

**SUBMISSION**

**TO THE 43<sup>rd</sup> SESSION OF THE UNIVERSAL PERIODIC REVIEW**

**REPUBLIC OF SERBIA**

**Asylum for conscientious objectors to military service**

Updated October 2022

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## INTRODUCTION

The right to conscientious objection is enshrined in article 45 of the Serbian constitution, although the wording is ambiguous referring rather to “military duty without the obligation to carry weapons” than to “alternative civilian service” for conscientious objectors.<sup>i</sup>

Serbia has abolished conscription since 2011<sup>ii</sup> and discussions about re-introducing it have not resulted in concrete steps so far<sup>iii</sup>. According to the European Bureau for Conscientious Objection (EBCO) “Novica Antic of the Union of Professional Soldiers claims that over 5.000 professional soldiers left the Army in the last couple of years.”<sup>iv</sup> Indeed, IFOR has received information that it is possible to leave the army, although recognition for the right to conscientious objection for professional members of the armed forces is distinct from resignation or termination of contract for other reasons. However, IFOR is not aware of cases of professional members of the armed forces asking for termination of their contract due to conscientious objection. In general, IFOR has not identified major issues concerning conscientious objectors from Serbia in recent years.

For this reason, IFOR opts to dedicate its submission and suggested recommendations rather to the issue of granting asylum to those conscientious objectors to military service from other countries who have a well-founded fear of persecution in their country of origin owing to their refusal to perform military service when there is no provision, or no adequate provision, for conscientious objection to military service. Furthermore, because of the proximity of Serbia to the area of the Ukrainian conflict, the recent deterioration of the situation of conscientious objectors in the concerned countries and the urgency of this crisis, this submission focuses on the granting asylum to conscientious objectors from Russia, Ukraine, and Belarus who seek refuge in Serbia.

## ASYLUM FOR CONSCIENTIOUS OBJECTORS

### **International human rights standards about asylum for conscientious objectors in fear of persecution**

According to international human rights law and standards, asylum should be granted to conscientious objectors to military service who have a well-founded fear of persecution in their country of origin owing to their refusal to perform military service when there is no provision, or no adequate provision, for conscientious objection to military service.

The UNHCR has issued specific guidelines on international protection in cases of claims to refugee status related to military service. The UNHCR has stated *inter alia* that:

“17. In assessing what kinds of treatment would amount to persecution in cases where the applicant is a conscientious objector [see V. A. below on issues relating to credibility and genuineness of the applicant’s conviction(s)], the key issue is whether the national law on military service adequately provides for conscientious objectors, by either: (i) exempting them from military service, or (ii) providing appropriate alternative service. As mentioned in Part III above, States can legitimately require that citizens perform military or alternative service. However, where this is done in a manner that is inconsistent with international law standards, conscription may amount to persecution.”<sup>v</sup>

Furthermore, as it has been recently pointed out by the OHCHR, “UNHCR has noted that a well-founded fear of persecution may arise after an applicant has left her or his country of origin, owing to circumstances arising in the country of origin during the applicant’s absence and/or as a result of her or his own actions after she or he has left the country of origin, for example for having expressed objections or taken a stance against a situation of armed conflict and violence.”<sup>vi</sup><sup>vii</sup>

The OHCHR has also noted that: “In 2019, the **Working Group on Arbitrary Detention** reminded States to respect, protect and fulfil the right to personal liberty of conscientious objectors to

military service by exercising due diligence to prevent their expulsion, return (refoulement) or extradition to another State where there are substantial grounds for believing that they would be in danger of being subjected to arbitrary deprivation of liberty.<sup>viii</sup><sup>ix</sup>

The **OHCHR** has also highlighted that: “The **Human Rights Council** has encouraged States, subject to the circumstances of the individual case meeting the other requirements of the definition of a refugee, as set out in the Convention relating to the Status of Refugees and its 1967 Protocol, to consider granting asylum to those conscientious objectors to military service who have a well-founded fear of persecution in their country of origin owing to their refusal to perform military service, when there is no provision, or no adequate provision, for conscientious objection to military service.”<sup>x</sup><sup>xi</sup>

Similarly, the predecessor of the Human Rights Council, the **UN Commission on Human Rights**, after having initially recalled “article 14 of the Universal Declaration of Human Rights which recognizes the right of everyone to seek and enjoy in other countries asylum from persecution”<sup>xii</sup>, later explicitly encouraged “States, subject to the circumstances of the individual case meeting the other requirements of the refugee definition as set out in the 1951 Convention relating to the Status of Refugees, to consider granting asylum to those conscientious objectors compelled to leave their country of origin because they fear persecution owing to their refusal to perform military service when there is no provision, or no adequate provision, for conscientious objection to military service.”<sup>xiii</sup>

### **The violations of the right to conscientious objection to military service in Russia, Ukraine, and Belarus**

According to the above international human rights standards, the key question is whether a country has an adequate provision for conscientious objection to military service, consistent with international law and standards.

This is not the case for Russia, Ukraine, and Belarus.

#### **a) Russia**

In May 2022, IFOR in its submission to the Human Rights Committee<sup>xiv</sup>, has documented in detail how the Russian Federation does not respect the right to conscientious objection to military service, by:

- failing to guarantee in certain circumstances the civilian character of the alternative civilian service (alternative civilian service in organizations subordinate to the Ministry of Defence, e.g. military hospitals<sup>xv</sup>),
- not having independent and impartial procedures for granting conscientious objector status<sup>xvi</sup>,
- failing to provide a non-punitive and non-discriminatory alternative civilian service:
  - o in terms of length: the military service in the Russian Federation is 12 months, while the alternative civilian service is 21 months or 18 months for alternative service in organizations affiliated to armed forces, such as military factories and construction departments.<sup>xvii</sup>
  - o but also because of other punitive conditions: insufficient salary, place of service outside places of permanent residence, inadequate housing.<sup>xviii</sup>

Furthermore, IFOR has raised concerns about non-recognition of selective conscientious objectors, as well about other issues such as:

- Persecution of Jehovah’s Witnesses affecting the right to conscientious objection.

- Violations of the freedom of association affecting organisations defending the rights of conscripts and conscientious objectors.
- Illegal conscription in Russian-occupied territories.<sup>xix</sup> In this regard, the OHCHR has also dedicated an extensive part in its recent analytical report.<sup>xx</sup>
- Violations of the right to conscientious objection by forces over which the State party appears to have considerable influence.<sup>xxi</sup>

Based on the above, the Russian Federation was not respecting the right to conscientious objection to military service and related rights **even before the recent mobilization and related decisions.**

However, **the situation has been deteriorated even more, after the recent mobilisation, with amendments of legislation to further punishments for desertion and insubordination,**<sup>xxii</sup> which could affect conscientious objectors. While an alarming report refers explicitly to a provision for punishment of conscientious objectors.<sup>xxiii</sup>

## **b) Ukraine**

In Ukraine there were violations to the right to conscientious objection even before the recent suspension.

More specifically, according to the EBCO 2021 report: “Legal recognition of conscientious objection to military service is possible only for conscripts, not for acting servicemen.”<sup>xxiv</sup> This is contrary to international human rights standards stipulating that: “Conscripts and volunteers should be able to object before the commencement of military service, or at any stage during or after military service”,<sup>xxv</sup> and that: “The application procedure should be available to all persons affected by military service, including conscripts, professional members of the armed forces and reservists”.<sup>xxvi</sup>

### *Discrimination as to the nature of beliefs*

Furthermore, “Only religious objectors belonging to 10 particular confessions listed in the governmental decree are allowed to apply for replacement of compulsory military service with alternative non-military service”.<sup>xxvii</sup> This is also contrary to international human rights standards stipulating that: “Alternative service arrangements should be accessible to all conscientious objectors without discrimination as to the nature of their religious or non-religious beliefs”.<sup>xxviii</sup>

### *Lack of independence and impartiality of the procedures for granting conscientious objector status*

Moreover, “Applications for alternative nonmilitary service are managed by local state administrations; such applications are considered mostly by officials, including acting servicemen and reservists.”<sup>xxix</sup> According to international human rights standards: “States that do not accept claims of conscientious objection as valid without an inquiry should establish independent and impartial bodies under the full control of the civilian authorities”.<sup>xxx</sup> According to the Parliamentary Assembly of the Council of Europe: “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.”<sup>xxxi</sup>

### *Restriction on freedom of movement - resulting in violation of the right to conscientious objection*

The situation deteriorated after the Russian invasion and martial law, with travel ban for almost all men.<sup>xxxii</sup> In February 2022, President Zelensky announced the general mobilization of all men between the ages of 18 and 60. In addition, this group of people was prohibited from leaving the country. Since the right to conscientious objection in Ukraine is limited and cannot be exercised by everyone, the exit ban and therewith the compulsion to follow the mobilization violate the Interna-

tional Covenant on Civil and Political Rights, as was determined, for instance, by Amy Maguire, Associate Professor in Human Rights and International Law, in early March 2022.<sup>xxxiii</sup>

#### *Illegal suspension of the right to conscientious objection in war time*

According to reports, this deterioration culminated in the **suspension of the provisions for alternative civilian service, and thus of the right to conscientious objection.**<sup>xxxiv</sup> This is a flagrant violation of international law. According to international human rights law and standards **the right to conscientious objection applies both in wartime and in peacetime, as it has been acknowledged by the UN Human Rights Committee.**<sup>xxxv</sup> Article 4, paragraph 2, of the ICCPR does not permit **any derogation** from the obligations of a state party concerning Article 18 on freedom of thought, conscience and religion, (to which the right to conscientious objection to military service is **inherent**<sup>xxxvi</sup>) even in **time of public emergency which threatens the life of the nation.**<sup>xxxvii</sup>

#### **c) Belarus**

Belarus has failed to bring its legislation and practice about conscientious objection to military service in line with international human rights law and standards.

#### *Punitive and discriminatory alternative service*

##### *(i) Duration*

The duration of alternative service is twice as long that of military service. The military service 18 months (or 12 months for persons of higher education and officers, 6 months for graduates of officers' training at military faculties), while the alternative service is 36 months (or 24 for persons of higher education).<sup>xxxviii</sup> This contravenes all international and regional human rights standards:

- The **European Parliament** has repeatedly asked for the length of alternative service to be equal with that of military service.<sup>xxxix</sup>
- According to the **UN Human Rights Committee** an increase of the length of alternative service of 50% compared to that of military service could also be punitive. Specifically, in the case of Austria, where the increase is indeed 50% (9 months of alternative service compared to 6 months of military service)<sup>xl</sup>, it 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”. And encouraged the state party to ensure that the length of alternative service will not be punitive in nature.<sup>xli</sup>
- According to the **European Committee of Social Rights, of the Council of Europe**, the alternative service should not exceed in length 1.5 times [50% increase] the length of military service, otherwise there is a violation of Article 1, paragraph 2 of the European Social Charter (ESC) concerning the effective protection of the right of the worker to earn his living in an occupation freely entered upon.<sup>xlii</sup>
- The **ECHR**, appears to adopt the above criterion of the European Committee of Social Rights of the Council of Europe.<sup>xliii</sup>

##### *(ii) Discriminatory conditions*

According to Forum 18, conscientious objectors undertaking alternative service are paid less than military conscripts.<sup>xliv</sup>

#### *Discrimination as to the nature of beliefs*

Only young men with a religious pacifist objection are eligible to apply for alternative civilian service, not those with non-religious pacifist convictions. It is unclear whether even all young men with religious objections to military service are allowed to do civilian alternative service, as the

Law is silent on how objectors from communities which are not as a community formally pacifist – such as the Orthodox Church – are to be treated.<sup>xlv</sup>

#### *Punishment of reservist conscientious objector*

According to EBCO 2021 report: “In December 2021, the United Nations Human Rights Committee asked Belarus to respond in the case of 33-year-old Jehovah's Witness conscientious objector Dmitry Mozol. In February 2021, a court in Pinsk fined him four months' wages for refusing call-up to reservist military training on grounds of conscience<sup>xlvi»xlvi</sup>

Under Article 70, those who have performed alternative service are exempt from such reservist military service. However, conscientious objectors – like Mozol - who expressed a willingness to do an alternative civilian service before it existed and who were never summoned for military service are not exempted from compulsory annual reservist military training. Nor are those who adopted a conscientious objection after having conducted compulsory military service.<sup>xlviii</sup>

#### *Lack of information about the right to conscientious objection to military service*

According to EBCO: “During the street video interviews recorded and published by the NGO Legal Initiative young people told that in school they received military training, nobody informed them about alternative service.”<sup>xlix</sup>

#### *Violations of the right to freedom of expression and other rights of those who oppose the war in Ukraine*

According to Forum 18, soldiers' mothers were detained for prayers for end to war on Ukraine;<sup>l</sup> Catholic, Greek Catholic, and Protestant religious leaders have been targeted for opposing, *inter alia*, Belarus' role in Russia's war against Ukraine;<sup>li</sup> police warned Orthodox priest Fr Andrei Nozdrin and his church transferred him to a remote parish after he publicly opposed Russia's renewed invasion of Ukraine, and Belarus' role in this.<sup>lii</sup>

### **Asylum for Objection to Military Service in Conflict Contrary to the Basic Rules of Human Conduct**

The UNHRC in its guidelines has also extensively elaborated on the “Objection to Military Service in Conflict Contrary to the Basic Rules of Human Conduct”, including:

- Objection to Participating in an Unlawful Armed Conflict
- Objection to the Means and Methods of Warfare [Conduct of the Parties]<sup>liii</sup>

The first reason would be relevant mostly for conscientious objectors, draft evaders, deserters from Russia and Belarus.

There is a widespread opinion that the Russian invasion in Ukraine “is a manifest violation of the United Nations Charter and an act of aggression that is a crime under international law”.<sup>liv</sup>

The second reason could be applicable to persons from all parties in the conflict, and so far it has been widely documented for Russia and Ukraine.

As the UN High Commissioner for Human Rights has repeatedly stated: “the gross violations of international human rights law and serious violations of humanitarian law that have occurred - in particular regarding the principle of distinction and the prohibition of indiscriminate attacks - may amount to war crimes.”<sup>lv</sup> And: “The vast majority continued to be caused by the use of explosive weapons with wide area effects in populated areas, such as shelling from heavy artillery, including multiple launch rocket systems, and missile and air strikes. According to information, while such incidents could be attributed to both parties to the conflict, most of these casualties appeared attributable to the Russian armed forces and affiliated armed groups. The only way to bring a stop to further violations was to end the hostilities.”<sup>lvi</sup>

## SUGGESTED RECOMMENDATIONS

- Grant asylum to all those conscientious objectors to military service who have a well-founded fear of persecution in their country of origin owing to their refusal to perform military service when there is no provision, or no adequate provision, for conscientious objection to military service.
- Grant asylum to all conscientious objectors to military service from Russia, Ukraine, and Belarus, including selective conscientious objectors (deserters, draft evaders) opposing or avoiding this particular armed conflict and related violations of international law.
- Continue to abide by the decision not to have compulsory military service in Serbia.

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<sup>i</sup> [http://www.parlament.gov.rs/upload/documents/Constitution\\_%20of\\_Serbia\\_pdf.pdf](http://www.parlament.gov.rs/upload/documents/Constitution_%20of_Serbia_pdf.pdf)

<sup>ii</sup> <https://www.ebco-beoc.org/serbia> See also: <https://wri-irg.org/en/story/2010/serbia-conscription-end-1-january-2011>

<sup>iii</sup> <https://balkaninsight.com/2022/05/12/serbian-ngos-condemn-vucics-call-for-compulsory-military-service/>

<sup>iv</sup> EBCO annual report 2021, p. 55. Available at: [https://ebco-beoc.org/sites/ebco-beoc.org/files/attachments/2022-03-21-EBCO\\_Annual\\_Report\\_2021.pdf](https://ebco-beoc.org/sites/ebco-beoc.org/files/attachments/2022-03-21-EBCO_Annual_Report_2021.pdf) See also: <https://www.ebco-beoc.org/serbia>

<sup>v</sup> UNHCR, GUIDELINES ON INTERNATIONAL PROTECTION NO. 10:

Claims to Refugee Status related to Military Service within the context of Article 1A (2) of the 1951 Convention and/or the 1967 Protocol relating to the Status of Refugees, (HCR/GIP/13/10/Corr. 1.), 12 November 2014, para. 17. Available at: <https://www.refworld.org/docid/529ee33b4.html>

<sup>vi</sup> <https://www.refworld.org/pdfid/5cb474b27.pdf>, p. 226.

<sup>vii</sup> OHCHR, Conscientious objection to military service, Analytical report of the Office of the United Nations High Commissioner for Human Rights, (A/HRC/50/43), 11 May 2022, part II, E. Claims to refugee status, para. 20. Available at: <https://undocs.org/A/HRC/50/43>

<sup>viii</sup> [A/HRC/42/39](https://undocs.org/A/HRC/42/39), para. 63. See also contributions from Connection e.V. and Quaker United Nations Office; <https://quano.org/resource/2021/5/report-conscientious-objection-military-service-and-refugee-status-determination>; and Özgür H. Çinar, “Conscientious objectors seeking asylum: a comparative perspective”, *International Journal of Human Rights*, vol. 25, No. 2 (2021).

<sup>ix</sup> OHCHR, Conscientious objection to military service, Analytical report of the Office of the United Nations High Commissioner for Human Rights, (A/HRC/50/43), 11 May 2022, part II, E. Claims to refugee status, para. 21. Available at: <https://undocs.org/A/HRC/50/43>

<sup>x</sup> See Council resolutions 24/17 and 36/18.

<sup>xi</sup> OHCHR, Conscientious objection to military service, Analytical report of the Office of the United Nations High Commissioner for Human Rights, (A/HRC/50/43), 11 May 2022, part II, E. Claims to refugee status, para. 20. Available at: <https://undocs.org/A/HRC/50/43>

<sup>xii</sup> UN Commission on Human Rights, Resolution 1995/83, Preamble. Available at: <https://www.refworld.org/docid/3b00f0d220.html>. See also, Resolution 1998/77, Preamble. Available at: <https://www.refworld.org/docid/3b00f0be10.html>

<sup>xiii</sup> UN Commission on Human Rights, Resolution 1998/77, para. 7. Available at: <https://www.refworld.org/docid/3b00f0be10.html>

<sup>xiv</sup> IFOR, Submission to the 135th session of the Human Rights Committee, Russian Federation, Conscientious objection to military service and related issues, Updated May 2022. Available at: [https://tbinternet.ohchr.org/\\_layouts/15/treatybodyexternal/Download.aspx?symbolno=INT%2fCCPR%2fCSS%2fRUS%2f48820&Lang=en](https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=INT%2fCCPR%2fCSS%2fRUS%2f48820&Lang=en)

<sup>xv</sup> EBCO, *Annual Report Conscientious Objection to Military Service in Europe 2021*, 21 March 2022, p. 53. Available at: [https://ebco-beoc.org/sites/ebco-beoc.org/files/attachments/2022-03-21-EBCO\\_Annual\\_Report\\_2021.pdf](https://ebco-beoc.org/sites/ebco-beoc.org/files/attachments/2022-03-21-EBCO_Annual_Report_2021.pdf)

<sup>xvi</sup> “ECtHR judgement on Russian CO case disregards 53 years of international human rights standards”, joint statement by War Resisters' International (WRI), European Bureau for Conscientious Objection (EBCO), International Fellowship

of Reconciliation (IFOR), and Connection e.V., published on October 29th, 2020. Available at: <https://www.ifor.org/news/2020/10/ifor-participates-in-a-public-statement-regarding-ecthr-judgment-on-russian-case29?rq=Dyagilev>

<sup>xxvii</sup> EBCO, *Annual Report Conscientious Objection to Military Service in Europe 2021*, 21 March 2022, p. 52. Available at: [https://ebco-beoc.org/sites/ebco-beoc.org/files/attachments/2022-03-21-EBCO\\_Annual\\_Report\\_2021.pdf](https://ebco-beoc.org/sites/ebco-beoc.org/files/attachments/2022-03-21-EBCO_Annual_Report_2021.pdf)

<sup>xxviii</sup> EBCO, *Annual Report Conscientious Objection to Military Service in Europe 2021*, 21 March 2022, p. 53. Available at: [https://ebco-beoc.org/sites/ebco-beoc.org/files/attachments/2022-03-21-EBCO\\_Annual\\_Report\\_2021.pdf](https://ebco-beoc.org/sites/ebco-beoc.org/files/attachments/2022-03-21-EBCO_Annual_Report_2021.pdf)

<sup>xxix</sup> EBCO, *Annual Report Conscientious Objection to Military Service in Europe 2021*, 21 March 2022, p. 67. Available at: [https://ebco-beoc.org/sites/ebco-beoc.org/files/attachments/2022-03-21-EBCO\\_Annual\\_Report\\_2021.pdf](https://ebco-beoc.org/sites/ebco-beoc.org/files/attachments/2022-03-21-EBCO_Annual_Report_2021.pdf)

<sup>xx</sup> OHCHR, Conscientious objection to military service, Analytical report of the Office of the United Nations High Commissioner for Human Rights, (A/HRC/50/43), 11 May 2022, para. 50. Available at: <https://undocs.org/A/HRC/50/43>

<sup>xxxi</sup> EBCO, *Annual Report Conscientious Objection to Military Service in Europe 2021*, 21 March 2022, p. 68. Available at: [https://ebco-beoc.org/sites/ebco-beoc.org/files/attachments/2022-03-21-EBCO\\_Annual\\_Report\\_2021.pdf](https://ebco-beoc.org/sites/ebco-beoc.org/files/attachments/2022-03-21-EBCO_Annual_Report_2021.pdf)

<sup>xxii</sup> “Russian parliament toughens punishment for crimes during military mobilisation”, *Reuters*, 20 September 2022. Available at: <https://www.reuters.com/world/europe/russian-parliament-toughens-punishment-crimes-during-mobilisation-2022-09-20/>

<sup>xxiii</sup> “Russian Lawmakers Approve Long Jail Terms for Military Surrender, Refusal to Serve”, *The Moscow Times*, 20 September 2022. Available at: <https://www.themoscowtimes.com/2022/09/20/russian-lawmakers-approve-long-jail-terms-for-military-surrender-refusal-to-serve-a78843>

<sup>xxiv</sup> EBCO, *Annual Report Conscientious Objection to Military Service in Europe 2021*, 21 March 2022, p. 64. Available at: [https://ebco-beoc.org/sites/ebco-beoc.org/files/attachments/2022-03-21-EBCO\\_Annual\\_Report\\_2021.pdf](https://ebco-beoc.org/sites/ebco-beoc.org/files/attachments/2022-03-21-EBCO_Annual_Report_2021.pdf)

<sup>xxv</sup> OHCHR, Conscientious objection to military service, Analytical report of the Office of the United Nations High Commissioner for Human Rights, (A/HRC/50/43), 11 May 2022, para. 57(g). Available at: <https://undocs.org/A/HRC/50/43>

<sup>xxvi</sup> OHCHR, Conscientious objection to military service, Analytical report of the Office of the United Nations High Commissioner for Human Rights, (A/HRC/50/43), 11 May 2022, para. 57(d). Available at: <https://undocs.org/A/HRC/50/43>

<sup>xxvii</sup> EBCO, *Annual Report Conscientious Objection to Military Service in Europe 2021*, 21 March 2022, p. 64. Available at: [https://ebco-beoc.org/sites/ebco-beoc.org/files/attachments/2022-03-21-EBCO\\_Annual\\_Report\\_2021.pdf](https://ebco-beoc.org/sites/ebco-beoc.org/files/attachments/2022-03-21-EBCO_Annual_Report_2021.pdf)

<sup>xxviii</sup> OHCHR, Conscientious objection to military service, Analytical report of the Office of the United Nations High Commissioner for Human Rights, (A/HRC/50/43), 11 May 2022, para. 57(f). Available at: <https://undocs.org/A/HRC/50/43>

<sup>xxix</sup> EBCO, *Annual Report Conscientious Objection to Military Service in Europe 2021*, 21 March 2022, p. 64. Available at: [https://ebco-beoc.org/sites/ebco-beoc.org/files/attachments/2022-03-21-EBCO\\_Annual\\_Report\\_2021.pdf](https://ebco-beoc.org/sites/ebco-beoc.org/files/attachments/2022-03-21-EBCO_Annual_Report_2021.pdf)

<sup>xxx</sup> OHCHR, Conscientious objection to military service, Analytical report of the Office of the United Nations High Commissioner for Human Rights, (A/HRC/50/43), 11 May 2022, para. 57(i). Available at: <https://undocs.org/A/HRC/50/43>

<sup>xxxi</sup> Council of Europe, Parliamentary Assembly, Resolution 337 (1967), Right of conscientious objection, para. b2. Available at: <https://assembly.coe.int/nw/xml/XRef/Xref-XML2HTML-en.asp?fileid=15752&lang=en>

<sup>xxxii</sup> EBCO, *Annual Report Conscientious Objection to Military Service in Europe 2021*, 21 March 2022, p. 4. Available at: [https://ebco-beoc.org/sites/ebco-beoc.org/files/attachments/2022-03-21-EBCO\\_Annual\\_Report\\_2021.pdf](https://ebco-beoc.org/sites/ebco-beoc.org/files/attachments/2022-03-21-EBCO_Annual_Report_2021.pdf)

<sup>xxxiii</sup> Amy Maguire, “Why banning men from leaving Ukraine violates their human rights”, *The Conversation*, 8 March 2022. Available at: <https://theconversation.com/why-banning-men-from-leaving-ukraine-violates-their-human-rights-178411>

<sup>xxxiv</sup> Connection e.V., “Ukraine suspended right to conscientious objection to military service”, 5 September 2022. Available at: <https://en.connection-ev.org/article-3614>

<sup>xxxv</sup> E.g. CCPR/CO/82/FIN, 2 December 2004, para. 14. Available at <http://undocs.org/CCPR/CO/82/FIN>

<sup>xxxvi</sup> 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>. See also following jurisprudence on conscientious objection to military service.

<sup>xxxvii</sup> See also: Amy Maguire, “Why banning men from leaving Ukraine violates their human rights”, *The Conversation*, 8 March 2022. Available at: <https://theconversation.com/why-banning-men-from-leaving-ukraine-violates-their-human-rights-178411>

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<sup>xxxviii</sup> EBCO, *Annual Report Conscientious Objection to Military Service in Europe 2021*, 21 March 2022, p. 69. Available at: [https://ebco-beoc.org/sites/ebco-beoc.org/files/attachments/2022-03-21-EBCO\\_Annual\\_Report\\_2021.pdf](https://ebco-beoc.org/sites/ebco-beoc.org/files/attachments/2022-03-21-EBCO_Annual_Report_2021.pdf)

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