



SUBMISSION

TO THE 145th SESSION OF THE HUMAN RIGHTS COMMITTEE

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

DEMOCRATIC REPUBLIC OF THE CONGO

Recruitment and use of children in armed conflict, conscientious objection to military service and related issues

January 2026

1

Content Index

- Introduction
- Recruitment and use of children in armed conflict
- The right to conscientious objection to military service
- Trials of civilians by military courts
- Suggested questions for the *list of issues prior to reporting*

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INTRODUCTION

In the words of UN High Commissioner for Human Rights Volker Türk: “Few places on Earth face a crisis as severe and urgent as the Democratic Republic of the Congo”.¹

Under such circumstances, and among the wide range of war crimes, possibly crimes against humanity and other gross human rights violations reported, Connection e.V. wishes to highlight those related to recruitment in armed forces and groups, because they are **directly related to the continuation of the conflict**, and consequently at the core of all other crimes and human rights violations, and because without addressing them there cannot be peace and substantial improvement of the dire human rights situation. Among such crimes and violations related to recruitment, certainly the most prevalent, appalling and urgent to be addressed is the (forced) recruitment and use of children by both sides in the current armed conflict. There are also reports of forced recruitment of adults (including captured DRC soldiers²), although attributed to the armed group (supported by Rwanda) M23,³ and therefore this submission does not focus on them, as it would be more adequate to be examined in the procedure concerning the State party of Rwanda. (See relevant submission by Connection e.V.)

It is also necessary to highlight, and include in the list of issues, another closely related issue, the right to conscientious objection to military service, inherent to the right to freedom of thought, conscience and religion. This right applies to all persons affected by any kind of military service, including volunteers, and it is non-derogable in times of war. In fact, it is in times of war that it is most important. In the words of the late Committee member Sir Nigel Rodley, (jointly with members Mr. Krister Thelin and Mr. Cornelis Flinterman) “It is precisely in time of armed conflict, when the community interests in question are most likely to be under greatest threat, that the right to conscientious objection is most in need of protection, most likely to be invoked and most likely to fail to be respected in practice.”⁴ Furthermore, the right to conscientious objection to military service should not be seen as a privilege or “luxury” reserved for certain developed states (and State parties to the Covenant). Rather, taking also into consideration the universality, indivisibility and interdependence of human rights, it should be equally, if not even more meticulously addressed, exactly in the case of those State parties which are facing extreme crises and wars. Additionally, especially in the case of the Democratic Republic of the Congo, promoting the protection of this right could create the environment for individuals and communities to find a way out from the decades-long conflict and the recurring cycle of violence.

Finally, this submission seeks to follow-up on another related issue, which has been of concern for the Human Rights Committee throughout the years, that of trials of civilians by military courts.

The last part of the submission provides suggested questions for the *list of issues prior to reporting*, mainly based on previous concluding observations or other international human rights standards.

RECRUITMENT AND USE OF CHILDREN IN ARMED CONFLICT

Background

The recruitment and use of children in the armed conflict has been a longstanding and one of the most serious human rights issues in the State party. A non-exhaustive background concerning some of the concluding observations in the context of treaty bodies procedures follows.

In 2001, in its concluding observations concerning the initial report of the Democratic Republic of the Congo, the **Committee on the Rights of the Child** noted “as an important positive step, the issuance of decree No. 066 of 9 June 2000 with regard to the demobilization of children from the armed forces and the establishment of a special bureau to review the implementation of this decree.”⁵

However, in the paragraphs about children in armed conflict, the Committee on the Rights of the Child remained “concerned at, *inter alia*, the recruitment and use of children as soldiers by the State party and by other actors in the armed conflict, including children under 15. The Committee notes with

appreciation the creation of a special bureau for the demobilization and re-integration of child soldiers (DUNABER), but is concerned about the effectiveness of this bureau.” And the Committee on the Rights of the Child urged “the State party to prevent the participation of children in armed conflicts and to end entirely their recruitment including cross-border recruitment, and use as soldiers, and to make additional efforts to demobilize and reintegrate present and former child soldiers into their communities and to provide for their psychological recovery. The Committee recommends that DUNABER be provided with sufficient human and financial resources to effectively demobilize and reintegrate children in society and to provide the necessary follow-up.”⁶

In 2006, in the context of the consideration of the third periodic report, the **Human Rights Committee** stated:

“18. While noting the delegation’s comments on the subject, the Committee remains concerned at the trafficking of children, especially for the purposes of sexual or economic exploitation, and the **forced recruitment of many children into armed militias and, although to a lesser extent, into the regular army (article 8 of the Covenant)**.

The State party should pursue its efforts to eradicate these phenomena. Information on steps taken by the authorities to prosecute child traffickers and **eliminate the forced recruitment of minors into the armed forces and rehabilitate and protect the victims, among other things by reinforcing the activities of the National Commission for the Demobilization and Reintegration of Child Soldiers (CONADER)**, should be provided in the next periodic report.”⁷ (emphasis added)

It is also worth noting that the Committee recommended that “human rights training should be made compulsory for all members of the State party’s armed forces”.⁸

In 2009, in its concluding observations concerning the second periodic report of the Democratic Republic of the Congo, the **Committee on the Rights of the Child** included the issue of child soldiers among those for which the concluding observations on the initial report “have not been significantly addressed”⁹

The Committee was “particularly concerned about the very high number of children who have been abducted by armed groups for use in hostilities and are victims of violence, rape, sexual and commercial exploitation.”¹⁰ And recommended that “The State party should take all available measures to ensure the protection of children by enabling that human and financial resources are available, including through international assistance, for their demobilization.”¹¹

The Committee on the on the Rights of the Child further noted “that the Commission Nationale de Désarmement, Démobilisation et Réinsertion (CONADER) was established in December 2003, however, is concerned that lack of resources has severely hampered its work. The Committee is concerned that several thousands of child victims, who have been recruited or used in hostilities, have not been provided with measures for recovery and integration. The Committee is further concerned about reports indicating that children have been re-recruited by armed groups in the absence of alternatives and available assistance to demobilize. The Committee is furthermore disturbed that children, contrary to being treated primarily as victims, have been arrested, detained and tried in military courts for military offences and other crimes allegedly committed while they were in armed forces or groups.

73. The Committee recommends that the State Party reactivate its Disarmament, Demobilization and Reintegration Program and allocate adequate human and financial resources for it to perform its mandate. The Committee further recommends that the State party ensure that all children awaiting official demobilization and reintegration are always treated primarily as victims and can exercise their right to education, health care and protection. The Committee underlines the importance that gender considerations are taken in account in all demobilization and reintegration measures and programmes.”¹²

The concluding observations of the **Committee on the Rights of the Child** concerning the **Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict**, in 2012, have been perhaps one of the most extensive compilations of relevant observations and recommendations on this issue. Some of the main points were the following.

As for the positive aspects, the Committee on the Rights of the Child welcomed:

“(a) The declaration made by the State party on the ratification of the Optional Protocol that the minimum age for voluntary enlistment in its national armed forces is 18 years;

[...]

(c) The endorsement of the Paris Commitments to protect children from unlawful recruitment or use by armed forces or armed groups, and the Paris Principles and guidelines on children associated with armed forces or armed groups in 2007.

7. The Committee also welcomes:

(a) The adoption of the Child Protection Code which prohibits the recruitment or use of children below the age of 18 by armed forces and groups and the police and provides for the punishment of such actions with terms of imprisonment of between 10 and 20 years in January 2009;

(b) The Presidential Decree which ordered the demobilization of all children below the age of 18 from the armed forces in June 2000.”¹³

The Committee on the Rights of the Child made extensive observations and recommendations, including the following:

“VI. Prohibition and related matters

Recruitment and use of children in the FARDC

30. The Committee reiterates its deep concern that the State party, through its armed forces, continues to bear direct responsibility for the recruitment and use of hundreds of children in armed conflict (CRC/C/COD/CO2, para. 67). The Committee is particularly concerned that although FARDC accounted for the highest number of children recruited in 2010 as reported by the United Nations Secretary General (S/2010/369, para. 19) and continue to recruit and use children, the State party denies their presence within its armed forces. The Committee expresses serious concern about the presence of children within almost all brigades of the FARDC, as well as in the Republican Guard directly answerable to the President and in the national police, which constitutes a grave breach of the State party’s obligations under the Optional Protocol.

31. The Committee urges the State party to show greater political commitment at the highest levels to stop the recruitment and use of children within the FARDC. In particular, the Committee urges the State party to:

(a) Urgently carry out a comprehensive screening process in collaboration with MONUSCO to ensure that no children remain within the FARDC and police units, as well as in the Republican Guard, starting with the units created during the “accelerated integration” process and paying special attention to the release of girls from armed groups;

(b) Send an unequivocal message to all FARDC units requesting them to release immediately all girls and boys from the army and reminding them of the legal prohibition of the recruitment and use of children and drawing attention to the provisions and penalties of the Child Protection Code;

(c) Remove individuals suspected of recruiting or using children in hostilities, or other serious human rights abuses pending completion of investigations against them.

Recruitment and use of children by non-State armed groups

32. The Committee expresses deep concern about the continuous recruitment and abduction of children, including girls by numerous non-State armed groups, and by community-based militias known as Local Defence Forces (LDF). The Committee is also concerned that in January 2009, hundreds of child soldiers were incorporated into the FARDC during the “accelerated integration” of members of the National Congress for the Defense of the People (CNDP). The Committee expresses further concern that the State party has not prioritized the release of children detained by non-State armed groups in its negotiations with these groups, as demonstrated in the negotiations with the Yakutumba Maï Maï in August 2010.

33. The Committee reminds the State party of its obligations under the Optional Protocol to take all the necessary measures to ensure that no children are recruited by non-State armed groups. The Committee urges the State party to ensure that the release, recovery and

reintegration of children associated with non-State armed forces or armed groups becomes a priority and is addressed in all peace or ceasefire negotiations and agreements with armed groups, in line with the United Nations operational guidelines on addressing children's issues in peace agreements. The Committee also urges the State party to ensure that:

- (a) The release of all children from non-State armed groups is a precondition for any future integration into the army or police and any related training programmes;
- (b) No military, financial or logistical support is provided to local militias suspected of recruiting or using children or committing other human rights abuses. Priority should be given to regulating the activities of local defence forces and to ensuring that children are not recruited or used by them;
- (c) Cross borders frameworks of cooperation and exchange are established to repatriate children from neighbouring countries to their countries of origin as already recommended by the Special Representative of the Secretary General for Children and Armed conflict after her 2009 visit in the country.”¹⁴

In February 2017, in its concluding observations concerning the combined third to fifth periodic reports, the **Committee on the Rights of the Child** welcomed “the action plan to combat the recruitment and use of children, and other grave violations of children’s rights, by the armed forces and security services (2012)”.¹⁵

However, the Committee on the Rights of the Child draw the State party’s attention to the recommendations concerning a number of areas, in respect of which urgent measures must be taken, and among them cited the “follow-up to the Committee’s previous concluding observations and recommendations on the implementation of the Optional Protocol to the Convention on the involvement of children in armed conflict (para. 48).”¹⁶ (see below)

Throughout the document of concluding observations, the Committee on the Rights of the Child highlighted the issue of child soldiers, including demobilised ones, in relation to a number of areas, such as, for example, **data collection** (about former child soldiers) **discrimination** (against demobilized child soldiers) and in relation to **children in street situations**.¹⁷ In the part about the “Right to life, survival and development” the Committee on the Rights of the Child remained seriously concerned about “Grave violations committed against children by State and non-State armed forces in the context of the armed conflict, including the killing, maiming and **abduction of children — both civilians and those recruited by the non-State armed groups**” and urged the State party “to take measures to protect children from falling victim to armed conflict **and/or participating in armed hostilities**, and to punish those who have been involved in killing, maiming and **recruiting children**”¹⁸ (emphasis added). In the part concerning education, the Committee on the Rights of the Child observed that “Armed groups continue to attack schools, students and teachers in conflict-affected areas, putting children at risk of abduction and recruitment, and use schools for military purposes”.¹⁹

Very importantly, the Committee on the Rights of the Child, in the part concerning the “Follow-up to the Committee’s previous concluding observations and recommendations on the implementation of the Optional Protocol to the Convention on the involvement of children in armed conflict” made several important observations and recommendations which is worth quoting in their entirety:

“47. The Committee regrets that the State party did not provide any information, either in its report or in its replies to the list of issues, concerning the recommendations contained in its concluding observations relating to the implementation of the Optional Protocol to the Convention on the involvement of children in armed conflict (CRC/C/OPAC/COD/CO/1). The Committee notes the State party’s action plan to combat the recruitment and use of children, and other violations of children’s rights, by the armed forces and security services (2012), as well as information provided by the State party that commanders of the Armed Forces of the Democratic Republic of the Congo listed in the final report of the Group of Experts on the Democratic Republic of the Congo (S/2009/603, annex 124) who were responsible for child recruitment, the use of child soldiers and massacres of civilians, have been convicted and are currently serving prison sentences. Nevertheless, it remains seriously concerned that large numbers of children continue to be killed, maimed, raped, recruited and

used in armed hostilities, both by the national armed forces and non-State armed groups. In particular, the Committee is seriously concerned that:

- (a) Despite some improvements, there are reports of cases of involvement of children in the activities of the national armed forces and reports of collaboration of the national armed forces with armed groups that are known for the recruitment or use of child soldiers;
- (b) The age verification procedures used by the national armed forces prior to recruitment remain ineffective, a situation that is exacerbated by the low birth registration rate in the country;
- (c) Large numbers of children continue to be recruited and used in armed conflict by non-State armed groups, such as the Forces démocratiques de libération du Rwanda, Raia Mutomboki and Nyatura, among others;
- (d) Decrees for implementing the provisions of the Child Protection Code on prohibiting the recruitment and use of child soldiers have yet to be adopted and there are no effective mechanisms for investigating, convicting or sanctioning those responsible for grave violations against children;
- (e) Human and financial resources for the demobilization, rehabilitation and reintegration of child soldiers are scarce, disproportionately affecting girl soldiers, who comprise up to 30 per cent of children involved in armed forces and groups;
- (f) Girl soldiers face stigmatization and rejection by their communities and thus are sometimes forced to re-join armed groups.

48. The Committee reiterates its previous recommendations (CRC/C/OPAC/COD/CO/1), which have not been fully implemented, and recommends that the State party:

- (a) Show greater political commitment at the highest levels to stop the involvement of children within the national armed forces and end any collaboration with or military, financial or logistical support for non-State armed groups that involve and use children in their activities;
- (b) Review its Criminal Code in order to criminalize the recruitment of children under the age of 18 years;
- (c) Provide adequate resources for investigations and prosecutions and publish information on the number of prosecutions and convictions for the recruitment and use of children in armed conflict;
- (d) Ensure that the release, recovery and reintegration of children associated with non-State armed forces or armed groups becomes a priority and is addressed in all peace or ceasefire negotiations and agreements with armed groups, in line with United Nations operational guidelines on addressing children's issues in peace agreements;
- (e) Standardize army recruitment procedures and train officers to ensure consistent and effective verification of the age of individual recruits to prevent effectively the recruitment of children into the armed forces. In this regard, the State party should widely circulate guidelines on verifying age and instruct recruiters that in the case of doubt over an individual's age, he or she should not be recruited;
- (f) Expedite the effective implementation of the Child Protection Code and establish a comprehensive child protection system, including a systematic mechanism for investigating, convicting and sanctioning those responsible for violations against children;
- (g) Provide the National Implementation Unit for the National Disarmament, Demobilization and Reintegration Programme and all involved State agencies with the human, financial and technical resources necessary for them to identify and provide assistance to all former child soldiers, including self-demobilized children and child soldiers abandoned by armed groups en route to army integration sites;
- (h) Develop and implement, in collaboration with the United Nations and child protection actors, a strategy to identify and provide effective reintegration assistance to current and former girl soldiers and their children that meet their complex medical, economic and psychosocial needs, ensuring that those initiatives, and any resulting programmes, address the stigma and exclusion faced by former girl soldiers;
- (i) Establish and exercise universal jurisdiction over war crimes related to conscription,

enlistment and the use of children in hostilities.”²⁰

In November 2017, in its concluding observations concerning the fourth periodic report, the **Human Rights Committee** raised again the issue of recruitment and use of children in armed conflict. Among the “many atrocities alleged to have been committed” in the context of the conflict in Kasai, the Committee cited also the “recruitment and use of child soldiers, noting that these acts, because of their nature and scale, could constitute international crimes.”

The Committee recommended:

“28. The State party should: (a) conduct a prompt, transparent and independent investigation to establish the facts and circumstances in which these alleged human rights violations and abuses were perpetrated by agents of the State and members of armed groups in the Province of Kasai; (b) undertake to dismantle and disarm the militias and pro-Government armed groups suspected of having committed the violations; (c) ensure that the members of the defence and security forces deployed in the region are properly trained and equipped to protect the population and have not been involved in serious human rights violations; and (d) cooperate fully with all United Nations entities, in particular the United Nations Joint Human Rights Office and the team of international experts mandated by Human Rights Council resolution 35/33 of 23 June 2017, which is responsible, *inter alia*, for determining the facts and circumstances of the alleged violations of human rights and international humanitarian law in the Kasai region.”²¹

Furthermore, in the paragraph about child protection and child labour, the Committee reiterated its concerns about, *inter alia*, “the large-scale involvement of children in armed conflict” and in this regard recommended that the “State party should take the necessary steps to: [...] put an end to the involvement of children in armed conflict, while criminalizing the recruitment of persons under the age of 18”.²²

Recent reports

According to a publication of MONUSCO of 2019: “Between 2014 and 2017, the UN documented 6,168 children (549 girls, 5,619 boys) recruited by 49 different armed groups or militia”.²³ According to the same publication: “In 2017, the Forces Armées du République Démocratique du Congo (FARDC) was certified by the United Nations (UN) as no longer recruiting children within its ranks and “de-listed” from the Annexes of the Secretary-General’s Annual Report on Children and Armed Conflict, a blacklist for those responsible for committing violations against children.”²⁴

In a 2021 Report of the UN High Commissioner for Human Rights it was pointed out that: “on 23 November 2020, the Operational Military Court in Goma sentenced Ntabo Ntaberi Sheka, former leader of the armed group Nduma défense du Congo, to life imprisonment for war crimes, including murder, rape, sexual slavery and **child recruitment**, committed in North Kivu in 2010 and between 2012 and 2014. Two co-defendants were also sentenced, one to life imprisonment and the other to 15 years’ imprisonment.”²⁵ (emphasis added)

However, the issue of the (forced) recruitment and use of children in armed conflict appears to escalate in parallel with the escalation of the armed conflict, especially since the beginning of 2025.

In his February 2025 statement, the UN High Commissioner for Human Rights Volker Türk stated: “I am also very concerned about the proliferation of weapons and the high risk of forced recruitment and conscription of children.”²⁶

In his June 2025 statement, the UN High Commissioner for Human Rights stated: “My office is investigating reports of M23 and various Wazalendo militias recruiting teenage children to use them in armed conflict.”²⁷

In his September 2025 statement, the UN High Commissioner for Human Rights stated:

“[Referring to M23] Thousands of civilians – including children – were then sent to so-called training camps where they were subjected to forced labour, military servitude and other forms of torture and ill-treatment. The fate of hundreds of men, women and children who

were forcibly taken remains unknown. [...]

The team also found that Wazalendo groups recruited children under 18 – and in some cases under 15 - for use as fighters, messengers, escorts, or spies, and were arbitrarily detained in inhumane conditions.”²⁸

Indeed, in the Report of the fact-finding mission on the situation in North Kivu and South Kivu Provinces of the Democratic Republic of Congo, (of which the final version was distributed in November 2025), forced recruitment of children is documented both by the (Rwanda supported²⁹) M23³⁰ as well as by Wazalendo groups.

Because of the links between the Government of the State party and its official armed forced (FARDC) and Wazalendo groups³¹ (despite occasionally in-fighting³²), this submission focuses on the (forced) recruitment and use of children in the armed conflict by Wazalendo groups:

“60. The mission received credible evidence of the recruitment and use of children under 18 by Wazalendo groups. Community mobilization campaigns, with door-to-door visits and mass events, were held, particularly between February and April in Fizi territory, during which boys and girls were encouraged to enrol to “save their homeland from foreign forces”. Children recruited were used as fighters, messengers and escorts, for domestic tasks and in surveillance or espionage-related roles.

61. According to verified witness accounts, boys evidently under 18 years of age were seen carrying weapons at Wazalendo checkpoints in South Kivu, patrolling in Uvira and bearing AK-47 rifles in Fizi territory. Girls were subjected to sexual violence, used for sexual purposes by commanders and other armed groups members, and in such support functions as cook or messenger. Certain Wazalendo groups have used children under 15 in hostilities, which is a war crime.”³³

62. During the clashes leading to the takeover of Goma and Bukavu, children, primarily boys, took uniforms and weapons left behind by fleeing Wazalendo and FARDC members and joined residents in efforts to defend the cities. Children were observed firing weapons, engaging in confrontations and looting or defending houses and shops. Children who found and took weapons were at high risk of being killed, as a result of either their active participation in hostilities or their perceived involvement. The mission examined allegations of at least six such children killed when M23 entered Bukavu, but could not determine the precise circumstances of their deaths.”³⁴

The mission concluded “that certain Wazalendo members and leaders had committed the war crime of conscripting or enlisting children under the age of 15 and using them in hostilities”³⁵

As for the **responsibility of the State party**, the fact-finding mission concluded:

“84. In accordance with article 4 of the Optional Protocol on the involvement of children in armed conflict, the Democratic Republic of the Congo is required to take all feasible steps to prevent the recruitment of children under 18 by armed groups. While noting positive steps taken in recent years, which led to FARDC being delisted in 2017 from the annex of the report on children and armed conflict of the Secretary-General for the recruitment of children,”³⁶ the mission considers that the Democratic Republic of the Congo may also bear responsibility for the recruitment and use of children under the age of 18 by Wazalendo groups. [Note in the original: In February 2025, the Congolese Ministry of Defence instructed armed forces to refrain from recruiting children, although this was not enforced against Wazalendo groups.]”³⁷

Finally, the fact-finding mission recommended that “all parties to conflict”, *inter alia*:

“Immediately halt the recruitment of boys and girls, release all persons under 18 recruited and withdraw from schools occupied or used for military purposes.”³⁸

The fact-finding mission also recommended that the authorities of the Democratic Republic of the Congo, *inter alia*:

“(b) Cease all forms of material support to FDLR, Wazalendo and other armed groups engaged in the current conflict alongside FARDC forces; [...]

(d) Advance transitional justice processes in parallel to disarmament, demobilization and

reintegration to ensure a holistic response to violations, ensuring victims' rights to truth, justice and reparations; [...]

(f) Provide support to children separated from armed groups and foster their long-term reintegration into society".³⁹

THE RIGHT TO CONSCIENTIOUS OBJECTION TO MILITARY SERVICE

As it has been recognised by the Human Rights 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."⁴⁰

There is no corroborated information that conscription is generally implemented in the State party. However, certain sources do not preclude this, either by stating that the military service and age obligation is "18-35 years of age for voluntary military service for men and women; 18-45 years of age for compulsory military service for men; it is unclear how much conscription is used (2024)"⁴¹, or by even stating that "While there is no mandatory national service, during times of crisis or national emergency, the government has occasionally relied on mass mobilization and recruitment to bolster military numbers."⁴²

Most importantly, in the Report of the fact-finding mission on the situation in North Kivu and South Kivu Provinces of the Democratic Republic of Congo, it is stated:

"9. In response to M23 advances, Congolese authorities issued **calls for armed mobilization** in late 2022,⁴³ **prompting the mass mobilization of Congolese youth** and also inspiring dozens of armed groups to rebrand collectively as Wazalendo ("patriots") or Volontaires pour la défense de la Patrie, aligning in the fight against M23. **The Government sought to formalize that mobilization through the creation of the Réserve armée de défense** [Note in the original: **Law No. 23/014 of 22 May 2023. The Réserve armée de défense is yet to be operationalized.**] and by arming and financing Wazalendo and other allied armed groups, including FDLR, [Note in the original: Meetings between FARDC, representatives of Congolese armed groups and FDLR factions were held in North Kivu (May 2022), following which the Government of the Democratic Republic of the Congo reportedly transferred equipment, money and logistics to those groups (S/2025/446 paras. 63 and 70). In response to that report, the Government of the Democratic Republic of the Congo noted that formal orders had been issued by the President and FARDC Chief of Staff to prohibit any collaboration with FDLR.] so that they could conduct joint operations with the Armed Forces of the Democratic Republic of the Congo (FARDC). Wazalendo groups, [Note in the original: "Wazalendo" is used for both Wazalendo and Volontaires pour la défense de la Patrie groups.] however, mostly remained outside of effective State control.^{44,45} (emphasis added)

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The right to conscientious objection to military service applies not only to conscripts or reservists, but also to volunteers / professional members of the armed forces, and it is non-derogable in times of war or emergency, as it is explained in detail further below.

Additionally, in circumstances of actual war and violations of international humanitarian (IHL) and human rights law, it is even more probable that certain individuals might develop conscientious objection to military service (including potentially selective conscientious objection as for the participation in certain wars and certain armed forces committing violations⁴⁶) despite the fact that they have initially joined such armed forces voluntarily.

Moreover, it should be taken into consideration that the Jehovah's Witnesses in the Democratic Republic of Congo have faced broader discrimination or even have been victims of atrocities, including murder and rapes, according to what they have denounced in the context of the previous (4th) cycle.⁴⁷

Under such circumstances it is doubtful whether the right to conscientious objection would be respected, or even whether certain individuals would dare to openly declare a conscientious objection to military service. This makes even more imperative to ensure that the right to conscientious objection is explicitly recognised in the legislation, and that such legislation is in line with the international human rights law and standards.

Non-derogable in times of war or emergency

It should be stressed that the right to conscientious objection to military service is non-derogable in times of war or emergency, which is particularly important in the case of the State party.

According to international human rights law and standards the right to conscientious objection applies both in wartime and in peacetime, as acknowledged by the Committee.⁴⁸ Article 4, paragraph 2, of the ICCPR does not allow 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 inherent⁴⁹) even in time of public emergency which threatens the life of the nation.⁵⁰

International standards regarding the right to conscientious objection to military service for volunteers / 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.”⁵¹ (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.**”⁵² 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.⁵³

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”.⁵⁴

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”.⁵⁵ (emphasis added)

TRIALS OF CIVILIANS BY MILITARY COURTS

Connection e.V. is also concerned about the issue of military courts, and especially the aspect of trials of civilians by military courts, in fact, such issue could affect both child soldiers, including already demobilised ones, as well as, potentially, conscientious objectors to military service.

The issue of military courts in the State party, and particularly the issue of trials of civilians by military courts, has concerned the Human Rights Committee throughout the years.

The issue was first raised already in the context of the consideration of the State party's **initial report**:

"Referring to the fact that, despite the prohibition of special tribunals under article 16 of the Constitution, there existed in Zaire both a State Security Court and special military tribunals, one member wished to know whether such tribunals were considered to have ordinary jurisdiction and whether they were competent to judge offences committed by civilians. With respect specifically to the State Security Court, another member asked for details about its composition, functions and practical operations and wished to know why the decisions of that Court could not be appealed."⁵⁶

In the replies of the representative of the State Party, it was stated:

"The State Security Court was responsible for dealing with cases relating to internal and external security and, until recently, with infractions involving precious materials, such as diamonds or cobalt. Members of that Court had to be of particularly high moral character and ability and had to possess degrees in law. Neither that Court nor the military tribunals were special tribunals. The latter were regular courts whose competence extended to military matters and to military personnel. However, they could also try civilians who were involved in an offence together with military personnel or if their offence related to the military, such as the theft of munitions."⁵⁷

In the context of the consideration of the State party's second periodic report, the Human Rights Committee asked, "what were the membership and competence of the Judicial Council; what was the meaning and purpose of the "open days" organised under the chairmanship of the President of the Council; what the effect of a ruling of the Council was on court cases" and what the role was of State security courts in dispensing justice".⁵⁸

The representative of the State party replied:

"The Judicial Council was an institution encompassing the totality of the country's courts and tribunals, both civil and military, which functioned independently but which were supervised and co-ordinated by the President of the Council. The "open days" constituted an activity of the President of the Judicial Council in response to popular protests at the extremely protracted nature of judicial proceedings. Military courts predominate over civil courts and only handled cases involving members of the armed forces. Administratively, the two structures were capped by the Judicial Council which was now more currently referred to as the Ministry of Justice.". ⁵⁹

Relevant issues were examined also in the part concerning the Right to fair trial.⁶⁰

In the context of the consideration of the State party's third periodic report, the issue of military courts was raised once again in the Human Rights Committee's concluding observations:

"21. The Committee is concerned at the continued existence of military courts and at the absence of guarantees of a fair trial in proceedings before these courts. [...] The State party should abolish military courts for ordinary offences."⁶¹

Worth noting that the issue of military courts was raised also in conjunction with the issue of the death penalty:

"17. While noting that the Congolese Charter of Human Rights, adopted in June 2001, provides for abolition of the death penalty, the Committee is concerned at the many death sentences handed down, **especially by the former Military Court**, against an indeterminate number of persons, and the suspension in 2002 of the moratorium on executions. It also notes that the delegation was unable to provide sufficient details on the nature of offences punishable by death, which would have allowed the Committee to determine whether these offences were included among the most serious crimes within the meaning of article 6, paragraph 2, of the Covenant.

The State party should ensure that the death sentence is imposed only for the most serious crimes. **The Committee would like to receive more detailed information on the death sentences imposed by the former Military Court** and would like to know exactly how many executions took place between 1997 and 2001. The Committee encourages the State

party to abolish capital punishment and accede to the Second Optional Protocol to the Covenant.”⁶² (emphasis added)

In the context of the consideration of the State party’s fourth periodic report, in its concluding observations, the Human Rights Committee stated:

“The Committee has taken note of Organic Act No. 13/011-B, but regrets that military courts continue to try some cases involving offences committed by civilians, as well as cases involving serious human rights violations (arts. 2 and 14).” And the Committee recommended, *inter alia*, that the State party should “ensure that military courts do not try civilians, and reform the legislative framework to ensure that only the ordinary courts are competent to hear cases involving serious human rights violations.”⁶³

International standards

Besides the Committee that has recommended also in other cases: “that the Criminal Code be amended so as to prohibit the trial of civilians by military tribunals in any circumstances”,⁶⁴ there is an abundance of further international standards indicating that civilians should not be tried by military courts.

Principles

Connection e.V. points out that the Principle No. 5 of the “Draft principles governing the administration of justice through military tribunals” requires that: “Military courts should, in principle, have no jurisdiction to try civilians. In all circumstances, the State shall ensure that civilians accused of a criminal offence of any nature are tried by civilian courts”.⁶⁵ This Principle has been cited also by the Special Rapporteur on the independence of judges and lawyers, pointing out that according to it: “military courts should have no jurisdiction to try civilians”.⁶⁶ It has also been cited by the European Court of Human Rights.⁶⁷

Connection e.V. also stresses that Principle 29 of the “Updated Set of principles for the protection and promotion of human rights through action to combat impunity” requires explicitly that: “The jurisdiction of military tribunals must be restricted solely to specifically military offences committed by military personnel [...].”⁶⁸

Similarly, in the “Principles and guidelines on the right to a fair trial and legal assistance in Africa”, the section L, titled “Right of civilians not to be tried by military courts”, para. (a) requires that: “The only purpose of Military Courts shall be to determine offences of a purely military nature committed by military personnel.” And para (c) requires that: “Military courts should not in any circumstances whatsoever have jurisdiction over civilians”.⁶⁹

Regional Courts

Similarly, the Inter-American Court of Human Rights has ruled that “The State must align the domestic legal system to the international standards regarding criminal military jurisdiction within a reasonable period of time, so that in case it considers the existence of a military criminal jurisdiction to be necessary, this must be restricted only to crimes committed by military personnel in active service. Therefore, the State shall set limits to the material and personal jurisdiction of the military courts through its legislation, so that under no circumstances may a civilian be subjected to the jurisdiction of military criminal courts [...].”⁷⁰

The European Court of Human Rights has repeatedly ruled against the trial of civilians by military courts or courts with even some participation of military judges (“composed, even if only in part, of members of the armed forces”) finding a violation of article 6.1 of the ECHR, equivalent to Article 14.1 of the ICCPR.⁷¹

The European Court of Human Rights has stated that it “has attached importance in numerous previous judgments to the fact that a civilian has had to appear before a court composed, if only in part, of members of the armed forces (see, most recently, *Öcalan v. Turkey* [GC], no. 46221/99, § 116, ECHR 2005-..., and *Şahiner v. Turkey*, no. 29279/95, § 45, ECHR 2001-IX). It has held that such a situation seriously undermined the confidence that courts ought to inspire in a democratic society”.⁷² It is also worth noting that such concern “is all the more valid when a court is composed solely of military

judges".⁷³

And concluded that: "Lastly, situations in which a military court has jurisdiction to try a civilian for acts against the armed forces may give rise to reasonable doubts about such a court's objective impartiality. A judicial system in which a military court is empowered to try a person who is not a member of the armed forces may easily be perceived as reducing to nothing the distance which should exist between the court and the parties to criminal proceedings, even if there are sufficient safeguards to guarantee that court's independence".⁷⁴

Increased risk for conscientious objectors to military service

Connection e.V. notes that the existence of military courts, especially when such courts can try civilians, could potentially affect conscientious objectors to military service and their rights under the Covenant.

It should be stressed that conscientious objectors should not be punished for exercising their right to conscientious objection to military service, and therefore they should not be tried in the first place. However, in cases of trials of conscientious objectors by military courts, an additional violation occurs, that of the right to fair trial.

Apart from the broader issues of lack of impartiality raised, in general, in cases of civilians tried by military courts, the particular issue of trials of conscientious objectors by military courts raises further and even more obvious and severe issues of lack of impartiality.

As it has been put in the "Draft principles governing the administration of justice through military tribunals": "By definition, in such cases military tribunals would be judges in their own cause".⁷⁵

The European Court of Human Rights has repeatedly ruled against the trials of conscientious objectors by military courts, finding a violation of article 6.1 of the ECHR, equivalent to Article 14.1 of the ICCPR.⁷⁶

The European Court of Human Rights, in such cases of conscientious objectors tried by military courts has considered that: "It was understandable that, as a conscientious objector being prosecuted for offences of a purely military nature before a tribunal made up exclusively of military officers, the applicant should have been apprehensive about being tried by judges who were attached to the armed forces, which could be equated to a party to the proceedings. As a result, he could legitimately have feared that the Air Force Command Tribunal might allow itself to be unduly influenced by one-sided considerations. The applicant's doubts as to the independence and impartiality of the tribunal could therefore be said to have been objectively justified."⁷⁷

Increased risks for child soldiers

As it has been previously mentioned, the **Committee on the Rights of the Child** has raised the issue of trials of child soldiers by military courts:

"The Committee is furthermore disturbed that children, contrary to being treated primarily as victims, have been arrested, detained and tried in military courts for military offences and other crimes allegedly committed while they were in armed forces or groups. [...] The Committee further recommends that the State party ensure that all children awaiting official demobilization and reintegration are always treated primarily as victims and can exercise their right to education, health care and protection."⁷⁸

SUGGESTED QUESTIONS FOR THE LIST OF ISSUES PRIOR TO REPORTING

- Please, elaborate on measures taken to implement the recommendations included in the previous concluding observations of the Committee (CCPR/C/COD/CO/4, paras. 27-28 and 45-46), as well as the relevant recommendations of the Committee on the Rights of the Child (CRC/C/COD/CO/3-5, paras. 47-48), and of the fact-finding mission on the situation in North Kivu and South Kivu

Provinces of the Democratic Republic of Congo (A/HRC/60/80, paras. 94(c), 95(b)(d)(f)) related to the recruitment and use of children in armed conflict, including by armed groups.

- In relation to previous concluding observations (CCPR/C/COD/CO/3, 26 April 2006, para. 13), please, elaborate on human rights training in the State party's armed forces and whether it is *compulsory* for *all* members of the armed forces.
- 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 military service, including potential conscripts, volunteers / 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.
- In relation to previous concluding observations (CCPR/C/COD/CO/4, 30 November 2017, para. 38(e)), please, inform on the measures taken to ensure that military courts do not try civilians, and to reform the legislative framework to ensure that only the ordinary courts are competent to hear cases involving serious human rights violations.

¹ “HC Türk on the Democratic Republic of the Congo: ‘A genuine ceasefire is needed urgently.’” <https://www.ohchr.org/en/statements-and-speeches/2025/09/hc-turk-democratic-republic-congo-genuine-ceasefire-needed-urgently>

² “HC Türk updates Council on the situation in North and South Kivu provinces of the Democratic Republic of the Congo”, 16 June 2025. <https://www.ohchr.org/en/statements-and-speeches/2025/06/hc-turk-updates-council-situation-north-and-south-kivu-provinces>

³ E.g. A/HRC/60/80, 21 November 2025, paras. 38-40, 45-48, 76, 81. <https://docs.un.org/en/A/HRC/60/80>

See also following footnotes.

⁴ 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). <https://docs.un.org/en/CCPR/C/104/D/1853-1854/2008>

⁵ CRC/C/15/Add.153, 9 July 2001, para. 4. <https://docs.un.org/en/CRC/C/15/Add.153>

⁶ CRC/C/15/Add.153, 9 July 2001, paras. 64-65. <https://docs.un.org/en/CRC/C/15/Add.153>

⁷ CCPR/C/COD/CO/3, 26 April 2006, para. 18. <https://docs.un.org/en/CCPR/C/COD/CO/3>

⁸ CCPR/C/COD/CO/3, 26 April 2006, para. 13. <https://docs.un.org/en/CCPR/C/COD/CO/3>

⁹ CRC/C/COD/CO/2, 10 February 2009, para. 8. <https://docs.un.org/en/CRC/C/COD/CO/2>

¹⁰ CRC/C/COD/CO/2, 10 February 2009, para. 67. <https://docs.un.org/en/CRC/C/COD/CO/2>

¹¹ CRC/C/COD/CO/2, 10 February 2009, para. 68. <https://docs.un.org/en/CRC/C/COD/CO/2>

¹² CRC/C/COD/CO/2, 10 February 2009, paras. 72-73. <https://docs.un.org/en/CRC/C/COD/CO/2>

¹³ CRC/C/OPAC/COD/CO/1, 7 March 2012, paras. 6-7. <https://docs.un.org/en/CRC/C/OPAC/COD/CO/1>

¹⁴ CRC/C/OPAC/COD/CO/1, 7 March 2012, paras. 30-33. <https://docs.un.org/en/CRC/C/OPAC/COD/CO/1>

¹⁵ CRC/C/COD/CO/3-5, 28 February 2017, para. 4. <https://docs.un.org/en/CRC/C/COD/CO/3-5>

¹⁶ CRC/C/COD/CO/3-5, 28 February 2017, para. 6. <https://docs.un.org/en/CRC/C/COD/CO/3-5>

¹⁷ CRC/C/COD/CO/3-5, 28 February 2017, paras. 11, 15 and 43 respectively. <https://docs.un.org/en/CRC/C/COD/CO/3-5>

¹⁸ CRC/C/COD/CO/3-5, 28 February 2017, paras. 17-18. <https://docs.un.org/en/CRC/C/COD/CO/3-5>

¹⁹ CRC/C/COD/CO/3-5, 28 February 2017, para. 39(f). <https://docs.un.org/en/CRC/C/COD/CO/3-5>

²⁰ CRC/C/COD/CO/3-5, 28 February 2017, paras. 47-48. <https://docs.un.org/en/CRC/C/COD/CO/3-5>

²¹ CCPR/C/COD/CO/4, 30 November 2017, paras. 27-28. <https://docs.un.org/en/CCPR/C/COD/CO/4>

²² CCPR/C/COD/CO/4, 30 November 2017, paras. 45-46. <https://docs.un.org/en/CCPR/C/COD/CO/4>

²³ MONUSCO, “*Our Strength Is In Our Youth*”: *Child Recruitment and Use by Armed Groups in the Democratic Republic of the Congo 2014 – 2017*, January 2019, p. 9. https://childrenandarmedconflict.un.org/wp-content/uploads/2019/12/190128_monusco_our_strength_is_in_our_youth_child_recruitment_and_use_by_armed_groups_in_the_drc_2014-2017_final_english_0.pdf

²⁴ Ibid.

²⁵ A/HRC/48/47, 15 July 2021, para. 39. <https://docs.un.org/en/A/HRC/48/47>

²⁶ “HC Türk on DRC: “The risk of escalation throughout the sub-region has never been higher.””, 7 February 2025. <https://www.ohchr.org/en/statements-and-speeches/2025/02/hc-turk-drc-risk-escalation-throughout-sub-region-has-never-been>

²⁷ “HC Türk updates Council on the situation in North and South Kivu provinces of the Democratic Republic of the Congo”, 16 June 2025. <https://www.ohchr.org/en/statements-and-speeches/2025/06/hc-turk-updates-council-situation-north-and-south-kivu-provinces>

²⁸ “HC Türk on the Democratic Republic of the Congo: “A genuine ceasefire is needed urgently.””, 9 September 2025. <https://www.ohchr.org/en/statements-and-speeches/2025/09/hc-turk-democratic-republic-congo-genuine-ceasefire-needed-urgently>

²⁹ A/HRC/60/80, 21 November 2025, paras. 8, 12, 16, 20, 22, 40, 48, 81-82. <https://docs.un.org/en/A/HRC/60/80>

³⁰ A/HRC/60/80, 21 November 2025, paras. 40, 45-48, 77. <https://docs.un.org/en/A/HRC/60/80>

³¹ A/HRC/60/80, 21 November 2025, paras. 9, 83. <https://docs.un.org/en/A/HRC/60/80>

³² A/HRC/60/80, 21 November 2025, paras. 17, 59. <https://docs.un.org/en/A/HRC/60/80>

³³ [Note in the original] Rome Statute, art. 8 (2) (e) (vii).

³⁴ A/HRC/60/80, 21 November 2025, paras. 60-62. <https://docs.un.org/en/A/HRC/60/80>

³⁵ A/HRC/60/80, 21 November 2025, para. 75. <https://docs.un.org/en/A/HRC/60/80>

³⁶ [Note in the original] A/72/361-S/2017/821, para. 246.

³⁷ A/HRC/60/80, 21 November 2025, para. 84. See also para. 83. <https://docs.un.org/en/A/HRC/60/80>

³⁸ A/HRC/60/80, 21 November 2025, para. 94(c). <https://docs.un.org/en/A/HRC/60/80>

³⁹ A/HRC/60/80, 21 November 2025, para. 95(b)(d)(f). <https://docs.un.org/en/A/HRC/60/80>

⁴⁰ 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; *Shadurly Uchetov v. Turkmenistan*, para. 7.6; *Dawletov v. Turkmenistan*, para. 6.3 and others.

⁴¹ <https://www.cia.gov/the-world-factbook/countries/congo-democratic-republic-of-the/#military-and-security>

⁴² <https://lawgratis.com/blog-detail/military-law-at-dr-congo>

⁴³ [Note in the original] <https://presence.cd/uploads/files/Adresse%20a%CC%80%20la%20Nation%20suite%20a%CC%80%20la%20situation%20se%CC%81curitaire%20de%20l%27Est.pdf>

⁴⁴ [Note in the original] S/2023/990.

⁴⁵ A/HRC/60/80, 21 November 2025, para. 9. <https://docs.un.org/en/A/HRC/60/80>

⁴⁶ For international standards on selective conscientious objection see: 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>

A/HRC/35/4, 1 May 2017, paras. 15, 63. <https://www.undocs.org/A/HRC/35/4>

A/HRC/41/23, 24 May 2019, paras. 26, 47, 60(d). <https://undocs.org/A/HRC/41/23>

A/HRC/50/43, 11 May 2022, paras. 12, 17(d), 57(e). <http://undocs.org/A/HRC/50/43>

A/HRC/56/30, 23 April 2024, para. 20. <https://undocs.org/A/HRC/56/30>

⁴⁷ The European Association of Jehovah’s Christian Witnesses, “Submission to the UN Human Rights Committee Prior to the Adoption of

the List of Issues, Fourth periodic report pursuant to article 40 of the Covenant, Democratic Republic of Congo (119th Session of the Human Rights Committee, 6 – 29 March 2017)", 12 December 2016.

https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=INT%2FCCPR%2FICO%2FCOD%2F26076&Lang=en

The European Association of Jehovah's Christian Witnesses, "Complementary Submission to the UN Human Rights Committee subsequent to the adoption of the List of Issues, Fourth periodic report pursuant to article 40 of the Covenant, Democratic Republic of Congo (121st Session of the Human Rights Committee, 16 October 2017 – 10 November 2017)", 14 September 2017.

https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=INT%2FCCPR%2FCSS%2FCOD%2F28914&Lang=en

⁴⁸ E.g. CCPR/CO/82/FIN, 2 December 2004, para. 14. <http://undocs.org/CCPR/CO/82/FIN>

⁴⁹ UN Human Rights Committee, Communication No. 1642-1741/2007, Jeong et al. v. Republic of Korea (CCPR/C/101/D/1642-1741/2007), 27 April 2011, para. 7.3. <http://undocs.org/CCPR/C/101/D/1642-1741/2007>.

See also following jurisprudence on conscientious objection to military service.

⁵⁰ 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>

⁵¹ 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>

⁵² 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>

⁵³ E.g. Austria: CCPR/C/AUT/QPR/6, para. 21(b). <https://docs.un.org/en/CCPR/C/AUT/QPR/6>

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

⁵⁴ 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>

⁵⁵ 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>

⁵⁶ A/42/40, 1987, para. 268. <https://docs.un.org/en/A/42/40>

⁵⁷ A/42/40, 1987, para. 283. <https://docs.un.org/en/A/42/40>

⁵⁸ A/45/40, 1990, para. 541. [https://tbinternet.ohchr.org/_layouts/15/TreatyBodyExternal/Download.aspx?symbolno=A%2F45%2F40\(VOL.I\)\(SUPP\)&Lang=en](https://tbinternet.ohchr.org/_layouts/15/TreatyBodyExternal/Download.aspx?symbolno=A%2F45%2F40(VOL.I)(SUPP)&Lang=en)

⁵⁹ A/45/40, 1990, para. 545. [https://tbinternet.ohchr.org/_layouts/15/TreatyBodyExternal/Download.aspx?symbolno=A%2F45%2F40\(VOL.I\)\(SUPP\)&Lang=en](https://tbinternet.ohchr.org/_layouts/15/TreatyBodyExternal/Download.aspx?symbolno=A%2F45%2F40(VOL.I)(SUPP)&Lang=en)

⁶⁰ A/45/40, 1990, paras. 566-567. [https://tbinternet.ohchr.org/_layouts/15/TreatyBodyExternal/Download.aspx?symbolno=A%2F45%2F40\(VOL.I\)\(SUPP\)&Lang=en](https://tbinternet.ohchr.org/_layouts/15/TreatyBodyExternal/Download.aspx?symbolno=A%2F45%2F40(VOL.I)(SUPP)&Lang=en)

⁶¹ CCPR/C/COD/CO/3, 26 April 2006, para. 21. <https://docs.un.org/en/CCPR/C/COD/CO/3>

⁶² CCPR/C/COD/CO/3, 26 April 2006, para. 17. <https://docs.un.org/en/CCPR/C/COD/CO/3>

⁶³ CCPR/C/COD/CO/4, 30 November 2017, paras. 37-38(e). <https://docs.un.org/en/CCPR/C/COD/CO/4>

⁶⁴ Human Rights Committee, Concluding observations on the initial report of Slovakia, (CCPR/C/79/Add.79), 4 August 1997, para. 20. <https://undocs.org/en/CCPR/C/79/Add.79>

⁶⁵ UN Economic and Social Council, Commission on Human Rights, Civil and political rights, including the question of independence of the judiciary, administration of justice, impunity, Issue of the administration of justice through military tribunals, Report submitted by the Special Rapporteur of the Sub-Commission on the Promotion and Protection of Human Rights, Emmanuel Decaux, (E/CN.4/2006/58), 13 January 2006, Draft principles governing the administration of justice through military tribunals, Principle No. 5 "Jurisdiction of military courts to try civilians". <https://undocs.org/en/E/CN.4/2006/58>

⁶⁶ Report of the Special Rapporteur on the independence of judges and lawyers, (A/HRC/11/41) 24 March 2009, para. 36. <https://undocs.org/en/A/HRC/11/41>

⁶⁷ ECtHR, *Ergin v Turkey (No.6)* (47533/99), 4 May 2006, para. 24. <https://hudoc.echr.coe.int/eng?i=001-75327>

⁶⁸ UN Economic and Social Council, Commission on Human Rights, Report of the independent expert to update the Set of principles to combat impunity, Diane Orentlicher, Addendum, Updated Set of principles for the protection and promotion of human rights through action to combat impunity, (E/CN.4/2005/102/Add.1), 8 February 2005, Principle 29. <https://undocs.org/en/E/CN.4/2005/102/Add.1>

⁶⁹ Principles and guidelines on the right to a fair trial and legal assistance in Africa. http://hrlibrary.umn.edu/research/ZIM%20Principles_And_G.pdf

⁷⁰ Inter-American Court: *Palamara-Iribarne v Chile* (2005), para. 269(14). https://www.corteidh.or.cr/docs/casos/articulos/seriec_135_ing.pdf

⁷¹ E.g. *Onaran v. Turkey* (65344/01), 5 June 2007; *Düzungören v. Turkey*, (56827/00), 9 November 2006; *Ergin v Turkey (No.6)* (47533/99), 4 May 2006; *Öcalan v. Turkey* [GC], (46221/99), 12 May 2005; *Canevi and Others v. Turkey*, (40395/98), 10 November 2004; *Şahiner v. Turkey*, (29279/95), 25 September 2001.

⁷² *Ergin v Turkey (No.6)* (47533/99), 4 May 2006, para. 43. <https://hudoc.echr.coe.int/eng?i=001-75327>

⁷³ Ibid. para. 44.

⁷⁴ Ibid. para. 49.

⁷⁵ UN Economic and Social Council, Commission on Human Rights, (E/CN.4/2006/58), 13 January 2006, Draft principles governing the administration of justice through military tribunals, Principle No. 6 "Conscientious objection to military service", para. 22. <https://undocs.org/en/E/CN.4/2006/58>

⁷⁶ ECtHR, *Ercep v Turkey* (43965/04), 22 November 2011, para. 70; *Savda v Turkey* (42730/05), 12 June 2012, para. 111; *Feti Demirtas v Turkey* (5260/07), 17 January 2012, para. 125; *Bouldu and others v. Turkey*, (14017/08), 3 June 2014, para. 99.

⁷⁷ Excerpt from the Information Note on the Court's case-law No. 148, January 2012, *Feti Demirtas v. Turkey* (5260/07) Judgment 17.1.2012 [Section II], as published in the website of the ECtHR: <http://hudoc.echr.coe.int/eng?i=002-5>

⁷⁸ CRC/C/COD/CO/2, 10 February 2009, paras. 72-73. <https://docs.un.org/en/CRC/C/COD/CO/2>