

ARMED FORCES POLICY ON CONSCIENTIOUS OBJECTORS

Personnel serving in the British Armed Forces are all volunteers. However, the Ministry of Defence has a well-established appeal procedure for Service personnel who, during their service, develop a genuine conscientious objection to further military service. Such cases are handled administratively by the Service concerned and are first considered by the individual's chain of command. If the conscientious objection is considered to be genuine, arrangements are made for the applicant to be discharged on compassionate grounds. If there is doubt as to the genuineness of the claim, it is rejected. But the applicant is advised that he or she may appeal to the Advisory Committee on Conscientious Objectors (ACCO). This Committee is independent of the MOD and its members are appointed by the Lord Chancellor. It conducts its hearings in public and tenders its advice to the Secretary of State for Defence's representative. A successful appeal to the Advisory Committee is invariably accepted by the Department as decisive on the question of conscience and the applicant will immediately be granted a release from military service.

Background

The ACCO was established in 1970 to hear appeals from Service personnel whose applications to leave the Service on grounds of conscience have been rejected by the Service Authorities. Members of the ACCO are appointed by the Lord Chancellor. The panel consists of 8 individuals, of whom the Chairman and the Vice and Deputy Chairman must all be Queen's Counsel. A quorum for a meeting of the Committee is a chairman together with two lay members. Hearings are held in public, and the procedure is informal. There is no swearing-in of witnesses, and, although the witnesses and the appellant may be questioned, there is no cross-examination.

If the ACCO reject an appeal for discharge on the grounds of conscientious objection, the appellant is interviewed by their Commanding Officer and informed of the ACCO's decision. The appellant is also informed that he or she must continue their military service under the same conditions that applied to them before the ACCO heard their plea, until such time as they retire or are allowed to resign, if an officer, or are discharged on completion of their engagement or allowed to purchase their discharge, if a Serviceman or woman. The appellant is advised that they continue to be subject to Service discipline. However, they are not prevented from resubmitting their case, provided that there is additional and relevant evidence to be heard. In such cases the whole appeals procedure is repeated. Bearing in mind the independence of these procedures, there is no question of unfair dismissal.