



Input for OHCHR Report on Conscientious Objection to Military Service

March 2022

The Quaker United Nations Office (QUNO) welcomes the opportunity to contribute information on new developments, best practices and remaining challenges regarding conscientious objection to military service. Since the 2019 report (A/HRC/41/23) was specific to “Approaches and challenges with regard to application procedures for obtaining the status of conscientious objector to military service in accordance with human rights standards”, this submission addresses developments subsequent to the last regular Quadrennial report in 2017 (A/HRC/35/4).

1. Developments in the International Legal Framework¹

(i) Right of conscientious objection to military service

The UN Human Rights Committee continues to reiterate that failing to provide for conscientious objection to military service is a violation of the right to freedom of thought, conscience and religion under Article 18 of the International Covenant on Civil and Political Rights.² It has consolidated its position, most recently stated in the case of *Lazaros Petromelidis v Greece*³ 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 such service cannot be reconciled with that individual’s religion or beliefs. The right must not be impaired by coercion.⁴

Similarly, the UN Working Group on Arbitrary Detention reporting in 2019 on its position on conscientious objection to military service, drew on the cases they have decided to state that “the right to conscientious objection to military service is part of the absolutely protected right to hold a belief under article 18(1) of the Covenant, which cannot be restricted by States”.⁵ The same position has been adopted by other UN Special Procedures.⁶

¹ See Laurel Townhead: *International Standards on Conscientious Objection to Military Service* (QUNO, Revised Edition 2021)

² *Lazaros Petromelidis v Greece* (CCPR/C/132/D/3065/2017 of 6 December 2021), *Jong-bum Bae et al. V Republic of Korea* (CCPR /C/128/D/2846/2016 of 29 June 2020), *Danatar Durdyev v Turkmenistan* (CCPR/C/124/D/2268/2013 of 6 December 2018)

³ *Lazaros Petromelidis v Greece* (CCPR/C/132/D/3065/2017 of 6 December 2021), para. 9.3

⁴ See Min-Kyu Jeong et al. v. Republic of Korea (CCPR/C/101/D/1642-1741/2007), para. 7.3; Jong-nam Kim et al. v. Republic of Korea, para. 7.4; Abdullayev v. Turkmenistan, para. 7.7; Mahmud Hidaybergenov v. Turkmenistan, para. 7.5; Ahmet Hidaybergenov v. Turkmenistan, para. 7.5; Sunnet Japparow v. Turkmenistan, para. 7.6; Akmurad Nurjanov v. Turkmenistan, para. 9.3; and Shadurdy Uchetov v. Turkmenistan, para. 7.6. [Footnote in the original]

⁵ Report of the Working Group on Arbitrary Detention (A/HRC/42/39), 16 July 2019, para.60(b)

⁶ See, eg Special Rapporteur on freedom of religion or belief; the Working Group on Arbitrary Detention; the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression; and the Special Rapporteur on minority issues (REFERENCE: AL TKM 2/2020 of 10 December 2020), Annex: Reference to International Law

In addition, the UN Working Group on Arbitrary Detention has 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.”⁷

In 2017, the UN Human Rights Council Resolution on Conscientious objection to military service,⁸ adopted without a vote, reaffirmed all previous resolutions on the subject.

The European Court of Human Rights has continued to find violations of the right to freedom of thought, conscience and religion under Article 9 of the European Convention on Human Rights where no alternative service was available for conscientious objectors to military service, and stated that legislation on conscientious objection to military service is necessary, in line with commitments made by the State in acceding to the Council of Europe,⁹ as well as where the alternative service available was not sufficiently separated from the military system and was significantly longer than the military service.¹⁰

In its resolution on the Situation of Human Rights in Eritrea (A/HRC/35/35 of 23 June 2017), the UN Human Rights Council specifically called upon the Government of Eritrea “to provide for conscientious objection to military service”.¹¹

During the 3rd Cycle of the UN Human Rights Council Universal Periodic Review, a total of 22 recommendations specifically on conscientious objection to military service were made to 6 States, with 12 States making recommendations.

(ii) Freedom of movement

For the first time, in the case of *Lazaros Petromelidis v Greece* the UN Human Rights Committee found that:

the restriction on the author’s freedom to leave Greece has been in force for fourteen years on account of the repeated call-ups, warrants for his arrest and convictions. Bearing in mind not only the excessive duration of the impugned interference but also the fact that it has been imposed on the author for having legitimately exercised his right to freedom of conscience, the Committee considers that this situation violates the author's rights under article 12 (2) of the Covenant.¹²

(iii) Detention/punishment of conscientious objectors to military service

The UN Working Group on Arbitrary Detention is clear that

7 Report of the Working Group on Arbitrary Detention (A/HRC/42/39 of 16 July 2019), para. 63

8 Human Rights Council resolution on Conscientious objection to military service (A/HRC/RES/36/18 of 3 October 2017)

9 European Court of Human Rights, *Mushfig Mammadov and Others v Azerbaijan* (Application no. 14604/08), 17 January 2020; see also *Avanesyan v. Armenia* (Application no. 12999/15), 20 July 2021

10 *Adyan and Others v. Armenia* (Application no. 75604/11), 12 October 2017; *Aghanyan and Others v. Armenia* (Applications nos. 58070/12 and 21 others), 5 December 2019

11 Human Rights Council resolution on the Situation of Human Rights in Eritrea (A/HRC/35/35 of 23 June 2017), OP8(c)

12 *Lazaros Petromelidis v Greece* (CCPR/C/132/D/3065/2017 of 6 December 2021), para.9.9

detention of conscientious objectors is a *per se* violation of Article 18(1) of the Covenant and such a detention will therefore usually lack a legal basis according to category I [no legal basis to justify the deprivation of liberty]. Moreover, given that the detention of conscientious objectors results from the exercise of the right to freedom of thought, conscience and religion under article 18 of the Covenant, it will also fall within category II [deprivation of liberty for exercise of a protected right]. Finally, when the detention of conscientious objectors to military service involves discrimination on the basis of religion or belief, it will amount to a category V violation [deprivation of liberty on discriminatory grounds].¹³

The UN Human Rights Committee observes that article 9 (1) of the Covenant provides that no one may be subjected to arbitrary arrest or detention. The Committee recalls that the notion of “arbitrariness” is not to be equated with “against the law”, but must be interpreted more broadly to include elements of inappropriateness, injustice, lack of predictability and due process of law.¹⁴ It further recalls that just as detention as punishment for the legitimate exercise of the right to freedom of expression, as guaranteed by article 19 of the Covenant is arbitrary, so too is detention as punishment for legitimate exercise of freedom of religion and conscience, as guaranteed by article 18 of the Covenant.¹⁵

(iv) Alternative service

The UN Human Rights Committee has continued to address the question of alternative service being of longer duration than military service¹⁶ and has expressed concern regarding differences in length of alternative service depending on the person’s level of education.¹⁷ Furthermore, the State party’s failure to provide alternative service which was not punitive or discriminatory amounted to a violation of the conscientious objector’s rights under article 18(1) of the Covenant.¹⁸ In this case the conscientious objector had refused to undertake the alternative service because of its nature and conditions as well as refusing military service.

The European Court of Human Rights has found violations of the European Convention on Human Rights Article 9 when the alternative service provided was not sufficiently separated from the military and was of a punitive length.¹⁹

(v) Discrimination

The issue of discrimination was raised in the case of *Lazaros Petromelidis v Greece*²⁰ but, having found a violation of article 18 of the Covenant, the UN Human Rights Committee did “not consider

13 Report of the Working Group on Arbitrary Detention (A/HRC/42/39), 16 July 2019, paras.59-64; following on from Opinion No. 40/2018 (Republic of Korea): United Nations Working Group on Arbitrary Detention (A/HRC/WGAD/2018/40) of 17 September 2018 [footnote in the original]

14 See, inter alia, *Gorji-Dinka v. Cameroon* (CCPR/C/83/D/1134/2002), para. 5.1; *Van Alphen v. The Netherlands* (CCPR/C/39/D/305/1988), para. 5.8. [Footnote in the original]

15 *Lazaros Petromelidis v Greece* (CCPR/C/132/D/3065/2017 of 6 December 2021), para.9.8; See Young-kwan Kim et al. v. Republic of Korea, para. 7.5. [Footnote in the original]

16 Human Rights Committee Concluding Observations on Armenia (CCPR/C/ARM/CO/3 of 25 November 2021), para. 35 and 36

17 Human Rights Committee Concluding Observations on Belarus (CCPR/C/BLR/CO/5 of 22 November 2018), para. 47

18 *Lazaros Petromelidis v Greece* (CCPR/C/132/D/3065/2017 of 6 December 2021), para.9.6

19 European Court of Human Rights *Adyan and Others v Armenia* (Application no. 75604/11), 12 January 2018; followed in European Court of Human Rights *Aghanyan and Others v Armenia* (Applications nos. 58070/12 and 21 others), 5 December 2019

20 *Lazaros Petromelidis v Greece* (CCPR/C/132/D/3065/2017 of 6 December 2021), para. 9.3

it necessary to decide whether such an interference also amounted to discrimination in breach of article 26 of the Covenant”.²¹ This led to a partly dissenting opinion stating that the Committee should have addressed this issue and also found a violation of Article 26 both for reasons of the Committee’s own consistency of interpretation and because failure to do so “does not help to clarify States’ obligation regarding equality and non-discrimination”.²²

(vi) Remedies

The UN Human Rights Committee requires States to make full reparation to individuals whose Covenant rights have been violated, including for conscientious objectors expunging criminal records, reimbursing all sums paid as fines and providing adequate compensation. In addition, of course, to the State taking all steps necessary to prevent similar violations occurring in the future, including reviewing legislation with a view to ensuring the effective guarantee of the right to conscientious objection, and by providing for the possibility to undertake alternative service that is not punitive and discriminatory in nature.²³

In 2020 the UN Working Group on Arbitrary Detention adopted Deliberation No. 10 on reparations for arbitrary deprivation of liberty.²⁴ Since they have recognised any detention because of conscientious objection to military service as being arbitrary detention,²⁵ the reparations set out in this Deliberation apply.

2. Developments in State law and practice

Following Constitutional and Supreme Court decisions in 2018, the Republic of Korea recognised the right of conscientious objection to military service in law and introduced a system of alternative civilian service.²⁶ The conscientious objectors who were then imprisoned were released, and their criminal records expunged.²⁷

In 2021, the UN Human Rights Committee noted with appreciation that in Armenia a genuine alternative service of a civilian nature had been put in place and is accessible to all conscientious objectors, including Jehovah’s Witnesses. It welcomed the release of all conscientious objectors imprisoned for refusing to perform the military service or the former alternative to military service.²⁸

3. Best Practices

21 *Lazaros Petromelidis v Greece* (CCPR/C/132/D/3065/2017 of 6 December 2021), para. 9.7

22 *Lazaros Petromelidis v Greece* (CCPR/C/132/D/3065/2017 of 6 December 2021), Annex II: Individual opinion of Committee member Hélène Tigroudja (partly dissenting)

23 *Lazaros Petromelidis v Greece* (CCPR/C/132/D/3065/2017 of 6 December 2021), para.11

24 Report of the Working Group on Arbitrary Detention: Deliberation No. 10 on reparations for arbitrary deprivation of liberty (A/HRC/45/16 of 24 July 2020), Annex

25 Report of the Working Group on Arbitrary Detention (A/HRC/42/39 of 16 July 2019), paras. 59-64

26 Report of the Office of the United Nations High Commissioner for Human Rights on Approaches and challenges with regard to application procedures for obtaining the status of conscientious objector to military service in accordance with human rights standards (A/HRC/42/23 of 24 May 2019), para.8

27 Fifth periodic report submitted by the Republic of Korea under article 40 of the Covenant pursuant to the optional reporting procedure, due in 2020 (CCPR/C/KOR/5 of 24 August 2021), paras.169-174

28 Human Rights Committee Concluding Observations on Armenia (CCPR/C/ARM/CO/3 of 25 November 2021), para. 35

The Office of the UN High Commissioner for Human Rights (OHCHR) report on “Approaches and challenges with regard to application procedures for obtaining the status of conscientious objector to military service in accordance with human rights standards” (A/HRC/41/23/) sets out clearly the standards, requirements and good practices in relation to application procedures, and in its Conclusions and recommendations provides a valuable checklist of the minimum requirements.

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4. Remaining Challenges

(i) Conscientious objection to military service not recognised

Not all States recognise the right of conscientious objection to military service,³⁰ or do not recognise it for all affected and in all circumstances, for example, excluding

- those already in the armed forces
- those who have performed military service and are in the reserves or subject to recall
- those who enrolled voluntarily
- selective objectors (those who object to some conflicts or weapons uses but not all).³¹

In some countries advocacy of or expressing support for conscientious objection to military service may be an offence.³²

(ii) Limitations

Even in those States which recognise conscientious objection to military service many challenges remain, including

- lack of readily available and accessible information for those affected by military service³³

29 Fifth periodic report submitted by the Republic of Korea under article 40 of the Covenant pursuant to the optional reporting procedure, due in 2020 (CCPR/C/KOR/5 of 24 August 2021), paras.169-174

30 Report of the Special Rapporteur on Freedom of Religion or Belief (A/HRC/49/44) on Rights of persons belonging to religious or belief minorities in situations of conflict or insecurity; Youth and human rights Report of the United Nations High Commissioner for Human Rights (A/HRC/39/33 of 28 June 2018), paras.53-56; Human Rights Committee List of issues prior to submission of the second periodic report of Turkey (CCPR /C/TUR/QPR/2 of 25 August 2021), para. 21; Human Rights Committee Concluding observations on Eritrea in the absence of its initial report (CCPR/C/ERI/CO/1 of 3 May 2019), paras37-38; Concluding observations on the second periodic report of Turkmenistan (CCPR/C/TKM/CO/2 of 20 April 2017), paras. 40-41; Report of the Office of the United Nations High Commissioner for Human Rights on Approaches and challenges with regard to application procedures for obtaining the status of conscientious objector to military service in accordance with human rights standards (A/HRC/42/23 of 24 May 2019), para.13; Report of the Working Group on the Universal Periodic Review: Singapore (A/HRC/48/16 of 22 July 2021) para.59.159 and Add.1 of 10 September 2021, para.32)

31 Report of the Office of the United Nations High Commissioner for Human Rights on Approaches and challenges with regard to application procedures for obtaining the status of conscientious objector to military service in accordance with human rights standards (A/HRC/42/23 of 24 May 2019), paras.22-25

32 Human Rights Committee List of issues prior to submission of the second periodic report of Turkey (CCPR /C/TUR/QPR/2 of 25 August 2021), para. 21; Report of the Office of the United Nations High Commissioner for Human Rights on Approaches and challenges with regard to application procedures for obtaining the status of conscientious objector to military service in accordance with human rights standards (A/HRC/42/23 of 24 May 2019), para. 59

33 Report of the Office of the United Nations High Commissioner for Human Rights on Approaches and challenges with regard to application procedures for obtaining the status of conscientious objector to military service in accordance with human rights standards (A/HRC/42/23 of 24 May 2019), para. 18

- prejudice or discrimination in eligibility criteria in law or practice³⁴
- strict time limits within which to apply for recognition³⁵
- lack of decision-making bodies which are fully civilian, independent and impartial³⁶
- lack of appeal procedures against adverse decisions
- alternative service which is punitive or discriminatory in nature, duration or cost³⁷

(iii) Recruitment methods

In some States or territories, recruitment by force (arbitrary detention³⁸), precludes or undermines assessment of claims of conscientious objection to military service.

(iv) Non-compliance with international and regional judicial/quasi-judicial rulings recommendations

The biggest challenge continues to be the failure to implement the international standards, the views and concluding observations of the UN Human Rights Committee, the judgments of the European Court of Human Rights,³⁹ and the recommendations of UN Special Procedures. This is compounded by continued misunderstandings of the nature of conscientious objection to military service which can lead to States not recognising this right and, in some States which do recognise it, failing to fully implement it.

It is regrettable that the position of the European Court of Human Rights is not in line with that of the UN Human Rights Committee and the UN Special Procedures, in particular it continues to found its judgments on the basis that conscientious objection to military service is a manifestation of the right to freedom of thought, conscience and religion rather than being inherent in it, although this has not resulted in it finding that any of the permissible limitations on manifestation of religion or belief have been applicable in the cases that it has considered.

(v) Conscientious objection to military service in times of war/armed conflict

Article 18(1) of the Covenant is not subject to derogation in times of public emergency, nor to the grounds for possible limitation enumerated in Article 18(3) which only apply to manifestations of religion or belief (which, unlike some other provisions of the Covenant, does not include national security as possible grounds for limitation). Therefore, such situations provide no justification for

34 Human Rights Committee Concluding Observations on Ukraine (CCPR/C/UKR/CO/8 of 9 February 2022), para.30

35 Report of the Office of the United Nations High Commissioner for Human Rights on Approaches and challenges with regard to application procedures for obtaining the status of conscientious objector to military service in accordance with human rights standards (A/HRC/42/23 of 24 May 2019), para. 31

36 Human Rights Committee List of issues prior to submission of the fifth periodic report of Israel (CCPR/C/ISR/QPR/5 of 7 September 2018), para. 26

37 Human Rights Committee List of issues prior to submission of the third periodic report of Greece (CCPR/C/GRC/QPR/3 of 2 December 2021), para.20; Human Rights Committee Concluding Observations on Armenia (CCPR/C/ARM/CO/3 of 25 November 2021), para. 35; Human Rights Committee Concluding Observations on Finland (CCPR/C/FIN/CO/7 of 3 My 2021), paras. 36 and 37. The Committee also expressed concern “that the Act repealing the Act on the exemption of Jehovah’s Witnesses from military service in certain cases (No. 330/2019) has removed the exemption from military and civilian service accorded to Jehovah’s Witnesses, in contrast to the Committee’s previous recommendations to extend such exemption to other groups of conscientious objectors (CCPR/C/FIN/CO/6, para. 14).”

38 Human Rights Committee Concluding Observations on Ukraine (CCPR/C/UKR/CO/8 of 9 February 2022), paras. 29 and 30; Situation of human rights in the Autonomous Republic of Crimea and the city of Sevastopol, Ukraine: Report of the Secretary-General (A/HRC/47/58)

39 Ministers’ Deputies Decisions CM/Del/Dec(2020)1377/H46-40 4 June 2020 1377th meeting, 4 June 2020 (DH) H46-40 Ülke group v. Turkey (Application n° 39437/98) Supervision of the execution of the European Court’s judgments

lack of provision for conscientious objection to military service. Indeed, some of the earliest legal provisions for conscientious objection to military service were introduced in war time⁴⁰ and the recognition of conscientious objection to military service by the Republic of Korea is a recent example of recognition by a State despite not having a peace agreement with the Democratic Peoples Republic of Korea. In 2017 the UN Human Rights Council specifically called for recognition of conscientious objection to military service in Eritrea.⁴¹ Furthermore, International humanitarian law provides that an occupying Power may not compel protected persons to serve in its armed or auxiliary forces.⁴²

As part of post-conflict peacebuilding States should grant and effectively implement amnesties and restitution of rights, in law and practice for those who have refused to undertake military service on grounds of conscientious objection.⁴³

(vi) Refugee status for conscientious objectors to military service⁴⁴

Unrecognised conscientious objectors to military service may seek asylum in other countries. This has been recognised by the UN Human Rights Council⁴⁵ and its Special Procedures,⁴⁶ as well as by the Office of the UN High Commissioner for Refugees (UNHCR).⁴⁷

Some States have specific guidance for decision-makers on asylum claims from conscientious objectors to military service.⁴⁸ These can be useful, in particular in helping those unfamiliar with the issue to make proper assessments. However, such guidance needs to be reviewed for its conformity not only with the UNHCR Guidelines on International Protection No. 10 but also with the international and regional human rights standards on conscientious objection to military service.

In addition, it is important to recognise that women as well as men are now more often recruited into armed forces than previously and, therefore, must also have claims of asylum on the grounds of conscientious objection to military service considered. In addition, the question of selective objection⁴⁹ – an objection to some conflicts or weapon uses but not all – which is currently recognised by few States as part of the right to conscientious objection to military service – can be grounds for an asylum claim, and, indeed, is often particularly relevant because of its actual or perceived links to the individual's political opinion.

40 Conscientious Objection to Military Service (HR/PUB/12/1, United Nations Publication, New York and Geneva, 2012), pp 2-5

41 Human Rights Council Resolution on Situation of Human Rights in Eritrea (A/HRC/35/35 of 23 June 2017), OP8(c)

42 Situation of human rights in the Autonomous Republic of Crimea and the city of Sevastopol, Ukraine: Report of the Secretary-General (A/HRC/47/58), para. 37

43 UN Human Rights Council Resolution on Conscientious objection to military service (A/HRC/RES/24/17) of 8 October 2013 reaffirmed by Human Rights Council Resolution 36/18 (A/HRC/RES/36/18 of 3 October 2017).

44 See Najmah Ali, *Conscientious Objection to Military Service and Refugee Status Determination* (QUNO, May 2021)

45 Human Rights Council Resolution on Conscientious Objection to Military Service (A/HRC/RES/24/17 of 27 September 2013), OP13, reaffirmed by Human Rights Council Resolution 36/18 (A/HRC/RES/36/18 of 3 October 2017).

46 Report of the Working Group on Arbitrary Detention (A/HRC/42/39 of 16 July 2019), para. 63

47 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, 3 December 2013)

48 For example, Canada, Germany, the Netherlands, Sweden, UK

49 Report of the Office of the United Nations High Commissioner for Human Rights on Approaches and challenges with regard to application procedures for obtaining the status of conscientious objector to military service in accordance with human rights standards (A/HRC/42/23 of 24 May 2019), para. 26

In addition to thematic guidance, some States have country specific guidance for decision-makers on asylum claims which include conscientious objection to military service, setting out what is known about the situation of conscientious objection to military service in that country. Such guidance can be invaluable, but needs to be kept up to date. Furthermore, it is important to recognise that individuals may be persecuted for their conscientious objection to military service in countries other than those for whom there is specific guidance, and that conscientious objectors to military service may be persecuted in countries which are not engaged in armed conflict.

(vii) Discrimination

In addition to questions of discrimination between conscientious objectors to military service because of the religious or other basis of their conviction, and between those undertaking military and alternative service, some groups (such as Jehovah's Witnesses) may be prevented or deterred from claiming their right to conscientious objection to military service because of discrimination against or repression of the group as such.⁵⁰

(viii) Reintroduction of conscription

If conscription is re-introduced or re-activated (if it was only suspended and not abolished), States should ensure that provisions for conscientious objectors to the military service are also introduced and any prior provisions which are re-activated are reviewed for their conformity with the current international human rights standards, and that information about conscientious objection and how to apply for it is made available to all potential conscripts and in all applicable languages.

5. Conclusions and Recommendations

The continued development and reinforcement of the right of conscientious objection to military service by the United Nations is welcome. The consistent and persistent attention to the issue has had positive results but unfortunately many of those seeking to exercise this right continue to face violations of this and other rights due to non-recognition of the right or a failure to fully implement it. To further progress towards the full implementation of the right of conscientious objection to military service we believe the following actions could prompt, support and guide the necessary national legislative and policy changes:

- Stringent follow up to comply with all aspects of the international standards is, therefore, required as not all States implement the decisions and recommendations emanating from international and regional human rights bodies. This should be combined with technical assistance where appropriate. In order to facilitate this process, all human rights field presences should be fully briefed about the right to conscientious objection to military service, the international standards and the serious consequences in relation to a broad range of human rights for unrecognised conscientious objectors.

50 Situation of human rights in the Autonomous Republic of Crimea and the city of Sevastopol, Ukraine: Report of the Secretary-General (A/HRC/47/58), para. 39; Report of the Special Rapporteur on Eritrea (A/HRC/47/21), para. 45; Report of the Special Rapporteur on Freedom of Religion or Belief (A/HRC/49/44) on Rights of persons belonging to religious or belief minorities in situations of conflict or insecurity, para. 31; Human Rights Committee Concluding observations on Eritrea in the absence of its initial report (CCPR/C/ERI/CO/1 of 3 May 2019), paras. 35-36

- OHCHR should facilitate engagement between the UN Human Rights Committee and the European Court on Human Rights in order to encourage coherence in jurisprudence, bringing the European Court in line with rulings of the Committee.
- Building on the valuable OHCHR report about application procedures for obtaining conscientious objector status, other reports, seminars and technical guidance tools should be developed to supplement and build on the OHCHR publication on Conscientious Objection to Military Service ((HR/PUB/12/1) and the OHCHR quadrennial reports. In seeking to close the implementation gap we encourage the Human Rights Council to mandate expert seminars informing reports and technical guidance tools on one or more of the following priority areas:
 - a) Monitoring of application procedures using the criteria in the 2019 OHCHR report on this.
 - b) Discrimination and the right of conscientious objection to military service, covering discriminatory access to exercise the right and discrimination against conscientious objections whether recognized or not.
 - c) Exploration of pathways to implementation through a study and practice sharing on how States have moved towards implementation.
 - d) Legislation, policy and legal framework, including exploring model legislative and policy provisions.
 - e) Conscientious objection and serving military personnel.