

Translation

Conscientious objection in Germany

Although military service has not been compulsory in Germany since 2011, the right to refuse to render military service involving the use of arms on grounds of conscience remains enshrined in Article 4 (3) of the Basic Law:

“No person shall be compelled against his conscience to render military service involving the use of arms. Details shall be regulated by a federal law.”

Decisions on whether an individual is entitled to recognition as a conscientious objector are taken by the Federal Office of Family Affairs and Civil Society Functions upon application.

The application must contain reference to the fundamental right of conscientious objection as defined in the first sentence of Article 4 (3) of the Basic Law. A full CV in tabular form must be enclosed with the application, as must a detailed description of the person’s reasons for refusing to render military service.

This must explain the decision of conscience which forbids the applicant from rendering military service involving the use of arms.

The CV should contain all key biographical data without leaving any longer periods of time unaccounted for. Events that could be connected to the refusal to render military service should also be incorporated in the CV.

Procedure

The Federal Office of Family Affairs and Civil Society Functions will recognise the applicant as a conscientious objector if

- the application is complete
- the reasons set out are capable of supporting the right of conscientious objection, and
- the application as a whole and any other facts known to the Federal Office do not provide any reason to doubt the correctness of the details provided.

If there is any doubt as to the correctness of the details, the applicant will be given one month’s time to respond to the issues raised. If doubts remain, an oral hearing (interview) may be held. This interview is not open to the public.

If an application is rejected, the applicant may file a complaint with the Federal Office. The decision taken by the Office following such a complaint may be appealed in the courts. An appeal should be lodged with the competent administrative court.

Information drawn from:

<http://www.bafza.de/aufgaben/kriegsdienstverweigerung-zivildienst.html>