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## **SUBMISSION**

### **TO THE 145<sup>th</sup> SESSION OF THE HUMAN RIGHTS COMMITTEE**

#### **Adoption of the list of issues prior to reporting (LOIPR)**

### **HUNGARY**

#### **Conscientious objection to military service and related issues**

January 2026

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## INTRODUCTION

In times of increased militarisation, rearmament or even preparations for war in Europe, which is putting under pressure the right to conscientious objection to military service (something that civil society, including Connection e.V. has highlighted<sup>1</sup>), **it is of particular importance to include the issue of conscientious objection to military service in the list of issues prior to reporting, especially as for the serving / professional members of the armed forces.**

Furthermore, taking also into consideration, *inter alia*, the conflict in Ukraine, it is imperative to meticulously examine issues concerning the right to asylum / international protection for conscientious objectors to military service who are at risk 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 (as it is the case in the Russian Federation, Ukraine, and Belarus).

In this submission Connection e.V. wishes to also highlight raising concerns in related issues, *inter alia*, **under article 24 of the Covenant about protection of children**, that have been addressed in recent years by the Committee on the Rights of the Child, such as the militarisation of education and children subjected to military training that involves the use of firearms, as well as asylum-seeking, refugee and migrant children who may have been recruited or used in hostilities abroad.

## THE RIGHT TO CONSCIENTIOUS OBJECTION TO MILITARY SERVICE

As it has been recognised by the Human Rights Committee (hereinafter the Committee): “The right to conscientious objection to military service inheres in the right to freedom of thought, conscience and religion. It entitles any individual to an exemption from compulsory military service if this cannot be reconciled with that individual’s religion or beliefs. The right must not be impaired by coercion.”<sup>2</sup>

According to the latest Annual Report of the European Bureau for Conscientious Objection (EBCO), conscription is not currently implemented in Hungary. It has been suspended since 2005 and it could be reinstated in time of emergency. However, it is stated that there is no release of professional soldiers (on grounds of conscience) during state of emergency.<sup>3</sup>

This is in violation of international human rights law and standards concerning the right to conscientious objection to military service, according to which this right is non-derogable in times of war or emergency and applies also to professional members of the armed forces.

### Non-derogable in times of war or emergency

According to international human rights law and standards the right to conscientious objection applies both in wartime and in peacetime, as acknowledged by the Committee.<sup>4</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>5</sup>) even in time of public emergency which threatens the life of the nation.<sup>6</sup>

### International standards regarding the right to conscientious objection to military service for volunteer / professional members of the armed forces

The **OHCHR**, in its **minimum** criteria in order for the provisions for conscientious objection to military service to be in line with international human rights norms and standards, has explicitly and repeatedly stated that: “The right to conscientious objection should be recognized for conscripts, for **professional members of the armed forces** and for reservists.”<sup>7</sup> (emphasis added)

The **Human Rights Committee** has advocated as well for the right to conscientious objection to military service for serving / professional members of the armed forces. In the case of another State party, Latvia, the Committee has recently recommended in its Concluding Observations: “**Consider revising the legislative framework to provide for honourable discharges on grounds of conscience, and to**

ensure that individuals who receive early termination from military service on those grounds do not face financial or other penalties.”<sup>8</sup> Besides Latvia, the Committee has included in recent years the issue of conscientious objection to military service for serving members of the armed forces in the *lists of issues prior to reporting* of further State parties.<sup>9</sup>

The right to conscientious objection for professional soldiers has been also explicitly recognized at the level of the Council of Europe, to which Hungary is a member. In 2001, the **Parliamentary Assembly of the Council of Europe** has recommended the Committee of Ministers to invite those member states that have not yet done so to introduce into their legislation “the right to be registered as a conscientious objector at any time: before, during or after conscription, or performance of military service” and “the right for permanent members of the armed forces to apply for the granting of conscientious objector status”.<sup>10</sup>

Indeed, the **Committee of Ministers of CoE** has recommended in 2010:

“H. Members of the armed forces have the right to freedom of thought, conscience and religion. Any limitations on this right shall comply with the requirements of Article 9, paragraph 2 of the European Convention on Human Rights.

40. Members of the armed forces have the right to freedom of thought, conscience and religion, including the right to change religion or belief at any time. Specific limitations may be placed on the exercise of this right within the constraints of military life. Any restriction should however comply with the requirements of Article 9, paragraph 2, of the Convention. There should be no discrimination between members of the armed forces on the basis of their religion or belief.

[...]

42. Professional members of the armed forces should be able to leave the armed forces for reasons of conscience.

43. Requests by members of the armed forces to leave the armed forces for reasons of conscience should be examined within a reasonable time. Pending the examination of their requests they should be transferred to non-combat duties, where possible.

44. Any request to leave the armed forces for reasons of conscience should ultimately, where denied, be examined by an independent and impartial body.

45. Members of the armed forces having legally left the armed forces for reasons of conscience should not be subject to discrimination or to any criminal prosecution. No discrimination or prosecution should result from asking to leave the armed forces for reasons of conscience.

46. Members of the armed forces should be informed of the rights mentioned in paragraphs 41 to 45 above and the procedures available to exercise them.”<sup>11</sup>

The **Office for Democratic Institutions and Human Rights (ODIHR) of the OSCE**, has also explicitly mentioned in its recommendations that “Conscientious objection should be available both for conscripts and for professional soldiers both prior to and during military service, in line with the recommendations of international bodies”.<sup>12</sup>

The **UN Human Rights Council** has also moved towards this direction by stating that it “acknowledges that an increasing number of States recognize conscientious objection to military service **not only for conscripts but also for those serving voluntarily** and encourages States to allow applications for conscientious objection prior to, during and after military service, including reserve duties”.<sup>13</sup> (emphasis added)

## THE RIGHT TO INTERNATIONAL PROTECTION FOR FOREIGNER CONSCIENTIOUS OBJECTORS TO MILITARY SERVICE

### Main international standards regarding international protection for conscientious objectors to military service

A non-exhaustive compilation of international standards on the issue of international protection of conscientious objectors to military service follows:

- the UNHCR has included the issue of persecution of conscientious objectors in its guidelines for international protection. The UNHCR has also clarified that “Such an objection is not confined to absolute conscientious objectors [pacifists], that is, those who object to all use of armed force or participation in all wars. It also encompasses those who believe that ‘the use of force is justified in some circumstances but not in others, and that therefore it is necessary to object in those other cases’ [partial or selective objection to military service].<sup>14</sup> A conscientious objection may develop over time, and thus volunteers may at some stage also raise claims based on conscientious objection, whether absolute or partial.”<sup>15</sup>
- the OHCHR has also highlighted<sup>16</sup>:
  - the Human Rights Council has encouraged States “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>17</sup>
  - 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>18</sup>
  - the Working Group on Arbitrary Detention, in 2019, 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>19</sup>
  - the Committee against Torture, in its general comment No. 4 (2017), noted that “violations of the right to freedom of thought, conscience and religion” (as well “desertion from the national armed forces or armed groups”) were indications of the complainant’s personal risk and that the Committee would assess “substantial grounds” and consider the risk of torture as foreseeable, personal, present and real when the existence of facts relating to the risk by itself, at the time of its decision, would affect the rights of the complainant under the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment in case of the complainant’s deportation.<sup>20</sup>

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More recently, the OHCHR has stressed: “States should respect and protect the rights of conscientious objectors arriving from third States, including through adherence to the principle of non-refoulement and international human rights and refugee law and the implementation and dissemination of guidance on the interpretation of applicable international law, such as the UNHCR guidelines on international protection on claims to refugee status related to military service.”<sup>21</sup>

There is an evolving jurisprudence of the European Court of Human Rights, which takes into consideration the issue of conscientious objection to military service as for the expulsion of persons.<sup>22</sup>

## Concerns about possible conscientious objectors refugees and asylum seekers in Hungary

Taking into consideration:

- the lack of adequate recognition of the right to conscientious objection to military service in the State party itself;
- broader and very serious concerns regarding asylum procedures, non-refoulement and excessive use of force,<sup>23</sup> as well as immigration detention;<sup>24</sup>
- the lack of information or statistics on approvals/rejections of those asylum applications that are citing conscientious objection;

there is a serious concern about the treatment of possible foreign conscientious objectors from States with no adequate recognition of the right to conscientious objection to military service who could have sought or would seek international protection in Hungary.

Particular concerns are raised about potential conscientious objectors from countries directly or indirectly involved in the regional conflict (**Russian Federation, Ukraine, and Belarus**), who might be subjected in their countries of origin to **arbitrary detention**,<sup>25</sup> **forced conscription**<sup>26</sup> and even **torture or ill-treatment**.<sup>27</sup>

## MILITARISATION OF EDUCATION AND CHILDREN SUBJECTED TO MILITARY TRAINING THAT INVOLVES THE USE OF FIREARMS

In its concluding observations on the sixth periodic report of Hungary, the **Committee on the Rights of the Child** urged the State party to “ensure that children are not subjected to military training that involves the use of firearms, including in the KatonaSuli programme and the Karoly Kratochvil military high school and college, and establish regular monitoring of the ‘Patriotic School’ programme of the non-governmental organization Honvédsuli to ensure that its curriculum and the teaching personnel comply with the provisions of the Optional Protocol [on the involvement of children in armed conflict]”.<sup>28</sup>

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Furthermore, in the EBCO Annual report of 2023/2024, the EBCO’s Hungarian member, BOCS Foundation reported that: “In the current academic year, defence education is being piloted as an optional subject in around 1-200 secondary schools for 1-2 hours per week and guest teachers are to be provided by the Ministry of Defence.”<sup>29</sup>

This does not appear to comply with the position of the Committee on the Rights of the Child, expressed in other cases, for the prohibition of “all forms of advertising and marketing for military service targeted at children, in particular at schools”.<sup>30</sup>

## ASYLUM-SEEKING, REFUGEE AND MIGRANT CHILDREN WHO MAY HAVE BEEN RECRUITED OR USED IN HOSTILITIES ABROAD

In its concluding observations on the sixth periodic report of Hungary, the **Committee on the Rights of the Child** urged the State party to “develop mechanisms for the early identification of asylum-seeking, refugee and migrant children who may have been recruited or used in hostilities abroad, to conduct training for personnel responsible for the identification and referral of such children to protection services, and to provide child victims with appropriate assistance for their full physical and psychological recovery and social reintegration”.<sup>31</sup>

Taking also into consideration the broader and very serious concerns of the **Human Rights Committee** regarding asylum procedures, non-refoulement and excessive use of force,<sup>32</sup> child asylum seekers and unaccompanied minors,<sup>33</sup> and immigration detention,<sup>34</sup> Connection e.V. is particularly concerned about whether asylum-seeking, refugee and migrant children who may have been recruited or used in hostilities abroad receive adequate treatment and assistance in the State party.

## SUGGESTED QUESTIONS FOR THE LIST OF ISSUES PRIOR TO REPORTING

- Please, provide information on whether the right to conscientious objection to military service is recognised for volunteer / professional members of the armed forces, including in state of emergency or war. If yes, please provide details of the relevant provisions in law. If not, please elaborate on any plans to introduce such legislation. Please, elaborate on the possible disciplinary, criminal, administrative or other punishment and consequences of a professional member of the armed forces who would leave the armed forces after developing conscientious objection to military service. (arts. 18, 26)
- Please, provide statistics on approvals/rejections of those asylum applications that are citing conscientious objection to military service. Please, elaborate on measures taken to guarantee the right to asylum / international protection for conscientious objectors to military service who are at risk 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, and especially to conscientious objectors asylum-seekers from the Russian Federation, Ukraine, and Belarus. (arts. 13, 18, 26)
- Please, inform on measures taken to ensure that children are not subjected to military training that involves the use of firearms, and that all forms of advertising and marketing for military service targeted at children, in particular at schools, are prohibited. (arts. 6, 24)
- Please, inform on (a) mechanisms for the early identification of asylum-seeking, refugee and migrant children who may have been recruited or used in hostilities abroad, (b) training for personnel responsible for the identification and referral of such children to protection services, and (c) appropriate assistance to child victims for their full physical and psychological recovery and social reintegration. (arts. 13, 24)

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<sup>1</sup> Quaker Council for European Affairs (QCEA), Pax Christi International, Pax Christi Scotland, Pax Christi Italy, Connection e.V., Un ponte per ETS and War Resisters' International, "Europe is rearming once again: is our right to Conscientious Objection at risk?", 12 December 2025.

<https://paxchristi.net/europe-is-rearming-once-again-is-our-right-to-conscientious-objection-at-risk/#>

<sup>2</sup> See, *Min-Kyu Jeong et al. v. Republic of Korea* (CCPR/C/101/D/1642-1741/2007), para. 7.3.

<https://undocs.org/CCPR/C/101/D/1642-1741/2007>

See also: *Jong-nam Kim et al. v. Republic of Korea*, para. 7.4; *Abdullayev v. Turkmenistan*, para. 7.7; *Mahmud Hudaybergenov v. Turkmenistan*, para. 7.5; *Ahmet Hudaybergenov v. Turkmenistan*, para. 7.5; *Sunnet Japparow v. Turkmenistan*, para. 7.6; *Akmurad Nurjanov v. Turkmenistan*, para. 9.3; *Shadurdy Uchetov v. Turkmenistan*, para. 7.6; *Dawletow v. Turkmenistan*, para. 6.3 and others.

<sup>3</sup> EBCO, *Annual Report - Conscientious Objection to Military Service in Europe 2024*, Brussels, 5th June 2025, p. 76. [https://ebco-beoc.org/sites/ebco-beoc.org/files/2025-06-05-EBCO\\_Annual\\_Report\\_2024.pdf](https://ebco-beoc.org/sites/ebco-beoc.org/files/2025-06-05-EBCO_Annual_Report_2024.pdf)

<sup>4</sup> E.g. CCPR/CO/82/FIN, 2 December 2004, para. 14. <http://undocs.org/CCPR/CO/82/FIN>

<sup>5</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. <http://undocs.org/CCPR/C/101/D/1642-1741/2007>.

See also following jurisprudence on conscientious objection to military service.

<sup>6</sup> See also: Amy Maguire, "Why banning men from leaving Ukraine violates their human rights", *The Conversation*, 8 March 2022. <https://theconversation.com/why-banning-men-from-leaving-ukraine-violates-their-human-rights-178411>

And "Right to freedom of thought, conscience and religion or belief, Public sector guidance sheet".

<https://www.ag.gov.au/rights-and-protections/human-rights-and-anti-discrimination/human-rights-scrutiny/public-sector-guidance-sheets/right-freedom-thought-conscience-and-religion-or-belief#can-the-right-to-freedom-of-thought-conscience->



[and-religion-or-belief-be-limited](#)

<sup>7</sup> A/HRC/41/23, 24 May 2019, para. 60(c). <https://undocs.org/A/HRC/41/23>

See also: A/HRC/50/43, 11 May 2022, para. 57(d). <https://undocs.org/A/HRC/50/43>

<sup>8</sup> CCPR/C/LVA/CO/4, 3 September 2025. (paras. 37-38(b)). <https://docs.un.org/en/CCPR/C/LVA/CO/4>

See also: CCPR/C/BRB/QPR/4, 22 April 2025. (para. 21(b)). <https://docs.un.org/en/CCPR/C/BRB/QPR/4>

<sup>9</sup> E.g. Austria: CCPR/C/AUT/QPR/6, 30 August 2024, para. 21(b). <https://docs.un.org/en/CCPR/C/AUT/QPR/6>

Barbados: CCPR/C/BRB/QPR/4, 22 April 2025, para. 21(b). <https://docs.un.org/en/CCPR/C/BRB/QPR/4>

<sup>10</sup> Council of Europe, Parliamentary Assembly, Recommendation 1518 (2001), paras. 5.1 and 5.2.

<https://assembly.coe.int/nw/xml/XRef/Xref-XML2HTML-EN.asp?fileid=16909&lang=en>

<sup>11</sup> CM/Rec(2010)4 - Recommendation of the Committee of Ministers to member states on human rights of members of the armed forces (Adopted by the Committee of Ministers on 24 February 2010 at the 1077th meeting of the Ministers' Deputies).

<https://search.coe.int/cm?i=09000016805cf8ef>

<sup>12</sup> OSCE, ODIHR, *Handbook on Human Rights and Fundamental Freedoms of Armed Forces Personnel*, 2008, Chapter 10 Conscientious Objection to Military Conscription and Service, 4. Best Practices and Recommendations, p. 85 [second point].

<https://www.osce.org/files/f/documents/0/c/31393.pdf>

<sup>13</sup> UN Human Rights Council, Resolution 24/17 (A/HRC/RES/24/17), 8 October 2013, para. 5.

<http://undocs.org/A/HRC/RES/24/17>

<sup>14</sup> See, UN Conscientious Objection to Military Service, E/CN.4/Sub.2/1983/30/Rev.1, 1985 (the “Eide and Mubanga-Chipoya report”), para. 21. <http://www.refworld.org/pdfid/5107cd132.pdf>

See also, paras. 128-135 regarding persecution in the context of conscientious objection to conflicts which violate basic rules of human conduct.

<sup>15</sup> UNHCR: Guidelines on International Protection No. 10, para. 3.

<https://www.unhcr.org/sites/default/files/legacy-pdf/529efd2e9.pdf>

<sup>16</sup> United Nations, General Assembly, 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, paras. 20-22.

<http://undocs.org/A/HRC/50/43>

<sup>17</sup> UN Human Rights Council, Resolution 24/17 (A/HRC/RES/24/17), 8 October 2013, para. 13.

<http://undocs.org/A/HRC/RES/24/17>

<sup>18</sup> UNHCR, Handbook on procedures and criteria for determining refugee status and guidelines on international protection, Reissued, Geneva, February 2019, p. 226. <https://www.refworld.org/pdfid/5cb474b27.pdf>

<sup>19</sup> UN Human Rights Council, "Arbitrary detention. Report of the Working Group on Arbitrary Detention", (A/HRC/42/39), 16 July 2019, para. 63.

<http://undocs.org/A/HRC/42/39>

<sup>20</sup> Committee against Torture, “General comment No. 4 (2017) on the implementation of article 3 of the Convention in the context of article 22”, (CAT/C/GC/4), 4 September 2018, para. 45. <http://undocs.org/CAT/C/GC/4>

<sup>21</sup> UN Human Rights Council, Conscientious objection to military service, Report of the Office of the United Nations High Commissioner for Human Rights, (A/HRC/56/30), 23 April 2024, para. 58. <https://undocs.org/A/HRC/56/30>

<sup>22</sup> See for example ECtHR, *M.D. and others v. Russia*, paras. 45 and 110. <https://hudoc.echr.coe.int/eng?i=001-211791>

<sup>23</sup> CCPR/C/HUN/CO/6, 9 May 2018, paras. 47-48. <https://docs.un.org/en/CCPR/C/HUN/CO/6>

<sup>24</sup> CCPR/C/HUN/CO/6, 9 May 2018, paras. 45-46. <https://docs.un.org/en/CCPR/C/HUN/CO/6>

<sup>25</sup> E.g. CED/C/UKR/CO/1, 4 October 2024, paras. 51(d), 52(d). <https://docs.un.org/en/CED/C/UKR/CO/1>

OHCHR, *Report on the human rights situation in Ukraine, 1 September to 30 November 2024*, 31 December 2024, para. 91. <https://ukraine.ohchr.org/sites/default/files/2025-01/2024-12-31%20OHCHR%2041st%20periodic%20report%20on%20Ukraine.pdf>

<https://docs.un.org/en/A/HRC/57/59>

<sup>26</sup> A/HRC/54/54, 18 September 2023, paras. 78, 96-98, 112(s). <https://docs.un.org/en/A/HRC/54/54>

A/HRC/57/59, 13 September 2024, paras. 84-90, 101, 124. See also: 150(p), 151(e).

<https://docs.un.org/en/A/HRC/57/59>

OHCHR, *Report on the human rights situation in Ukraine, 1 September to 30 November 2024*, 31 December 2024, para. 91. <https://ukraine.ohchr.org/sites/default/files/2025-01/2024-12-31%20OHCHR%2041st%20periodic%20report%20on%20Ukraine.pdf>

<https://ukraine.ohchr.org/sites/default/files/2025-01/2024-12-31%20OHCHR%2041st%20periodic%20report%20on%20Ukraine.pdf>

<sup>27</sup> A/HRC/57/59, 13 September 2024, paras. 85, 86, 90, 150(p). See also 151(e). <https://docs.un.org/en/A/HRC/57/59>

A/79/508, 11 October 2024, paras. 67-69, 107, 113(e) and (p). <https://docs.un.org/en/A/79/508>

OHCHR, *Report on the human rights situation in Ukraine, 1 September to 30 November 2024*, 31 December 2024, para. 91. <https://ukraine.ohchr.org/sites/default/files/2025-01/2024-12-31%20OHCHR%2041st%20periodic%20report%20on%20Ukraine.pdf>

<https://ukraine.ohchr.org/sites/default/files/2025-01/2024-12-31%20OHCHR%2041st%20periodic%20report%20on%20Ukraine.pdf>

<sup>28</sup> CRC/C/HUN/CO/6, 3 March 2020, para. 43(b). <https://docs.un.org/en/CRC/C/HUN/CO/6>

<https://ebco-beoc.org/hungary/2023>

<sup>29</sup> E.g. CRC/C/DEU/CO/5-6, 13 October 2022, para. 45(a). <https://docs.un.org/en/CRC/C/DEU/CO/5-6>

<sup>30</sup> CRC/C/HUN/CO/6, 3 March 2020, para. 43(a). <https://docs.un.org/en/CRC/C/HUN/CO/6>

<https://ebco-beoc.org/hungary/2023>

<sup>31</sup> CCPR/C/HUN/CO/6, 9 May 2018, paras. 47-48. <https://docs.un.org/en/CCPR/C/HUN/CO/6>

<sup>32</sup> CCPR/C/HUN/CO/6, 9 May 2018, paras. 49-50. <https://docs.un.org/en/CCPR/C/HUN/CO/6>

<sup>33</sup> CCPR/C/HUN/CO/6, 9 May 2018, paras. 45-46. <https://docs.un.org/en/CCPR/C/HUN/CO/6>

<sup>34</sup> CCPR/C/HUN/CO/6, 9 May 2018, paras. 45-46. <https://docs.un.org/en/CCPR/C/HUN/CO/6>