

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



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Application procedures for obtaining the status of conscientious objector to military service across different countries

War Resisters' International (WRI) works for a world without war. We are a global antimilitarist and pacifist network, with over ninety member organisations in over forty countries. Since 1921 we have been supporting and connecting people around the world who refuse to take part in war, and who use nonviolent action to tackle war's causes. WRI has consultative status with the Economic and Social Council of the United Nations.

The Right to Refuse to Kill programme of WRI specialises in conscientious objection to military service, and we are thankful for this opportunity to submit information in this process. This submission is in two main stages: an overview of good practices and an overview of remaining challenges. We have given examples that we consider important under each category.

1 Examples of good practice

i. Recognition of the status of conscientious objector to military service without an examination, inquiry or interview

The UN Human Rights Committee has explicitly recognised that: “The right to conscientious objection to military service inheres in the right to freedom of thought, conscience and religion. It entitles *any* individual to an exemption from compulsory military service if this cannot be reconciled with that individual’s religion or beliefs. The right must not be impaired by coercion”.¹ [Emphasis added]. Therefore, considering:

- that nobody knows better than oneself if military service cannot be reconciled with his/her religion, beliefs or values;
- the fundamental human rights principle of individual self-determination, and;
- the fact that no court or committee can penetrate and examine someone’s conscience (as has been also pointed out by the European Parliament – see below);

it is our position that any procedure of inquiry or examination of applications which can potentially

¹ UN Human Rights Committee, Communication No. 1642-1741/2007, Jeong et al. v. Republic of Korea (CCPR/C/101/D/1642-1741/2007), 27 April 2011, para. 7.3. Available at <http://undocs.org/CCPR/C/101/D/1642-1741/2007>

reject someone's application, infringes on his/her right to conscientious objection to military service. Consequently it is our position that the status of conscientious objector should be granted to all applicants without inquiry.

Such a position is supported by various international standards and recommendations:

- The **European Parliament** has repeatedly pointed out that “no court or commission can penetrate the conscience of an individual” / “no court and no committee can examine a person's conscience” and has urged “that, in order to be recognised as a conscientious objector, a declaration setting out the individual's motives should suffice in order to obtain the status of conscientious objector”.²
- Already since 1998, the then **UN Commission on Human Rights** has welcomed “the fact that some States accept claims of conscientious objection as valid without inquiry”.³
- Its successor, the **UN Human Rights Council**, has also welcomed “the fact that some States accept claims of conscientious objection to military service as valid without inquiry”⁴

It is also worth noting that national bodies have similarly challenged the capability of a committee to judge someone's conscience. For example, **the Greek Ombudsman** has stated: “The personal interview as a mean to ascertain reasons of conscience is controversial per se, insofar it submits an internal esprit to an examination of sincerity.”⁵

Norway is an example where application for the status of conscientious objection to military service is accepted without an examination or interview by a committee. In Norway, applications for conscientious objection to military service are made by signing a standard form available from the Ministry of Justice. Since 2001, applications are accepted without an interview or inquiry. There are no time limits to apply for the status of conscientious objector. If an applicant is already serving in the armed forces, they are assigned to unarmed duties immediately upon lodging an application and must be released within four weeks. It is also worth noting that since 2011, Norway has suspended substitute service for conscientious objectors. Conscientious objectors to military service are no longer called up for a substitute service, but are simply exempted from military service.

In Switzerland, in order to apply for conscientious objection to military service, applicants have to request an application form from the Ministry of Economic Affairs. Applicants are not required any explanation of the reasons for their conscientious objection. They only need to state a conflict of conscience with military service.⁶ Applications can be made before, during or after military service has been performed, meaning that serving soldiers and reservists can apply. This process was introduced in 2009, replacing the ‘examination of conscience’ system whereby applicants were required to sit an interview with a commission made up of civilians chosen by the Ministry.⁷

² European Parliament, Resolution on conscientious objection and alternative service, (A3-15/89), [known as Schmidbauer Resolution], as published in the Official Journal of the European Communities C291, 13 October 1989, para. A (page 123) and para. 4 (page 124).

See also: European Parliament, Resolution on conscientious objection, (1-546/82), [known as Macciocchi Resolution], 7 February 1983, as published in the Official Journal of the European Communities C 68, 14 March 1983, para. 3 (page 15).

³ UN Commission on Human Rights, Resolution 1998/77, Conscientious objection to military service, 22 April 1998, (E/CN.4/RES/1998/77), para. 2.

⁴ UN Human Rights Council, Resolution 24/17 (A/HRC/RES/24/17), 8 October 2013, para. 7. Available at <http://undocs.org/A/HRC/RES/24/17>

⁵ Ombudsman, Special Report 2013, “Combating discrimination”, p. 110. Available in Greek at <https://www.synigoros.gr/resources/docs/10-diakriseis.pdf>

⁶ See Country report and updates: Switzerland: https://www.wri-irg.org/en/programmes/world_survey/country_report/en/Switzerland

⁷ It's important to note, however, that alternative service in Switzerland is punitive - typically 1.5 times longer than military service - and fails to meet international standards in this regard. It's also reported by European Bureau for Conscientious

2 Remaining challenges

i. No recognition

Many states continually fail to recognise the rights of conscientious objectors to military service, either in law or in practice. These include, *inter alia*, the northern part of Cyprus (self-declared Turkish Republic of Northern Cyprus), Eritrea, Egypt, Senegal, Singapore, Sudan, Turkey and Turkmenistan.

Many of the above states consequently imprison those who refuse. In Turkmenistan in 2018 alone, we know of at least eleven young men who were convicted and sentenced to prison terms from one year to two years under Criminal Code Article 219, Part 1 - according to which refusing to serve in the armed forces in peacetime can be punished with a maximum penalty of two years' imprisonment or two years' corrective labour.⁸ Of the eleven convicted in 2018, ten are serving their sentences at Seydi Labour Camp, and one at a regional detention centre.

In Singapore, at least ten conscientious objectors are reported to have served or continue to be serving prison terms for their conscientious objection to military service during 2018.⁹ Conscientious objectors in Singapore usually serve two terms in prison, the first up to 15 months and the second up to 24 months - which means that they can serve up to 39 months behind bars.

In addition to those examples above, in some states we remain woefully ignorant of the current situation of conscientious objectors. For example, our information regarding military service in Eritrea is obtained through accounts of those who have fled from Eritrea. Many of the Eritrean Diaspora remain scared to speak out because of perceptions of the strength of the Eritrean regime to reach them in exile, and their families in Eritrea.¹⁰ We have details of many conscientious objectors who have been imprisoned. We are unable to discover whether they remain incarcerated. Three – Paulos Eyassu, Negede Teklemariam, Isaac Mogos – were detained 19 years ago, on 24 September 1994, and as far as we know, are still imprisoned at Mai Serwa Prison.

ii. Gap between constitutional/legislative recognition and practice

Of those states that do recognise conscientious objection to military service, there remain some with a mismatch between constitutional recognition, and the accompanying recognition of conscientious objectors in practice.

In Azerbaijan, the right to conscientious objection is enshrined in Article 76 of the 1995 Constitution.

Objection that annually over 50% of the applicants of alternative service are judged “unfit” due to health reasons and admitted neither to military nor to civilian service - but are required to pay the Military Substitution tax, 3% of their annual income up to the age of 35. Despite these remaining challenges though, the fact that applicants' grounds of application for conscientious objection are not judged by an examination committee stands as an example for good practice.

8 See 'Jehovah's Witnesses currently in prison: Turkmenistan, December 2018': <https://www.jw.org/en/news/legal/by-region/turkmenistan/jehovahs-witnesses-in-prison/>; and 'Turkmenistan: Tenth jailed conscientious objector in 2018': http://www.forum18.org/archive.php?article_id=2417

9 See Jehovah's Witnesses currently in prison: Singapore, December 2018: [https://www.jw.org/en/news/legal/by-region/singapore/jehovahs-witnesses-in-prison/#?insight\[search_id\]=0ef7e779-c2d6-4d70-8f31-9ae89aa1e95b&insight\[search_result_index\]=2](https://www.jw.org/en/news/legal/by-region/singapore/jehovahs-witnesses-in-prison/#?insight[search_id]=0ef7e779-c2d6-4d70-8f31-9ae89aa1e95b&insight[search_result_index]=2)

10 See July 2018 report published by *Connection e.V.*, *Förderverein PRO ASYL*, *Eritrean Law Society (ELS)*, *Eritrean Movement for Democracy and Human Rights (EMDHR)*, *Europe External Policy Advisors (EEPA)*, and *War Resisters' International*, 'Eritrea: A Country Under the Sway of a Dictatorship': <https://www.wri-irg.org/en/story/2018/new-publication-eritrea-country-under-sway-dictatorship>

The Article reads (as amended in 2002): "If serving in the armed forces runs counter to a person's convictions, then active military service can be replaced by an alternative service done in the cases specified by law." The right to conscientious objection is also included in the 1992 Law on the Armed Forces. According to Article 2: "in the cases defined by law, citizens who cannot accept an active military service because of their beliefs or other reasons must serve 24 months' alternative service". However, no further legislation on conscientious objection has ever been introduced and in practice the right does not exist. In 2018, two young men, both Jehovah's Witnesses, have been given criminal convictions for their conscientious objection to military service.¹¹ Both conscientious objectors received one-year suspended prison terms and will be under probation for one year.

iii. Dependent and partial examination committees

In most of the above countries, applications for conscientious objection to military service are made through a committee of examination. Due to the reasons outlined above, we do not consider this process as the ideal way for applications for conscientious objection to be processed: in our view there should be no committee of examination and all applications should be accepted without an inquiry. However, we would like to stress that if a state does not follow this best practice and subjects applications to examination, then that state should follow, as a minimum, the international standards and recommendations about the procedures, especially in terms of the independence and impartiality of the relevant body. In short, the examining body should be entirely civilian and independent from the military and the Ministry of Defence.

International standards and recommendations about procedures, including the independence and impartiality of the body examining the applications, can be summarised as follows:

- The **Parliamentary Assembly of the Council of Europe** has set specific basic principles as for the procedure: where the decision regarding the recognition of the right of conscientious objection is taken in the first instance by an administrative authority, the decision-taking body shall be entirely separate from the military authorities and its composition shall guarantee maximum independence and impartiality; the decision shall be subject to control by at least one other administrative body, composed likewise in the manner prescribed above, and subsequently to the control of at least one independent judicial body; it should be ensured that objections and judicial appeals have the effect of suspending the armed service call-up order until the decision regarding the claim has been rendered; applicants should be granted a hearing and should also be entitled to be represented and to call relevant witnesses.¹²
- The then **UN Special Rapporteur on religious intolerance** set these relevant standards many years ago: "The decision concerning their status should be made, when possible, by an impartial tribunal set up for that purpose or by a regular civilian court, with the application of all the legal safeguards provided for in international human rights instruments. There should always be a right to appeal to an independent, civilian judicial body. The decision-making body should be entirely separate from the military authorities and the conscientious objector should be granted a hearing, and be entitled to legal representation and to call relevant witnesses."¹³ The same standards continue to be cited today by the **UN Special Rapporteur on freedom of religion or belief**.¹⁴ The **Special Rapporteur on freedom of religion or belief**, since 2006, has adopted and stressed the recommendations of the UN Human Rights Committee to Greece, to consider placing the assessment of applications for conscientious objector status under the control of civilian

11 See Azerbaijan: Second 2018 conscientious objector conviction: http://www.forum18.org/archive.php?article_id=2415

12 Council of Europe, Parliamentary Assembly, Resolution 337 (1967), Right of conscientious objection, paras. b2, b3, b4 καὶ b5.

13 Report submitted by Mr. Angelo Vidal d Almeida Ribeiro, Special Rapporteur appointed in accordance with Commission on Human Rights resolution 1986/20 of 10 March 1986 (E/CN.4/1992/52), 18 December 1991, para. 185. [Available through <http://www.ohchr.org/EN/Issues/FreedomReligion/Pages/Annual.aspx>].

14 International Standards on freedom of religion or belief, I3k, <http://www.ohchr.org/EN/Issues/FreedomReligion/Pages/IstandardsI3k.aspx>

authorities.¹⁵

- The **Commissioner for Human Rights of the Council of Europe** has also explicitly recommended (in the case of Greece) the “transfer of administrative responsibilities as regards granting conscientious objector status from the Ministry of Defence to an independent civilian department”.¹⁶
- The **UN Human Rights Committee** has repeatedly expressed its concerns when the assessment of applications is under the control of the Ministry of Defence, especially when military officers form part of the composition of the relevant panel/committee, referring to lack of independence and impartiality. And it has repeatedly recommended to place the assessment of applications for conscientious objector status “entirely under”/“under the full control of civilian authorities” (e.g. concluding observations on Greece¹⁷, Russia¹⁸, Israel¹⁹).

Below, we are sharing a number of examples from countries where there is compulsory military service and the abovementioned standards are not met.

Greece

In Greece, conscientious objectors have to submit their applications to the Ministry of Defence. Article 62, paragraph 1, of Law No. 3421/2005 stipulates that the applications for conscientious objection are examined by the Special Committee (commonly called the “Conscience Examination Committee”). The Special Committee consists of a member of the State’s Legal Council; two university professors who are specialists in philosophy, psychology or social-political sciences; and two military officers - one from the recruitment service and one from the health service - appointed by the Minister of Defence.

According to the legislation, the Special Committee has a quorum when the members in attendance are more than the absent ones, which means when there are 3 members present, no matter which ones. This provides the possibility of a majority of military officers. Such a situation has already been condemned by the European Court of Human Rights.²⁰

Decisions made by the Committee need approval from the Ministry of Defence, which may disagree and take a different decision. Applicants may be ordered for a personal interview with the committee, during which they need to prove their *“general perception of life, based on conscious religious, philosophical or moral convictions, implemented infrangibly by the person and expressed by holding a respective attitude”*, as laid down in Article 59 paragraph 2 of Law 3421/2005.

Applicants rejected may appeal either to the Minister of National Defence, who again refers to the same Committee for review, or to the Council of State, the highest administrative court of Greece, which does not examine the merits of the case but only the procedures.

This current procedure of application for alternative service based on the “Conscience Examination

15 UN Economic and Social Council, Commission on human rights, Civil and political rights, including the question of religious intolerance, Addendum, Summary of cases transmitted to Governments and replies received, E/CN.4/2006/5/Add.1, 27 March 2006, para. 139. Available at: <http://undocs.org/E/CN.4/2006/5/Add.1>

16 Report by Mr Alvaro Gil-Robles, Commissioner for Human Rights, on his visit to the Hellenic Republic, 2-5 June 2002, CommDH(2002)5, para. 18.

17 UN Human Rights Committee, Concluding observations on the second periodic report of Greece, (CCPR/C/GRC/CO/2), 3 December 2015, paras. 37-38. Available at <http://undocs.org/CCPR/C/GRC/CO/2>. Also previously: UN Human Rights Committee, Concluding observations on the initial report of Greece, (CCPR/CO/83/GRC), 25 April 2005, para. 15. Available at <http://undocs.org/CCPR/CO/83/GRC>

18 UN Human Rights Committee, Concluding observations on the sixth periodic report of the Russian Federation, (CCPR/C/RUS/CO/6), 24 November 2009, para. 23. Available at <http://undocs.org/CCPR/C/RUS/CO/6>

19 UN Human Rights Committee, Concluding observations on the third periodic report of Israel (CCPR/C/ISR/CO/3), 3 September 2010, para. 19. Available at: <http://undocs.org/CCPR/C/ISR/CO/3>

20 European Court of Human Rights, Case of Papavasiliakis v. Greece, (66899/14), 15 September 2016. Available at <http://hudoc.echr.coe.int/eng?i=001-166850>

Committee”, and the fact that the final decision is taken by the (Deputy) Minister of National Defence, violate the international human rights standards outlined above. On 29th May 2018, War Resisters' International and European Bureau for Conscientious Objection released a joint statement urging the Greek Government to take necessary steps to improve the current legislation and practice in accordance with the international standards.²¹

Colombia

Colombia is another country which fails to meet international standards in regard to application procedures for conscientious objection. In August 2017, a new recruitment law (Law 1861) regulating various fields of military recruitment, including applications for conscientious objection, was issued. According to the Law 1861, a conscientious objector first submits his oral or written statement to his local Military District authority. When the statement is received, it's delivered to a commission composed of four officials from the corresponding Military District authority (a medical doctor, a psychologist, a lawyer, and a commander) and one representative of the Public Ministry.

The commission evaluates the applicant's statement and organises an interview with him, and eventually decides whether to recognise the applicant as a conscientious objector or not. If the application is unsuccessful - meaning that the applicant is not recognised as a conscientious objector - he can challenge this decision suggesting/saying that it should be evaluated either again by the same commission or taken to a national commission with the same composition of members.

Despite the fact that the introduction of the Law 1861 is a positive step in terms of providing a legislative framework to achieve conscientious objector status (which had previously been missing in Colombia), the law and current practice fail to meet international standards in terms of the application procedures for conscientious objection. With its current composition of members, the examination commissions fail to meet standards of impartiality and independence.²²

Israel

In Israel, conscientious objection to military service is not legally recognised for men and it is only partially recognised in the case of women under Article 39 of the National Defence Service Law. However, Article 36 of the Defence Service Law gives Israel's Minister of Defence a blanket discretionary authority (delegated in practice to a group of military officers, mostly those overseeing conscription procedures) to fully or partially exempt any individual from military duty for any reason. This authority has been the legal basis for sometimes exempting male conscientious objectors, and since 2005—conscientious objectors of any gender, in Israel.

In order to apply to be exempted as a conscientious objector, applicants have to submit a written application to the Ministry of Defence conscription administration. The body tasked in practice with reviewing conscientious objection claims is an internal military committee (headed by the Commander of Recruitment Administration, who is one of the officers to whom the ministerial discretionary exemption authority is permanently delegated), colloquially referred to as the “Conscience Committee”. This committee had originally been made up exclusively of career military officers. A single civilian member (a university or college professor) has been joining committee hearings since 2003. This civilian, however, is selected by the military from a small pool of academics with personal and/or

21 See European Bureau for Conscientious Objection and War Resisters' International support Greek conscientious objectors' boycott of the Conscience Examination Committee: <https://www.wri-irg.org/en/story/2018/european-bureau-conscientious-objection-and-war-resisters-international-support-greek-0>

22 For a more detailed analysis of the Law 1861 and application procedures for conscientious objection in Colombia, see the November 2018 report by *Acción Colectiva de Objetores y Objektoras de Conciencia* and *Justapaz*, 'La objeción de conciencia en el primer año de aplicación de La nueva ley de reclutamiento Agosto 2017 – Octubre 2018': <http://www.justapaz.org/noticias-justapaz/somos-informacion-justapaz/justapaz-hoy/543-informe-la-objecion-de-conciencia-en-el-primer-ano-de-aplicacion-de-la-ley-de-reclutamiento>

professional connections to the military high command. The criteria applied by the Conscience Committee are not made available to the public, are not known to applicants, and are subject to change without notice.

The conscientious objector must face the full committee without any person to accompany her/him. A protocol of committee hearings was not regularly recorded until 2003, and the record that exists now is made by a uniformed soldier.

No appeal procedure for Conscience Committee decisions was stipulated originally, though one was eventually added. The appeal is heard by essentially the same committee (though with a different set of individuals from the same general pool of committee members attending the “appeal” hearing). All appeals were rejected until quite recently, though a few cases of successful appeals have now been recorded.

There is also a semi-formal preliminary screening procedure, which has been in place for about a decade, in which a single officer (typically the commander or deputy commander of one of the military’s regional conscription bureaus) interviews the conscientious objector in a fashion resembling the later full committee hearing. This preliminary screening has mostly been used to exclude non-pacifist conscientious objectors, or pacifists also willing to opine on the Israeli-Palestinian conflict, from further consideration.

Overall, the application process for exemption as a conscientious objector in Israel is fully controlled by the military. The current legislation and practice for the review of conscientious objection applications fails to meet the standards of an impartial and independent review process set by international law.

Russia

In Russia, conscientious objectors must apply to the draft board for alternative civilian service.

By law, the draft board is separate from the military commission. The draft board makes decisions regarding call-ups to military service and evaluates applications for alternative civilian service. The military commission organises conscription, sends summons to draftees, and keeps a record of draftees. In practice, however, contrary to the international standards mentioned above, these two bodies are closely interrelated with each other, and the decisions of the draft board are often come from the position of the military commission.

The Movement of Conscientious Objectors in Russia reported to WRI that, according to the data they could access, of the 343 applications for alternative civilian service during the period of 2015-2018, 161 (46.9%) have been successful, 152 (45%) were denied and 30 (8.1%) of the applications were not considered and evaluated by the draft boards.

If an applicant's application for alternative civilian service isn't successful, he must attend the military service. However, the decision can be appealed in court and the applicant is not recruited to the military during the draft period of his appeal. The applicant has the right to submit a new application in the next draft period.

iv. Further violations against conscientious objectors: Repeated punishment

Conscientious objectors whose rights are not recognised by their states, including applicants whose applications have been rejected, can face repeated punishment for their ongoing refusal to undertake military service. This is in violation of article Article 14, paragraph 7 of the ICCPR, which states that no one no one shall be liable to be tried or punished again for an offence of which they have already been

finally convicted or acquitted in accordance with the law and penal procedure of each country. The UN Working Group on Arbitrary Detention has also addressed the prohibition of repeated punishment of conscientious objectors because of their continued refusal to undertake military service, finding repeated imprisonment to be arbitrary detention.²³

Yet conscientious objectors do regularly face repeated imprisonment. Currently two conscientious objectors in Israel – Hilel Garmi²⁴ and Adam Rafaelov²⁵ - are in a cycle of call up, imprisonment, release and call up. There have been numerous examples of this in the state of Israel in the last six years.²⁶

v. Substitute service provision with discrimination against conscientious objectors with particular beliefs

No discrimination is permitted amongst conscientious objectors. The Human Rights Committee's General Comment 22, paragraph 11 affirms that "*there shall be no differentiation among conscientious objectors on the basis of the nature of their particular beliefs*"²⁷. This is not upheld by a number of states.

In Kyrgyzstan, members of an officially registered religious group who forbid their members to bear arms or serve in the armed forces can perform a substitute to military service²⁸. This is discriminatory. Objectors also have to pay a fee of 18,000 to 20,000 soms (about \$250 to \$290), so one's ability to access this is dependent on one's economic resources. It is also punitive, being over twice the length of military service (3 instead of 1.5 years).

In Belarus, in 2016 a new law on substitute service came into force in June 2016²⁹. It is only available to religious pacifists.

In Greece, we have received reports of a number of discriminatory practices by the Conscience Examination Committee examining applications for alternative service. The Committee does not call those applicants who have a certificate from the Jehovah's Witnesses church for an interview, whereas they call all others for an interview to evaluate their applications. It's also reported that such procedural discrimination is combined with a discrimination in the evaluation of applicants' grounds of conscience. According to available official data from applications and information received by conscientious objectors across Greece, almost all Jehovah's Witnesses are automatically recognised as conscientious objectors, while about half of the conscientious objectors citing ideological grounds are recognised and it is very rare for conscientious objectors citing other religious grounds to be recognised as conscientious objectors. For example, the application of a Christian Evangelist, whose case was cited by the Special Rapporteur on freedom of religion or belief,³⁰ was rejected in 2002. His appeal to the Council of State was also rejected after more than a decade. WRI has been informed that he could finally achieve the

23 Opinion No. 36/1999 (TURKEY): United Nations: Working Group on Arbitrary Detention (E/CN.4/2001/14/Add.1); Working Group on Arbitrary Detention Recommendation No. 2 (E/CN.4/2001/14); and Opinion No. 24/2003 (ISRAEL) E/CN.4/2005/6/Add. 1.

24 See 'Israel: Hilel Garmi imprisoned again:' <https://www.wri-irg.org/en/programmes/rrtk/co-action-alert/2018/israel-hilel-garmi-imprisoned-again-0>

25 See Israeli conscientious objector sent to prison for seventh time: <https://972mag.com/israeli-army-sentences-conscientious-objector-to-10-days-behind-bars/139094/>

26 WRI's CO-Alert page includes a number cases from previous years: https://www.wri-irg.org/en/programmes/co_alerts

27 Human Rights Committee, General Comment 22, Article 18 (Forty-eighth session, 1993). Compilation of General Comments and General Recommendations Adopted by Human Rights Treaty Bodies, U.N. Doc. HRI/GEN/1/Rev.1 at 35 (1994).

28 Read the news at Radio Free Europe Radio Liberty, Conscientious Objectors In Kyrgyzstan Allowed To Avoid Military Service: <https://www.rferl.org/a/kyrgyzstan-conscientious-objectors/27183276.html>

29 Read the news at Belarus Direct, Belarus Introduces Alternative Civilian Service <http://belarusdigest.com/story/belarus-introduces-alternative-civilian-service-26309>

30 <https://spcommreports.ohchr.org/TMResultsBase/DownloadPublicCommunicationFile?gId=22834>

status of conscientious objector only after submitting a second application in 2016 - this time citing ideological grounds. These reported cases demonstrate an intention to avoid recognising any other religious grounds than those of the Jehovah's Witnesses.

vi. Barriers to accessing information on conscientious objection

The importance of making information available to all affected by military service is stressed by UN Human Rights Council resolution 24/17, and has also been taken up by the Human Rights Committee in Concluding Observations, to ensure that people know about the right to conscientious objection and also how to acquire conscientious objector status³¹.

However, challenges remain around the right to conscientious objection to military service for conscripts, reservists, and for members of the armed forces who have joined voluntarily, but who develop a conscientious objection during service.

ForcesWatch, a non-profit research and campaigning organisation that monitors the British military from a human rights and ethics perspective says that "It is very likely that many forces personnel are unaware of their right to discharge if they develop a conscientious objection³²".

In the Republic of Cyprus, although there is provision in law for conscientious objection to military service and substitute social service, information about this and access to the procedure is problematic. Conscripts have no real access to this information and the deadline given for application for substitute service is very short, creating a barrier to accessing this right. Information about the right for reservists to apply for a substitute to reservist military service is also difficult to obtain.

Vii. States with new developments

Morocco

In Morocco, on 20th August the ministerial council approved a new bill reintroducing compulsory military service for people under the age of 25.³³ According to the bill, both men and women aged 19 to 25 are subject to a 12-month mandatory military service - which was abolished by the King in 2006. It is extremely worrying that the bill does not make any mention of conscientious objection, does not provide any provisions for alternative to military service, and sets no procedures for those who would refuse to attend military service on grounds of conscience, belief and religion.

The Republic of Korea

In 2018, we received a number of positive news from the Republic of Korea, including the landmark decision of the Constitutional Court (on 28th June) recognising the right to conscientious objection³⁴, the Supreme Court ruling (on 1st November) legalising conscientious objection³⁵, and the release of 58 conscientious objectors on 30th November.³⁶ Currently, there are known to be 13 conscientious objectors who remain behind bars. It is a significant decrease in the number of imprisoned conscientious objectors - from hundreds to 13 today. The Constitutional Court and Supreme Court rulings, as well as the release

31 Human Rights Committee Concluding Observations on Paraguay (CCPR/C/PRY/CO/2) of 24 April 2006, para 18.

32 See Conscientious Objection in the UK Armed Forces: http://www.parliament.uk/documents/joint-committees/human-rights/Briefing_from_Forces_Watch_Conscientious_objection.pdf

33 <https://www.wri-irg.org/en/story/2018/morocco-conscription-be-reintroduced>

34 See 'South Korea: Constitutional Court recognises conscientious objection': <https://www.wri-irg.org/en/story/2018/south-korea-constitutional-court-recognises-conscientious-objection>

35 See 'South Korea Supreme Court allows conscientious objection to military service in landmark ruling': <https://uk.reuters.com/article/uk-southkorea-military/south-korea-supreme-court-allows-conscientious-objection-to-military-service-in-landmark-ruling-idUKKCN1N63GP>

36 See '58 conscientious objectors to be released from prison simultaneously': http://english.hani.co.kr/arti/english_edition/e_national/872011.html

of conscientious objectors, are very positive developments for conscientious objectors in the Republic of Korea.

However, despite these positive developments, there is a growing concern among conscientious objectors about the new legislation on alternative service. In its decision on 28th June, the Constitutional Court ordered the government to make amendments in law and initiate alternative civilian service before the end of 2019. At the current stage, the government is working on the legislation introducing and regulating alternative service.

Conscientious objectors in the Republic of Korea are concerned that the government is planning to introduce an alternative service system which will be punitive and not meet international standards. We have received reports that the new legislation might include an examination committee under the supervision of the military as well as obliging conscientious objectors to perform their service in prisons, and significantly longer times than the conscripts in the military. WRI will continue working with conscientious objectors in the Republic of Korea and urge the South Korean government to initiate an alternative civilian service system meeting the standards set by international law.