Conscience and Peace Tax International
For the right to pay taxes for peace, not for war
NGO in Special Consultative Status with the Economic and Social Council of the UN

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Right to peace
Right to conscientious objection
and related human rights issues

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"To deliver peace, we need to pay for peace, not for war"

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Introduction

The aim of Conscience and Peace Tax International (CPTI) is to allow people to pay their tax money into peace funds instead of into military budgets and or if needed to obtain full recognition of the right to conscientious objection to paying for armaments, war preparation and war conduct through taxes. CPTI was founded in 1996 and has ECOSOC special consultative status since 1999[1].

Our mission arises from the deep affront made to our consciences by the fact that people are obliged to participate in war as combatants, civilian victims and through taxation. We are moved by this common sense proposition: our taxes should be used to abolish war, not to promote or sustain it.

The ethical principle of freedom of conscience, a moral imperative governing the behaviour of an individual, is central to the objectives and work of CPTI. We are also deeply concerned by the fact that our taxes could be used or are used to kill people, thus making us (or making us become if we not contesting it) accomplices to infringements on the right to life and on the duty vested in all to respect life, to enhance it, to see it blossom and last.

Finally, the very idea of war, as it happens or as it is deemed possible by war preparations of all sorts, inflicts a spirit of conflictuality, violence and destruction over humanity and hinders the good nature of the human being and threatening the achievements of civilisation so far, while – as we shall do our best to demonstrate hereafter – the solutions needed for peace to prevail and to overcome war, for peace to be created and last by peaceful mean, in our humble opinion, fully exist.

The Center for Global Nonkilling has a unique mission that is both inspirational for individuals and transformative for societies: *"To promote change toward the measurable goal of a killing-free world by means open to infinite human creativity in reverence for life"*. The Center for Global Nonkilling (CGNK) was founded by Glenn Paige (1929-2017), political science Professor and author of the book "Nonkilling Political Science" widely translated. The Center is a worldwide congregation of scholars working to create societies that do not kill. It has ECOSOC special consultative status since 2014.

Noting with pleasure that Colombia is rather up to date with its ratification of the human rights constitution and though we did not do (for now) a comprehensive analysis of the situation of the right to life in Colombia[2], we nevertheless join with this submission as the progress of peace is needed worldwide as in Colombia to attain killing-free societies.

Colombia has a unique opportunity to highlight if need be how much a peace process can be the occasion to renew and enhance the human will and contract to respect life, ever and foremost.

As Colombia arises out of 50 years of war, but also for all as we may all benefit from the progress of peace, we find it appropriate to give the best of our knowledge and to make suggestions on what could be as comprehensive as possible "pubic peace policies".

A. Background and framework

1. Scope of international obligations

1° At first we recall that the **Sustainable Development Goals** (SDG), as unanimously adopted, are fully part on international obligations of States. SDG 16 is relevant here: "[To] promote peaceful and inclusive societies for sustainable development, provide access to justice for all and build effective, accountable and inclusive institutions at all levels"[3].

We also recall the common resolutions adopted by the General Assembly and the Security Council of the United Nations named "**sustaining peace**", of which we here quote some extracts[4]:

"emphasizing that sustaining peace is a shared task and responsibility that needs to be fulfilled by the government and all other national stakeholders;"

"*Reaffirming* the primary responsibility of national governments and authorities in identifying, driving and directing priorities, strategies and activities for sustaining peace, and in this regard, *emphasizing* that inclusivity is key to advancing national peacebuilding processes and objectives in order to ensure that the needs of all segments of society are taken into account;"

"3. *Reaffirms* the importance of national ownership and leadership in peacebuilding, whereby the responsibility for sustaining peace is broadly shared by the Government and all other national stakeholders and underlines the importance, in this regard, of inclusivity in order to ensure that the needs of all segments of society are taken into account;"

"11. Encourages United Nations Member States participating in the Universal Periodic Review process of the Human Rights Council to consider the human rights dimensions of peacebuilding, as appropriate;"

"25. Welcomes the contributions made to the Peacebuilding Fund, takes note of the proposals in the Advisory Group of Experts' report in this regard and urges all Member States, including non-traditional donors and other partners, to consider making voluntary contributions to the fund, including by building on the practice of making multi-year commitments to the fund".

a. International human rights constitution

2° We hereby compliment Colombia for an almost complete ratification of the treaties of the human rights constitution.

I. For this process to be complete, we recommend the swift ratification of the optional protocol of the Convention against torture and of the individual complain possibility for the Convention of the rights of the child and of the Convention for persons with disabilities.

3° Colombia is also well advanced in the ratification processes of peace and disarmament treaties.

II. However, we still recommend to the Government of Colombia to swiftly ratify the Arms Trade Treaty, the Convention on the prohibition of military or any other hostile use of environmental modification techniques (ENMOD), the Nuclear Ban Treaty and Protocol V of the Convention on Conventional Weapons.

b. Regional human rights mechanisms

4° We hereby recall that Latin America and the Caribbean repeatedly declared themselves a "zone of peace"[5].

c. Constitutional and legislative framework

5° A constitution clearly reflecting peace, as a goal and as a tool of governance, should contain:

- In the preamble a disposition recalling the overall value and effectiveness of peace. *The preamble of the Colombian constitution contains a recall to peace within the law and in a just economical order as well as peaceful coexistence.*
- In the goals and means for States activities, there should be a disposition stating that Justice and Peace should prevail and that the State supports conflict prevention[6]. *Wording could be more specific, but broadly speaking, the Colombian constitution upholds peace in a way that should guide the State towards improving peace evermore and towards creating a lasting and beneficial peace for all.*
- In the human rights section of the Colombian constitution, the right to peace is recognized, both as a right granted and as a duty to be observed (article 22). This is an excellent endeavor and we congratulate the Colombian people and their authorities for the existence of such a disposition. We also recall the adoption, last year, by the General Assembly of the United Nations of a declaration in favor of the right to peace. *Time has now come to implement this right in Colombia, fully and by fully peaceful means*[7].

To fulfill the State goal of pursuing and accomplishing peace through all State's activities, the following tasks should be present as needed, as they are efficient tools of peace:

- At first, peace should be learned and understood, adhered to its value and practiced, and therefore peace should be fully part of the education curricula at all levels. This is also reflected in SDG's target 4.7 and 4.A[8]. The constitution of Colombia duly reflects this in its article 67. *However, as the situation has somehow shown education for peace may not have been as sufficient as one would care for to prevent and avoid armed conflict, so far; so forth education for peace needs to be reinforced to create a long term peaceful society. Improving the curricula and the education materials, as well as allocating more funds for peace education is surely an asset for long term peace*[9].

III. To fulfill SDGs 4.7 and 4.A, we encourage the education authorities of Colombia to routinely teach peace values and peace tools, at all learning levels or education, and to adapt public policies henceforth.

- Secondly, to prevent conflicts from aggravating into violence, prevention of all sorts of violence should be a mandatory, a constitutional State duty. Prevention programs should address violence at large as well as specific types of violence. They should also engage with social groups at risk of committing violence. *In our opinion, this is highly needed to see the spirit of peace, instead of the spirit of violence, become the norm and to see peace mainstreamed and violence become the unaccepted exception*[10].

IV. To prevent violence of all sorts, we encourage the people and the Authorities of Colombia to enshrine violence prevention in the Constitution and to rapidly adopt violence prevention programs and mechanisms.

- Thirdly, to assure that conflict are, if they arise, properly addressed and solved, without further unnecessary burdens or damages, the State shall assure that mediation processes, ombudsmen and other soft justice mechanisms are readily available and granted to all. *In our opinion, this is the justice of the future, where people learn peace, if still needed, by responsibly overcoming their own conflicts peacefully, ideally with solutions befitting all.*

We have briefly overviewed the peace agreement, and suggest that the peace commission included therein be turned into a similar permanent mechanism once its work is completed.

V. To help solve conflicts peacefully, we encourage the people and the Authorities of Colombia to establish mediation and similar peaceful methods to address conflicts and to grant a right of access to such procedures throughout all the Colombian society.

- Fourthly, if education, prevention and mediation fail, use of force – as much as may be non-violent force – may be required. However, use of force should always be avoided, or if unavoidable be strictly limited. Early preventive mechanisms, non-violence and non-lethal methods should enable and allow authorities to avoid maiming or worse. Further, if use of force nevertheless happens, it shall always be overviewed by an independent mechanism. *Assuring such practices, the best possible recognition of the integrity and the dignity of the people would highly reinforce the peace process and bring Colombia to be an example of peace and non-violence for its own people as for the world.*

VI. We encourage the Government of Colombia to establish an automatic judiciary procedure to verify the legality, circumstances and sufficient prevention means provided for beforehand in any situation where force was used or may be used, by officials in the course of their duties.

- Finally, to overview, implement and evaluate these peace mechanisms, a State infrastructure for peace, a ministry or a State department, should be decided upon. *As it exists in other countries, a peace ministry is necessary*[11].

VII. To envision peace in the long term, to foster peace beyond and after the accomplishment of the present peace agreement and to give full meaning and implementation to the right to peace present in the constitution, we encourage the institutions and the people of Colombia, the government to a peace ministry.

6° To enhance the *right of participation* in the decision-making process, as granted in article 25 of the Covenant on civil and political rights and in article 2 of the Constitution of Colombia (quote): "(…) to facilitate participation by everyone in the decisions that affect them (…) and to give greater meaning to article 3 "Sovereignty resides exclusively in the people from whom public power emanates. The people exercise it *in direct form* or by representation",

VIII. We encourage the Authorities of Colombia to consider lowering the thresholds, the number of citizen required to call for a legal referendum as in article 170 and to establish a procedure for the call, by the citizenry, for constitutional referendums.

B. Implementation of international human rights obligations

The right of conscientious objection to military service

7° The right to conscientious objection derives from article 18 of the Universal Declaration of Human Rights: "Everyone has the right to freedom of thought, conscience and religion" and from the Covenant on Civil and Political Rights: "Everyone shall have the right to freedom of thought, conscience and religion (…)". The right of conscientious objection has been confirmed by the Human Rights Committee in a case decided in 2007, and reaffirmed in later decisions in which the Committee stated that conscientious objection to military service is a protected manifestation of conscience coming within the scope of article 18 of the International Covenant on Civil and Political Rights[12] and that a state which made no accommodation for conscientious

objectors was in breach of its obligations under that article[13]. The right to object to military service on motive of conscience is also supported by numerous resolutions taken by various bodies of the United Nations, the latest on the 29th of September 2017 by the Human Rights Council (A/HRC/36/20).

In our opinion, the right to Conscientious Objection also derives from the right to life, as it is expressed by many conscientious objectors by a refusal to kill, therefore as an expression of respect for the right to life of others.

In Colombia, the right to Conscientious Objection is granted by a decision of the Supreme Court taken in 2009[14]. However, to our knowledge, no administrative and civil system has been set up so far to grant an effective Conscientious Objection right, and if need be to create an alternative service[15]; none have been planned neither in the peace agreement nor in recent changes to the military law[16].

As the war comes to an end, the need for soldiers will recede. This is a unique opportunity to make the needed change to effectively grant the right to peace – and to be peace actors! –, to honour the conscience of those who will (or have), in respect for the right to life of others, refused to participate to the military institution and to establish the right to conscientious objection in the administrative system of Colombia, case being to provide for an alternative service. More than not, where such a service exists in other countries, it has provided a huge man force for activities of public interest. Such a force is needed to overcome the war, heal its wounds when possible and do the reconstruction, but also to participative in a society, where people (or young men) are willing and able to serve the community and the Nation, for a given time, for the good of all.

IX. Therefore, we urge the Government of Colombia to set up, before the passing in front of the UPR working group, a proper mechanism, in conformity with international law, to grant the right to conscientious objection.

X. If accurate, we also encourage the Government of Colombia to establish an alternative service to military service, of similar length. Such a service, giving time, work force and skills to the people and to the peaceful institutions of Colombia should also be open on a freewill basis to persons living in Colombia but who are not obliged to serve in the armed forces.

XI. The government of Colombia could also consider altogether renunciation of mandatory conscription and military obligations.

Discrimination against persons exercising their right to conscientious objection

8° The recruitment procedure entails the delivery of a document (libreta militar) stating that the military status of the person (whatever it is) is clear. And such a document is under some circumstances required to acquire a job in the public and private sector, or to enter into a contract with a public institution. Such a disposition, barring to rights to work and the right of access to sufficient means of living is or could be highly discriminatory.

XII. We urge the authorities of Colombia to cease requiring the military status for accessing jobs or, subsidiary, to guarantee that if the needed document does not exist, the job can be started and that if thereafter it is not provided for by the military

authorities, in a given time (one to three months?), the persons is granted a valid status anyhow.

Forced recruitment

9° Many reports state that there has been forced recruitment in the past[17]. Such recruitment severely violates the prohibition of forced labour and henceforth, many other human rights.

XIII. We highly deplore such practices. If they still happen, we urge the Government of Colombia to investigate cases, to grant reparation to victims and assure accountability of offenders. If these practices cease, it could be that they were part of the war, and that they should henceforth be integrated in the peace process.

The right of conscientious objection to military budgets

10° Finally, we consider that if conscientious objection to *military service* is usually meant as a refusal to physically participate in war or war preparations, similarly conscience may also require to refuse participating in war and war preparation by providing economical resources – taxes – to war and war preparation. Thus it may be found that claiming a right of conscientious objection *to military taxes or military budgets* is valid case of conscience, as this would entail that others would do what is physically refused, war or war preparation, simply by using others resources to do so.

Further, conscientious objectors to military taxes may consider that their taxes should instead pay to enter into a virtuous circle of peacemaking and violence prevention, intended to fulfil peace by peaceful means, instead of sustaining a vicious circle of permanent preparations for war, violence and destruction. Said simply, as long as humanity will pay for war, it is war or warlike attitudes that will be delivered; to deliver peace, we must pay for peace. Conscientious objectors to military taxes ask for the possibility of paying their taxes outside of the military budget, into public (or eventually private) funds dedicated solely and primarily to peace and peacemaking by peaceful means.

The Government of Colombia could also pay these peace taxes to the United Nations Peacebuilding Fund. Or individuals who make donations there (or to any other recognized peace fund) could be relieved of the equivalent tax payment going into the military budget.

XIV. We kindly demand to the Government of Colombia to grant a right of conscientious objection to the participation in the military budget and to offer instead the possibility to see these taxes paid into a peace fund[18].

Welcoming the delegation of Colombia to Geneva,
we wish to them, as well as to all the people of Colombia,
a constructive and fulfilling Universal Periodic Review.

"The World is over-armed and peace is underfunded"
Ban Ki-Moon, former secretary general of the United Nations, 2014

[1] www.cpti.ws
[2] For more comprehensive analysis of issues related to the right to life by CGNK, see the submissions recently done for the UPR's of Iceland, Switzerland, South-Korea and the UK. Such submissions look at all legal and statistical aspects of the right to life as needed to fulfil a happy and lasting life, including in relation with the Sustainable Development Goals. Statistics are used to uphold the Universal Periodic Review process by regarding at the right to life through all its aspects from conception until death, including inter alia reproductive rights and abortions, birth registrations, child and mother's mortality, suicides of all sorts and homicides, traffic, work and leisure casualties and life expectancy. Other topics such deaths in custody, euthanasia and genetic engineering and other applications of the right to life may be added as accurate for the enhancement, the enjoyment and the protection of life. Rights to health, minimum standards of living, a healthy environment and peace, all deeply related to the right to life, are studied more thoroughly as needed or according to available means. www.nonkilling.org
[3] https://sustainabledevelopment.un.org/sdg16
[4] A/RES/70/262 and S/RES/2282(2016)
[5] http://celac.cubaminrex.cu/articulos/proclamation-latin-america-and-caribbean-zone-peace
[6] Such a disposition exists in the Constitution of a Swiss local state. https://www.admin.ch/opc/fr/classified-compilation/20030172/index.html#a6. See also: C. Barbey, *La démarche constitutionnelle en faveur de la paix dans les États Fédérés. Expériences faites à Genève et dans le Canton de Vaud.* (Constitutional Proceedings in Favor of Peace in Federated States. Lessons Learned from the Swiss Cantons of Geneva and Vaud). Acts of the congress « Peace and Constitutiona », September 2012, p. 395 - 426. Credespo. University of Burgundy. Éditions ESKA. Dijon, 2015.
[7] 19.12.2016
http://www.un.org/en/ga/search/view_doc.asp?symbol=A/RES/71/189&referer=http://www.un.org/depts/dhl/resguide/r71_resolutions_table_en.htm&Lang=E
[8] https://sustainabledevelopment.un.org/sdg4:
4.7 By 2030, ensure that all learners acquire the knowledge and skills needed to promote sustainable development, including, among others, through education for sustainable development and sustainable lifestyles, human rights, gender equality, promotion of a culture of peace and non-violence, global citizenship and appreciation of cultural diversity and of culture's contribution to sustainable development .
4.A Build and upgrade education facilities that are child, disability and gender sensitive and provide safe, non-violent, inclusive and effective learning environments for all.
[9] Under the broad topic of the "culture of peace", they are now numerous governments and NGO's designing and implementing peace curriculums; as an example, grains of peace, based in Geneva: http://www.grainesdepaix.org/en/accueil?set_language=en
[10] Violence prevention ranges from criminology to public peace and security policies. In wait of a good reference or of an overall study of the practice, we nevertheless quote the works of Interpeace and the Institute for Economics and Peace.
http://www.interpeace.org http://economicsandpeace.org/
[11] https://www.peaceportal.org/web/i4p/i4p
[12] Colombia is a party to CCPR since 1969
[13] *Yeo-Bum Yoon and Myung-Jin Choi v Republic of Korea* (CCPR/C/88/D/1321-1322/2004 of 23 January 2007)
[14] c-728 of 2009.
[15] Some references on the issue:
https://www.wri-irg.org/en/programmes/world_survey/country_report/en/Colombia
https://peacepresence.org/what-we-do/issues/
http://www.cswusa.org/filerequest/3070.pdf
http://andreasspeck.info/content/conscientious-objection-impact-international-mechanisms-local-cases-example-colombia
http://www.quno.org/sites/default/files/resources/Colombia_Conscientious%20Objection%20to%20Military%20Service.pdf
http://archives.forusa.org/sites/default/files/uploads/120502-ngo-co-signon.pdf
[16] The law and it amended version.
http://es.presidencia.gov.co/normativa/normativa/LEY%201861%20DEL%2004%20DE%20AGOSTO%20DE%202017.pdf
http://www.secretariasenado.gov.co/senado/basedoc/ley_0048_1993.html
[17] See note 14
[18]