



SUBMISSION

TO THE 145th SESSION OF THE HUMAN RIGHTS COMMITTEE

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

MEXICO

Conscientious objection to military service, juvenile recruitment and related issues

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INTRODUCTION

In this submission, Connection e.V. wishes to follow-up on the longstanding monitoring and recommendations of the Human Rights Committee regarding the lack of (adequate) recognition of the right to conscientious objection to military service in the State party, which raises serious concerns under **articles 18 and 26** of the Covenant.

This report addresses also issues raising concerns under **article 24** of the Covenant regarding the protection of children, taking into consideration the recommendations of the Committee on the Rights of the Child in 2024 concerning the implementation of the Optional Protocol on the involvement of children in armed conflict.

THE RIGHT TO CONSCIENTIOUS OBJECTION TO MILITARY SERVICE

Background – consideration in previous cycles

As it has been recognised by the Human Rights Committee (hereinafter the Committee): “The right to conscientious objection to military service inheres in the right to freedom of thought, conscience and religion. It entitles any individual to an exemption from compulsory military service if this cannot be reconciled with that individual’s religion or beliefs. The right must not be impaired by coercion.”¹

The issue of the (lack of recognition of the) right to conscientious objection to military service in the State party has concerned the Committee throughout the years.

Already in **1999**, in its concluding observations concerning the State party’s **fourth** report, the **Committee** has stated:

“20. The Committee notes that the law does not recognize the status of conscientious objectors to military service.

The State party should ensure that persons required to perform military service can invoke conscientious objection as grounds for exemption.”²

In **2010**, in its concluding observations concerning the State party’s **fifth** report, the **Committee** has stated:

“19. The Committee continues to be concerned that the State party does not have a law recognizing the right of conscientious objection to military service and does not intend to adopt one (article 18 of the Covenant).

The State party should adopt legislation recognizing the right of conscientious objection to military service, ensuring that conscientious objectors are not subject to discrimination or punishment.”³

In **2014**, in the context of the **sixth** cycle, in the **list of issues prior to reporting** the following question was included:

“Freedom of thought, conscience and religion (art. 18)

25. Bearing in mind the Committee’s previous concluding observations (para. 19), please provide information on whether legislative measures have been adopted or are being considered with a view to recognizing the right to conscientious objection to military service.”⁴

In its **sixth periodic report**, the **State party** replied:

“Question 25

203. The Ministry of Defence allows conscientious objection to military service on an exceptional basis: ‘Exemption from completing national military service shall be granted on grounds of physical or mental incapacity and on grounds of moral impediments to persons aged over 40 years old and in possession of a military service record; to naturalized Mexicans

aged over 40 years old and not in possession of a military service record; to Mexicans that acquire or have acquired another nationality; to ministers of religion; to the children of foreign nationals; and to Mennonites.”⁵

The State party’s report did not meet international human rights standards, since there is no recognition of the right to conscientious objection as such, and most importantly such right cannot be reserved neither only to persons above certain age, nor only to ministers of religion or certain religious communities, as it will be explained further below.

Indeed, it appears that **during the dialogue**, the Committee raised again the issue:

“34. It seemed that there was no general exception to military service for conscientious objectors. The Committee took the position that States parties that imposed a military service obligation should offer an alternative form of service or waiver for conscientious objectors.”⁶

Despite that, the issue of the right to conscientious objection to military service does not appear to have been included in the Committee’s concluding observations on the sixth periodic report of Mexico.⁷

However, in view also of the Committee’s position in the case of numerous other State parties, and the need to apply the same universal standards to all State parties, it is necessary to insist that the State party brings its legislation and practice concerning conscientious objection to military service in line with international human rights law and standards, especially those described below.

International standards regarding non-discrimination between different groups of objectors

International human rights standards are explicit on the requirement of non-discrimination on the basis of the grounds for conscientious objection and between groups of conscientious objectors:

- The **OHCHR** has compiled the minimum criteria in order for the procedures for conscientious objector status to be in line with international human rights law and standards. Among them, there is the requirement for: “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.”⁸
- The **Human Rights Council** has reminded states of “the requirement not to discriminate between conscientious objectors on the basis of the nature of their particular beliefs”.⁹
- The **Human Rights Committee**, in its General Comment 22, has stated that “there shall be no differentiation among conscientious objectors on the basis of the nature of their particular beliefs”.¹⁰ Subsequently, the Committee, in the context of its concluding observations, has consistently advocated for recognition of “the right to conscientious objection to military service without discrimination as to the nature of the beliefs (religious or non-religious beliefs grounded in conscience) justifying the objection”,¹¹ or “without limitation on the category of conscientiously held beliefs”,¹² and has expressed concerns “about the limiting of conscientious objection to military service only to members of registered religious organizations whose teaching prohibits the use of arms”.¹³

The right to conscientious objection to military service for volunteer / professional members of the armed forces

Besides the issue of conscripts required to perform compulsory military service, there is the issue of the right to conscientious objection to military service for volunteer / professional members of the armed forces.

The **OHCHR**, in its **minimum** criteria in order for the provisions for conscientious objection to military service to be in line with international human rights norms and standards, has explicitly and repeatedly

stated that: “The right to conscientious objection should be recognized for conscripts, for **professional members of the armed forces** and for reservists.”¹⁴ (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.**”¹⁵ 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.¹⁶

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”.¹⁷

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”.¹⁸ (emphasis added)

JUVENILE RECRUITMENT AND RELATED ISSUES

In **2024**, in line with observations and recommendations throughout the years, the **Committee on the Rights of the Child**, in its concluding observations on the combined **sixth and seventh reports** of Mexico, stated:

“Children in armed conflict, including the implementation of the Optional Protocol on the involvement of children in armed conflict

55. While commending the State party for amending the Rules for the Recruitment of Personnel for the Mexican Army and Air Force to set the minimum recruitment age at 18 years, the Committee recommends that the State party:

(a) Adopt local strategies to implement the Optional Protocol, including reaching the most at-risk children, on the basis of an in-depth evidence-based assessment of the structural causes of child recruitment and involvement in armed violence;

(b) Explicitly criminalize in the Federal Penal Code violations of the provisions of the Optional Protocol regarding the recruitment and the use of children in hostilities;

(c) Ensure that children recruited and involved in hostilities are recognized and treated as victims to ensure their protection and their rights, especially girls, in the context of measures taken to ensure public security, as well as protection from armed violence by non-State armed groups.”¹⁹

SUGGESTED QUESTIONS FOR THE LIST OF ISSUES PRIOR TO REPORTING

- Following on previous concluding observations (CCPR/C/79/Add.109, para. 20; CCPR/C/MEX/CO/5, para. 19), please, clarify whether the right to conscientious objection to military service is guaranteed in law and protected in practice according to international human rights standards (e.g. A/HRC/41/23, para. 60; A/HRC/50/43, para. 57; A/HRC/56/30, paras. 54-58) for *all* persons who might be possibly affected by any kind of armed / military service, including conscripts, volunteer / professional members of the armed forces and reservists, and at any time, before the commencement of military service, or at any stage during or after military

service, without discrimination as to the age or to the nature of the beliefs (religious or non-religious beliefs grounded in conscience) justifying the objection. (arts. 18 and 26)

- Please, inform on measures taken in order to implement the recommendations of the Committee on the Rights of the Child (CRC/C/MEX/CO/6-7, para. 55) concerning the implementation of the Optional Protocol on the involvement of children in armed conflict, including the requirement to explicitly criminalize in the Federal Penal Code violations of its provisions. (art. 24)

¹ 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.

² CCPR/C/79/Add.109, 27 July 1999, para. 20. <https://docs.un.org/en/CCPR/C/79/Add.109>

³ CCPR/C/MEX/CO/5, 17 May 2010, para. 19. <https://docs.un.org/en/CCPR/C/MEX/CO/5>

⁴ CCPR/C/MEX/QPR/6, 6 August 2014, para. 25. <https://docs.un.org/en/CCPR/C/MEX/QPR/6>

⁵ CCPR/C/MEX/6, 11 June 2018, para. 203. <https://docs.un.org/en/CCPR/C/MEX/6>

⁶ CCPR/C/SR.3654, 23 October 2019, para. 34. <https://docs.un.org/en/CCPR/C/SR.3654>

⁷ CCPR/C/MEX/CO/6, 4 December 2019. <https://docs.un.org/en/CCPR/C/MEX/CO/6>

⁸ 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 (e).

<https://undocs.org/A/HRC/41/23>

See also: 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/35/4), 1 May 2017, para. 64.

<https://undocs.org/A/HRC/35/4>

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, para. 57(f).

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

⁹ Human Rights Council resolution 24/17 (A/HRC/RES/24/17), 27 September 2013, para. 8.

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

¹⁰ Human Rights Committee General Comment No. 22 (CCPR/C/21/Rev.1/Add.4), 27 September 1993, ‘The right to freedom of thought, conscience and religion or belief (Art. 18)’, para. 11. <https://undocs.org/CCPR/C/21/Rev.1/Add.4>

¹¹ E.g. UN Human Rights Committee, Concluding observations on the fifth periodic report of Belarus, (CCPR/C/BLR/CO/5), 22 November 2018, paras. 47-48. <http://undocs.org/CCPR/C/BLR/CO/5>

See also: UN Human Rights Committee, Concluding observations on the seventh periodic report of Ukraine, (CCPR/C/UKR/CO/7), 22 August 2013, para. 19. <https://undocs.org/CCPR/C/UKR/CO/7>

¹² UN Human Rights Committee, Concluding observations on the fourth periodic report of Azerbaijan, (CCPR/C/AZE/CO/4), 16 November 2016, paras. 34-35. <http://undocs.org/CCPR/C/AZE/CO/4>

¹³ UN Human Rights Committee, Concluding observations on the second periodic report of Kyrgyzstan, (CCPR/C/KGZ/CO/2), 23 April 2014, para. 23. <http://undocs.org/CCPR/C/KGZ/CO/2>

¹⁴ 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>

¹⁵ 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>

¹⁶ 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>

¹⁷ 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>

¹⁸ UN Human Rights Council, Resolution 24/17 (A/HRC/RES/24/17), 8 October 2013, para. 5.
<https://undocs.org/A/HRC/RES/24/17>

¹⁹ CRC/C/MEX/CO/6-7, 8 October 2024, para. 55. <https://docs.un.org/en/CRC/C/MEX/CO/6-7>