

## Human Rights & Refugees

### Conscientious Objection to Military Service

QUNO calls for States to fully implement the right of conscientious objection to military service in law and practice, and has worked for decades to this end. To learn more about this work, please visit our website: [www.quno.org](http://www.quno.org)

#### Box 1

#### Illustrative Example

Conscientious objector Vahan Bayatyan was convicted and imprisoned for draft evasion despite sending letters to the General Prosecutor, the Military Commissioner and the Human Rights Commission of the National Assembly when he was summoned to serve, stating his objection to military service:

“I, Vahan Bayatyan, born in 1983, inform you that I have studied the Bible since 1996 and have trained my conscience by the Bible in harmony with the words of Isaiah 2:4, and I consciously refuse to perform military service.”

The European Court of Human Rights found that there had been a violation of the right to freedom of thought, conscience and religion.<sup>2</sup>

# Conscientious objectors to military service:

## Punishment and discriminatory treatment

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### Introduction

The United Nations has recognised the right of conscientious objection to military service as part of the right to freedom of thought, conscience and religion or belief.<sup>1</sup> However, not all States that retain a system of obligatory military service recognise this right; and even where it is recognised in principle, the provisions or the way they are applied may exclude some conscientious objectors. In either situation, unrecognised conscientious objectors may be classified as draft evaders or deserters, and treated as such (*see Box 1*).

Unrecognised conscientious objectors may face a wide range of serious implications for their refusal to perform military service. These can include prosecution and imprisonment, sometimes repeatedly, and also burdensome fines. However, governments more commonly promote compliance with military service requirements through other means, rather than prosecution and imprisonment, such as military documentation and the denial of rights and benefits.

There are, therefore, a number of implications beyond prosecution and imprisonment for unrecognised conscientious objectors when they refuse military service, including:

- Acquiring a criminal record
- Lack of necessary identification documentation
- Restrictions on enjoyment of civil rights
- Limited employment opportunities
- Inability to access or complete education
- Restrictions on freedom of movement, including leaving the country

## Consequences of having a criminal record

Criminal prosecution and conviction of conscientious objectors can result in a criminal record, leading to life-long societal and economic disadvantage.<sup>3</sup> The Human Rights Committee has expressed concern that “convicted conscientious objectors bear the stigma of a criminal record”<sup>4</sup>

Conscientious objectors with criminal records are particularly disadvantaged in terms of employment opportunities, in both the public and private sectors. For instance, they may be ineligible for appointment to public office or for work with private employers.<sup>5</sup> A representative of the Jehovah’s Witnesses, a religious group known for their conscientious objection to military service, suggests that it is thus “nearly impossible” for conscientious objectors with a criminal record to find employment, particularly in the public sector or with larger corporations.<sup>6</sup> In addition, conscientious objectors can be disbarred from practicing certain professions following conviction, as in the case of Iakovos Thilemmenos (*see Box 2*).

### Box 2

#### Illustrative Example

Iakovos Thlimmenos, was disbarred from practicing as an accountant because he had a criminal conviction for a “serious crime”, after he disobeyed an order to wear military uniform.

The European Court of Human Rights considered that “a conviction for refusing on religious or philosophical grounds to wear the military uniform cannot imply any dishonesty or moral turpitude likely to undermine the offender’s ability to exercise this profession”.

The Court found that Thlimmenos was a victim of discrimination (Art. 14) and there had been a violation of his right to freedom of thought, conscience and religion (Art. 9).<sup>7</sup>

In addition, conscientious objectors may face further problems following criminal conviction. For instance, some have been refused residency, which makes them unable to vote and ineligible for election.<sup>8</sup> Other conscientious objectors face similar problems enjoying these rights if they have been imprisoned for a certain length of time,<sup>9</sup> or are involved in on-going legal proceedings.<sup>10</sup>

The Human Rights Committee has called on States to expunge criminal records when convictions resulted from conscientious objection to military service.<sup>11</sup>

## Lack of military or other identity documentation

To ensure compliance with military service requirements, governments often use a system of military documentation. Known in Latin America as the *libreta militar*, a certificate of military service is issued in other regions, notably Eastern Europe. These act as proof that an individual has adhered to military service requirements, but is often also an essential document necessary to enjoy basic rights. Such military documentation is used as a form of identity documentation in itself or can be integrated into the national system of identity documentation; for example, the military registration number can be included on identity documents.<sup>12</sup> Alternatively, military documentation is sometimes required in order to be issued with identity documents, such as identity cards or passports.<sup>13</sup> For example, some conscientious objectors have been refused identity documents as they did not have a required document of registration from the military commissariat.<sup>14</sup>

Conscientious objectors may, therefore, be unable to obtain military or other identity documentation because they have not complied with military service requirements.

Sometimes conscientious objectors are entitled to identity documentation, even without military documentation, but are reluctant to seek such documents for fear of alerting the authorities to their

presence, thereby risking arrest and forced recruitment. Without military or other identity documentation, conscientious objectors may be unable to:

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

### Box 3

#### Personal Experience

“You cease to exist,” describes one conscientious objector after being unable to obtain identity documents after refusing military service.<sup>15</sup>

Military or other identity documentation is often a requirement for employment in both the public and private sectors.\* In one example from Latin America, military documentation is required specifically to start an administrative career or to take a post in public office, and no national or foreign company is allowed by law to employ male citizens who have not complied with military service requirements.<sup>16</sup>

Alternatively, in a Central Asian State, citizens often need a stamp from the military commissariat to obtain a work permit, which can be refused in the case of conscientious objectors.<sup>17</sup> In such situations, conscientious objectors are unable to find work legally, which has a number of negative implications for individuals and their families, and often results in their exclusion from the formal economy.

Conscientious objectors may not be able to pursue an education<sup>18</sup> as documentation is often required in

order to matriculate, graduate or be awarded a degree from university.<sup>19</sup>

In one case, completion of military service is a formal requirement in order to graduate from university, but in practice universities sometimes also require students to show military documentation upon registration for their studies.<sup>20</sup> These types of restrictions often limit conscientious objectors’ ability to obtain professional qualifications.

Furthermore, if conscientious objectors are unable to obtain the necessary documentation, they may be unable to legally own property,<sup>21</sup> obtain legal recognition of land purchases,<sup>22</sup> open a bank account and other such activities that require documentation from the State.<sup>23</sup>

Similarly, conscientious objectors may not be able to register their residency,<sup>24</sup> which in turn results in exclusion from the electoral register and denial of the right to vote. Such exclusion of conscientious objectors can also occur if they do not have military documentation, such as the *libreta militar*.<sup>25</sup> In 2012, the Human Rights Committee expressed concern that conscientious objectors were “practically deprived of their civil and political rights” and specifically mentioned the right to vote.<sup>26</sup>

### Box 4

#### Personal Experience

When a Colombian conscientious objector refused military service, he describes the effect on his life:

“I could not obtain my professional title in psychology, and I could not have access to formal employment where I could put my acquired knowledge to the service of the community”.<sup>27</sup>

\* The difficulties that conscientious objectors face in securing employment due to lack of military or other identity documentation is separate from those problems resulting from criminal prosecution and criminal records, which is discussed above.

Lack of military or other identity documentation has implications for civil registration, including the registration of marriage,<sup>28</sup> legal recognition of a child and such documents can even be required in order to obtain or replace birth registration as an adult.<sup>29</sup> Restriction on civil registration not only affects conscientious objectors themselves but can affect entire communities,<sup>30</sup> including children (*see Box 5*).

### Box 5

#### Illustrative Example

In one case highlighted by the United Nations High Commissioner for Refugees, twin daughters of a Syrian father and Jordanian mother, Rasha and Lina, were at risk of becoming stateless when their father was detained for refusing compulsory military service and their mother fled Syria.

Under discriminatory nationality laws their mother was unable to confer nationality, and although the children were entitled to Syrian nationality from their father, they did not have the necessary evidence, such as marriage registration.

The children had a number of serious health problems at birth but, as a result of being unregistered, did not qualify for free assistance at public hospitals.<sup>31</sup>

In summation, without military or other identity documentation, it is impossible for conscientious objectors to participate fully in public and political life and otherwise enjoy the rights and benefits associated with citizenship (*see Box 6*).

### Box 6

#### Illustrative Example

Osman Murat Ülke was unable to legally marry his partner or to legally recognise their child as a result of his conscientious objection to military service. In fear of prosecution and imprisonment, Ülke lived in hiding, had no official address and broke off all contact with administrative authorities.

The European Court of Human Rights described this “clandestine life” as amounting “almost to civil death”.

In the aggregate, these measures, including repeated prosecution and imprisonment, were found by the Court to constitute inhuman or degrading treatment or punishment (Article 3).<sup>38</sup>

The example of Ecuador shows that it is possible to abolish the use of military documentation (*see Box 7*).

### Box 7

#### Positive Development

In a recent positive development, Ecuador reported to the Human Rights Committee that military documentation, the *libreta militar*, was no longer required:

“[T]he *libreta militar*, which certified the completion of service in the Armed Forces, and without which no-one could exercise the aforementioned rights, is no longer a prerequisite for men to travel, study, drive etc.

Moreover the *libreta militar* is in disuse and all the regulations concerning its issue and use have been repealed.”<sup>39</sup>

Finally, without military or other forms of identity documents, conscientious objectors are prevented from moving freely.<sup>32</sup> For instance, they may not be able to purchase tickets for travel that would allow them to move internally or leave the country.<sup>33</sup> Military documentation is often required in order to leave the country, either as a necessary document in itself,<sup>34</sup> or in order to be issued with a passport.<sup>35</sup>

The Human Rights Committee, in 2012, expressed concern that by refusing to undertake military service, conscientious objectors were deprived of their freedom of movement.<sup>36</sup> Restrictions on leaving the country also make it more difficult to flee and seek protection abroad as a refugee.<sup>37</sup>

Alternatively, it is possible to make provisions for conscientious objection, as in the examples of Serbia, Croatia<sup>40</sup> and Paraguay (see Box 8), through which those who object to military service are given the correct and necessary documentation.

## Box 8

### Positive Development

When the right to conscientious objection to military service was recognised in Paraguay, an additional document was incorporated into the national system of military documentation: the *carné de objector*.<sup>41</sup>

## Additional Issues

Beyond the question of criminal records or lack of necessary documentation, conscientious objectors may face additional, broader implications when they refuse military service, such as discrimination in employment and other financial implications, restrictions on freedom of movement and on freedom of opinion and expression.

In particular, conscientious objectors face other forms of discrimination, particularly when it comes to securing employment. They may be ineligible for work in public organisations, the civil service<sup>42</sup> or the police;<sup>43</sup> and, they may be deprived of official business permits and licences.<sup>44</sup>

Discrimination in terms of employment may also happen informally,<sup>45</sup> even if such discrimination is unlawful.<sup>46</sup> In practice, employers may include military service in job specifications and as a condition for acceptance.<sup>47</sup> In a more subtle form of discrimination, conscientious objectors have been refused employment on the grounds that they do not have necessary skills or qualities without military experience.<sup>48</sup>

Those who have not completed military service may have to pay more in taxes.<sup>49</sup> Conscientious objectors may also lose their eligibility for government benefits and subsidies, including mortgage loans, government housing and ration coupons for essential items.<sup>50</sup> In

addition, conscientious objectors may not be entitled to social security payments at the same level and under the same conditions as those who have served in the military.<sup>51</sup>

In some cases, all citizens deemed eligible for military service are restricted from leaving the country.<sup>52</sup> In one example, the following groups are commonly denied exit visas: men under the age of 54 years, women under 27, children over the age of 11 and Jehovah's Witnesses in particular.<sup>53</sup> Otherwise, restrictions on leaving the country refer specifically to draft evaders or deserters;<sup>54</sup> for instance, individuals considered to be draft evaders may not be allowed to work on ships that sail outside of national waters.<sup>55</sup>

## Box 9

### Personal Experience

According to a conscientious objector in Greece, "There are only a handful of objectors; most young men are afraid to refuse service. They are afraid they will have to face jail, and that they would not be able to work or have a passport – you can't travel abroad if you are a total CO [conscientious objector]".<sup>56</sup>

Internal movement is sometimes also restricted. In one Central Asian State, conscientious objectors are subjected to curfews and restricted from travelling outside their city of residence under suspended sentences.<sup>57</sup> In another case, the movement of all citizens eligible for military service is restricted, and citizens can be stopped, arrested and detained at any time.<sup>58</sup>

Furthermore, conscientious objectors are not always able to exercise their freedom of opinion and expression. The United Nations High Commissioner for Human Rights has expressed concern about restrictions on freedom of expression for those who support conscientious objectors and the right of conscientious objection.<sup>59</sup> Under the Penal Code in one case, conscientious objectors can be convicted and imprisoned for "alienating the people from the military", if their statements or conduct "encourage and

inspire people to desert or not to participate in military service”.<sup>60</sup> Similarly, in another case, incitement to conscientious objection is treated as a serious crime; the Criminal Code states “Those who have formed or joined a criminal organization with the purpose of refusing the military service or a legal obligation to pay taxes shall be sentenced to imprisonment for up to ten years or to the penalty fine”.<sup>61</sup>

In 2012, the Human Rights Committee expressed concern that such provisions were “adversely affecting freedom of expression”, as human rights defenders and media professionals were subjected to conviction.<sup>62</sup> There are also concerns that arrests and prosecution of conscientious objectors and human rights defenders are being used as a form of harassment or intimidation intended to deter political activity and suppress freedom of opinion and expression.

As described above, individuals are affected in numerous ways, when they object to military service and the right of conscientious objection is not recognised or implemented. However, sometimes ethnic or religious minorities are subject to particular discrimination as a group due to their members’ conscientious objection to military service.

The Jehovah’s Witnesses often face such discrimination; in one case, this religious minority was banned, with conscientious objection to military service given as a primary reason for the ban.<sup>63</sup> Other forms of discriminatory treatment against Jehovah’s Witnesses are highlighted in this one case, where they faced: dismissal from the civil service and loss of eligibility for government-sector jobs; eviction from and loss of eligibility for government-owned housing; denial of identity documents and passports; denial of exit visas; and the revocation of citizenship.<sup>64</sup> Citizenship has also been withheld from men of a particular ethnic minority, Meskhetians, who have delayed or avoided military service in one Central Asian state.<sup>65</sup>

## Conclusions and Recommendations

When the right of conscientious objection to military service is not fully recognised and implemented in practice nationally, conscientious objectors may face a number of negative and serious implications when they refuse to perform military service. It is important to understand the full range of these implications, from prosecution to imprisonment, criminal records and a lack of military or other identity documents. Such implications make it difficult for conscientious objectors to secure employment, pursue an education, move freely, exercise their right to vote and otherwise participate fully in public and political life.

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

The UN Human Rights Council adopted, by consensus, a resolution on the right of conscientious objection, which stated that, “States, in their law and in practice, must not discriminate against conscientious objectors in relation to their terms or conditions of service, or any economic, social, cultural, civil or political rights”.<sup>66</sup>

Furthermore, the Human Rights Committee states in General Comment No. 22 that, “there shall be no discrimination against conscientious objectors because they have failed to perform military service”.<sup>67</sup>

To conclude, international standards recognise the right of conscientious objection to military service, and also prohibit discrimination against conscientious objectors because they have refused military service. States, therefore, have a duty to make provision for conscientious objectors to military service, including in relation to their enjoyment of the right to non-discrimination and civil, cultural, economic, political, or social rights.

For more information on international standards, how these can be used and the relevant human rights mechanisms available to conscientious objectors who are struggling for recognition of the right of conscientious objection or against discrimination, please see the *Conscientious Objector's Guide to the International Human Rights System*, which can be found at: [www.co-guide.info](http://www.co-guide.info)

This online, interactive guide was produced by War Resisters' International, the Quaker United Nations Office, Conscience Peace Tax International and Centre for Civil and Political Rights.

## Notes

- 1 Human Rights Council resolution 24/17 (A/HRC/24/17) of 27 September 2013.  
  
Human Rights Committee *General Comment No. 22* (CCPR/C/21/Rev.1/Add.4 of 30 July 1993), 'The right to freedom of thought, conscience and religion or belief (Art. 18)'.
- 2 European Court of Human Rights Grand Chamber, *Bayatyan v Armenia*, application no. 23459/03 (20 July 2011)
- 3 Conscientious objectors can face criminal prosecution on various charges, including draft evasion, desertion and disobedience, for instance refusal to wear military uniform. However, in Greece, conscientious objectors can also be charged with a criminal offence due to the system of fines: a 6000 EUR "administrative" fine is imposed automatically for failure to report when summoned (draft evasion), which can be imposed multiple times, but anyone who owes more than 5000 EUR to the State may be charged with a criminal offence and can be sentenced to imprisonment.  
  
European Bureau for Conscientious Objection (EBCO) (2013) *Annual Report: Conscientious objection to military service in Europe 2013*
- 4 Human Rights Committee, *Concluding Observations on Republic of Korea* (CCPR/C/KOR/CO/3 of 28 November 2006), para.17.
- 5 *Eu-min Jung et al v Republic of Korea* (CCPR/C/98/D/1593-1603/2007 of 14 April 2010), para.5.6.
- 6 Dae-il Hong, representative of the Republic of Korea office of Jehovah's Witnesses, cited in "Injustice in South Korea Causes International Outcry", *Jehovah's Witnesses* (1 October 2013)
- 7 European Court of Human Rights Grand Chamber, *Thlimmenos v Greece*, application no. 34369/97 (6 April 2000)
- 8 Conscience Peace Tax International (CPTI) (2011) *Submission to the Human Rights Committee: Armenia*. 103<sup>rd</sup> Session
- 9 Human Rights Committee, *Core document forming part of the reports of state parties: Turkey* (HRI/CORE/TUR/2007 of 8 July 2008).
- 10 War Resisters' International (WRI) (2005) *Submission to the Human Rights Committee: Greece* 83<sup>rd</sup> Session
- 11 *Atasoy and Sarkut v Turkey* (CCPR/C/104/D/1853-1854/2008 of 19 June 2012), para.12.  
  
*Kim et al v Republic of Korea* (CCPR/C/106/D/1786/2008 of 1 February 2013), para.9.
- 12 In Turkey, passports indicate whether an individual has completed military service; a bar-code is integrated in newer passports, which links electronically to the holder's file and includes information on military service.  
  
UK Border Agency (2013) *Operational Guidance Note: Turkey*. V. 7.0.  
  
Alternatively, in Egypt, national identification cards include information indicating whether military service has been completed.  
  
UK Border Agency (2013) *Operational Guidance Note: Egypt*
- 13 In some cases, refusal to register for military service may, in itself, prevent conscientious objectors from obtaining or renewing an official photographic identity card or driving licence. Such restrictions are laid out in federal laws in the USA, namely the Military Selective Service Act and Defence Authorization Act, and in numerous duplicate laws at state-level.  
  
The Selective Service System, Office of Public and Intergovernmental Affairs (2012) *State/ Commonwealth Legislation*
- 14 CPTI (2011) *Submission to the Human Rights Committee: Armenia* 105<sup>th</sup> Session
- 15 Quote from a Turkish conscientious objector, cited by H. Brock (2012) 'Conscientious objectors' in *The Friend* Vol. 170 No. 51, pp. 10-11.
- 16 Article 36 of Law 48/1993, as amended by Decree 2150/1995, Colombia
- 17 CPTI (2008) *Submission to the Universal Periodic Review: Turkmenistan* 3<sup>rd</sup> Session
- 18 Most restrictions affect access to higher education, such as universities. However, in the case of Eritrea, educational opportunities are restricted much earlier as the final year of secondary education takes place in a military training camp. The Special Rapporteur on Eritrea reported that conscription has a "profound impact on education", and in 2013, the Human Rights Council expressed grave concern at and strongly condemned the "compulsory practice of all children undertaking the final year of schooling in a military training camp".  
  
UN Human Rights Council (2013) Report of the Special Rapporteur on the situation of human rights in Eritrea (A/HRC/23/53 of 28 May 2013)  
  
Human Rights Council resolution 23/21 on the situation of human rights in Eritrea (A/HRC/RES/23/21) of 25 June 2013
- 19 In Yemen, proof of military service is required in order to be awarded a degree. University students in Eritrea are only presented with their graduation certificates on completion of national service. Other similar restrictions can be found in Bolivia and Colombia, regarding matriculating or graduating university.  
  
CPTI (2005) *Military recruitment & conscientious objection: a thematic global survey*, p. 24.

- International Fellowship for Reconciliation (IFOR) and CPTI (2013) *Submission to the Human Rights Committee: Bolivia* 109<sup>th</sup> Session
- CPTI (2009) *Submission to the Human Rights Committee: Colombia* 97<sup>th</sup> Session
- Amnesty International (2005) *Eritrea: Religious Persecution* (AFR 64/013/2005 of 7 December 2005)
- 20 In Colombia, National Recruitment Directorate required universities to check if students had fulfilled military service requirements (official letter 006 DISCOR Z4 DIM 27 S1 155, dated 19 May 2006). This was contested in relation to one university and found to be contrary to article 111 of decree 2150/1995. However, since then, other universities have reportedly imposed the same requirements on students upon registration.
- CPTI and IFOR (2013) *Submission to the Universal Periodic Review: Colombia* 16<sup>th</sup> session
- WRI (2009) *Submission to the Human Rights Committee: Colombia* 97<sup>th</sup> Session.
- 21 CPTI (2010) *Submission to the Universal Periodic Review: Turkey* 8<sup>th</sup> Session
- 22 This is reported to be the situation for Jehovah's Witnesses in Eritrea.
- United States Commission on International Religious Freedom (USCIRF) (2013) *Annual Report: Eritrea*.
- 23 CPTI (2010) *Submission to the Universal Periodic Review: Turkey*: 8<sup>th</sup> Session
- Indeed, refusal to register for selective military service in the USA may prevent conscientious objectors from cashing a cheque because they may not be able to obtain an official photographic identity card or driving licence.
- CPTI (2005) *Military recruitment & conscientious objection*, p. 96.
- 24 E. Sinclair-Webb (2002) "Military service and manhood in Turkey" *Peace News*. June - August 2002, Issue 2447.
- CPTI (2011) *Submission the Human Rights Committee: Armenia*. 103<sup>rd</sup> Session
- 25 Ministerio de Defensa del Estado Plurinacional de Bolivia (2012) *Generalidades: Servicio Militar*, p. 18.
- 26 Human Rights Committee, *Concluding Observations on Turkey* (CCPR/C/TUR/CO/1 of 13 November 2012)
- 27 Quote from a Colombian conscientious objector, cited in CPTI and IFOR (2013) *Submission to the Universal Periodic Review: Colombia* 16<sup>th</sup> Session
- 28 CPTI (2011) *Submission the Human Rights Committee: Armenia*. 103<sup>rd</sup> Session
- USCIRF (2013) *Annual Report: Eritrea*
- UK Border Agency (2012) *Operational Guidance Note: Eritrea*
- CPTI (2005) *Military recruitment and conscientious objection* (Turkey), p. 24.
- 29 Ministerio de Defensa del Estado Plurinacional de Bolivia (2012) *Generalidades: Servicio Militar*, p. 18.
- 30 Jehovah's Witnesses are not able to obtain legal recognition of marriage in Eritrea  
USCIRF (2013) *Annual Report*.
- UK Border Agency (2012) *Operational Guidance Note: Eritrea*
- 31 UNHCR (2013) *The Future of Syria: Refugee Children in Crisis*, p. 57.
- 32 In Turkey, conscientious objectors are unable to move freely without military or other identity documents but also in fear of arrest, as by travelling they would risk contact with authorities, whether checking into a hotel or passing through roadblocks.
- 33 Conscientious objectors who refuse to register for selective military service in the USA may not be able to purchase air or rail tickets, as they may not be entitled to an official photographic identity card or driving licence.
- CPTI (2005) *Military recruitment & conscientious objection*, p. 96.
- 34 Male citizens in Bolivia must show their libreta militar as proof of military service to leave the country if they are between the ages of seventeen and fifty five years old.
- CPTI and IFOR (2013) *Submission to the Human Rights Committee: Bolivia* 109<sup>th</sup> Session
- 35 CPTI and IFOR (2013) *Submission to the Human Rights Committee: Bolivia* 109<sup>th</sup> Session
- WRI (2005) *Submission to the Human Rights Committee: Greece* 83<sup>rd</sup> Session
- 36 Human Rights Committee, *Concluding Observations on Turkey* (CCPR/C/TUR/CO/1 of 13 November 2012).
- 37 UN High Commissioner for Refugees (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, 3 December 2013
- 38 European Court of Human Rights Chamber II *Ülke v. Turkey*, application no. 39437/98 (24 January 2006)
- 39 Ecuador (2009) *Reply to the Human Rights Committee, List of Issues* 97<sup>th</sup> Session (CCPR/C/EQU/Q/5 of 25th August 2009), para 24.
- 40 Serbia and Croatia provide conscientious objectors who perform alternative service with a booklet that proves an individual has fulfilled national service requirements. In Croatia, this "civilian booklet" serves as a form of identification.
- Prigover za Mir (2004) *Comparative study on the existing models of civilian service in the region - future models of civilian service for the countries of the region* CPTI (2005) *Military recruitment and conscientious objection*, p. 23.
- 41 Articles 76 and 93(1) of The Military Service Act, Republic of Korea as cited in Kuk Cho (2007) "Conscientious Objection to Military Service in Korea: The Rocky Path from Being an Unpatriotic Crime to a Human Right" in *Oregon Review of International Law* Vol.9.
- CPTI and IFOR (2012) *Submission to the Universal Periodic Review: Republic of Korea* 14<sup>th</sup> Session
- 42 European Commission (2009) *Developing anti-discrimination law in Europe* (Slovenia), p. 67.



- 43 US Department Of State (2012) *Country Reports on Human Rights Practices: Eritrea*
- In addition, conscientious objectors in Greece may be unable to open their own business if they owe money to the tax office, which is a problem for conscientious objectors due to the administrative fines of 6000 EUR that are imposed automatically for failure to report when summoned (draft evasion).
- 44 It is reported that employers in Turkey prefer to hire candidates who have discharged their military obligations.
- Netherlands, Ministry of Foreign Affairs (2001) *Turkey/Military Service*
- 45 In Israel, the law states that employers may not ask a job applicant or current employee for their military medical profile, which is how some individuals are exempted from military service, and jurisprudence from national courts have interpreted this provision so that it is also illegal to ask whether someone has served in the military.
- CPTI (2009) *Submission to the Human Rights Committee: Israel* 97<sup>th</sup> Session
- 46 ADALAH (2010) *Submission to the Committee on Economic, Social and Cultural Rights: Israel* 47<sup>th</sup> Session
- 47 H. Brock (2012) 'Conscientious objectors' in *The Friend* Vol. 170 No. 51, pp. 10-11.
- 48 Those who have not completed military service, including conscientious objectors, pay higher levels of tax or are not eligible for tax incentives in Israel, Singapore, Switzerland and Colombia.
- CPTI (2005) *Military recruitment & conscientious objection*, pp. 24. 35-36.
- CPTI (2009) *Submission to the Human Rights Committee: Israel* 97<sup>th</sup> Session
- 49 US Department Of State (2012) *Country Reports on Human Rights Practices: Eritrea*
- UK Border Agency (2012) *Operational Guidance Note: Eritrea*
- 50 CPTI (2009) *Submission to the Human Rights Committee: Israel* 97<sup>th</sup> Session
- 51 CPTI (2005) *Military recruitment & conscientious objection*, p. 24.
- CPTI (2009) *Submission to the Human Rights Committee: Israel* 97<sup>th</sup> Session
- 52 The Egyptian military service law prevents men who have not completed compulsory military service from traveling abroad or emigrating.
- UK Border Agency (2013) *Operational Guidance Note: Egypt*
- 53 Amnesty International (2005) *Eritrea: Religious Persecution* (AFR 64/013/2005 of 7 December 2005)
- US Department Of State (2012) *Country Reports on Human Rights Practices: Eritrea*
- UK Border Agency (2012) *Operational Guidance Note: Eritrea*
- 54 In Turkey, those who are considered draft evaders, whether pre-registration (*yoklama kaçağı*) or post-registration (*bakaya*), are restricted from leaving the country. In Greece, conscientious objectors may be restricted from leaving the country.
- Immigration and Refugee Board of Canada (2010) *Turkey: Compulsory military service* (TUR103455.E of 21 May 2010)
- WRI (2008) *Country report and updates: Greece*
- 55 WRI (2008) *Country report and updates: Greece*
- 56 Quote from a Greek conscientious objector as cited in EBCO (2013) *Annual Report: Conscientious objection to military service in Europe 2013*, pp. 28-29.
- 57 F. Corley (2013) "Turkmenistan: Four new conscientious objector prisoners of conscience" in *Forum 18* (18 February 2013)
- 58 Human Rights Watch (2011) *Ten long years: a briefing on Eritrea's Missing Political Prisoners*
- UK Border Agency (2012) *Operational Guidance Note: Eritrea*
- 59 UN Human Rights Council *Analytical report on conscientious objection to military service: Report of the United Nations High Commissioner for Human Rights A/HRC/23/22* of 3 June 2013, para. 64.
- 60 Article 318 of the Turkish Penal Code criminalises "alienating the public from military service", and in 2013 this was amended to specifically address statements or conduct that "encourage and inspire people to desert or not to participate in military service". Human Rights Watch calls for this article to be "repealed altogether" in the interests of freedom of expression and the right of conscientious objection to military service.
- Human Rights Watch (2013) *Turkey: Strengthen Law Reform Bill*
- Amnesty International (2013) *Turkey: Legal reforms fall short on freedom of expression*
- 61 This is the case in the Republic of Korea, where conscientious objectors can face imprisonment or a penalty fine of 1.5 million won for "incitement" to conscientious objection.
- CPTI (2005) *Military recruitment & conscientious objection*, p. 85.
- 62 Human Rights Committee, *Concluding Observations on Turkey* (CCPR/C/TUR/CO/1 of 13 November 2012).
- 63 Jehovah's Witnesses have been banned in Tajikistan since 2007.
- USCIRF (2013) *Annual Report*
- 64 US Department Of State (2012) *Country Reports on Human Rights Practices: Eritrea*
- 65 Citizenship has reportedly been withheld from Meskhetians in Azerbaijan.
- Refugees International (2009) *Nationality rights for all*, p. 42.
- 66 Human Rights Council resolution 24/17 (A/HRC/24/17) of 27 September 2013, para. 12.
- 67 Human Rights Committee General Comment No. 22 (CCPR/C/21/Rev.1/Add.4 of 30 July 1993), 'The right to freedom of thought, conscience and religion or belief (Art. 18)'

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