



SUBMISSION

TO THE 145th SESSION OF THE HUMAN RIGHTS COMMITTEE

REPUBLIC OF MOLDOVA

Conscientious objection to military service

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INTRODUCTION

This submission focuses on the issue of conscientious objection to military service, which is included in the List of Issues Prior to Reporting.¹ Despite the reply of the State party,² publicly available information from the Ministry of Defence of the State party reveals a great number of issues of concern which might be resulting in continuous and serious violations of articles 2, 18 and 26 of the Covenant.

Such issues include:

- **punitive and discriminatory duration of alternative civilian service for a specific category of conscientious objectors**, those of higher education, in comparison with the equivalent category of conscripts of higher education performing military service;
- **no recognition of the right to conscientious objection to military service for conscripts after enlistment, for volunteers / professional members of the armed forces and for reservists**;
- concerns about **the body deciding on applications**;
- **possible restriction of the right to conscientious objection only to pacifists** (or even, only to members of pacifist associations);
- **alarming percentage of rejection of applications for alternative civilian service**;
- **extreme time limits for appeal** of rejection.

Furthermore, the reply of the State party raises concerns about a possible **lack of explicit recognition** of the **right to conscientious objection in times of war (and in general)**, and also includes a **highly problematic reference to “manifestation of religious beliefs”** specifically in a reply about conscientious objection to military service, which contradicts the longstanding jurisprudence of the Human Rights Committee (hereinafter the Committee).

BACKGROUND - CONSIDERATION IN THE CONTEXT OF ICCPR

The issue of conscientious objection to military service and the alternative civilian service in the State party were examined already in the context of the initial report. 2

During the dialogue, Mr. Solari Yrigoyen “asked whether conscientious objection to military service was acceptable on grounds other than religious belief, and invited the delegation to comment on any significant differences between military service and alternative civilian service”. Mr. Slonovschi (Moldova), “replying to a question asked by Mr. Solari Yrigoyen, said that pacifism certainly constituted a ground for exemption from military service. He would provide the Committee with further details about other possible grounds after checking with the relevant authorities. The prescribed period of alternative civilian service was the same as for military service, i.e. at least one year.”³

It appears that based on the above reply, the Committee stated:

“B. Positive aspects

5. [...] The Committee further welcomes the abolition of forced labour in 1998, as well as the provision for alternative civilian service of equal duration in place of military service.”⁴ (Although this was later questioned by civil society,⁵ it also appeared to contradict the findings of the European Committee of Social Rights,⁶ at least until 2007,⁷ and, in any case, it is not entirely accurate today – see relevant part of this report about the punitive and discriminatory duration of alternative civilian service for conscientious objectors of higher education).

The issue of conscientious objection to military service was not explicitly featured in the concluding observations for the second and third periodic report.

However, broader issues concerning the right to freedom of thought, conscience and religion, including issues related to the requirement for registration of religious organisations, which also affects the right to freedom of association, were indeed highlighted in the concluding observations concerning the initial,⁸ the second,⁹ and the third periodic report.¹⁰

In the List of issues prior to submission of the fourth periodic report of the Republic of Moldova, the Committee asked:

“Freedom of conscience and religious belief (arts. 2, 18 and 26)

18. Please explain how requiring conscientious objectors to register with a religious or pacifist organisation in order to be recognized is compatible with article 18 of the Covenant. Please clarify whether alternative civilian service would remain available to conscientious objectors in a time of general mobilization or war.”¹¹

In its 4th periodic report, the State party replied:

“Freedom of conscience and religious belief (arts. 2, 18 and 26)

Reply to paragraph 18

160. According to Art.4 of Law No.125/2007 on freedom of conscience, thought and religion, everyone has the right to freedom of thought, conscience and religion. This right must be exercised in a spirit of tolerance and mutual respect and includes the freedom to belong or not to belong to a particular religion, to hold or not to hold particular beliefs, to change one’s religion or beliefs, to profess one’s religion or beliefs individually or in community, in public or in private, through teaching, religious practice, worship and the performance of rites. Every individual and religious community may freely adhere to any religious worship.

161. Art.4 para. (2) of the Law No.125/2007, stipulates that the exercise of the right to freedom of manifestation of religious beliefs or faith may be restricted, under the conditions of the law, only if such restriction pursues a legitimate aim and represents, in a democratic society, measures necessary for public safety, maintenance of public order, protection of public health and morals or protection of individual rights and freedoms. Currently, the legislation of the Republic of Moldova does not define ‘pacifist organizations’ as forms of associations.

162. The way of replacing military service with the alternative service is regulated by Law No.156/2007 on the organization of civilian (alternative) service, which specifies that it is a state service of a civil and socially useful nature, performed by citizens who refused to be under arms (compulsory military training) for religious or pacifist beliefs. Law No.156/2007 lays down how civilian (alternative) service is to be performed with the aim of providing a normative framework for the manifestation of civic duty to society. Art.4 para. (2) provides the categories of persons who are exempted from civilian service. Currently, the legislation of the Republic of Moldova does not provide for the cancellation of civilian alternative service in case of general mobilization or war.”¹²

The replies of the State party in conjunction to official replies in other context raise a number of issues, questions and concerns, which they will be described below.

MAIN ISSUES OF CONCERN

- **Punitive and discriminatory duration of alternative civilian service for conscientious objectors of higher education**

In the replies of the Ministry of Defence of the Republic of Moldova to the questionnaire of the European Bureau for Conscientious Objection (EBCO), dated 25 November 2024, it is stated:

“4. The duration of mandatory military service is 12 months for citizens without higher education, but for those with higher education, it is 3 months (reduced-term military service).
[...]

33. Duration of Civil Service

- The duration of civil service is 12 months. For individuals with higher education, this duration is reduced to 6 months.

[...]

34. For all conscripts, the duration of mandatory military service is 12 months, with the

exception of citizens with higher education, for whom it is 3 months.”¹³

It is welcomed that in principle the duration of alternative civilian service for individuals (without higher education) is equal to that of military service, although this should be permanently guaranteed in law (e.g. by a provision explicitly stating that “the duration of alternative civilian service is always equal to that of military service”).

However, it is evident that the duration of the alternative civilian service for individuals (conscientious objectors) **of higher education is double** the duration of military service for conscripts of higher education, which is clearly punitive and discriminatory by all international and regional standards.

The **European Committee of Social Rights (ECSR) of the Council of Europe** has a position that under Article 1§2 of the European Social Charter, the duration of alternative service may not exceed one and half times the length of military service, otherwise there is a violation of the right to earn a living in an occupation freely entered upon.¹⁴

The **European Court of Human Rights**, in 2017, appeared to adopt the aforementioned criterion of ECSR, that the alternative service cannot exceed in length 1.5 times [50% increase] the length of military service.¹⁵ However, this standard appears to be obsolete compared to UN standards.

According to the **Human Rights Committee**, (and contrary to the findings of ECSR in the case of Austria¹⁶) an increase of the length of alternative service of 50% compared to that of military service (i.e., 9 months instead of 6¹⁷) “may be punitively long if not based on reasonable and objective grounds”.¹⁸ More recently, in **2024**, examining the case of Greece, where the discrepancy between alternative and military service ranges between 25% and 67%, and where the (full) alternative service is 25% longer than the (full) military service (15 months compared to 12 months),¹⁹ the **Human Rights Committee** has also expressed concerns.²⁰

According to the **OHCHR**, “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.”²¹

Finally, the **European Parliament** has repeatedly stated that the length of alternative service should be the same and not last longer than military service.²²

- **No recognition of the right to conscientious objection of conscripts after enlistment**

In the replies of the Ministry of Defence of the Republic of Moldova to the questionnaire of EBCO, it is stated that:

“Regarding early release from mandatory military service on grounds of conscience, the legislation stipulates that the examination of recruits takes place before they are enlisted in mandatory military service, not after they have been enlisted.

Thus, questions 40 to 45 do not apply to the case of the Republic of Moldova.”²³

Therefore, the right to conscientious objection to military service of conscripts after enlistment is not recognised, contrary to international human rights standards.

The right to conscientious objection after enlistment in the armed forces derives from the right to change beliefs and it has been recognised by the **Committee**,²⁴ as well as by the **OHCHR**,²⁵ and the **UN Commission on Human Rights**.²⁶ Its successor, the **UN Human Rights Council**, after noting that it is aware that persons performing military service may develop conscientious objections, has encouraged States to allow applications for conscientious objection during military service.²⁷

At the regional level, the **Committee of Minister of the Council of Europe**, already since 1987, had mentioned in its recommendations that the law may provide for this possibility.²⁸ In 2010, the Committee of Minister of the Council of Europe in a recommendation to member states on human rights of **members** of the armed forces, explicitly asked for those who perform compulsory military service “to have the right to be granted conscientious objector status and an alternative service of a civilian nature

should be proposed to them”.²⁹

Furthermore, the right to conscientious objection during military service has been recognised by the **Parliamentary Assembly of the Council of Europe**,³⁰ the **European Parliament**³¹ and the **Office for Democratic Institutions and Human Rights (ODIHR) of the OSCE**.³²

- **No recognition of the right to conscientious objection for volunteers / professional members of the armed forces**

Furthermore, the above cited paragraph in the replies of the Ministry of Defence is referring also to volunteers.³³

Therefore, the right to conscientious objection to military service of volunteers / professional members of the armed forces is not recognised, contrary to international human rights standards.

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.”³⁴ (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.**”³⁵ 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.³⁶

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”.³⁷

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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”.³⁸ (emphasis added)

- **No recognition of the right to conscientious objection for reservists**

In the replies of the Ministry of Defence of the Republic of Moldova to the questionnaire of EBCO, it is stated that:

“I. Conscientious objection after military service

In the Republic of Moldova, the legislation does not explicitly provide for the recognition of conscientious objection after the completion of mandatory military service. According to current legislation, the status of conscientious objector is considered only before enlistment, as part of the recruitment examination procedures. After completing military service, reservists remain subject to mobilization obligations, and the legislation does not offer a clear mechanism for invoking conscientious objection at this stage.”³⁹

Therefore, the right to conscientious objection to military service of reservists is not recognised, contrary to international human rights standards.

The **OHCHR** in its publication about the right to conscientious objection to military service in 2013 has extensively analysed the issue of the right to conscientious objection to military service for reservists:

“**Reservists**, too, may become conscientious objectors and, therefore, provision needs to be

made to enable them to be recognized as such. [...]

The Commission on Human Rights in its resolution 1998/77 also affirmed “the importance of the availability of information about the right to conscientious objection to military service, and the means of acquiring conscientious objector status, to all persons affected by military service”. The resolution’s language would appear to apply to all categories of military personnel and therefore information should, in principle, be available to conscripts, personnel serving voluntarily and **reservists**.

Therefore, in principle, a request for conscientious objector status should be able to be considered after enlistment, and should equally be available to armed forces personnel serving voluntarily and **those serving in the reserves**. [...]

While, as stated above, there may be very valid reasons for resolving such claims before conscripts are enlisted, it should be recalled that, according to Commission resolution 1998/77, “persons performing military service may develop conscientious objections”. Therefore, in principle, a request for conscientious objector status should be able to be considered after enlistment, and should equally be available to armed forces personnel serving voluntarily and **those serving in the reserves**. [...]

Whatever the system, it is advisable for States to have procedures to enable **reservists** to apply for conscientious objector status, rather than dealing with the issue during a period of military call-up or deployment of reserve units. [...]

If on completion of alternative service a conscientious objector is to be assigned to some kind of a **reserve**, this should be for civilian purposes only (e.g., humanitarian assistance, natural disaster response, firefighting). [...]

Problems may arise where conscientious objection has not previously been recognized and a change in the law or in practice takes place. There may be situations where those who served under compulsion in the absence of the possibility of recognition are listed as **reservists** and thus it is advisable that transitional provisions should enable them to apply for conscientious objector status and to be reclassified. [...]

In post-conflict situations, voluntary repatriation can be assisted by amnesties that grant returnees immunity from prosecution for offences they may have committed in relation to military conscription, desertion or armed service, including in or from non-recognized armed forces, [...]. Such provisions, to be effective, should ensure that any continuing liability to military (or **reserve**) service includes the possibility of claiming recognition as a conscientious objector, and that in practice no punishment or discrimination occurs—both in order not to inhibit returns and also because this would itself be a violation of the prohibition of discrimination.^{40,41} (emphasis added).

In 2017, the OHCHR stated: “Conscripts and volunteers should be able to object before the commencement of military service as well as at any stage during and **after military service**.”⁴² (emphasis added)

In 2019, 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 stated that: “The right to conscientious objection should be recognized for conscripts, for professional members of the armed forces and for **reservists**” and that “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**”.⁴³ (emphasis added)

In 2022, the OHCHR reiterated that: “The application procedure should be available to **all** persons affected by military service, including conscripts, professional members of the armed forces and **reservists**” and that “Conscripts and volunteers should be able to object before the commencement of military service, or at any stage during or **after military service**”.⁴⁴ (emphasis added)

At the regional level, the right to conscientious objection to military service for reservists has been cited in recommendations of bodies of the **Council of Europe (CoE)**.

The **Committee of Ministers of the CoE**, already in 1987, had stated that: “The law may also provide for the possibility of applying for and obtaining conscientious objector status in cases where the requisite conditions for conscientious objection appear during military service or **periods of military training after initial service**”⁴⁵

Subsequently, the **Parliamentary Assembly of the CoE**, in 2001, has recommended that the Committee of Ministers invite those member states that have not yet done so to introduce into their legislation, *inter alia*: “the right to be registered as a conscientious objector at **any** time: before, during or **after conscription, or performance of military service**”⁴⁶ (emphasis added)

Worth noting that the **UN Special Rapporteur on freedom of religion or belief**, already since 2006, has highlighted the above mentioned recommendation: “draws the Government’s attention to Council of Europe Recommendation 1518(2001), which invites member states to introduce into their legislation ‘[t]he right to be registered as a conscientious objector at any time before, during or after conscription, or performance of military service’. This acknowledges that conscientious objection may develop over time, and even after a person has already participated in military training or activities.”⁴⁷

The **UN Human Rights Council**: “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**”.⁴⁸ (emphasis added)

▪ **Concerns about the body deciding on applications**

In the replies of the Ministry of Defence of the Republic of Moldova to EBCO’s questionnaire, it is stated that:

“F. Application process for recognition of conscientious objectors

24. A citizen who wishes to be exempt from compulsory military service and incorporated into civil service must personally submit a motivated application to the civil service representative within 2 months prior to the current conscription for compulsory military service, reduced-term service, or civil service.

Afterwards, the legality of their incorporation into civil service is analysed within the framework of the recruitment-conscription committees' activities, and a decision is made.

[...]

26. The body responsible for deciding upon applications for the recognition of conscientious objectors is the Civil Service, which is tasked with reviewing and processing the applications in accordance with the law.

27. The authorities responsible for the application process for the recognition of conscientious objectors are the Civil Service Center of the Republic of Moldova, website: <https://csc.md/> . [Note: the link is no longer valid]

[...]

30. Citizens can challenge the decision of the recruitment-conscription commission before the State Commission for Conscription or can appeal it in court, in the manner established by law, within 10 days from the date of notification. The execution of the contested or appealed decision is suspended.”⁴⁹

The reply of the Ministry of Defence is unclear. Different terms are used, perhaps corresponding to different bodies. On the one hand it is stated that “The body responsible for deciding upon applications for the recognition of conscientious objectors is the Civil Service, which is tasked with reviewing and processing the applications in accordance with the law.” On the other hand it is stated that “the legality of their incorporation into civil service is analysed within the framework of the recruitment-conscription committees’ activities, and a decision is made” and also that: “Citizens can challenge the decision of the recruitment-conscription commission”.

Therefore, it is not clear whether the decision is made by the “Civil Service” / “Civil Service Center” or by the “recruitment-conscription committees” / “recruitment-conscription commission”.

Most importantly, it is not clear the composition of each body, its civilian or military character, how its members are appointed and its independence, including from the military and the government, and whether there are guarantees of impartiality or not.

The same applies to the “State Commission for Conscription” which appears to examine challenges to the decision of the recruitment-conscription commission

According to the most recent recommendations of the **Committee**, the State parties should:

“Ensure the independence and impartiality of the procedures for assessing applications for conscientious objector status, including by placing such procedures under the full control of civilian authorities entirely separate from the Ministry of Defence”.⁵⁰

In 2019, the **OHCHR** in its minimum standards has stated:

“(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.”⁵¹

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”.⁵²

In 2024, the OHCHR further elaborated:

“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.⁵³ 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.”⁵⁴

▪ **Possible restriction of the right to conscientious objection to pacifists**

Replying to paragraph 18 of the List of Issues Prior to Reporting, which explicitly refers to conscientious objection to military service (“Please explain how requiring conscientious objectors to register with a religious or pacifist organisation in order to be recognized is compatible with article 18 of the Covenant.”⁵⁵), the State party, in its fourth periodic report, dated 28 April 2025, appears to entirely avoid the question by stating that: “Currently, the legislation of the Republic of Moldova does not define “pacifist organizations” as forms of associations.”⁵⁶

However, only a few months earlier, in the replies of the Ministry of Defence of the Republic of Moldova to EBCO’s questionnaire, dated 25 November 2024, it is stated:

“32. Alternative service is mandatory for all individuals who, under the law, do not qualify for deferment from conscription due to health reasons, family circumstances, or continued studies and who are members of pacifist associations.”⁵⁷

Worth also noting that in the same document, the term “pacifist organizations” is also used.⁵⁸

It is not clear whether some legislative amendment occurred in the period between the replies to EBCO in November 2024 and the State party’s report in April 2025.

However, if the reply to EBCO is still valid, a number of problems raised.

On the one hand, it is highly problematic that in order for someone to be eligible for alternative service (i.e., in essence, in order to be granted some sort of conscientious objector status), this person has to be member of **any kind** of association. **Membership to (any kind of) association cannot be a requirement for obtaining conscientious objector status.**

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.”⁵⁹ (emphasis added)

Therefore, the right to conscientious objection to military service cannot be reserved only to members of specific associations or organisations.

Furthermore, while membership to “pacifist associations” (or “pacifist organisations”) could well be a highly significant indication that someone is indeed a conscientious objector to military service, the fact that someone might not be a member of such a pacifist association, but the fact that someone might not even be a pacifist as individual, cannot preclude this person from being recognised as a conscientious objector to military service, and being allowed to perform alternative civilian service.

The right to conscientious objection to military service does not concern only, and should not be restricted to, pacifists.

On the contrary, international human rights standards are absolutely clear that individuals who are not pacifists can be conscientious objectors to military service.

The **UNHCR** has stated:

“**Conscientious objection** to military service refers to an objection to such service which “derives from principles and reasons of conscience, including profound convictions, arising from religious, moral, ethical, humanitarian or similar motives.”⁶⁰ 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].⁶¹ 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.”⁶²

The **OHCHR** has consistently requested the recognition by States of the right to conscientious objection to military service for selective conscientious objectors.

In 2017 the OHCHR has pointed out:

“C. Selective conscientious objection

15. In its Guidelines on International Protection No. 10, issued in December 2013, the Office of the United Nations High Commissioner for Refugees (UNHCR) stressed that the right to conscientious objection also applied to partial or selective objectors.⁶³ Such objectors 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, whereas pacifists object to all use of armed force or participation in all wars. The General Assembly implicitly recognized one type of selective objection in its resolution 33/165, in which it called upon Member States to grant asylum or safe transit to another State to persons compelled to leave their country of nationality solely because of a conscientious objection to assisting in the enforcement of apartheid through service in military or police forces. The Working Group on Arbitrary Detention and the Special Rapporteur on freedom of religion or belief have also taken up cases of selective conscientious objectors.⁶⁴,⁶⁵

And in the Conclusions and Recommendations, the OHCHR has affirmed: “States should ensure that the right to object applies both to pacifists and to selective objectors who believe that the use of force is

justified in some circumstances but not in others.”⁶⁶

In 2019, the OHCHR has pointed out that: “Disqualifying conditions should take into account the fact that the right to conscientious objection applies also to partial or selective objectors who believe that the use of force is justified in some circumstances but not in others (A/HRC/35/4, para. 15).”⁶⁷

And it has included in its minimum standards:

“(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.”⁶⁸

In 2022, the OHCHR, pointed out that in 2019 the UNHCR (once more) has “noted that the right to conscientious objection also applied to partial or selective objectors, who believed that the use of force was justified in some circumstances but not in others and that it was therefore necessary to object in those other cases.”^{69,70} And has reiterated that: “The right to object applies both to pacifists and to selective objectors who believe that the use of force is justified in some circumstances but not in others”⁷¹

In 2024, the OHCHR has further elaborated on the issue of selective conscientious objectors:

“20. In previous reporting, the Office has noted that several States excluded selective conscientious objectors from recognition,⁷² i.e. persons who believed that the use of force was justified in some circumstances but not in others. It has been noted that selective conscientious objection is a form of adherence to international law,⁷³ in that it protects a right to refuse to fight for an aggressor force⁷⁴ and to refuse the perpetration of other international crimes.⁷⁵ The objection to the perpetration of international crimes also overlaps with conscientious objectors’ religious or moral beliefs.⁷⁶ The right of selective conscientious objectors to object is consequently protected by international human rights law⁷⁷ and should therefore also be recognized in the domestic legal framework. A notable example of such recognition is the ruling of the Federal Administrative Court of Germany, in 2005, declaring that the freedom of conscience protected a major, army software engineer, who had declared that the Iraq war was illegal and refused to work on a computer programme related to the conflict for reasons of conscience.”^{78,79}

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▪ **Alarming percentage of rejection of applications for alternative civilian service**

In the replies of the Ministry of Defence of the Republic of Moldova to EBCO’s questionnaire, it is stated that:

“8. In accordance with the applicable legislation, citizens who fail to report to military centers when summoned are subject to the issuance of contravention reports, resulting in fines. Thus, in 2024, approximately 8,700 contravention reports were issued. At the same time, around 200 individuals, due to conscientious reasons, requested exemption from mandatory military service. Of these, approximately 100 were accepted to perform alternative civilian service, in accordance with the provisions of Law No.

156/2007. The others were not accepted as they did not meet the specific legal requirements. [...]

28. The number of applications and their outcomes may vary from year to year. Generally, a certain number of applications are approved on the first review, while others are rejected and may be appealed. The success of appeals depends on the evidence presented and the specific case review process. According to the records, in 2024, approximately 200 applications were submitted, of which around 50% were not accepted due to non-compliance with the legal framework.

29. The applications were rejected because the applicants failed to demonstrate sufficient grounds for conscientious objection, such as not providing credible or compelling reasons for refusing to perform the service. Other rejections may be due to legal technicalities or procedural issues.”⁸⁰

A percentage of rejection of applications for alternative civilian service of 50% is rather an alarming

percentage. Especially if we consider that 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.”⁸¹ (emphasis added)

Rejection of applications in general is alarming if we also take into consideration the repeated resolutions of the European Parliament that “no court or commission can penetrate the conscience of an individual” and that a declaration setting out the grounds should suffice for somebody to be recognized as a conscientious objector⁸²

It is also particularly concerning that some “rejections may be due to legal technicalities or procedural issues”. It is not explained what such “legal technicalities or procedural issues” might be, but in any case these should not deprive a person of a right (i.e. that of conscientious objection to military service), which is inherent to a fundamental right (i.e. the right to freedom of thought, conscience and religion) enshrined in the Covenant, as well as in the Universal Declaration of Human Rights. Especially when such deprivation of this right because of “legal technicalities or procedural issues” could further result in “penalties for evasion of military service”.⁸³

- **Extreme time limits for appeal of rejection**

In the replies of the Ministry of Defence of the Republic of Moldova to EBCO’s questionnaire, it is stated that:

“30. Citizens can challenge the decision of the recruitment-conscription commission before the State Commission for Conscription or can appeal it in court, in the manner established by law, within 10 days from the date of notification. The execution of the contested or appealed decision is suspended.”⁸⁴

A time limit of **only 10 days** for appeal is an extremely restricted one, and in some circumstances might result in effectively depriving someone’s right to appeal, especially considering that an applicant most probably will need to seek and find a specialised lawyer, in order to be assisted on the very specific and legally complicated issue of conscientious objection to military service. Furthermore, the lawyer will have to carefully prepare an appeal, because a possible rejection of such an appeal could result in serious consequences for the individual, i.e., a call-up of the individual for military service, and consequently (if the individual insists in his conscientious objection to military service) to penalties for draft evasion.

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- **Possible lack of explicit recognition of the right to conscientious objection in times of war (and in general)**

To the question in the List of Issues Prior to Reporting about “whether alternative civilian service would remain available to conscientious objectors in a time of general mobilization or war”,⁸⁵ the State party replied that: “Currently, the legislation of the Republic of Moldova does not provide for the cancellation of civilian alternative service in case of general mobilization or war.”⁸⁶

While this reply is encouraging, however, it does not appear to be entirely satisfactory. The reply does not indicate that the right to conscientious objection to military service is explicitly guaranteed in a time of general mobilisation or war. (In fact, it is doubtful that “the right to conscientious objection to military service” in general is explicitly recognised as such in the legislation of the State party).

The law should explicitly state that “the right to conscientious objection to military service is guaranteed both in times of peace and in times of general mobilisation or war”.

The Committee has explicitly stated that a “State party should fully acknowledge the right to conscientious objection and, accordingly, guarantee it both in wartime and in peace time”.⁸⁷ It is worth also reminding that 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 inherent⁸⁸) even in time of public emergency which threatens the life of the nation.⁸⁹

▪ **Reference to “manifestation of religious beliefs” in a reply about conscientious objection to military service**

Finally, Connection e.V. would like to express its concerns about the fact that to a question in the List of Issues Prior to Reporting which explicitly referred to conscientious objection to military service, the State party replied, *inter alia*, by referring to “the right to freedom of manifestation of religious beliefs or faith” which “may be restricted, under the conditions of the law, only if such restriction pursues a legitimate aim and represents, in a democratic society, measures necessary for public safety, maintenance of public order, protection of public health and morals or protection of individual rights and freedoms.”

The right to conscientious objection to military service should not be conflated with manifestation of one’s religion or belief. The Committee, since many years, has concluded that the right to conscientious objection is not merely a manifestation of religion or belief, (art. 18 (3) of the Covenant) but rather it is inherent to the right to freedom of thought conscience and religion,⁹⁰ and therefore it is not subject to limitations. This crucial fact has been also highlighted by several members of the Committee in their concurring individual opinions.⁹¹

SUGGESTED QUESTIONS FOR CLARIFICATIONS

Considering that there might have been recent legislative amendments, it is important to address to the State party the following questions:

1. Which is the body examining and/or deciding upon applications for exemption for military service and for performing alternative (civilian) service?
Please, describe the composition of this body, its civilian or military character, how its members are appointed and its independence, including from the military and the government, and guarantees of impartiality.
2. Is it still valid that the duration of alternative civilian service for individuals (conscientious objectors) of higher education is 6 months, while that of military service for conscripts of higher education is 3 months?
3. Is it still valid that the law does not provide for the right to conscientious objection to military service for:
 - conscripts after enlistment?
 - volunteers / professional members of the armed forces?
 - reservists? (i.e. those reservists who might have developed conscientious objection after serving the initial compulsory military service)
4. Is it still valid that alternative civilian service is reserved for “citizens who refused to be under arms (compulsory military training) for religious or pacifist beliefs” and therefore not for selective conscientious objectors, i.e. those who believe that the use of force is justified in some circumstances but not in others?

SUGGESTED RECOMMENDATIONS

- The State party should review its legislation in order to ensure that the right to conscientious objection to military service is explicitly recognised in times of peace and general mobilisation or war, according to international human rights law and standards (e.g. A/HRC/41/23, para. 60; A/HRC/50/43, para. 57; A/HRC/56/30, paras. 54-58.), including by ensuring:
- a. such right for all persons affected by military service, including conscripts, volunteers / professional members of the armed forces and reservists; before the commencement of military

- service, or at any stage during or after military service; and for both pacifists and selective objectors who believe that the use of force is justified in some circumstances but not in others.
- b. an alternative civilian service of equal duration to that of military service for *all* conscientious objectors, including individuals of higher education.
 - c. independence and impartiality of the body examining applications and adequate time and procedures for appeals. (arts. 2, 18 and 26)

¹ CCPR/C/MDA/QPR/4, 30 August 2023, para. 18. <https://docs.un.org/en/CCPR/C/MDA/QPR/4>

² CCPR/C/MDA/4, 28 April 2025, paras. 160-162. <https://docs.un.org/en/CCPR/C/MDA/4>

³ CCPR/C/SR.2030, 25 July 2002, paras. 17 and 23. <https://docs.un.org/en/CCPR/C/SR.2030>

⁴ CCPR/CO/75/MDA, 5 August 2002, para. 5. <https://docs.un.org/en/CCPR/CO/75/MDA>

⁵ CPTI, "Submission to the 97th Session of the Human Rights Committee, Conscientious Objection to Military Service, Republic of Moldova", October 2009.

https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=INT%2FCCPR%2FNGO%2FMDA%2F97%2F9592&Lang=en

The above cites as reference: "Stolwijk, M., The Right to Conscientious Objection in Europe: A Review of the Current Situation, Quaker Council on European Affairs, Brussels, 2005, p 47". [more precisely is p. 49]. <https://www.refworld.org/reference/research/2005/en/20445>
In turn, the above cites as references (note 339): "UK Home Office (2004). BASA-Press (2 November 2003). According to the Moldovan mission to NATO in 2004, COs undertake alternative civil service for 24 months in state institutions and special units (Coalition to Stop the Use of Child Soldiers: Child Soldiers Global Report 2004)."

⁶ ECSR, Conclusions 2006 - Moldova - Article 1-2, (2006/def/MDA/1/2/EN) 30/06/2006, 3. Other aspects of the right to earn one's living in an occupation freely entered upon, Service in place of military service. <https://hudoc.esc.coe.int/?i=2006/def/MDA/1/2/EN>

⁷ ECSR, Conclusions 2008 - Moldova - Article 1-2, (2008/def/MDA/1/2/EN), 24/10/2008, 3. Other aspects of the right to earn one's living in an occupation freely entered upon, Service required to replace military service. <https://hudoc.esc.coe.int/?i=2008/def/MDA/1/2/EN>

Conclusions 2012 - Moldova - Article 1-2, (2012/def/MDA/1/2/EN), 07/12/2012, 3. Other aspects of the right to earn one's living in an occupation freely entered upon, Service required to replace military service. <https://hudoc.esc.coe.int/?i=2012/def/MDA/1/2/EN>

⁸ CCPR/CO/75/MDA, 5 August 2002, para. 13. <https://docs.un.org/en/CCPR/CO/75/MDA>

⁹ CCPR/C/MDA/CO/2, 4 November 2009, paras. 4 and 25. <https://docs.un.org/en/CCPR/C/MDA/CO/2>

¹⁰ CCPR/C/MDA/CO/3, 18 November 2016, paras. 37-38. <https://docs.un.org/en/CCPR/C/MDA/CO/3>

¹¹ CCPR/C/MDA/QPR/4, 30 August 2023, para. 18. <https://docs.un.org/en/CCPR/C/MDA/QPR/4>

¹² CCPR/C/MDA/4, 28 April 2025, paras. 160-162. <https://docs.un.org/en/CCPR/C/MDA/4>

¹³ Replies of the Ministry of Defence of the Republic of Moldova to EBCO's questionnaire, Nr. 11/1603, 25 November 2024, paras. 4, 33 and 34. https://ebco-beoc.org/sites/ebco-beoc.org/files/attachments/MD_Ministry_of_Defense_Moldova_20241125.pdf (accessed January 2026).

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¹⁴ E.g. ECSR, Conclusions 2006 - Estonia - Article 1-2, (2006/def/EST/1/2/EN), 30/06/2006, 3. Other aspects of the right to earn one's living in an occupation freely entered upon, Service in place of military service. <https://hudoc.esc.coe.int/eng/?i=2006/def/EST/1/2/EN>

¹⁵ ECtHR, *Adyan and others v. Armenia*, para. 70. <http://hudoc.echr.coe.int/eng/?i=001-177429>

¹⁶ <https://hudoc.esc.coe.int/eng/?i=XVI-1/def/AUT/1/2/EN>

¹⁷ CCPR/C/AUT/Q/5/Add.1, 4 August 2015, para. 131. <https://docs.un.org/en/CCPR/C/AUT/Q/5/Add.1>

¹⁸ CCPR/C/AUT/CO/5, 3 December 2015, paras. 33-34. <https://docs.un.org/en/CCPR/C/AUT/CO/5>

¹⁹ CCPR/C/GRC/3, 13 September 2023, paras. 184-185. <https://undocs.org/en/CCPR/C/GRC/3>

²⁰ CCPR/C/GRC/CO/3, 28 November 2024, paras. 28-29. <https://docs.un.org/en/CCPR/C/GRC/CO/3>

²¹ A/HRC/41/23, 24 May 2019, para. 60, (l). <https://docs.un.org/en/A/HRC/41/23>

²² https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=OJ:JOC_1993_115_R_0139_01&from=EN, page C 115/183, para. 51.

https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=OJ:JOC_1994_044_R_0075_01&from=EN, page C44/105, para. 9.

<http://www.europarl.europa.eu/sides/getDoc.do?pubRef=-//EP//TEXT+TA+P5-TA-2003-0012+0+DOC+XML+V0//EN>, para 42.

²³ Replies of the Ministry of Defence of the Republic of Moldova to EBCO's questionnaire, Nr. 11/1603, 25 November 2024, part H.

Available at: https://ebco-beoc.org/sites/ebco-beoc.org/files/attachments/MD_Ministry_of_Defense_Moldova_20241125.pdf (accessed January 2026).

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²⁴ CCPR/C/79/Add.61, 3 April 1996, paras. 15 and 20. <http://undocs.org/CCPR/C/79/Add.61>

²⁵ OHCHR, Conscientious objection to military service, Analytical report of the Office of the United Nations High Commissioner for Human Rights, (A/HRC/50/43), 11 May 2022, para. 57(g). <https://undocs.org/A/HRC/50/43>

See also: OHCHR, 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), 24 May 2019, para. 60(f). <https://undocs.org/A/HRC/41/23>

OHCHR, Conscientious objection to military service Analytical report of the Office of the United Nations High Commissioner for Human Rights, (A/HRC/35/4), 1 May 2017, para. 63. <https://docs.un.org/en/A/HRC/35/4>

OHCHR, Analytical report on conscientious objection to military service (A/HRC/23/22), 3 June 2013, para. 70.

<https://docs.un.org/en/A/HRC/23/22>

UN Office of the High Commissioner for Human Rights, Conscientious Objection to Military Service, New York and Geneva, 2012. See relevant chapter “Conscientious objection for persons serving in the armed forces”, pp. 25-26.

https://www.ohchr.org/sites/default/files/Documents/Publications/ConscientiousObjection_en.pdf

See also: “States should be encouraged to end time limits for individuals to apply for conscientious objector status” in E/CN.4/2006/51, 27 February 2006, para. 61. <https://undocs.org/E/CN.4/2006/51>

²⁶ UN Commission on Human Rights, Resolution 1993/84, para. 2. <https://www.refworld.org/legal/resolution/unchr/1993/en/11724>

Resolution 1995/83, para. 2. <https://www.refworld.org/legal/resolution/unchr/1995/en/8151>

See also the phrase “aware that persons performing military service may develop conscientious objections” in the preamble in the previous resolutions, as well as in: Resolution 1998/77. <https://www.refworld.org/legal/resolution/unchr/1998/en/8561>

²⁷ 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>

²⁸ Council of Europe, Committee of Ministers, Recommendation No. R(87)8, 9 April 1987, para. 8.

<https://www.refworld.org/legal/resolution/coeministers/1987/en/88968>

²⁹ Council of Europe, Committee of Ministers, Recommendation CM/Rec (2010) 4 “Human Rights of members of the armed forces”, para. 41. <https://www.refworld.org/legal/resolution/coeministers/2010/ru/88943>

³⁰ Council of Europe, Parliamentary Assembly, Recommendation 1518 (2001), para. 5.1.

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

³¹ European Parliament, Resolution on respect for human rights in the European Community (annual report of the European Parliament), (A3-0025/93) [known as the De Gucht Resolution], 11 March 1993, as it has been published in the Official Journal of the European Communities C 115, on 26 of April 1993, para. 49 (p. 183).

https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=OJ:JOC_1993_115_R_0139_01&from=EN

See also the term “at any time” in: European Parliament, Resolution on conscientious objection and alternative service, (A3-15/89), [known as Schmidbauer Resolution], 13 October 1989, as published in the Official Journal of the European Communities C291, 20 November 1989, para 1 (p. 124). https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=OJ:JOC_1989_291_R_0113_01&from=EN

³² 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>

³³ Replies of the Ministry of Defence of the Republic of Moldova to EBCO’s questionnaire, Nr. 11/1603, 25 November 2024, part H. https://ebco-beoc.org/sites/ebco-beoc.org/files/attachments/MD_Ministry_of_Defense_Moldova_20241125.pdf (accessed January 2026).

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³⁴ 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>

³⁵ 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>

³⁶ 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>

³⁷ 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>

³⁸ 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>

³⁹ Replies of the Ministry of Defence of the Republic of Moldova to EBCO’s questionnaire, Nr. 11/1603, 25 November 2024, part I. Available at: https://ebco-beoc.org/sites/ebco-beoc.org/files/attachments/MD_Ministry_of_Defense_Moldova_20241125.pdf (accessed January 2026).

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⁴⁰ [Note in the original] E/CN.4/2006/51, para. 60.

⁴¹ UN Office of the High Commissioner for Human Rights, *Conscientious Objection to Military Service*, New York and Geneva, 2012, pp. 26, 31, 53, 57, 67, 69, 82. https://www.ohchr.org/sites/default/files/Documents/Publications/ConscientiousObjection_en.pdf

⁴² OHCHR, Conscientious objection to military service Analytical report of the Office of the United Nations High Commissioner for Human Rights, (A/HRC/35/4), 1 May 2017, para. 63.

⁴³ A/HRC/41/23, 24 May 2019, paras. 60(c) and (f). <https://undocs.org/A/HRC/41/23>

⁴⁴ A/HRC/50/43, 11 May 2022, paras. 57(d) and (g). <https://undocs.org/A/HRC/50/43>

⁴⁵ Council of Europe, Committee of Ministers, Recommendation No. R(87)8, 9 April 1987, para. 8.

<https://www.refworld.org/docid/5069778e2.html>

⁴⁶ Council of Europe, Parliamentary Assembly, Recommendation 1518 (2001), para. 5.1.

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

⁴⁷ UN Economic and Social Council, Commission on human rights, Civil and political rights, including the question of religious intolerance, Addendum, Summary of cases transmitted to Governments and replies received, E/CN.4/2006/5/Add.1, 27 March 2006, para. 138 (p. 36). Available at <http://undocs.org/E/CN.4/2006/5/Add.1>

⁴⁸ 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>

⁴⁹ Replies of the Ministry of Defence of the Republic of Moldova to EBCO's questionnaire, Nr. 11/1603, 25 November 2024, paras. 24, 26, 27, 30. https://ebco-beoc.org/sites/ebco-beoc.org/files/attachments/MD_Ministry_of_Defense_Moldova_20241125.pdf (accessed January 2026).

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⁵⁰ E.g. CCPR/C/LVA/CO/4, 3 September 2025, para. 38. <https://docs.un.org/en/CCPR/C/LVA/CO/4>

⁵¹ A/HRC/41/23, 24 May 2019, para. 60(g). <https://docs.un.org/en/A/HRC/41/23>

⁵² A/HRC/50/43, 11 May 2022, para. 57(h). <https://undocs.org/A/HRC/50/43>

⁵³ [Note in the original] A/HRC/41/23 and A/HRC/50/43.

⁵⁴ A/HRC/56/30, 23 April 2024, para. 55. <https://docs.un.org/en/A/HRC/56/30>

⁵⁵ CCPR/C/MDA/QPR/4, 30 August 2023, para. 18. <https://docs.un.org/en/CCPR/C/MDA/QPR/4>

⁵⁶ CCPR/C/MDA/4, 28 April 2025, para. 161. <https://docs.un.org/en/CCPR/C/MDA/4>

⁵⁷ Replies of the Ministry of Defence of the Republic of Moldova to EBCO's questionnaire, Nr. 11/1603, 25 November 2024, para. 32. Available at: https://ebco-beoc.org/sites/ebco-beoc.org/files/attachments/MD_Ministry_of_Defense_Moldova_20241125.pdf (accessed January 2026).

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⁵⁸ Ibid, para. 25.

⁵⁹ 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.

⁶⁰ [Note in the original] See, UN Commission on Human Rights, Resolution 1998/77, "Conscientious Objection to Military Service", E/CN.4/RES/1998/77, 22 April 1998. <http://www.refworld.org/docid/3b00f0be10.html>.

The Commission was replaced by the UN Human Rights Council in 2006.

⁶¹ [Note in the original] See, UN Conscientious Objection to Military Service, E/CN.4/Sub.2/1983/30/Rev.1, 1985 (the "Eide and Mubanga-Chipoya report"), available at: <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.

⁶² UNHCR, Guidelines on International Protection No. 10, HCR/GIP/13/10/Corr. 1, 12 November 2014, p.1 (para. 3).

<https://www.unhcr.org/publications/legal/529efd2e9/guidelines-international-protection-10-claims-refugee-status-related-military.html>

⁶³ [Note in the original] See paras. 3 and 11 of the Guidelines.

⁶⁴ [Note in the original] E/CN.4/2005/6/Add.1, p. 18; A/HRC/23/51, p. 28.

⁶⁵ A/HRC/35/4, 1 May 2017, para. 15. <https://docs.un.org/en/A/HRC/35/4>

⁶⁶ A/HRC/35/4, 1 May 2017, para. 63. <https://docs.un.org/en/A/HRC/35/4>

⁶⁷ A/HRC/41/23, 24 May 2019, para. 47. <https://docs.un.org/en/A/HRC/41/23>

⁶⁸ A/HRC/41/23, 24 May 2019, para. 60(d). <https://docs.un.org/en/A/HRC/41/23>

⁶⁹ [Note in the original] See <https://www.refworld.org/pdfid/5cb474b27.pdf>, pp. 186–189 (paras. 3 and 11); and A/HRC/41/23, para. 26.

⁷⁰ A/HRC/50/43, 11 May 2022, para. 12. <https://docs.un.org/en/A/HRC/50/43>

⁷¹ A/HRC/50/43, 11 May 2022, para. 57(e). <https://docs.un.org/en/A/HRC/50/43>

⁷² [Note in the original] A/HRC/41/23, para. 26. For example, in Canada, Defence Administrative Orders and Directives 5516-2, Conscientious Objection, section 2.8, states that an objection founded on the participation of the Canadian Armed Forces member in a particular armed conflict or operation does not qualify as a conscientious objection and will not entitle a Canadian Armed Forces member to a voluntary release. In the interpretation of United States Code, Title 50, sect. 3806 (j), United States courts have held that a person must oppose war in any form and that objection to a particular war, but not all wars, is not sufficient for purposes of exemption; see, for example, United States Of America, Selective Service System, "Alternative service cases". <https://www.sss.gov/register/alternative-service/cases/>

⁷³ [Note in the original] Noam Lubell, "Selective conscientious objection in international law: refusing to participate in a specific armed conflict", *Netherlands Quarterly of Human Rights*, vol. 20, No. 4.

⁷⁴ [Note in the original] Tom Dannenbaum, "The criminalization of aggression and soldiers' rights", *European Journal of International Law*, vol. 29, No. 3, pp. 859–886.

⁷⁵ [Note in the original] Ahmed Shaheed and Laura Rodwell, "Foundations in freedom of thought, conscience and religion or belief", in *A Missing Piece for Peace*, Michael Wiener and David Fernández Puyana, eds. (University for Peace Press, 2022). International law contains a series of related rules. For example, customary international humanitarian law imposes a duty to disobey manifestly unlawful orders or those that would entail the commission of war crimes (see Jean-Marie Henckaerts and Louise Doswald-Beck, *Customary International Humanitarian Law: Volume I – Rules* (Geneva, International Committee of the Red Cross; Cambridge, United Kingdom, Cambridge University Press, 2005), rule 154), while international refugee law grants protection to individuals facing persecution for selective conscientious objection (see Office of the United Nations High Commissioner for Refugees, "Guidelines on international protection: claims to refugee status related to military service within the context of article 1 (A) (2) of the 1951 Convention and/or the 1967 Protocol relating to the Status of Refugees", paras. 23–25).

⁷⁶ [Note in the original] Shaheed and Rodwell, "Foundations in freedom of thought, conscience, and religion or belief", p. 150.

⁷⁷ [Note in the original] See A/HRC/35/4, para. 63; A/HRC/41/23, para. 60 (d); and A/HRC/50/43, para. 57 (e).

⁷⁸ [Note in the original] A/HRC/23/22, para. 47.

⁷⁹ A/HRC/56/30, 23 April 2024, para. 20. <https://docs.un.org/en/A/HRC/56/30>

⁸⁰ Replies of the Ministry of Defence of the Republic of Moldova to EBCO's questionnaire, Nr. 11/1603, 25 November 2024, paras. 8, 28-29. https://ebco-beoc.org/sites/ebco-beoc.org/files/attachments/MD_Ministry_of_Defense_Moldova_20241125.pdf (accessed January 2026).

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⁸¹ 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 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; *Shadurdy Uchetov v. Turkmenistan*, para. 7.6; *Dawletov v. Turkmenistan*, para. 6.3 and others.

⁸² European Parliament, Resolution on conscientious objection, (1-546/82), [known as Macciocchi Resolution], 7 February 1983, as published in the Official Journal of the European Communities C 68, 14 March 1983, para. 3 (page 15).

https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=OJ:JOC_1983_068_R_0001_01&from=EN

See also European Parliament, Resolution on conscientious objection and alternative service, (A3-15/89), [known as Schmidbauer Resolution], 13 October 1989, as published in the Official Journal of the European Communities C291, 20 November 1989, para. A (page 123) and para. 4 (page 124).

https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=OJ:JOC_1989_291_R_0113_01&from=EN

⁸³ Replies of the Ministry of Defence of the Republic of Moldova to EBCO's questionnaire, Nr. 11/1603, 25 November 2024, para. 2. https://ebco-beoc.org/sites/ebco-beoc.org/files/attachments/MD_Ministry_of_Defense_Moldova_20241125.pdf (accessed January 2026).

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⁸⁴ Replies of the Ministry of Defence of the Republic of Moldova to EBCO's questionnaire, Nr. 11/1603, 25 November 2024, para. 30. Available at: https://ebco-beoc.org/sites/ebco-beoc.org/files/attachments/MD_Ministry_of_Defense_Moldova_20241125.pdf (accessed January 2026).

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⁸⁵ CCPR/C/MDA/QPR/4, 30 August 2023, para. 18. <https://docs.un.org/en/CCPR/C/MDA/QPR/4>

⁸⁶ CCPR/C/MDA/4, 28 April 2025, para. 162. <https://docs.un.org/en/CCPR/C/MDA/4>

⁸⁷ E.g. CCPR/CO/82/FIN, 2 December 2004, para. 14. <https://docs.un.org/en/CCPR/CO/82/FIN>

⁸⁸ 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. <https://juris.ohchr.org/casedetails/1637/en-US>

⁸⁹ 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>

⁹⁰ 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. <https://juris.ohchr.org/casedetails/1637/en-US> And subsequent jurisprudence.

⁹¹ CCPR/C/104/D/1853-1854/2008, 19 June 2012, Appendix II, Individual opinion of Committee member Sir Nigel Rodley, jointly with members Mr. Krister Thelin and Mr. Cornelis Flinterman (concurring) and Appendix III, Individual opinion by Committee member Mr. Fabian Omar Salvioli (concurring), see especially paras. 10-13. <https://docs.un.org/en/CCPR/C/104/D/1853-1854/2008>