliament approved a Bill authorising a further increase in the number of “contract” personnel, bringing the proportion of conscripts down to 20%. A separate Bill transformed the voluntary reserve force set up under the 2002 reforms into an obligation on all men aged between 27 and 40 to attend 24 days military training every two years. Graduates were allowed to fulfil this requirement by attending two 18 day training sessions. At the time there were also reports that it was planned to abolish conscription altogether with effect from the end of 2009. Although the policy has continued of boosting professionalisation by a greater use of contract servicemen (whose initial period of service has now been increased to four years), the events of 2008 stopped talk of an imminent end to conscription. This idea was however revived by the new Government in January 2013, and the current intention is that there will be a stepwise transition to a fully professional army over four years. The target for the Spring call-up was accordingly sharply reduced to 1,650 in 2013, as compared with a total of 4,347 recruits in 2012. It is not clear on what basis the selection will be made of who is called up and who is not.

Notoriously poor conditions in the military, exacerbated by a shortage of resources, are blamed for

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8 Freedom Watch, “Georgia extends military service to 15 months”, 16th February 2012.
9 Freedom Watch, “Georgia to end the draft by 2016” 9th January, 2013.
11 Danish Immigration Service, Report on roving attaché mission to Georgia, 14th to 27th October 2000, reproduced on the website of the UN High Commissioner for Refugees (www.unhcr.org) under “research/evaluation”.
12 Immigration and Refugee Board of Canada, op. cit.
15 Coalition to Stop the Use of Child Soldiers, Child Soldiers Global Report 2008, p 149.
16 The Military Balance 2013, op cit, p 220.
17 Freedom Watch, “Georgia to end the draft by 2016” 9th January, 2013.
18 Freedom Watch, “Spring recruitment for the military has started,” 8th February, 2013.
widespread evasion of and “desertion” from military service.\(^\text{19}\) In December 2004, 60 conscripts reportedly deserted en masse from one barracks, complaining of intolerable conditions, and the authorities took this so seriously that for the next intake of conscripts arrangements were made to give their families access to see the facilities.\(^\text{20}\) There are also reports that the systematised bullying known as “dedovtschina” is widespread, as it is in the military of other former Soviet republics.\(^\text{21}\)

Conscientious objection and alternative service
The first recognition of conscientious objection to military service was in the 1997 Law on Alternative Service, which came into force in January 1998. Under Article 4 of this Law “Those conscripts who according to the legislation must perform military service, but refuse to do so because military service of any sort is incompatible with their conscience, may be called up to perform civilian service in times of peace.”\(^\text{22}\) It seems however that the detailed provisions necessary to implement this Law were never promulgated. Instead, the Ministry of Defence on an ad hoc basis provided documents to certified members of the Jehovah's Witnesses and the Baptists (“denominations which forbid their members to bear arms”) stating that they had performed an alternative to military service.\(^\text{23}\) It is not clear what this “alternative” may have comprised.

In 2012, according to the United States State Department, “In two cases reported by the Jehovah’s Witnesses involving alternative service for compulsory active military duty, the Ministry of Defense denied initial requests for exemptions, but granted the requests in follow-up appeals. Authorities granted the appeal of one Jehovah’s Witness in which the individual was fined for non-fulfillment of military or alternate service, but denied the appeals of three others.”\(^\text{24}\)

New regulations introduced in May 2001 transferred responsibility for the administration of civilian alternative service from the Ministry of Defence to the Ministry of Labour, Health and Social Affairs. However, as of 2005 there was still no indication that an alternative service system operated in practice.\(^\text{25}\) That no complaints from conscientious objectors have been recorded may partly reflect the de facto exemptions of Jehovah's Witnesses and Baptists, partly the system of “buying-out” of the obligatory military service requirement instituted in 2002, as part of the downsizing of the armed forces (and which, according to one source, formalised a practice which was already widespread illicitly). It is reported that within the first month of its operation, in the Summer of 2002, 124 persons made use of the provision;\(^\text{26}\) no subsequent figures have been traced. All sources agree that fees were initially charged at a rate of 200 laris\(^\text{27}\) for a one-year deferment, and 2,000 laris for a permanent exemption; there are however conflicting reports as to whether or not the system has subsequently been wholly or partly abolished.\(^\text{28}\) Early in 2013 it was reported that the fine for evading military service was US $600, while the fee for an 18-month postponment US $1,200.\(^\text{29}\)

\(^\text{19}\) See the graphic description in Report of the Public Defender of Georgia: On the situation of Protection of Human Rights and Freedoms in Georgia: Second Half of 2001 (available on www.ecoi.net) pp.31-34. It should be noted that all cases of unlawful absence, even temporary, are recorded as “desertion”.
\(^\text{20}\) Immigration and Refugee Board of Canada, op. cit.
\(^\text{21}\) Bundesamt für Flüchtlinge, op. cit.
\(^\text{23}\) Ibid, p31.
\(^\text{25}\) Stolwijk, M. op cit, p 31.
\(^\text{26}\) Immigration and Refugee Board of Canada, op. cit.
\(^\text{27}\) At the time there were roughly two laris to the US $.
\(^\text{28}\) Various sources quoted by the Immigration and Refugee Board of Canada, op cit; Stolwijk, op. cit.
\(^\text{29}\) Freedom Watch, “Spring recruitment for the military has started,” 8\(^\text{th}\) February, 2013.
“Buying out”, together with the de facto exemption of Jehovah's Witnesses and Baptists may effectively have removed the “demand” for alternative service, but the fact that those who are able to pay can choose to avoid military service does not in any way constitute an appropriate response to conscientious objections.  

Article 6 of the Law on Alternative Service set the length of alternative non-military service at 36 months. In its Concluding Observations on Georgia’s Second Periodic Report under the ICCPR, the Human Rights Committee expressed “its concern at the discrimination suffered by conscientious objectors owing to the fact that non-military alternative service lasts for 36 months compared with 18 months for military service”, regretted “the lack of clear information on the rules currently governing conscientious objection to military service,” and recommended that “The State party should ensure that persons liable for military service who are conscientious objectors can opt for civilian service the duration of which is not discriminatory in relation to military service, in accordance with articles 18 and 26 of the Covenant.”

Georgia’s Third Periodic Report quoted the Ministry of Labour, Health and Social Affairs to the effect that the duration of such service was now 24 months, without giving any indication of when this change was made. This response, which was confirmed during the examination of the Report was sufficient to ensure that conscientious objection to military service appeared neither in the List of Issues nor the Concluding Observations on the Third Periodic Report.

The duration of alternative service was however addressed the following year by the Council of Europe's Committee of Social Rights in its “Conclusions” on Georgia under the European Charter of Social Rights, in the following words:  

“The Committee points out that several other practices can pose problems under Article 1§2: Length of service required to replace military service  

“The Committee would emphasise that the length of service carried out to replace military service (alternative service), during which those concerned are denied the right to earn their living in an occupation freely entered upon, must be reasonable (...). The Committee assesses whether the length of alternative service is reasonable by comparing it with the length of military service. For example, where the length of alternative service is over one-and-a-half times that of military service, it considers the situation to be incompatible with Article 1§2 (...).

“Admittedly, recognised conscientious objectors are in a better position than they are in countries that do not grant them special status or where refusal to serve is punishable by imprisonment. But even if the state acknowledges the principle of conscientious objection and institutes alternative service instead, it cannot make the latter longer than is necessary to ensure that refusal to serve on grounds of conscience is genuine and the choice of alternative service is not seen as advantageous rather than a duty. The Committee notes that in Georgia compulsory military service lasts 18 months and alternative service is the same length for citizens with a higher education and 24 months for all others. (…)”

30 See the Human Rights Committee's concluding observations on Syria, July 2005: CCPR/CO/84/SYR, Para 11, also the Friendly Settlement before the Inter-American Commission on Human Rights in the case of Alfredo Diaz Bustos v Bolivia, (Case No. 12.515; report 97/05, 27th October 2005) in which the State conceded that no payment in lieu of military service should be required of a conscientious objector, even though it imposed such an obligation on those exempted on other grounds.

31 CCPR/CO/74/GEO, 19th April 2002, para18.


33 “substitute civil service lasted 24 months, only six months longer than military service, which lasted 18 months.” CCPR/C/SR/2484 (Meeting of 16th October r, 2007), para 47.

The question was raised again in the Working Group for the Universal Periodic Review of Georgia. Slovenia “took note of the concluding observations of the Human Rights Committee on the issue of conscientious objectors, in particular, the differences between the length of alternative non-military service and military service, and asked what steps had been taken to address that difference”, and recommended that Georgia should “reduce the length of alternative service for conscientious objectors so that it is the same length as the military service”. This recommendation “enjoyed the support of Georgia”.

If the duration of alternative service has subsequently been reduced, this has not been widely reported. But if this has not happened, the shortening of obligatory military service to 12 months will have again resulted in a situation where alternative service is twice as long as military service.

Meanwhile, it seems that the introduction of mandatory reserve training in 2006 was accompanied by no provisions for conscientious objectors. As indicated in the Fourth Periodic Report, the constitutionality of the relevant article was challenged by the Public Defender, and in 2011 the Constitutional Court ruled that in that respect the Law was unconstitutional. In December 2011 legislation was brought in to create a civilian alternative for reserve military duty. Previously, five Jehovah's Witnesses and four Seventh Day Adventists had been fined 500 lari (approximately US $300) for their refusal of reserve service. (Some or all of these fines may well have been cancelled following the ruling of the Constitutional Court.) One Jewish conscientious objector had also initially been denied permission to substitute an alternative service, but this decision had been overturned.

Military training in the education system
Georgia acceded to the Optional Protocol to the Convention on the Rights of the Child (,) on the involvement of children in armed conflict on 3rd August 2010. It has however yet to present its Initial Report under the Optional Protocol. Surprisingly, in its most recent report under the CRC itself, Georgia claimed to have acceded to the Optional Protocol on 21st June 2002. This assertion does not seem to have been challenged by the Committee on the Rights of the Child, nor were any of their 82 concluding observations directed at issues covered by the Optional Protocol.

In the declaration made on accession Georgia stipulated that the minimum age for recruitment into obligatory military service was 18 years. No minimum age was stipulated for voluntary recruitment, but as “contract troops” are engaged only after completing obligatory military service their recruitment age is in practice rather higher. Loopholes may however exist. In 2010 the Minister of Defence issued a decree establishing a Cadets' Military Lyceum in the city of Kutasi “for boys under the age of 17 years who have completed nine grades of education. It was unclear if pupils in the lyceum were classified as members of the armed forces.” A school for Non-Commissioned Officers also admitted pupils straight from school, but it was not clear what the minimum age was. The Defence Academy, which in the past admitted seventeen-year-olds, now has graduate admissions only.

Meanwhile, compulsory military training programmes for 14-to-17 year olds were once widespread

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35 A/HRC/17/11 (Meeting of 28th January, 2011), para 37
36 A/HRC/17/11, para 105.63.
37 CCPR/C/GEO/4, 1st November 2012, para 143.
39 CRC/C/GEO/3, 22nd August 2007, para 299.
40 CRC/C/GEO/CO3, 23rd June 2008
in the school system, and certainly sometimes involved the use of live munitions.\textsuperscript{43} Although it was reported in 2007 that these had ceased, their function had been taken over by “Patriot Camps” which offered “ten day resident programs in gun handling, sport, and leadership training for young people (male and female) aged 15 to 20. Handling guns, including automatic weapons, was taught by military trainers.”\textsuperscript{44} The numbers attending such camps doubled from 15,000 in 2005 to 30,000 in 2006. Camps were sometimes located close to the borders of secessionist regions including in 2007 in the supposedly demilitarised Kodori Gorge on the borders of Abkhazia.\textsuperscript{45} It could be argued that by giving children military training close to areas of tension the Georgian authorities were placing them at unnecessary risk of being involved in armed conflict.

**Abkhazia and South Ossetia**

In both Abkhazia and South Ossetia the de facto administrations maintain armed forces and both have enforced a form of conscription on the population within their control.

In Abkhazia the 1995 “Law on Universal Military Service” instituted obligatory military service for males aged between 18 and 27, with registration at 17 and reserve obligations persisting to the age of 60. The size of its armed forces was estimated in 2005 as 5,000.\textsuperscript{46} The Abkhazian authorities denied reports that in 2005 they attempted to extend conscription to the ethnic Georgian Gali district.\textsuperscript{47}

South Ossetia's armed forces were estimated in 2003 to have a strength of 6,000, and it claimed to have abolished conscription in favour of a “fully professional” army.\textsuperscript{48} However a later report refers to 18 months' obligatory military service governed by regulations based on those of Russia, and with the bulk of the training taking place in Russia.\textsuperscript{49} Likewise, no more has been heard of Abkhazia's stated intention to “professionalise” its army by 2007.\textsuperscript{50}

Abkhazia is known to have considered legislation to introduce provision for conscientious objection,\textsuperscript{51} which would probably be the first formal recognition of this right by an entity which is not an internationally-recognised government. Although there have been no reports that this has been put into practice there have also been no reports since 2002/3 of the imprisonment of conscientious objectors, whereas in the past more than thirty Jehovah’s Witnesses have been imprisoned for refusing military service.\textsuperscript{52}

In Abkhazia, pupils in the final two years of secondary school, aged between 15 and 17, are supposed to receive two hours per week “pre-conscription training for civil defence”, but as of 2007 there were difficulties in implementation. There had also been some reports of premature conscription of 17-year-olds.\textsuperscript{53}

**Contact:**

\textsuperscript{43} See Coalition to Stop the Use of Child Soldiers, Child Soldiers Global Report 2004, p 240.
\textsuperscript{44} Child Soldiers Global Report 2008, op cit, p 149.
\textsuperscript{45} Ibid. See also Institute for War and Peace Reporting, Caucasus Reporting Service No. 394, 31” May 2007.
\textsuperscript{47} Ibid
\textsuperscript{49} Child Soldiers Global Report 2008, op cit, p 150.
\textsuperscript{50} Child Soldiers Global Report 2004, op cit, p 241.
\textsuperscript{51} Bundesamt für Flüchtlinge (Swiss Federal Refugee Office), Focus: Georgien - Wehrdienst, Bern, 22nd November, 2000.
\textsuperscript{52} Stolwijk, op cit, p 32.
\textsuperscript{53} Child Soldiers Global Report 2008, op cit, p 149.
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