

Conscientious objection to military service

“The right to refuse to kill must be accepted completely”

Sir Nigel Rodley, former Chairperson of the United Nations Human Rights Committee

1. **The right to conscientious objection to military service** is based on the right to freedom of thought, conscience and religion or belief (article 18 of the International Covenant on Civil and Political Rights)
2. **Availability of information:** All persons affected by military service should have access to information about the right to conscientious objection and the means of acquiring objector status
3. **Cost-free access to application procedures:** The process for applying for status as a conscientious objector should be free, and there should be no charge for any part of the whole procedure.
4. **Availability of the application procedure to all persons affected by military service**, including for conscripts, professional members of the armed forces and reservists
5. **Selective conscientious objection:** The right to object applies both to pacifists and to selective objectors who believe that the use of force is justified in some circumstances but not in others
6. **Non-discrimination:** Alternative service arrangements should be accessible to all conscientious objectors without discrimination as to the nature of their religious or non-religious beliefs
7. **No time limit on applications:** Conscripts and volunteers should be able to object before the commencement of military service, or at any stage during or after military service
8. **No inquiry required by international law:** The Human Rights Council welcomed the fact that some States accept claims of conscientious objection to military service as valid without an inquiry process
9. **Inquiry process:** States that do not accept claims of conscientious objection as valid without inquiry should establish independent and impartial bodies under the full control of civilian authorities
10. **Good faith:** Application procedures should be based on reasonable and relevant criteria, and should avoid the imposition of any conditions that would result in automatically disqualifying applicants
11. **Timeliness:** The process for consideration of any claim of conscientious objection should be timely and all duties involving the bearing of arms should be suspended pending the decision
12. **Right to appeal:** After any decision on conscientious objector status, there should always be a right to appeal to an independent civilian judicial body
13. **No repeated trial or punishment:** Conscientious objectors should not be repeatedly punished for not having obeyed a renewed order to serve in the military
14. **Release of imprisoned conscientious objectors:** States should release individuals who are imprisoned or detained solely on the basis of their conscientious objection to military service
15. **Alternative service** must be 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. **Permissible duration of alternative service:** Any longer duration in comparison to military service is permissible only if additional time for alternative service is based on reasonable and objective criteria
17. **Personal information** of conscientious objectors should not be disclosed publicly by the State and their criminal records should be expunged
18. **Freedom of expression:** Those who support conscientious objectors or who support the right of conscientious objection to military service should fully enjoy their freedom of expression

For details see the UN High Commissioner's reports on conscientious objection ([A/HRC/35/4](#) and [A/HRC/41/23](#))