

War Resisters' International is a global network of pacifist and antimilitarist organisations, working together for a world without war.



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War Resisters' International input for Anti-Discrimination Law Guide

Call for Input: Protecting Minority Rights: A Practical Guide to Developing Comprehensive Anti-Discrimination Legislation
Issued by: OHCHR Indigenous Peoples and Minorities Section (IPMS)
Purpose: To open a call for inputs – and in particular sample legislative provisions and jurisprudence -- into the publication “Protecting Minority Rights: A Practical Guide on Developing Comprehensive Anti-Discrimination Legislation”, under development in 2020

1. Introduction

War Resisters' International is a global pacifist and antimilitarist network with over [90 affiliated groups in 40 countries](#), founded in 1921. Among our objectives is the promotion and defence of the Right to Refuse to Kill, that is, the Right to Conscientious Objection to military service and further human rights of conscientious objectors, including the Right to Freedom from Discrimination. WRI has a special consultative status with the ECOSOC.¹

We appreciate the opportunity to provide input concerning the Practical Guide to Developing Comprehensive Anti-Discrimination Legislation.

Conscientious objectors in various countries and regions often face multiple discrimination on grounds of religion or belief and/or political or other opinion. Such discrimination affects particularly certain religious minorities (e.g. Jehovah's Witnesses).

The UN Commission on Human Rights already since 1981 has apparently seen the issue of conscientious objection through the lenses of non-discrimination by requesting the Sub-Commission on Prevention of Discrimination and Protection of Minorities to study the question of conscientious objection to military service.²

Subsequently, general international and regional human rights standards against discrimination have been established (see part 2).

Conscientious objectors face multiple discrimination, especially when the right to conscientious objection, which is inherent to the fundamental right to freedom of

thought, conscience and religion,³ is not recognised and respected and there are no procedures for conscientious objectors (see part 3). Specific jurisprudence or legislative measures may address certain aspects of such discrimination (see part 3.1). However, a more comprehensive approach is needed, with the recognition of the right to conscientious objection and the provision of effective remedy for human rights violations committed prior to that recognition, in order to address the entire range of discrimination (see part 3.2).

Furthermore, even in countries where there is certain recognition and procedures for conscientious objectors, they may still face discrimination either during the alternative service (see part 4) or in cases of exemption from any service (see part 5), as well afterwards, for the rest of their lives (see part 6).

In the case of conscientious objectors, the anti-discrimination legislation usually needs to be incorporated in the relevant legislation about conscription and the armed forces in general, but certain aspects may be addressed also in other laws, including specific anti-discrimination laws.

2. General international and regional human rights standards prohibiting discrimination against conscientious objectors

International and regional human rights standards prohibit discrimination against conscientious objectors because they have refused military service, in relation to any civil, political, economic, social and cultural rights.

The **Human Rights Committee** in its General Comment No. 22 has stated that, “there shall be no discrimination against conscientious objectors because they have failed to perform military service”.⁴

This was echoed by the **UN Commission on Human Rights** in its Resolution 1995/83.⁵ Three years later the Commission in its Resolution 1998/77 reiterated “that States, in their law and practice, must not discriminate against conscientious objectors in relation to their terms or conditions of service, or any economic, social, cultural, civil or political rights”.⁶

Its successor, the **UN Human Rights Council** in 2013 adopted, by consensus, a resolution on the right of conscientious objection, which reiterated that, “States, in their law and in practice, must not discriminate against conscientious objectors in relation to their terms or conditions of service, or any economic, social, cultural, civil or political rights”.⁷

In recent years, the **Office of the United Nations High Commissioner for Human Rights** has repeatedly stated that “States must neither discriminate against conscientious objectors in relation to their civil, cultural, economic, political and social rights nor stigmatize them as “traitors””.⁸

At regional level, in Europe, already since 1987, the **Committee of Ministers of the Council of Europe** has stated that: “Conscientious objectors performing alternative service shall not have less social and financial rights than persons performing military service. Legislative provisions or regulations which relate to the taking into account

of military service for employment, career or pension purposes shall apply to alternative service.”⁹

The **Office for Democratic Institutions and Human Rights (ODIHR), of the OSCE**, has recommended that: “There should be no discrimination against conscientious objectors in relation to their terms or conditions of service, or any economic, social, cultural, civil, or political rights”¹⁰

3. Multiple discrimination because of lack of recognition of the right to conscientious objection and approaches for addressing it

When the right to conscientious objection is not fully recognised, but especially in cases when there are not any provisions for conscientious objection whatsoever, the conscientious objectors may face a wide range of serious implications for their refusal to perform military service. These can include prosecution and imprisonment, sometimes repeatedly, and also burdensome fines, however the conscientious objectors may face broader implications, including multiple discrimination as of a wide range of their rights. Such implications may include:

- Acquiring a criminal record, leading to life-long societal and economic disadvantage, particularly in terms of employment opportunities, in both the public and private sectors.
- Lack of necessary identification documentation
- Restrictions on enjoyment of civil rights
- Limited employment opportunities
- Inability to access or complete education
- Restrictions on freedom of movement, including leaving the country

Especially the lack of military or other identity documentation may result in being unable to:

- Obtain employment
- Matriculate, graduate or obtain a degree from university
- Own property
- Open a bank account
- Register residency
- Vote or be eligible for election
- Access civil registration
- Leave the country¹¹

Any such implications and restrictions on enjoyment of rights because of the conscientious objection to military service can be considered as discrimination on grounds of religion or belief and/or political or other opinion.

Occasionally, regional bodies through their jurisprudence and/or States through piecemeal measures may attempt to address specific issues of such discrimination, without necessarily recognising the right to conscientious objection (see part 3.1). However, in order to address the entire range of discrimination, a more comprehensive approach is needed. (see part 3.2).

3.1. Jurisprudence addressing certain discrimination regardless of recognition of the right to conscientious objection to military service.

In 2000, the **European Court of Human Rights** examined the case of a conscientious objector on religious grounds (a Jehovah's Witness), from Greece, whom the authorities had refused to appoint to a post of chartered accountant on account of his previous criminal conviction for insubordination. The Court found that, after serving a prison sentence, imposing a further sanction on the applicant was disproportionate and therefore found a violation of Article 14 (prohibition of discrimination) of the European Convention on Human Rights, taken in conjunction with Article 9 (freedom of thought, conscience and religion). It also found a violation of Article 6.1 because of the length of the proceedings. However, the Court refrained from examining the issue of violation of the right to freedom of thought, conscience and religion *per se* (Art. 9), and thus from ruling on the issue of the right to conscientious objection¹² - which was only examined 11 years later.¹³

Such a ruling was landmark at that time in 2000, including for requesting from States to cease further discrimination against conscientious objectors in terms of employment, regardless of whether they recognise the right to conscientious objection or not. However it would have left the conscientious objectors in Greece to a great extent unprotected as of the rest of violations, including discrimination, on grounds of their beliefs – if Greece had not implemented certain legislation already since 1998.

3.2. Comprehensive anti-discrimination approach

In order to comprehensively address discrimination, States need to:

3.2.1. Recognise the right to conscientious objection to military service

The **Human Rights Committee** has consistently recommended States to recognise the right to conscientious objection.¹⁴

Such recognition may be achieved by either exempting conscientious objectors from military service with no further action required from such persons¹⁵ or by providing a non-discriminatory alternative service. This should include various forms of alternative service which are compatible with the reasons for conscientious objection, of a non-combatant or civilian character, in the public interest and not of a punitive character.¹⁶ The right to conscientious objection should be recognized prior to, during or after military service, including reserve duties,¹⁷ as well as for volunteers/professional staff,¹⁸ and including during time of war or emergency¹⁹ and

should apply also to partial or selective objectors.²⁰

3.2.2. Expunge criminal records for the conscientious objectors punished before recognition of the right to conscientious objection and provide adequate compensation for the violations of their rights

The previously mentioned case of *Thlimmenos v. Greece* illustrates how a nominal recognition of the right to conscientious objection, by itself, might not necessarily entail expunging of criminal records and remedying further consequences, including discrimination. Despite implementing a law on conscientious objection since 1998, Greece had failed to adequately address the issue. It was only after the ECtHR judgement, when Greece introduced a relevant provision in a separate law in order to address the issue and comply with the judgement.²¹ Therefore, expunging criminal records and provide adequate compensation should be an integral part of the recognition of the right to conscientious objection, as it is indicated also in the recommendations of UN bodies.

In concluding observations adopted in November 2006, the **Human Rights Committee** expressed its concerns that convicted conscientious objectors in the Republic of Korea bear the stigma of a criminal record.²² In concluding observations adopted in November 2015, the Committee not only called upon the Republic of Korea to immediately release all conscientious objectors condemned to a prison sentence for exercising their right to be exempted from military service, but also recommended ensuring that conscientious objectors' criminal records are expunged, and that those who had been sentenced to prison for exercising their right to be exempted from military service are provided with adequate compensation.²³

The concluding observations were quoted in a communication sent to the Republic of Korea by the **Special Rapporteur on freedom of religion or belief**, who noted that conscientious objectors who refused to perform the military service also bore the consequences of having a criminal record, which hindered their capacity to find employment in the private sector. Furthermore, their stigmatization as holders of a criminal record and "traitors" reportedly had other consequences in the social sphere, such as difficulties for marriage and ostracization from their families.²⁴

The **Human Rights Committee**, in its views on individual cases of conscientious objectors from different countries, has consistently asked for their criminal records to be expunged and to be provided with adequate compensation.²⁵

The **Office of the United Nations High Commissioner for Human Rights** has also included in its recommendations that "their criminal records should be expunged".²⁶

3.2.3. Establish fair, independent and impartial procedures for granting conscientious objector status which *inter alia* would guarantee non-discrimination on the basis of the grounds for conscientious objection and between groups of conscientious objectors

The **Office of the United Nations High Commissioner for Human Rights** has compiled the minimum criteria in order for the procedures for conscientious objector status to be in line with international human rights norms and standards. Among them,

there is the requirement for:

“Non-discrimination on the basis of the grounds for conscientious objection and between groups

Alternative service arrangements should be accessible to all conscientious objectors without discrimination as to the nature of their religious or non-religious beliefs; there should be no discrimination between groups of conscientious objectors.”²⁷

The **Human Rights Committee**, in its General Comment 22, has stated that “there shall be no differentiation among conscientious objectors on the basis of the nature of their particular beliefs”.²⁸ Subsequently, the Committee, in the context of its concluding observations, has consistently advocated for recognition of “the right to conscientious objection to military service without discrimination as to the nature of the beliefs (religious or non-religious beliefs grounded in conscience) justifying the objection”,²⁹ or “without limitation on the category of conscientiously held beliefs”;³⁰ and has expressed concerns “about the limiting of conscientious objection to military service only to members of registered religious organizations whose teaching prohibits the use of arms”³¹ or about “reports indicating discrimination on the basis of different grounds of objection to service” and has recommended that the alternative service should be “accessible to all conscientious objectors”.³²

The **Human Rights Council** has also cited “the requirement not to discriminate between conscientious objectors on the basis of the nature of their particular beliefs”.³³

4. Provisions safeguarding non-discrimination *during* alternative civilian service

4.1. Non-discriminatory length (duration)

The **Human Rights Committee** has consistently seen the issue of an excessive length or duration of the alternative civilian service in comparison to that of the military service, as an issue of discrimination and a violation of the relevant article 26 of the International Covenant on Civil and Political Rights (ICCPR). For example, when France was punishing conscientious objectors for quitting from an alternative civilian service which was, by that time, double in duration compared to the military service, the Human Rights Committee had repeatedly found “that a violation of article 26 occurred, since the authors were discriminated against on the basis of their conviction of conscience”.³⁴ In more recent years, the Human Rights Committee has continued to refer to Article 26 of ICCPR when addressing the issue of an excessive length of alternative civilian service compared to that of military service, as for example in the case of Austria.³⁵ But even when omitting to refer to Article 26 of ICCPR, the Human Rights Committee has explicitly asked for the alternative service not to be “discriminatory in terms of [...] duration”, as for instance in the case of Greece.³⁶

There are various international and regional human rights standards about the adequate and non-discriminatory length of alternative civilian service:

- According to the **European Committee of Social Rights of the Council of Europe**, “the duration of alternative service may not exceed one and half times [i.e. 50% additional time] the length of military service”.³⁷ The **European Court of Human Rights**, in a 2017 judgment appears to adopt such criterion of the European Committee of Social Rights, that the alternative service cannot exceed in length 1.5 times the length of military service.³⁸
- The **UN Human Rights Committee** so far has not set a specific ratio, nevertheless, by its recent recommendations it is inferred that an increase of the length of alternative service of 50% compared to that of military service could also be punitive and discriminatory. Specifically, in the case of Austria, where the additional time is indeed 50% (9 months of alternative service compared to 6 months of military service)³⁹, the Committee noted that the length of alternative service is longer than that of military service and that it “may be punitively long if not based on reasonable and objective grounds”, referring not only to Article 18 of the ICCPR, concerning freedom of thought, conscience and religion, but also to Article 26 concerning discrimination. And encouraged the state party to ensure that the length of alternative service will not be punitive in nature.⁴⁰ The Committee already since 1999 settled on the test which it has subsequently applied. This starts from the requirement that the alternative service must not be discriminatory. This does not preclude a different duration to that of military service but any difference in length in a particular case must be “based on reasonable and objective criteria, such as the nature of the specific service concerned, or the need for a special training in order to accomplish that service.”⁴¹
- The **European Parliament** has repeatedly asked for the length of alternative service to be equal with (not last longer than) that of military service.⁴² The same criterion appears to be followed in recommendations by States in the context of the **Universal Periodic Review** of the **Human Rights Council**.⁴³

Negative examples - discriminatory provisions: Republic of Korea (36 months of alternative service instead of 18 to 21 months of military service); Greece (15 months of alternative civilian service compared to 9 months of military service for the vast majority of conscripts).

Positive example - best practice: Denmark (the length of alternative service is equal to that of military service (4 months) something which has been cited as best practice by the Office of the United Nations High Commissioner for Human Rights⁴⁴).

4.2. Non-discrimination in terms of place (area) of service

The broader human rights standard that States, in their law and in practice, must not discriminate against conscientious objectors in relation to their terms or conditions of service, applies, *inter alia*, in the case of the place (area) of service. Certain negative examples, and the relevant recommendations by international, national or independent human rights bodies, highlight this aspect.

The **Greek National Commission for Human Rights (GNCHR)** has consistently stated that the geographical criterion for the completion of the alternative social service should be in conformity with the same rules that apply to regular armed

military service. Currently conscientious objectors are not allowed to serve in the region of their residence⁴⁵, a restriction which does not apply to conscripts serving in the armed forces.⁴⁶ Such discrimination faced by conscientious objectors in Greece, has been pointed out also by Amnesty International.⁴⁷

Concerning the issue of the place (area) of service, worth noting that the **UN Human Rights Committee**, examining the case of Russia, has identified “the requirement to perform such services away from places of permanent residence” as one of the factors rendering the conditions of alternative service in that country “punitive in nature”.⁴⁸

4.3. Non-discrimination in terms of salary and other benefits (e.g. covering travel expenses).

The broader human rights standard that States, in their law and in practice, must not discriminate against conscientious objectors in relation to their terms or conditions of service applies also in the case of the salary or other benefits. Furthermore, the **Human Rights Committee** has repeatedly stated that the alternative service should not be punitive or discriminatory, *inter alia*, in terms of cost.⁴⁹ It has also expressed concerns when “salaries are not comparable to those of military service”, referring not only to article 18 but also to article 26 of ICCPR.⁵⁰

The case of Greece may exemplify this issue both in positive and negative terms.

A negative example from Greece concerns the **salary**. Amnesty International has “noted that some conscientious objectors do not receive any money at all but only food and housing. These benefits are not just insufficient but also **discriminatory** since those serving their military service also receive a very small amount of money in addition to food and housing. Other conscientious objectors receive an amount of money (223.53 euros) instead of food and housing.”⁵¹ (emphasis added).

A positive example from Greece concerns the **travel expenses**. After repeated recommendations by Amnesty International and the European Bureau for Conscientious Objection, the provision for covering certain travel expenses of conscripts performing military service has been extended also to conscientious objectors performing alternative civilian service.⁵² Amnesty International has recognised this as “a step towards the right direction” but noted that “this is not enough to address neither their needs, nor the discrimination they face in comparison to conscripts serving military service.”⁵³

4.4. Non-discrimination in terms of special legislative provisions for persons above certain age

In certain states there are special legislative provisions for conscripts above certain age. Such provisions should apply equally to conscientious objectors of the same age. Again, the case of Greece may exemplify this issue both in positive and negative terms.

In Greece, conscripts above certain age (currently 33 years) may perform only a part of their military service (currently 20 days as a minimum) and “buy out” the rest. Initially there were not any such provisions for conscientious objectors whatsoever, a discrimination which had been pointed out by the **Greek Ombudsman** already since

1999, a year after the 1998 introduction of alternative service for conscientious objectors.⁵⁴

Since 2010,⁵⁵ there have been similar provisions for conscientious objectors above certain age, providing for “buying out” part of the alternative service, however such provisions have been discriminatory in comparison with the relevant provisions for conscripts performing military service in terms of: (a) the minimum period of service required to be actually performed, (b) the overall amount of money required in order to “buy out” the rest of service, and (c), after certain point, the minimum age required in order to be eligible.

After repeated recommendations by **Amnesty International** and the **Greek National Commission for Human Rights**, an amendment of the relevant legislation⁵⁶ reduced the minimum period of alternative service required to be actually performed to 20 days, and the minimum age to 33 years, thus making them equal to those prescribed for conscripts performing military service.

However, despite repeated recommendations by the **Greek Ombudsman**,⁵⁷ the **Greek National Commission for Human Rights**⁵⁸ and **Amnesty International**⁵⁹, the overall amount of money required for conscientious objectors continues to be far greater than the amount of money for conscripts performing military service. This has been pointed out by the **UN Special Rapporteur on freedom of religion or belief**, who highlighted “the higher costs associated with buying out time of alternative service as compared to buying out time serving in the armed forces. This has not been addressed thus far.”⁶⁰

5. Provisions safeguarding non-discrimination in case of exemption

5.1. Non-discrimination between conscientious objectors, in terms of the grounds of conscientious objection

From 1985 until 2019, Jehovah's Witnesses were legally exempt from service in peacetime, on providing proof of membership and participation in their activities. In its Concluding observations on the sixth periodic report of Finland, the **Human Rights Committee** reiterated its concerns “that the preferential treatment accorded to Jehovah’s Witnesses has not been extended to other groups of conscientious objectors”. The Committee concluded: “The State party should also extend the preferential treatment accorded to Jehovah’s Witnesses to other groups of conscientious objectors.”⁶¹ In February 2018, the **Helsinki Court of Appeals** ruled that legislation exempting Jehovah’s witnesses but no other conscientious objectors from military and civilian service is contrary to the prohibition of discrimination guaranteed by the Finnish Constitution.⁶² Contrary to recommendation by the Committee, the government did not extend the preferential treatment accorded to Jehovah’s Witnesses to other groups of conscientious objectors. Instead, a law removing the exemption for Jehovah’s witnesses entered into force in April 2019.⁶³

Positive example – best practice: Norway has suspended alternative service for (all) conscientious objectors, who are simply exempted from military service. This has

been cited as best practice by the **Office of the United Nations High Commissioner for Human Rights**.⁶⁴

5.2. Non-discrimination between conscientious objectors or other exempted persons in financial terms

In 2011, the **Human Rights Committee**, in its concluding observations on the 5th periodic report of Mongolia, besides the issue of absence of an alternative civilian service for conscientious objectors, expressed its concerns “about the exemption fee that can be paid in lieu of doing military service, and the discrimination that may result therefrom (arts. 18 and 26 of the Covenant)”.⁶⁵

In 2017, the **Office of the United Nations High Commissioner for Human Rights**, referring also to this case, has stated: “Moreover, States need to ensure accessibility and non-discrimination when providing any alternative to military service, which is problematic, for example when an exemption fee can be paid instead of doing military service, thus discriminating against those conscientious objectors who cannot afford to pay the fee.”⁶⁶

6. Provisions safeguarding non-discrimination *after* alternative civilian service or exemption

6.1. Safeguarding the employment after service, with non-discrimination between military and alternative service

In certain countries there might be provisions safeguarding the employment for conscripts. This means that the State guarantees that conscripts can return, if they want, to their previous working post after completing their service and will not lose their employment because of it. Such provisions should be applied also to conscientious objectors after completing their alternative civilian service – without prejudice to possible provisions giving the opportunity to the conscientious objectors to continue working as hired employees in the institutions they have performed their alternative service.

Positive example: In Greece, after repeated recommendations by Amnesty International, in 2019 the relevant provision safeguarding employment for conscripts has been extended for the conscientious objectors too.⁶⁷

6.2. Protecting from discrimination in terms of employment and other areas by protecting personal data, including by not disclosing the status of conscientious objector in official documents/certificates or publicly

Another serious aspect is the vulnerability of conscientious objectors to discrimination by any parties, after they have completed their alternative service or have been exempted. This is particularly relevant in terms of employment, where employers and supervisors might discriminate against conscientious objectors, who consequently might face difficulties in finding employment or might face discrimination or unfavorable treatment when employed. But it might concern also other areas such as the treatment by civil servants, including policemen.

This is often due to certificates or other official documents which may be required by third parties, such as employers or public agencies, and which may reveal their status as conscientious objectors, or even the reasons for their conscientious objection.

Another problem might be the availability of documents containing names of conscientious objectors in public databases and in general the online publication of personal information of conscientious objectors. In the case of the Republic of Korea, the **Human Rights Committee**, in 2015, noted with concern that conscientious objectors' personal information might be disclosed online and stated that the State Party should ensure that their personal information is not publicly disclosed.⁶⁸

The **Office of the United Nations High Commissioner for Human Rights** has also included in its recommendations that "Personal information of conscientious objectors must not be disclosed publicly by the State".⁶⁹

Example from Greece: After several reports from conscientious objectors, the **Greek Ombudsman** in 2018, in its role as institution for the promotion of equal treatment, has contacted the Hellenic National Defence General Staff, about the issue of the content of the military status certificate. In such certificate, in the case of conscientious objectors, it is noted whether somebody has performed the alternative civilian service instead of the military service. As pointed by the Ombudsman, insofar the alternative service applies only to conscientious objectors, this indirectly leads to the disclosure of religious or other beliefs which led to conscientious objection, and it is a violation of the right to freedom of thought, conscience and religion, which includes the right of a person not to reveal his/her religion. The Ombudsman makes also reference to laws and regulations about personal data protection, including the Regulation (EU) 2016/679 about the protection when processing personal data, which requires that "Personal data shall be: [...] (c) adequate, relevant and limited to what is necessary in relation to the purposes for which they are processed ('data minimisation')".⁷⁰ According to the analysis of the Ombudsman, if the purpose of the military status certificate is to certify that the person has no military duties pending, then the reference to the manner, the time and the place where someone has fulfilled such duties is unnecessary for the purpose and therefore it is illegal. Furthermore, as pointed out by the Ombudsman, in their reports the conscientious objectors complain that such certificate may lead to unfavorable treatment in labour market. The Ombudsman recognises that the reference to further (unnecessary) data indeed renders such persons vulnerable to discrimination in terms of employment and that this is not only related to religious beliefs but also to other fields of discrimination such as on grounds of disability or chronic condition, which can be inferred by the detailed reference to the manner someone has fulfilled or even has been exempted from military duties. This intervention of the Greek Ombudsman is ongoing and still pending.⁷¹

7. Recommendations

- Address multiple discrimination caused by the lack of recognition of the right to conscientious objection to military service in a comprehensive way by:

- Recognising the right to conscientious objection by either exempting conscientious objectors from military service with no further action required from such persons or by providing a non-discriminatory alternative service. This should include various forms of alternative service which are compatible with the reasons for conscientious objection, of a non-combatant or civilian character, in the public interest and not of a punitive character. The right to conscientious objection should be recognized prior to, during or after military service, including reserve duties, as well as for volunteers/professional staff, and including during time of war or emergency and should apply also to partial or selective objectors.
- Expunging criminal records for the conscientious objectors who had been punished before recognition of the right to conscientious objection, and providing adequate compensation for the violations of their rights
- Establishing fair procedures for granting conscientious objector status, which *inter alia* would guarantee non-discrimination on the basis of the grounds for conscientious objection and between groups of conscientious objectors
- Address discrimination during alternative service by:
 - providing in law for a non-discriminatory length of alternative service, according to international and regional human rights standards and, as best practice, of equal length to that of military service.
 - repealing any discriminatory provisions as of the place (area) of alternative service in comparison with the military service
 - guaranteeing equality in law and practice in terms of salary and other benefits (e.g. covering travel expenses), between conscripts serving in the armed forces and conscientious objectors performing alternative civilian service
 - applying equally for conscripts and conscientious objectors any provisions for persons above certain age, such as the possibility to buy out part of the service, including in terms of minimum period of service required to be performed, minimum age and amount of money.
- Address discrimination in the case of exemption from any service by:
 - providing such exemption to all conscientious objectors with no discrimination between different grounds of conscientious objection.
 - no requiring an exemption fee in order to avoid discrimination against those who cannot afford to pay such fee.
- Address discrimination after alternative civilian service or exemption from it, by:

- applying equally any provisions for safeguarding employment, with no discrimination between conscripts who have completed the military service and conscientious objectors who have completed the alternative civilian service.
- protecting personal data, including by not disclosing the status of conscientious objector in certificates or other official documents available to third parties, or in public databases, and in general by not disclosing publicly personal information of the conscientious objectors.

¹ <https://undocs.org/E/2018/INF/5> p. 113.

² UN Commission on Human Rights, *The role of youth in the promotion and protection of human rights, including the question of conscientious objection to military service* *The question of conscientious objection to military service*, 12 March 1981, E/CN.4/RES/40(XXXVII), available at: <http://www.refworld.org/docid/3b00f0c220.html>

³ UN Human Rights Committee, Communication No. 1786/2008, Jong-nam Kim et al. v. The Republic of Korea (CCPR/C/106/D/1786/2008), 1 February 2013, para. 7.4. Available at <http://undocs.org/CCPR/C/106/D/1786/2008>

⁴ Human Rights Committee General Comment No. 22 (CCPR/C/21/Rev.1/Add.4), 27 September 1993, ‘The right to freedom of thought, conscience and religion or belief (Art. 18)’, para. 11. Available at: <https://undocs.org/CCPR/C/21/Rev.1/Add.4>

⁵ UN Commission on Human Rights, Resolution 1995/83, “Conscientious objection to military service”, 8 March 1995, para. 4. Adopted without a vote. See chap. XXVI. E/CN.4/1995/176. Available at: https://www.ohchr.org/Documents/Issues/RuleOfLaw/ConscientiousObjection/E-CN_4-RES-1995-83.pdf

⁶ UN Commission on Human Rights, Conscientious objection to military service, 22 April 1998, E/CN.4/RES/1998/77, para. 6. Available at: <http://www.refworld.org/docid/3b00f0be10.html>

⁷ Human Rights Council resolution 24/17 (A/HRC/24/17), 27 September 2013, para. 12. Available at: <https://undocs.org/A/HRC/24/17>

⁸ OHCHR, Approaches and challenges with regard to application procedures for obtaining the status of conscientious objector to military service in accordance with human rights standards, (A/HRC/41/23), 24 May 2019, para. 60 (m). Available at: <https://undocs.org/A/HRC/41/23>

See also: Conscientious objection to military service, Analytical report of the Office of the United Nations High Commissioner for Human Rights, (A/HRC/35/4), 1 May 2017, para. 65. Available at: <http://undocs.org/A/HRC/35/4>

⁹ Council of Europe, Committee of Ministers, [Recommendation No. R\(87\)8](#), 9 April 1987, para. 11.

¹⁰ OSCE, ODIHR, *Handbook on Human Rights and Fundamental Freedoms of Armed Forces Personnel, 2008*, Chapter 10 Conscientious Objection to Military Conscription and Service, 4. Best Practices and Recommendations, p. 85 [fifth point].

Available at <https://www.osce.org/odihr/31393?download=true>

¹¹ For a detailed description of implications and discrimination see: Emily Graham, *Conscientious objectors to military service: Punishment and discriminatory treatment*, QUNO, May 2014. Available at: <https://quno.org/sites/default/files/resources/QUNO%20Publication%20-%20Concientious%20Objection%20Punishment%20%26%20Discrim.%20Treatment.pdf>

¹² ECtHR, Case of Thlimmenos v. Greece (Application no. 34369/97), Judgement of 6 April 2000. Available at: <http://hudoc.echr.coe.int/eng?i=001-58561>

¹³ ECtHR, Case of Bayatyan v. Armenia (Application no. 23459/03), Judgement of 7 July 2011. Available at: <http://hudoc.echr.coe.int/eng?i=001-105611>

¹⁴ E.g. UN Human Rights Committee, Concluding observations on the third periodic report of Tajikistan, (CCPR/C/TJK/CO/3), 22 August 2019, paras. 45-46. Available at: <http://undocs.org/CCPR/C/TJK/CO/3>

UN Human Rights Committee, Concluding observations on Eritrea in the absence of its initial report, (CCPR/C/ERI/CO/1), 3 May 2019, paras. 37-38. Available at: <http://undocs.org/CCPR/C/ERI/CO/1>

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