

France

Issues

- France does not recognise the right to conscientious objection for professional soldiers.



Military recruitment

Conscription

In 2001, France ended conscription in peacetime¹. This was based on a change of the National Service Law in 1997². However, conscription is in fact only suspended, and can be reintroduced in times of war or an emergency. The relevant articles of the National Service Law have been changed in a way that presently they are suspended for persons born after 31 December 1978³. They can easily be reinstated.

Conscription has been replaced by a compulsory one day "rendez-vous citoyen" (national day of preparation for national defence). All young men and women between the ages of 16 and 18 are obliged to participate in this day. On this day, people have civil status and do not have to bear arms or wear a uniform or be subjected to military discipline. Participation in the "rendez-vous citoyen" is a necessary condition for taking part in final examinations or obtaining a diploma in state universities⁴.

Professional soldiers

The service of professional soldiers is regulated in the Defence Law (Code de la Defense)⁵

Conscientious objection

Conscientious objection for conscripts

The right to conscientious objection was legally recognised in 1963. French CO legislation was restrictive and did not comply with international standards on conscientious objection. CO applications could only be made before starting military service and not by serving conscripts, and substitute service lasted twice as long as military service. In 1999, the United Nations Human Rights Committee came to the conclusion that this length of substitute service constituted a violation of article 26 of the International Covenant on Civil and Political Rights⁶.

Compared to other European countries, the number of COs in France has always remained relatively low. During the 1990s approx. 6,000 CO applications were made per year, which was only 3 per cent of all eligible conscripts.

With the suspension of conscription in 2001, the 1983 Law on Conscientious Objection (Law 83/605) became

- 1 France salutes end of military service, BBC News Service, 29 November 2001, <http://news.bbc.co.uk/1/hi/world/europe/1682777.stm>, accessed 2 May 2008
- 2 Loi n°97-1019 du 28 octobre 1997 portant réforme du service national, http://www.legifrance.gouv.fr/affichTexte.do;jsessionid=FC3459C64D252FD0848FB4EA22AF1B89.tpdjo11v_1?cidTexte=JORFTEXT000000368950&dateTexte=19971109, accessed 2 May 2008
- 3 Code du service national, Version consolidée au 22 décembre 2007, http://www.legifrance.gouv.fr/affichCode.do;jsessionid=FC3459C64D252FD0848FB4EA22AF1B89.tpdjo11v_1?cidTexte=LEGITEXT000006071335&dateTexte=20080502, accessed 2 May 2008
- 4 The Right to Conscientious Objection in Europe, Quaker Council for European Affairs, 2005, <http://wri-irg.org/co/rtba/france.htm>, accessed 2 May 2008
- 5 Code de la defense, http://www.defense.gouv.fr/defense/content/download/86693/779255/file/code_defense_legislatif_2007.pdf, accessed 2 May 2008
- 6 Communication N° 666/1995 : France. 09/11/99. CCPR/C/67/D/666/1995. (Jurisprudence), [http://www.unhcr.ch/tbs/doc.nsf/\(Symbol\)/0c8f045e5407717e8025686900523f13?Opendocument](http://www.unhcr.ch/tbs/doc.nsf/(Symbol)/0c8f045e5407717e8025686900523f13?Opendocument), accessed 9 October 2008

applicable only to men born before 31 December 1978. Consequently, young men who are born after 1979 have no possibility of claiming the right to conscientious objection.

Conscientious objection for professional soldiers

The right to conscientious objectors is not recognised for professional soldiers.

Draft evasion and desertion

No information on practice is available.