



QUAKER COUNCIL FOR EUROPEAN AFFAIRS

The Right to Conscientious Objection in Europe: A Review of the Current Situation

Country Report: ITALY

Conscription

In November 2000, the Italian Parliament decided to end conscription. It was initially planned to end conscription by 2007, but the transformation process into professional armed forces went faster than anticipated. In March 2003, the Parliament adopted a law that advanced the end of conscription. Accordingly, young men born after 1985 were no longer called up for military service. The last conscripts were called up in February 2004 and since 1 January 2005 the Italian armed forces consist of professional soldiers only.

Conscription is in fact suspended. According to Law 331/2000, conscription may be reintroduced in case of war or national emergency.¹

Conscription is still included in Article 52 of the Constitution, according to which: "The defence of the country is the sacred duty of every citizen, Military service is compulsory within the limits and the manner laid down by law".

Conscientious objection

The right to conscientious objection was legally recognized in 1972.

Since 1989 substitute service was of the same duration as military service. Previously, substitute service lasted 8 months longer than military service, but in 1989 the Constitutional Court ruled that the longer duration of substitute service was unconstitutional. After the reduction of the duration of substitute service the number of CO applications increased significantly. By the end of the 1990s there were approx. 80,000 COs per year. During the final years of conscription there were actually more COs performing substitute service than conscripts serving in the armed forces.²

Legal provisions for conscientious objection are laid down in the 1998 Law on Conscientious Objection (230/1998). If conscription is reintroduced in case of war or national emergency, COs will be called up to serve in civil protection or the Red Cross (Article 13.4).³

There are no legal provisions for conscientious objection for professional soldiers.⁴

In addition, according to Article 2 of the 1998 Law on Conscientious Objection, the right to conscientious objection to military service does not apply to those "who have presented a request within less than two years to serve in the Military Armed Forces" or any other government institutions which involve the use of weapons. This restriction practically excludes professional soldiers from claiming the right to conscientious objection.

¹ Coalition to Stop the Use of Child soldiers: Child Soldiers Global Report 2004.

² ARCI (Associazione Recreative Culturale Italiana): Overview of the Italian Civilian Service, September 1999, www.serviziocivilearci.org

³ English translation of Law 230/1998 (New Rules on Conscientious Objection), www.arciserviziocivile.it/entereng.html

⁴ Exercise of the right of conscientious objection to military service in Council of Europe member states, Report Committee on Legal Affairs and Human Rights, Doc. 8809 (Revised), 4 May 2001. War Resisters' International: Refusing to bear arms - A world survey on conscription and conscientious objection to military service, 1998.