



SUBMISSION
TO THE 144th SESSION OF THE HUMAN RIGHTS COMMITTEE

GUINEA-BISSAU

Conscientious objection to military service

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1

Content Index

- Introduction
- Relevant information
- Main international standards concerning the right to conscientious objection to military service
- Suggested questions
- Suggested recommendation

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INTRODUCTION

This submission focuses on the right to conscientious objection to military service, inherent to the right to freedom of thought, conscience and religion.

According to various sources, the State party implements conscription and maintains armed forces. Therefore, the issue of conscientious objection to military service for **any persons affected by it**, including possible conscripts, reservists or volunteers / professional members of the armed forces, is relevant.

Considering that this is the examination of the **initial** report of the State party, it is **highly important** that the issue of the right to conscientious objection to military service is examined.

The right to conscientious objection to military service can be examined under the articles **18**, as well as **2** and **26** of the Covenant. Depending on the situation, it could also affect the Committee's consideration in numerous other articles and corresponding rights. Furthermore, it is interrelated and potentially could affect various other issues cited in the list of issues.

This submission provides some relevant information, but most importantly some suggested questions for the session. Furthermore, considering that it is the initial report of the State party, the main international standards concerning the right to conscientious objection to military service are provided. Considering that, although granting citizenship to thousands,¹ there are some refugees and asylum-seekers in the State party,² as well as the regional situation, it is important to include the relevant international standards concerning international protection for conscientious objectors to military service. The issue of international protection of conscientious objectors is also relevant to the issue of "Refugees, asylum seekers and displaced persons (arts. 7, 12–13, 16 and 26)" cited in the List of issues.³

Finally, a possible recommendation concerning the right to conscientious objection to military service is suggested.

RELEVANT INFORMATION

In the past, it has been reported that Guinea-Bissau had conscription, that all 18-year-old men were liable for military service, which was lasting for two years, that there was no known legal provision for conscientious objection to military service, and that refusal to perform military service was punishable by (possible) imprisonment.⁴

In recent years, various sources reported the implementation of some conscription in the State party, and, in any case, the existence of armed forces.

In 2020, the International Institute for Strategic Studies (IISS) reported that there are armed forces of about 4,450 persons (Army 4,000, Navy 350, Air Force 100), that there is conscript liability and selective conscription, and that there were a number of draft laws to restructure the armed services (and police).⁵

Other sources cite that "Military service is determined by selective conscription, and individuals are

¹ Initial report submitted by Guinea-Bissau under article 40 of the Covenant, due in 2021, (CCPR/C/GNB/1), 29 November 2024, para. 338. <https://docs.un.org/en/CCPR/C/GNB/1>

² UNHCR Submission for the Universal Periodic Review – Guinea-Bissau – UPR 49th Session (2025), October 2024. <https://www.refworld.org/policy/upr/unhcr/2025/en/149645>

³ CCPR/C/GNB/QPR/1, para. 19. <https://docs.un.org/en/CCPR/C/GNB/QPR/1>

⁴ War Resisters' International, "Country report and updates: Guinea-Bissau", Last revision: 22 July 1998. https://wri-irg.org/en/programmes/world_survey/country_report/en/Guinea-Bissau

Amnesty International, "Conscientious objection to military service", 1 January 1991, Index Number: POL 31/001/1991, pp. 37, 41, 45, 49, 53, 59 of the original document (pp. 39, 43, 47, 51, 55, 61 of the PDF document). <https://www.amnesty.org/en/documents/pol31/001/1991/en/>

⁵ International Institute of Strategic Studies (IISS), *The Military Balance 2020*, p. 482.

eligible for service from 18 years of age.”⁶

The existence of armed forces is also cited in the State party’s report.⁷

Furthermore, the existence of a Military Court and a military prison, as cited in the State party’s report,⁸ indicates that there are offences related to the military and therefore there is a need to examine whether conscientious objectors could be affected.

Worth noting also that Jehovah’s Witnesses (a religious community which throughout the years has suffered, and in certain cases is still suffering, grave violations of human rights related to conscientious objection to military service in various countries) report that there is a community in the State party.⁹

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.”¹⁰

3

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

⁶ <https://www.britannica.com/place/Guinea-Bissau/Security> (accessed May 2025)

⁷ E.g. Initial report submitted by Guinea-Bissau under article 40 of the Covenant, due in 2021, (CCPR/C/GNB/1), 29 November 2024, para. 220. <https://docs.un.org/en/CCPR/C/GNB/1>

⁸ Initial report submitted by Guinea-Bissau under article 40 of the Covenant, due in 2021, (CCPR/C/GNB/1), 29 November 2024, para. 251. See also para. 262. <https://docs.un.org/en/CCPR/C/GNB/1>

⁹ Jehovah’s Witnesses, 2024 Country and Territory Reports.

<https://www.jw.org/en/library/books/2024-Service-Year-Report-of-Jehovahs-Witnesses-Worldwide/2024-Country-and-Territory-Reports/>

¹⁰ 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; *Dawletow v. Turkmenistan*, para. 6.3 and others.

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.

(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.”¹¹

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”.¹²

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.

¹¹ 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>

¹² 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>

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.¹³ 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 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.”¹⁴

5

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].¹⁵ 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.”¹⁶
- as it has been also highlighted by the OHCHR¹⁷:
 - 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

¹³ A/HRC/41/23 and A/HRC/50/43.

¹⁴ 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>

¹⁵ 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/5107ed132.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.

¹⁶ UNHCR: Guidelines on International Protection No. 10, para. 3. <https://www.unhcr.org/sites/default/files/legacy-pdf/529efd2e9.pdf>

¹⁷ 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>

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”¹⁸;

- 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 violence¹⁹;

- 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 liberty²⁰;

- 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 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.²¹

- 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.”²²
- 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.²³

SUGGESTED QUESTIONS

Given the scarcity of relevant information, it is of particular importance to pose questions concerning the right to conscientious objection to military service during the session, so that the State party will have the opportunity to provide detailed and accurate information which will help the Committee to address the issue.

Some suggested questions are:

- Please, provide information on whether conscription is implemented, and in such case, whether there are legislative provisions guaranteeing the protection of the right to conscientious objection

¹⁸ 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>

¹⁹ 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>.

²⁰ 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>

²¹ 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>

²² 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>

²³ See for example ECtHR, *M.D. and others v. Russia*, paras. 45 and 110. <https://hudoc.echr.coe.int/eng?i=001-211791>

to military service for conscripts (e.g. total exemption of conscientious objectors from any service or a compulsory alternative civilian service). Please also provide information on any relevant procedures for granting conscientious objector status.

- Please, provide information on any legislative provisions guaranteeing the protection of the right to conscientious objection to military service for any other persons affected, such as reservists or volunteers / professional members of the armed forces.
- If there is a relevant legislative framework, please explain whether and to what extent it adheres to the relevant international human rights law and standards concerning the right to conscientious objection to military service.
- If there is no relevant legislative framework guaranteeing the right to conscientious objection to military service, or in case it falls short of the relevant international human rights law and standards, please provide information on the possible punishment for draft evasion, desertion or other relevant offences, which could possibly affect conscientious objectors to military service.
- If there is no relevant legislative framework guaranteeing the right to conscientious objection to military service, please also elaborate on any possible plans to introduce such legislative framework.
- Please clarify whether civilians can be tried by military courts.

SUGGESTED RECOMMENDATION

A possible recommendation for the concluding observations would largely depend on the information that the State party would provide during the session, in relation to questions such as the ones provided above.

Nevertheless, a suggested recommendation which is highly probable to be relevant is:

7

- The State party should ensure that the right to conscientious objection to military service is guaranteed in the domestic legislation, in line with international human rights law and standards (e.g. A/HRC/41/23, A/HRC/50/43, A/HRC/56/30), and for all persons who might be affected, including conscripts, reservists and volunteers / professional members of the armed forces.