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## **SUBMISSION**

**TO THE 144<sup>th</sup> SESSION OF THE HUMAN RIGHTS COMMITTEE**

## **LATVIA**

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

Updated May 2025

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Contact:

Zaira Zafarana

International advocacy coordinator

[zaira.zafarana@connection-ev.org](mailto:zaira.zafarana@connection-ev.org)

## INTRODUCTION

This submission focuses on the right to conscientious objection to military service and related issues. It appears that this right is not adequately recognised and implemented by the State party, since there is no genuinely civilian alternative service, the body examining applications is not independent and impartial, and there is no genuine recognition of the right to conscientious objection for professional members of the armed forces.

There are further concerns about the military training of children, including use of weapons, despite the recommendations of the Committee on the Rights of the Child, as well as concerns about international protection of (foreign) conscientious objectors.

## CONSIDERATION OF THE ISSUE OF CONSCIENTIOUS OBJECTION IN THE CONTEXT OF ICCPR

### Second cycle

In its second periodic report, the State party stated:

“266. On 18 October 2000 the Cabinet of Ministers issued an order for the establishment of a work group on the formulation of legal acts necessary for the implementation of the alternative service. The work group has formulated and submitted the draft Law ‘On Alternative Service’ as well as draft amendments to other legal acts (for example, amendments are required in the Code of Administrative Violations of Latvia, the Criminal Law, the Law ‘On Compulsory Military Service’) related to the above Law to the Cabinet of Ministers. According to the draft, the purpose of the Law ‘On Alternative Service’ is to establish the procedure for serving in the alternative service and to guarantee the freedom of thought, conscience and religion, relating them to the duties of a citizen towards the state.”<sup>1</sup>

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In the List of Issues, the Committee asked:

“Freedom of religion and conscience and non-discrimination (arts. 18)

17. Please provide information on the Law on Alternative Service allowing for a civil alternative to military service.”<sup>2</sup>

In its Concluding Observations, the Committee stated:

“15. The Committee notes with satisfaction that in 2002 a new law on alternative service entered into force, which provides for the right to conscientious objection. However, the Committee remains concerned that, pending a change in the conscription law, the duration of alternative service is up to twice that of military service and appears to be discriminatory (art. 18).

The State party should ensure that the alternative service is not of a discriminatory duration.”<sup>3</sup>

### Third cycle

In its third periodic report, the State party stated:

“Article 18

Reply to the recommendations contained in paragraph 15 of the concluding observations

452. The Republic of Latvia would like to inform, that both, the Law on Compulsory Military Service and the Law on Alternative Military Service have been declared null and void. Since 1 January 2007, the Republic of Latvia transformed its national armed forces to the professional military service, which is established on voluntary basis.”<sup>4</sup>

Consequently, the issue of conscientious objection to military service was not included in the List of Issues and in the Concluding Observations for the third periodic report.

<sup>1</sup> CCPR/C/LVA/2002/2, 29 November 2002, para. 266. <https://docs.un.org/en/CCPR/C/LVA/2002/2>

<sup>2</sup> CCPR/C/79/L/LVA, 28 August 2003, para. 17. <https://docs.un.org/en/CCPR/C/79/L/LVA>

<sup>3</sup> CCPR/CO/79/LVA, 1 December 2003, para. 15. <https://docs.un.org/en/CCPR/CO/79/LVA>

<sup>4</sup> CCPR/C/LVA/3, 9 October 2012, para. 452. <https://docs.un.org/en/CCPR/C/LVA/3>

## Fourth cycle

The submission of the European Association of Jehovah's Witnesses for the List of Issues stated that:

“C. No Genuine Alternative Civilian Service of a Non-Punitive Nature for Conscientious Objectors

16. Beginning 1 January 2024, 600 men aged 18–24, who are not currently in either basic or secondary education, are subject to conscription (120 in January and 480 in July). Purported ACS is only offered in institutions subordinate to the Ministry of Defence, namely: (1) the National Defence Military Facilities and Procurement Centre; (2) the National Defence Logistics and Procurement Centre; (3) the Latvian Geospatial Information Agency; and (4) the Latvian War Museum. The law does not meet internationally recognized criteria for ACS.

17. [...] The absence of a genuine ACS of a non-punitive nature for conscientious objectors is also a matter of concern. Jehovah's Witnesses in Latvia and internationally respectfully request the Government of Latvia to take the necessary steps to:

[...]

(3) Recognize the right to conscientious objection to military service and provide for a genuine ACS that is not under the Ministry of Defence and is of a non-punitive nature conforming to international standards.”<sup>5</sup>

In the List of issues in relation to the fourth periodic report of Latvia, the Committee asked:

“Conscientious objection to military service (arts. 2, 18 and 26)

20. In the light of the State Defence Service Law adopted in April 2023 to reintroduce conscription in 2024, please provide information on the opportunities for alternative service for all conscientious objectors, explain whether such service is compatible with international standards and is not punitive or discriminatory in its nature or duration in comparison with military service, and clarify whether the State party provides for the early release of professional members of the armed forces who later become conscientious objectors. Please indicate the conditions necessary to qualify for alternative service, the duration of the alternative service and the number of requests for alternative service made since the reintroduction of conscription, as well as whether there are judicial or administrative remedies against a negative decision of the special commission that evaluates the applications for alternative service. Please report on the measures in place to ensure that children under 18 years of age are not exposed to military training involving the use of firearms, in particular through the “Youth Guard” programme and the National Defence Course in secondary schools.”<sup>6</sup>

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In the “Replies of Latvia to the list of issues in relation to its fourth periodic report”, the State party stated:

**“N. Conscientious objection to military service**

**Alternative service**

65. According to the National Defence Service Law persons subject to the national defence service, who cannot perform the military service due to their thoughts, conscience, or religious affiliation, may substitute it with the alternative service. The duration of alternative service is the same as military service (11 months). The alternative service can be performed in one of the civilian institutions subordinated to MoD (Annex 15). Persons undertaking alternative service are subordinated to the head of the institution who determines their work duties.

**Early release of conscientious objectors**

66. According to the Military Service Law professional service soldiers may terminate their contract before the end of the term at any time based on a mutual agreement with the National Armed Forces. Similarly, the Military Service Law states that reserve soldiers who cannot perform military service due to their thoughts, conscience or religious beliefs and a conscientious objector may submit an application to the Conscription Control Commission stating the reasons for their desire to change the type of the service. Similarly, to apply for the alternative service, a conscientious objector must apply to the Conscription Control Commission, stating the reasons for the desire to change the type of service and attach documents which, in their opinion, are important in the examination of the issue and which

<sup>5</sup> From The European Association of Jehovah's Witnesses, “Submission to the United Nations Human Rights Committee Prior to the Adoption of the List of Issues, 141st session (1 July–2 August 2024), Latvia”, 3 May 2024, paras. 16-17.

<sup>6</sup> CCPR/C/LVA/Q/4, 2 January 2025, para. 20. <https://docs.un.org/en/CCPR/C/LVA/Q/4>

confirm the validity of the information specified in the application. As of now, the Conscription Control Commission has received two applications for the replacement of national defence service by alternative service. One application was approved, and in the other case, since the person was declared not valid for national defence service due to health reasons and the review was terminated. With respect to remedies in case of a negative decision, a person also has the right to appeal the decision of the Conscription Control Commission before a court in accordance with the procedures laid down in the Administrative Procedure Law.

**Military training at the Youth Guard and the National Defence Course**

67. At the outset, Latvia notes that joining the Youth Guard is voluntary. The majority of subjects included in the curriculum of the National Defence Course and the Youth Guard are designed to give participants practical outdoor skills and knowledge, first-aid, civic and civil defence education (Annex 15). Only the subject “safe handling of arms” includes exercises involving arms, and only within the curriculum of the Youth Guard are the students expected to physically handle firearms. The subject “safe handling of arms” represents 20% (30 out of 120 contact hours) of the National Defence Course curriculum and 11% (55 out of 480 contact hours) of the Youth Guard’s curriculum. Within the National Defence Course, the shooting practice is limited to pneumatic weapons and, although students are introduced to the standard issue arms and equipment of the National Armed Forces through informative materials, no actual firearms are used in teaching.

68. To accommodate students, including students who due to their religious or philosophical beliefs or other objective circumstances cannot take part in a particular subject of the National Defence Course, including the subject “safe handling of arms”, the Youth Guard Centre, in collaboration with MoD, has developed additional lesson plans for alternative classes. In these classes, students learn about the civil defence plans of their municipality and the concept of Grey Zone in international relations. Where a student, due to his or her religious or philosophical beliefs or other objective circumstances, cannot take part in a specific part of the subject or exercise included in the curriculum of the National Defence Course, the instructor offers a modified alternative exercise. The modified alternative exercise usually requires the student to become acquainted with one of the subjects of the National Defence Course curriculum and to present his/her research to other students. The content of the modified alternative exercise is designed to include interdisciplinary matters, such as knowledge and skills on the use of technology. With respect to the Youth Guard, the standard curriculum includes certain exercises with firearms, however these exercises mostly concern assembly, disassembly, and safe handling of firearms. Shooting practice is organised in the final – fourth – level of the courses, at the time when the student is at least 16 or 17 years old, and only with small-calibre rounds. Furthermore, pursuant to Article 4, paragraph 6, of the Law on the National Defence Course and the Youth Guard, as amended on 13 June 2024, the instructor can devise a modified study plan where an exercise would be inappropriate for a particular student.”<sup>7</sup>

Furthermore, the State party provided the following information in Annex 15:

**“ANNEX 15**

**Institutions and roles within which alternative service may be performed**

Institution (or its unit)	Role	Description of duties
The State Defence Centre for Military Resources and Procurement	Property administration and maintenance	Administration, maintenance, and inspection of the infrastructure of the National Armed Forces.
The State Defence Centre for Logistics and Procurement	Driver, logistics administrator, warehouse manager, contract manager	Transportation of materials and equipment between warehouses, assembly of equipment, processing documents, warehousing, etc.

<sup>7</sup> CCPR/C/LVA/RQ/4, 24 March 2025, paras. 65-68. <https://docs.un.org/en/CCPR/C/LVA/RQ/4>

The Agency for Geolocation Information of Latvia	Geodesist, cartograph, photogrammetry, printing technician	1) survey of the national geodetic network; 2) survey of geographic areas; 3) assistance to remote sensing works, laser sensing , and other related tasks; 4) packaging and logistics of the printed material and maintenance of printing equipment.
The Museum of War	Archiver, restorer, assistant, technician.	Tasks related to preservation and accounting of historical and cultural objects.

Table 1. Source: MoD

### The Curriculum of the Youth Guard

Subject	Number of classes								
	1 Level		2 Level		3 Level		4 Level		Tot
	1 Semester	2 Semester	3 Semester	4 Semester	5 Semester	6 Semester	7 Semester	8 Semester	
Individual – region – the State	1	0	1	1	0	2	3	2	10
Teambuilding	2	4	3	3	1	2	2	1	18
The National Armed Forces	1	1	0	2	2	1	1	1	9
Laws	1	2	2	2	2	1	2	3	15
Marching	2	3	2	4	4	2	3	3	23
First aid	2	3	3	2	2	2	2	2	18
Safe handling of weapons	6	6	9	7	9	6	7	6	55
Cyberspace and communications	2	1	3	4	3	4	4	4	25
Topography	9	8	8	7	6	6	7	6	57
Field exercises	8	8	4	4	10	8	8	8	58
Healthy and active lifestyle	8	8	7	7	6	10	6	10	62
Conclusions	16	14	16	15	15	16	14	16	122
Total									480

Table 2. Source: MoD

### The Curriculum of the National Defence Course

Subject	Hours
Laws	10
Cyberspace and communications	10
Topography	24
Safe handling of weapons	30
Field exercises	22
Marching	6
Resilience in crisis	4
Role of civic activities in national security	6
<b>Total</b>	<b>120</b>

Table 3. Source: MoD”

## MAIN INTERNATIONAL STANDARDS CONCERNING THE RIGHT TO CONSCIENTIOUS OBJECTION TO MILITARY SERVICE

All states must respect, protect and fulfil the right to conscientious objection to military service.

According to 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. A State may, if it wishes, compel the objector to undertake a civilian alternative to military service, outside the military sphere and not under military command. The alternative service must not be of a punitive nature. It must be a real service to the community and compatible with respect for human rights.”<sup>8</sup>

In 2019, the OHCHR compiled the minimum standards and criteria in order for a State to comply with international human rights law and standards as far as it concerns conscientious objection to military service:

“60. There are different approaches and human rights challenges with regard to application procedures for obtaining the status of conscientious objector to military service. To be in line with international human rights norms and standards, such application procedures should comply, as a minimum, with the criteria given below.

### **(a) Availability of information**

All persons affected by military service should have access to information about the right to conscientious objection and the means of acquiring objector status.

### **(b) Cost-free access to application procedures**

The process for applying for status as a conscientious objector should be free, and there should be no charge for any part of the whole procedure.

### **(c) Availability of the application procedure to all persons affected by military service**

The right to conscientious objection should be recognized for conscripts, for professional members of the armed forces and for reservists.

### **(d) Recognition of selective conscientious objection**

The right to object also applies to selective objectors who believe that the use of force is justified in some circumstances but not in others.

### **(e) Non-discrimination on the basis of the grounds for conscientious objection and between groups**

Alternative service arrangements should be accessible to all conscientious objectors without discrimination as to the nature of their religious or non-religious beliefs; there should be no discrimination between groups of conscientious objectors.

### **(f) No time limit on applications**

No time limit should be applicable for the submission of a request to be recognized as a conscientious objector. Conscripts and volunteers should be able to object before the commencement of military service, or at any stage during or after military service.

### **(g) Independence and impartiality of the decision-making process**

Independent and impartial decision-making bodies should determine whether a conscientious objection to military service is genuinely held in a specific case. Such bodies should be placed under the full control of civilian authorities.

### **(h) Good faith determination process**

Application procedures should be based on reasonable and relevant criteria, and should avoid the imposition of any conditions that would result in the automatic disqualification of applicants.

### **(i) Timeliness of decision-making and status pending determination**

The process for consideration of any claim of conscientious objection should be timely so that applicants are not left waiting for an unreasonable length of time for a decision. As matter of good practice, all duties involving the bearing of arms should be suspended pending the decision.

<sup>8</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.



## **(j) Right to appeal**

After any decision on conscientious objector status, there should always be a right to appeal to an independent civilian judicial body.

## **(k) Compatibility of alternative service with the reasons for conscientious objection**

Alternative service, whether of a non-combatant or civilian character, should be compatible with the reasons for conscientious objection.

## **(l) Non-punitive conditions and duration of alternative service**

The conditions for alternative service should be neither punitive nor have a deterrent effect. Any duration longer than that of military service is permissible only if the additional time for alternative service is based on reasonable and objective criteria. Equalizing the duration of alternative service with military service should be considered a good practice.

## **(m) Freedom of expression for conscientious objectors and those supporting them**

The personal information of conscientious objectors should not be disclosed publicly by the State, and their criminal records should be expunged. States should neither discriminate against conscientious objectors in relation to their civil, cultural, economic, political or social rights nor stigmatize them as “traitors”. Those who support conscientious objectors or who support the right of conscientious objection to military service should fully enjoy their freedom of expression.”<sup>9</sup>

In 2022, the OHCHR reiterated the above standards, adding, *inter alia*, that:

“No inquiry process is required by international law and consideration should be given to accepting claims of conscientious objection to military service as valid without such a process”.<sup>10</sup>

In 2024, the OHCHR further elaborated:

“54. States should give recognition to the right to conscientious objection to military service in their domestic legal systems. In accordance with international human rights law, the domestic legal basis should be:

- (a) General, recognizing all forms of thought, conscience and religion protected under international human rights law;
- (b) Applicable to all forms of military service, including voluntary service and service in military reserve forces, as thought, conscience and religion may change over time;
- (c) Applicable in all contexts, including situations of armed conflict and during mobilization;
- (d) Unconditional on the further implementation laws;
- (e) Justiciable.

55. The procedure allowing for the recognition of conscientious objection should be aimed at facilitating the exercise of the right. To this end, States should implement the recommendations contained in previous reports.<sup>11</sup> In addition:

- (a) States should consider accepting claims of conscientious objection without inquiry; or, in the alternative;
- (b) States retaining a system of inquiry of claims for conscientious objection should review their procedures to ensure that they preserve respect for the dignity of individuals, are conducive to protecting the right to conscientious objection to military service, are limited to identifying relevant information without arbitrary interference in the privacy of those concerned and are under civilian control.

56. In order to facilitate respect for the right to conscientious objection, States should consider removing compulsory alternative service for individuals exempted from military service. Should States choose to maintain alternative compulsory service, such compulsory service should:

- (a) Be compatible with the reasons for conscientious objection;
- (b) Serve the public interest. In particular, States should consider specifying the public interest purpose to be promoted by alternatives to military service in law;
- (c) Encompass a variety of alternatives spanning various sectors, and States should consider including alternatives outside the public sector, as appropriate. States should also consider how to take into account

<sup>9</sup> UN Human Rights Council, Approaches and challenges with regard to application procedures for obtaining the status of conscientious objector to military service in accordance with human rights standards, Report of the Office of the United Nations High Commissioner for Human Rights, (A/HRC/41/23), 24 May 2019, para. 60. <https://undocs.org/A/HRC/41/23>

<sup>10</sup> UN Human Rights Council, Conscientious objection to military service, Analytical report of the Office of the United Nations High Commissioner for Human Rights, (A/HRC/50/43), 11 May 2022, para. 57. See particularly sub-paragraph (h). <https://undocs.org/A/HRC/50/43>

<sup>11</sup> A/HRC/41/23 and A/HRC/50/43.

the preferences of conscientious objectors for placement in alternative services;

(d) Not be punitive or discriminatory.

57. States should also take other measures to respect and ensure the right to conscientious objection to military service. To this end, States should:

(a) Refrain from unduly restricting the rights of those advocating for the rights of conscientious objection to military service or conscientious objectors;

(b) Implement appropriate measures, including education and training, to foster a culture of respect for conscientious objection to military service within relevant parts of the public administration and in the broader society;

(c) Implement a participatory approach in the development and review of laws and policies related to conscientious objection to military service with the involvement of affected stakeholders.”<sup>12</sup>

## **International standards on international protection of conscientious objectors**

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>13</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>14</sup>
- as it has been also highlighted by the OHCHR<sup>15</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>16</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>17</sup>
  - in 2019, the Working Group on Arbitrary Detention reminded States to respect, protect and fulfil the right to personal liberty of conscientious objectors to military service by exercising due diligence to prevent their expulsion, return (refoulement) or extradition to another State where there are substantial grounds for believing that they would be in danger of being subjected to arbitrary deprivation of liberty.<sup>18</sup>
  - in its general comment No. 4 (2017), the Committee against Torture 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

<sup>12</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, paras. 54-57. <https://undocs.org/A/HRC/56/30>

<sup>13</sup> See, UN Conscientious Objection to Military Service, E/CN.4/Sub.2/1983/30/Rev.1, 1985 (the “Eide and Mubanga-Chipoya report”), <http://www.refworld.org/pdfid/5107cd132.pdf>, para. 21. See also, paras. 128-135 regarding persecution in the context of conscientious objection to conflicts which violate basic rules of human conduct.

<sup>14</sup> UNHCR: Guidelines on International Protection No. 10, para. 3. <https://www.unhcr.org/sites/default/files/legacy-pdf/529efd2e9.pdf>

<sup>15</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>16</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>17</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>18</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>



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>19</sup>

- 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>20</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>21</sup>

## MAIN ISSUES OF CONCERN

### Non genuinely civilian alternative service

According to the State party replies, “The alternative service can be performed in one of the civilian institutions subordinated to MoD”. It is self-evident that institutions “subordinated to MoD” cannot provide a genuinely civilian alternative service. Furthermore, such institutions are:

- The State Defence Centre for Military Resources and Procurement
- The State Defence Centre for Logistics and Procurement
- The Agency for Geolocation Information of Latvia
- The Museum of War.

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It is also self-evident that such institutions are not compatible with the reasons for conscientious objection of most conscientious objectors to military service (perhaps with the exception of any persons who only object to the personal use of arms, but not to the enlistment in the armed forces).

### Lack of independence and impartiality of the body examining applications for conscientious objector status

The information provided about the Conscription Control Commission, the body examining applications for conscientious objector status, is not sufficient.

However, according to information provided by the European Bureau for Conscientious Objection (EBCO), it appears that the State party authorities claim that at least half of the members of the Commission must be persons not employed by the armed forces, the Ministry of Defence, or institutions subordinate thereto.

This means that not only this body is not placed under the full control of civilian authorities, but it might have even half of its members linked to the Ministry of Defence, and therefore lacking the necessary independence and impartiality.

### Lack of recognition of the right to conscientious objection to military service for professional members of the armed forces

The provisions about professional soldiers explained in the Replies to the List of Issues, i.e. that

<sup>19</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>20</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>21</sup> See for example ECtHR, *M.D. and others v. Russia*, paras. 45 and 110. <https://hudoc.echr.coe.int/eng?i=001-211791>

“According to the Military Service Law professional service soldiers may terminate their contract before the end of the term at any time based on a mutual agreement with the National Armed Forces”, does not constitute recognition of the right to conscientious objection to military service for professional members of the armed forces.

It should be stressed also that Latvia is a member of the Council of Europe, whose Committee of Ministers 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.

41. For the purposes of compulsory military service, conscripts should have the right to be granted conscientious objector status and an alternative service of a civilian nature should be proposed to them.

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>22</sup>

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### **Military training of children, including use of weapons**

It is particularly concerning the Military training at the Youth Guard and the National Defence Course, of persons under the age of 18, especially as far as it concerns the use of weapons.

We would like to recall the relevant Concluding Observations of the Committee on the Rights of the Child:

“Military education

12. The Committee notes that children from the age of 10 may participate in the voluntary “Youth Guard” movement that functions under the auspices of the Ministry of Defence, with the purpose of educating youth about national defence. The Committee is deeply concerned that the “Youth Guard” programme includes the participation of children in activities involving weapons and military training.

13. The Committee urges the State party to take measures to ban military training involving the use of firearms for children under the age of 18 years, in general, and in the Youth Guard, in particular, and establish regular monitoring of the Youth Guard programme to ensure that its curriculum and the teaching personnel comply with the provisions of the Optional Protocol”<sup>23</sup>

### **International protection of conscientious objectors**

Taking into consideration:

- the lack of adequate recognition of the right to conscientious objection to military service and the lack of a genuinely civilian alternative service in the State party itself,

<sup>22</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>23</sup> CRC/C/OPAC/LVA/CO/1, 7 March 2016, paras. 12-13. <https://docs.un.org/en/CRC/C/OPAC/LVA/CO/1>

- the broader concerns about the “Treatment of aliens, including migrants, refugees and asylum-seekers (arts. 7, 9, 12, 13 and 24)” cited in the List of Issues,<sup>24</sup>
- the concerns about “legislative changes made to the Immigration Law requiring Russian citizens to pass a Latvian language test in order to renew their permanent residence permits” and “the number of Russian citizens residing in the State party affected by said legislative changes and liable to be deported”, cited in the List of Issues,<sup>25</sup>
- the concerns about the State of Emergency and “Order No. 518 of the Cabinet of Ministers on the declaration of an emergency situation, adopted on 10 August 2021 to address the influx of migrants and refugees at the country’s borders” cited in the List of Issues,<sup>26</sup>

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 the State party. Particular concerns are raised especially about potential conscientious objectors from countries directly or indirectly involved in the regional conflict (Russian Federation, Ukraine, Belarus).

## SUGGESTED QUESTIONS

- Please provide data about any applications for asylum of persons who have declared to be, or could be considered as, conscientious objectors to military service (including selective conscientious objectors opposing participation in a specific war).
- Please explain what measures are taken to ensure that the right to international protection of conscientious objectors, from States where there is no (adequate) recognition of the right to conscientious objection to military service, is respected.
- Please explain what measures are taken to implement the recommendation of the Special Rapporteur on the situation of human rights in the Russian Federation, Mariana Katzarova, who has explicitly recommended: “(e) Consider granting protection and asylum to conscientious objectors of military service who have fled the Russian Federation and exercise due diligence to prevent their expulsion or extradition back to the Russian Federation in violation of the principle of non-refoulement, since there is a well-founded fear of persecution and substantial grounds to believe that, upon their return, they would be prosecuted and face imprisonment and/or torture and ill-treatment in custody.”<sup>27</sup>

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## SUGGESTED RECOMMENDATIONS

- The State party should promptly amend its legislation in order to fully recognise the right to conscientious objection to military service, in line with international human rights law and standards (e.g. A/HRC/41/23, A/HRC/50/43, A/HRC/56/30). This should include, *inter alia*:
  - an alternative service of a genuinely civilian character, compatible with the reasons for conscientious objection, in the public interest and not of a punitive character;
  - placing the assessment of applications for conscientious objector status under the full control of civilian authorities, with the body being entirely separate from the Ministry of Defence, without military participation, and having maximum independence and impartiality;
  - explicitly recognising in the domestic legislation the right to conscientious objection for professional members of the armed forces.

<sup>24</sup> CCPR/C/LVA/Q/4, 2 January 2025, para. 16. <https://docs.un.org/en/CCPR/C/LVA/Q/4>

<sup>25</sup> CCPR/C/LVA/Q/4, 2 January 2025, para. 5. <https://docs.un.org/en/CCPR/C/LVA/Q/4>

<sup>26</sup> CCPR/C/LVA/Q/4, 2 January 2025, para. 6. <https://docs.un.org/en/CCPR/C/LVA/Q/4>

<sup>27</sup> A/HRC/57/59, 13 September 2024, para. 151(e). <https://docs.un.org/en/A/HRC/57/59>

- The State party should take measures to ban military training involving the use of weapons for children under the age of 18 years, in general, and in the Youth Guard and the National Defence Course, in particular.
- The State party should grant asylum to conscientious objectors to military service who have a well-founded fear of persecution in their country of origin owing to their refusal to perform military service when there is no provision, or no adequate provision, for conscientious objection to military service. Particularly attention, considering the ongoing war in the region, should be given to such claims of conscientious objection concerning asylum-seekers from the Russian Federation, Ukraine and Belarus.