

ANNEX 5:

Concluding Observations of the UN Human Rights Committee relating to conscientious objection to military service

1. Concluding observations of the Human Rights Committee: Russian Federation (UN Doc. CCPR/C/RUS/CO/6 of 24 November 2009), para.23:

While welcoming the reduction by half, in 2008, of the prescribed length of civilian service for conscientious objectors from 42 months to 21 months, the Committee notes with concern that it is still 1.75 times longer than military service, and that the State party maintains the position that the discrimination suffered by conscientious objectors is due to such alternative service being a “preferential treatment” (para. 151, CCPR/C/RUS/6). The Committee notes with regret that the conditions of service for alternative service are punitive in nature, including the requirement to perform such services outside places of permanent residence, the receipt of low salaries, which are below the subsistence level for those who are assigned to work in social organisations, and the restrictions in freedom of movement for the persons concerned. The Committee is also concerned that the assessment of applications, carried out by a draft panel for such service, is under the control of the Ministry of Defence. (arts. 18, 19, 21, 22 and 25)

The State party should recognize fully the right to conscientious objection, and ensure that the length and the nature of this alternative to military service does not have a punitive character. The State party should also consider placing the assessment of applications for conscientious objector status entirely under the control of civilian authorities.

2. Concluding observations of the Human Rights Committee: Azerbaijan (UN Doc. CCPR/C/AZE/CO/3 of 13 August 2009), para. 14:

The Committee remains concerned that no legal provision regulates the status of conscientious objectors to military service (art. 18).

The Committee recommends that a law exempting conscientious objectors from compulsory military service and providing for alternative civil service of equivalent length be adopted at an early date in compliance with article 18 of the Covenant and the Committee's General Comment No. 22.

3. Concluding observations of the Human Rights Committee: San Marino (UN Doc. CCPR/C/SMR/CO/2 of 31 July 2008), para. 15:

While noting the exceptional circumstance of possible general military mobilization under article 4 of Law No. 15 of 26 January 1990, and welcoming the information provided by the State party on current efforts to adopt the Comprehensive Regulations of the Military Corps, the Committee remains concerned about article 3 of the Law, according to which San Marino citizens may be obliged to serve in the military from 16 to 60 years of age (article 24).

The State party should amend the law in order to provide that the entitlement to conscientious objection is expressly recognized and that the minimum age for service is raised.

4. Concluding observations of the Human Rights Committee: Chile (UN Doc. CCPR/C/CHL/CO/5 of 18 May 2007), para.13:

The Committee notes the State party's intention to adopt a law recognizing the right of conscientious objection to military service, but continues to be concerned that this right has still not been recognized (article 18 of the Covenant).

The State party should expedite the adoption of legislation recognizing the right of conscientious objection to military service, ensuring that conscientious objectors are not subject to discrimination or punishment and recognizing that conscientious objection can occur at any time, even when a person's military service has already begun.

5. Concluding observations of the Human Rights Committee: Ukraine (UN Doc. CCPR/C/UKR/CO/6 of 28 November 2006), para.12:

While the State party has announced plans to convert its armed forces to an all-volunteer basis, the right to conscientious objection against mandatory military service should be fully respected. Conscientious objection has been accepted only for religious reasons, and only for certain religions.

The State party should extend the right of conscientious objection against mandatory military service to persons who hold non-religious beliefs grounded in conscience, as well as beliefs grounded in all religions.

6. Concluding observations of the Human Rights Committee: Republic of Korea (UN Doc. CCPR/C/KOR/CO/3 of 28 November 2006), para.17:

The Committee is concerned that: (a) under the Military Service Act of 2003 the penalty for refusal of active military service is imprisonment for a maximum of three years and that there is no legislative limit on the number of times they may be recalled and subjected to fresh penalties; (b) those who have not satisfied military service requirements are precluded from employment by government or public organisations and that (c) convicted conscientious objectors bear the stigma of a criminal record (art.18).

The State party should take all necessary measures to recognize the right of conscientious objectors to be exempted from military service. It is encouraged to bring legislation into line with Article 18 of the Covenant. In this regard, the Committee draws the attention of the State party to its General Comment 22 para.11 on the right to freedom of thought, conscience and religion.

7. Concluding observations of the Human Rights Committee: Paraguay (UN Doc. CCPR/C/PRY/CO/2 of 24 April 2006), para.18:

The Committee welcomes the recognition in Paraguay's Constitution of conscientious objection to military service and the provisional measures passed by the Chamber of Deputies to guarantee respect for conscientious objection given the lack of specific regulations governing this right. However, it regrets that access to information on conscientious objection appears to be unavailable in rural areas (article 18 of the Covenant).

The State party should pass specific regulations on conscientious objection so as to ensure that this right can be effectively exercised, and guarantee that information about its exercise is properly disseminated to the entire population.

8. Concluding observations of the Human Rights Committee: Syrian Arab Republic (UN Doc. CCPR/CO/84/SYR of 9 August 2005), para.11:

The Committee takes note of the information provided by the delegation whereby Syria does not recognize the right to conscientious objection to military service, but that it permits some of those who do not wish to perform such service to pay a certain sum in order not to do so (art. 18).

The State party should respect the right to conscientious objection to military service and establish, if it so wishes, an alternative civil service of a non-punitive nature.

9. Concluding observations of the Human Rights Committee: Tajikistan (UN Doc. CCPR/CO/84/TJK of 18 July 2005), para.20:

The Committee is concerned that the State party does not recognize the right to conscientious objection to compulsory military service (art. 18).

The State party should take all necessary measures to recognize the right of conscientious objectors to be exempted from military service.

10. Concluding observations of the Human Rights Committee: Yemen (UN Doc. CCPR/CO/84/YEM of 9 August 2005), para.19:

The Committee regrets that no response was provided by the delegation to the question whether Yemen law recognizes a right to conscientious objection to military service (art. 18).

The State party should ensure that persons liable for military service may claim the status of conscientious objector and perform alternative service that is not of a punitive character.

11. Concluding observations of the Human Rights Committee: Greece (UN Doc. CCPR/CO/83/GRC of 25 April 2005), para.15:

The Committee is concerned that the length of alternative service for conscientious objectors is much longer than military service, and that the assessment of applications for such service is solely under the control of the Ministry of Defence (art. 18).

The State party should ensure that the length of service alternative to military service does not have a punitive character, and should consider placing the assessment of applications for conscientious objector status under the control of civilian authorities.

12. Concluding observations of the Human Rights Committee: Finland (UN Doc. CCPR/CO/82/FIN of 2 December 2004), para.14:

The Committee regrets that the right to conscientious objection is acknowledged only in peacetime, and that the civilian alternative to military service is punitively long. It reiterates its concern at the fact that the preferential treatment accorded to Jehovah's Witnesses has not been extended to other groups of conscientious objectors.

The State party should fully acknowledge the right to conscientious objection and, accordingly, guarantee it both in wartime and in peacetime; it should also end the discrimination inherent in the duration of alternative civilian service and the categories that can benefit from it (arts. 18 and 26 of the Covenant).

13. Concluding observations of the Human Rights Committee: Poland (UN Doc. CCPR/CO/82/POL of 2 December 2004), para.15:

The Committee notes that the duration of alternative military service is 18 months, whereas for military service it is only 12 months (arts. 18 and 26).

The State party should ensure that the length of alternative service to military service does not have a punitive character.

14. Concluding observations of the Human Rights Committee: Morocco (UN Doc. CCPR/CO/82/MAR of 1 December 2004), para.22:

The Committee notes that, according to the information supplied by the State party, compulsory military service is a fallback applicable only when not enough professional soldiers can be recruited, while at the same time the State party does not recognize the right to conscientious objection.

The State party should fully recognize the right to conscientious objection in times of compulsory military service and should establish an alternative form of service, the terms of which should be non-discriminatory (Covenant, arts. 18 and 26).

15. Concluding observations of the Human Rights Committee: Serbia and Montenegro (UN Doc. CCPR/CO/81/SEMO of 12 August 2004), para.21:

The Committee takes note of the information provided by the delegation whereby conscientious objection is governed by a provisional decree, which is to be replaced by a law, which will recognize full conscientious objection to military service and an alternative civil service that will have the same duration as military service (art. 18).

The State party should enact the said law as soon as possible. The law should recognize conscientious objection to military service without restrictions (art. 18) and alternative civil service of a non-punitive nature.

16. Concluding observations of the Human Rights Committee: Colombia (UN Doc. CCPR/CO/80/COL of 26 May 2004), para.17:

The Committee notes with concern that the legislation of the State party does not allow conscientious objection to military service.

The State party should guarantee that conscientious objectors are able to opt for alternative service whose duration would not have punitive effects (arts. 18 and 26).

17. Concluding observations of the Human Rights Committee: Lithuania (UN Doc. CCPR/CO/80/LTU of 4 May 2004), para.17:

The Committee reiterates the concern expressed in its concluding observations on the previous report about conditions of alternative service available to conscientious objectors to military service, in particular with respect to the eligibility criteria applied by the Special Commission and the duration of such service as compared with military service.

The Committee recommends that the State party clarify the grounds and eligibility for performing alternative service to persons objecting to military service on grounds of conscience or religious belief, to ensure that the right to freedom of conscience and religion

is respected by permitting in practice alternative service outside the defence forces, and that the duration of service is not punitive in nature (arts. 18 and 26).

18. Concluding observations of the Human Rights Committee: Latvia (UN Doc. CCPR/CO/79/LVA of 6 November 2003), para.15:

The Committee notes with satisfaction that in 2002, a new law on alternative service entered into force, which provides for the right to conscientious objection. However, the Committee remains concerned that, pending a change in the conscription law, the duration of alternative service is up to twice that of military service and appears to be discriminatory (Article 18).

The State party should ensure that the alternative service is not of a discriminatory duration.

19. Concluding observations of the Human Rights Committee: Russian Federation (UN Doc. CCPR/CO/79/RUS of 6 November 2003), para.17:

While the Committee welcomes the introduction of the possibility for conscientious objectors to substitute civilian service for military service, it remains concerned that the Alternative Civilian Service Act, which will take effect on 1 January 2004, appears to be punitive in nature by prescribing civil service of a length 1.7 times that of normal military service. Furthermore, the law does not appear to guarantee that the tasks to be performed by conscientious objectors are compatible with their convictions.

The State party should reduce the length of civilian service to that of military service and ensure that its terms are compatible with articles 18 and 26 of the Covenant.

20. Concluding observations of the Human Rights Committee: Israel (UN Doc. CCPR/CO/78/ISR of 21 August 2003), para.24:

While noting the Supreme Court's judgement of 30 December 2002 in the case of eight IDF reservists (judgement HC 7622/02), the Committee remains concerned about the law and criteria applied and generally adverse determinations in practice by military judicial officers in individual cases of conscientious objection (art. 18).

The State party should review the law, criteria and practice governing the determination of conscientious objection, in order to ensure compliance with article 18 of the Covenant.

21. Concluding observations of the Human Rights Committee: Estonia (UN Doc. CCPR/CO/77/EST of 15 April 2003), para.15:

The Committee is concerned that the duration of alternative service for conscientious objectors may be up to twice as long as the duration of regular military service.

The State party is under an obligation to ensure that conscientious objectors can opt for alternative service, the duration of which is without punitive effect (articles 18 and 26 of the Covenant).

22. Concluding observations of the Human Rights Committee: Republic of Moldova (UN Doc. CCPR/CO/75/MDA of 26 July 2002), para.5:

The Committee further welcomes the abolition of forced labour in 1998, as well as the provision for alternative civilian service of equal duration in place of military service.

23. Concluding observations of the Human Rights Committee: Vietnam (UN Doc. CCPR/CO/75/VNM of 26 July 2002), para.17:

The Committee takes note of the fact that the law makes no provision for the status of conscientious objector to military service, which may legitimately be claimed under article 18 of the Covenant.

The State party should ensure that persons liable for military service may claim the status of conscientious objector and perform alternative service without discrimination.

24. Concluding observations of the Human Rights Committee: Georgia (UN Doc. CCPR/CO/74/GEO of 19 April 2002), para.18:

The Committee expresses its concern at the discrimination suffered by conscientious objectors owing to the fact that non-military alternative service lasts for 36 months compared with 18 months for military service; it regrets the lack of clear information on the rules currently governing conscientious objection to military service.

The State party should ensure that persons liable for military service who are conscientious objectors can opt for civilian service the duration of which is not discriminatory in relation to military service, in accordance with articles 18 and 26 of the Covenant.

25. Concluding observations of the Human Rights Committee: Azerbaijan (UN Doc. CCPR/CO/73/AZE of 12 November 2001), para.21:

The Committee takes note of the fact that the law makes no provision for the status of conscientious objector to military service, which may legitimately be claimed under article 18 of the Covenant.

The State party should ensure that persons liable for military service may claim the status of conscientious objector and perform alternative service without discrimination.

26. Concluding observations of the Human Rights Committee: Ukraine (UN Doc. CCPR/CO/73/UKR of 12 November 2001), para.20:

The Committee notes with concern the information given by the State party that conscientious objection to military service is accepted only in regard to objections for religious reasons and only with regard to certain religions, which appear in an official list. The Committee is concerned that this limitation is incompatible with articles 18 and 26 of the Covenant.

The State party should widen the grounds for conscientious objection in law so that they apply, without discrimination, to all religious beliefs and other convictions, and that any alternative service required for conscientious objectors be performed in a non-discriminatory manner.

27. Concluding observations of the Human Rights Committee: Dominican Republic (UN Doc. CCPR/CO/71/DOM of 26 April 2001), para.21:

The Committee takes note of the fact that the law makes no provision for the status of conscientious objector to military service, which may legitimately be claimed under article 18 of the Covenant.

The State party should ensure that persons liable for military service may claim the status of conscientious objector and perform alternative service without discrimination.

28. Concluding observations of the Human Rights Committee: Venezuela (UN Doc. CCPR/CO/71/VEN of 26 April 2001), para.26:

The Committee notes that there is no provision in Venezuelan law for conscientious objection to military service, which is legitimate pursuant to article 18 of the Covenant.

The State party should see to it that individuals required to perform military service can plead conscientious objection and perform alternative service without discrimination.

29. Concluding observations of the Human Rights Committee: Kuwait (UN Doc. CCPR/CO/69/KWT of 27 July 2000), para.43-44:

The Committee notes the existence of compulsory military service and that Kuwaiti law does not contain any provision on conscientious objection.

In order to implement article 18 of the Covenant, the State party should reflect in its legislation the situation of persons who believe that the use of armed force conflicts with their convictions, and establish for these cases an alternative civilian service.

30. Concluding observations of the Human Rights Committee: Kyrgyzstan (UN Doc. CCPR/CO/69/KGZ of 24 July 2000), para.18:

The Committee takes note that conscientious objection to military service is allowed only to members of a registered religious organization whose teachings prohibit the use of arms. The Committee regrets that the State party has not sought to justify why the provision on alternative service entails a period of service twice as long as that required of military conscripts, and why persons of higher education serve for a considerably lesser period in the military and in alternative service (arts. 18 and 26).

Conscientious objection should be provided for in law, in a manner that is consistent with articles 18 and 26 of the Covenant, bearing in mind that article 18 also protects freedom of conscience of non-believers. The State party should fix the periods of military service and alternative service on a non-discriminatory basis.

31. Concluding observations of the Human Rights Committee: Romania (UN Doc. CCPR/C/79/Add.111 of 28 July 1999), para.17:

The Committee is concerned that the State party has not provided for the right to conscientious objection without discrimination (arts. 18 and 26).

The State party should amend its legislation to provide for conscientious objection, in a manner that is consistent with articles 18 and 26 of the Covenant.

32. Concluding observations of the Human Rights Committee: Mexico (UN Doc. CCPR/C/79/Add.109 of 27 July 1999), para.20:

The Committee notes that the law does not recognize the status of conscientious objectors to military service.

The State party should ensure that persons required to perform military service can invoke conscientious objection as grounds for exemption.

33. Concluding observations of the Human Rights Committee: Armenia (UN Doc. CCPR/C/79/Add.100 of 19 November 1998), para.18:

The Committee regrets the lack of legal provision for alternatives to military service in case of conscientious objection. The Committee deplores the conscription of conscientious objectors by force and their punishment by military courts, and the instances of reprisals against their family members.

34. Concluding observations of the Human Rights Committee: Finland (UN Doc. CCPR/C/79/Add.91 of 8 April 1998), para.21:

The Committee reiterates its concern, expressed during the consideration of Finland's third report, that Jehovah's Witnesses are granted by domestic law preferential treatment as compared with other groups of conscientious objectors and recommends that the State Party review the law to bring it into full conformity with article 26 of the Covenant.

35. Concluding observations of the Human Rights Committee: Cyprus (UN Doc. CCPR/C/79/Add.88 of 6 April 1998), para.17:

The Committee remains concerned about the discriminatory treatment accorded to conscientious objectors in Cyprus, who may be subject to punishment on one or more occasion for failure to perform military service. The Committee recommends that the proposed new law concerning conscientious objectors ensure their fair treatment under the law and eradicate lengthy imprisonment as a form of punishment.

36. Concluding observations of the Human Rights Committee: Belarus (UN Doc. CCPR/C/79/Add.86 of 19 November 1997), para.16:

The Committee notes the statement of the delegation of Belarus that legislation on conscientious objection to military service is envisaged. In this regard:

The Committee recommends that a law exempting conscientious objectors from compulsory military service and providing for alternative civil service of equivalent length be passed at an early date in compliance with article 18 of the Covenant and the Committee's General Comment No. 22 (48).

37. Concluding observations of the Human Rights Committee: Lithuania (UN Doc. CCPR/C/79/Add.87 of 19 November 1997), para.19:

The Committee expresses its concern over the conditions for alternative service available to persons who have a conscientious objection to military service, in particular the grounds for establishing the right to perform alternative service and its length. Therefore:

The Committee recommends the State party clarify the grounds and eligibility for performing, without discrimination, alternative service on grounds of conscience or religious belief to ensure that the right to freedom of conscience and religion is respected.

38. Concluding observations of the Human Rights Committee: Slovakia (UN Doc. CCPR/C/79/Add.79 of 4 August 1997), para.12:

The Committee notes with concern that insufficient steps have been taken to date to implement various provisions of the Constitution dealing with fundamental rights and of the Covenant. In particular, the Committee regrets the absence or inadequacy of laws regulating matters relating to

article 14 of the Covenant, with respect to the appointment of members of the judiciary; article 4 of the Covenant; article 18, with respect to the right to conscientious objection to military service without a punitive extension of the period of service; and article 25 of the Covenant.

39. Concluding observations of the Human Rights Committee: **France** (UN Doc. CCPR/C/79/Add.80 of 4 August 1997), para.19:

The Committee is concerned that in order to exercise the right to conscientious objection to military service, which is a part of freedom of conscience under article 18 of the Covenant, the application must be made in advance of the conscript's entry into military service and that the right cannot be exercised thereafter. Moreover, the Committee notes that the length of alternative service is twice as long as military service and that this may raise issues of compatibility with article 18 of the Covenant.

40. Concluding observations of the Human Rights Committee: **Switzerland** (UN Doc. CCPR/C/79/Add.70 of 8 November 1996), para.10:

The Committee welcomes the entry into force of the Civilian Service Act, which has introduced a civil procedure for determining cases of conscientious objection.

41. Concluding observations of the Human Rights Committee: **Spain** (UN Doc. CCPR/C/79/Add.61 of 3 April 1996), paras.15 and 20:

Finally, the Committee is greatly concerned to hear that individuals cannot claim the status of conscientious objectors once they have entered the armed forces, since that does not seem to be consistent with the requirements of article 18 of the Covenant as pointed out in general comment No. 22 (48).

The Committee urges the State party to amend its legislation on conscientious objection so that any individual who wishes to claim the status of conscientious objector may do so at any time, either before or after entering the armed forces.

42. Concluding observations of the Human Rights Committee: **Russian Federation** (UN Doc. CCPR/C/79/Add.54 of 26 July 1995), paras.21 and 39:

The Committee is concerned that conscientious objection to military service, although recognized under article 59 of the Constitution, is not a practical option under Russian law and takes note in this regard of the draft law on alternative service before the Federal Assembly. It expresses its concern at the possibility that such alternative service may be made punitive, either in nature or in length of service. The Committee is also seriously concerned at the allegations of widespread cruelty and ill-treatment of young conscript-soldiers.

The Committee urges that stringent measures be adopted to ensure an immediate end to mistreatment and abuse of army recruits by their officers and fellow soldiers. It further recommends that every effort be made to ensure that reasonable alternatives to military service be made available that are not punitive in nature or in length of service. It urges that all charges brought against conscientious objectors to military service be dropped.

43. Concluding observations of the Human Rights Committee: **Libyan Arab Jamahiriya** (UN Doc. CCPR/C/79/Add.45 of 23 November 1994), paras.13 and 19:

Another area of concern is that of freedom of religion. The severe punishments for heresy (which are said not to have been used) and the restrictions on the right to change religion appear to be inconsistent with article 18 of the Covenant. The lack of provision for conscientious objection to military service is another concern.

The Committee urges the State party to continue with its programmes to secure full legal and de facto equality for women in all aspects of society. It should also ensure that its obligations to respect freedom of religion in accordance with article 18 of the Covenant are met. In this connection, the Committee draws attention to its general comment on article 18 of the Covenant.

44. Concluding observations of the Human Rights Committee: Cyprus (UN Doc. CCPR/C/79/Add.39 of 21 September 1994), paras.10 and 19:

The Committee is concerned about the unfair treatment accorded to conscientious objectors in Cyprus, who are subject to an excessive period of alternative service lasting 42 months, which is not compatible with the provisions of article 18 and 26 of the Covenant, and that persons may also be subject to punishment on one or more occasion for failure to perform military service.

The Committee recommends that the laws concerning conscientious objectors be amended in order to ensure their fair treatment under the law and to reduce the excessively lengthy period of alternative national service and the possibility of repeated punishment.
