

# Conscientious objection from the perspective of the Constitutional Court

## Abstract

Conscientious objection is the main topic of this diploma thesis. A relatively unknown and unused term that nevertheless has an important role in a democratic society. The conscientious objection allows a person to refuse to fulfill an obligation imposed on him by law or on the basis of law provided this obligation is contrary to his conscience.

Conscientious objection is an extensive concept and that is why I decided to narrow the scope of this thesis and look at conscientious objection from the perspective of the Constitutional Court practice that dealt with the issue of conscientious objection in a lot of its decisions.

The beginning of this thesis aims to acquaint the reader with the basic terms. We also look at the national and international protection of the conscientious objection and, due to the importance of the decisions of the European Court of Human Rights, we also present some important decisions of this judicial institution regarding the protection of thought, conscience and religious belief according to Article 9 of the Convention on the Protection of Human Rights and Freedoms. Furthermore, we present the basic areas in which conscientious objection is applied, the objection to military service being considered to be the most important one. Nowadays, conscientious objection is most often used in the field of health care, more precisely in relation to mandatory vaccination. However, the range of areas in which conscientious objection can be exercised is not closed.

The fourth chapter presents the most important decisions regarding conscientious objection that the Constitutional Court issued during its operation. In the oldest rulings related to this area the Constitutional Court dealt with the objection to compulsory military service, which is no longer topical today, but these decisions laid the foundations for deciding about the conscientious objection in other areas. Furthermore, decisions on the issues of objections to compulsory vaccination were analyzed (for example a significant decision file no. III. ÚS 449/06, dated February 3, 2011). The last chapter deals with the difference of the conscientious objection based upon religious beliefs to the moral ones and presents the landmark decision file no. I. ÚS 1253/14 from December

22, 2015 in detail, as well as the test of the validity of the secular conscientious objection which the court created in this decision.

## Key words

conscientious objection, freedom of conscience, Constitutional Court.