



SUBMISSION

TO THE 143rd SESSION OF THE HUMAN RIGHTS COMMITTEE

MONGOLIA

Conscientious objection to military service and related issues

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INTRODUCTION

The issue of conscientious objection to military service has been examined throughout the years by the Human Rights Committee (hereinafter the Committee) however, despite relevant recommendations in concluding observations, it remains unresolved. Furthermore, broader violations of religious freedom of Jehovah's Witnesses in recent years might have aggravated the situation. The State party should respect, protect and fulfil the right to conscientious objection to military service, according to international human rights law and standards, including the provisions of the Covenant, and the most updated relevant standards issued in recent years by the OHCHR.

MAIN INFORMATION ON THE PARTICIPATION OF MONGOLIA IN THE CCPR PROCEDURES

In the **Replies to the List of Issues** in connection with the consideration of the fifth periodic report of Mongolia, in 2011, the State party has provided the following:

“Reply to the issues raised in paragraph 20 of the list of issues

40. Article 12 (5) of the Law on Military Obligation of Mongolian Citizens and Status of Soldiers reads “A Citizen, who is 18-25 years old and have military obligations grade II, may serve alternative service if he has specific religious, moral, ethic and other type of reasons determined by law”. However, there has not been any citizen who objected military service on the basis of above factors.

41. “Procedure on Alternative Military Service” was enacted by Resolution No 49 of the Government in 2008. It determines the term and obligations of alternative service. According to the Procedure, basically, the term of alternative military service is 2 years and the citizen must physically serve 6-month service of whole term.

42. Trainings for those who are in alternative military services are conducted by the squads of armed force and border troops under the auspices of Division of Emergency Authority.

43. The citizens who serve alternative service shall bear the following obligations:

- (a) To extinguish fire;
- (b) To construct dams;
- (c) To underplant trees and restore wells;
- (d) To participate in renovation of electricity networks and other networks in urban area;
- (e) To improve and restore roads near mountains and hills;
- (f) To clean snow in urban area;
- (g) To construct bridges in rural area;
- (h) To participate in haymaking;
- (i) To amass and place stacks;
- (j) To dig a well;
- (k) To combat highly infectious disease of livestock;
- (l) To count livestock; and
- (m) To participate in other construction work in rural area.

44. Every year, the Government determines the number of citizens who will serve alternative military service on the basis of the proposals by municipal or provincial Representatives *Khurals* of Citizens.

45. From 2000 to 2009, 10,588 citizens physically served alternative military service throughout the country. As of September 2010, 1,922 citizens have physically served the alternative service.”¹

The above reply of the State party has been rather unclear and raises serious concerns for a variety of issues:

- It is not clear what the term “specific” means in the phrase “specific religious, moral, ethic⁴⁹ and other type of reasons determined by law” (para. 40), nor it is clarified what reasons are determined by law.
- The sentence “However, there has not been any citizen who objected military service on the basis of above factors” (para. 40), appears to be in contradiction with paragraph 45 which states the numbers of citizens who served alternative military service.
- It is not clear what the phrase “the term of alternative military service is 2 years and the citizen must physically serve 6-month service of whole term” (para. 41) means. In any case, the duration of alternative service appears to be punitively long, both in absolute terms, as well as in relation to the duration of military service, which is not clarified in this case, but is known to be 1 year.
- The term “alternative military service”, in itself, raises serious concerns about the lack of a genuinely civilian character that any alternative to military service for conscientious objectors should have.
- The fact that “Trainings for those who are in alternative military services are conducted by the squads of armed force and border troops” (para. 42) rather confirms the lack of genuinely civilian character of the “alternative military service” for conscientious objectors.
- It is not clear what the phrase “Every year, the Government determines the number of citizens who will serve alternative military service” means. It is not clear whether it refers to number of positions available or to the number of people who are permitted to perform the “alternative military service”. Even if it refers to the number of positions available, it is not clarified what happens if the number of persons wishing to perform the “alternative military service” exceeds the number of positions.
- It is not clear under which procedure it is decided who is eligible to serve the “alternative military service”. Whether there is a procedure for application, and if there is, how it is conducted; whether someone who applies or wishes to perform the “alternative military service” is granted the opportunity or if there are people rejected, and if there are rejections which body is taking this decision.

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Indeed, the Committee did not appear satisfied that the above-described provisions for the “alternative military service” are compatible with the Covenant, as far as it concerns conscientious objectors to military service.

In its **Concluding Observations of 2011**, the Committee stated:

“23. The Committee is concerned about the absence of an alternative civil service that would enable conscientious objectors to military service to exercise their rights in accordance with the provisions of the Covenant. The Committee is also concerned about the exemption fee that can be paid in lieu of doing military service, and the discrimination that may result therefrom (arts. 18 and 26 of the Covenant).

The State party should put in place an alternative to military service, which is accessible to all conscientious objectors and neither punitive nor discriminatory in nature, cost and/or duration.”²

In its **6th periodic report, in 2016**, the State party stated:

¹ UN Human Rights Committee, “Replies from the Government of Mongolia to the list of issues (CCPR/C/MNG/Q/5) to be taken up in connection with the consideration of the fifth periodic report of Mongolia (CCPR/C/MNG/5)”, (CCPR/C/MNG/Q/5/Add.1), 22 February 2011, paras. 40-45. <https://undocs.org/en/CCPR/C/MNG/Q/5/Add.1>

² UN Human Rights Committee, “Consideration of reports submitted by States parties under article 40 of the Covenant. Concluding observations of the Human Rights Committee. Mongolia”, (CCPR/C/MNG/CO/5), 2 May 2011, para. 23. <https://undocs.org/en/CCPR/C/MNG/CO/5>

“131. The relation of substituting the military service by the civil alternative services is regulated by the law on Civil Military obligations and the Legal Status of Military Officials. In the article 12.5 of this law it is stated that ‘Mongolian citizens of 18-25 years old of the military second level responsibility due to the religious, moral and other reasons justified in the law shall have rights to substitute the military service. The citizens wishing to substitute the military service can serve at the emergency response organizations, rescue units and branches, border service supporting force and humanitarian organizations. The period shall be 24 months. The government shall reserve the right to extend the period up to 3 months due to the disaster mitigation immediate measures, border security mandatory requirement’.

132. The law states that the government shall determine the limit for number of citizens eligible to be in alternative civilian services in lieu of military services which is regulated by the resolution #49 of 2008 of Mongolian Government.”³

This other information also raises questions and concerns:

- The terms “civil alternative services” and “alternative civilian services in lieu of military services” are used instead of the term “Alternative Military Service”, however it is not clarified whether any significant amendments have been made to resolution #49 of 2008 of Mongolian Government, or any other relevant legislation.
- It is unclear whether the “border service supporting force” is a body of genuinely civilian character.
- The duration is said to be 24 months and can even be extended for up to 3 months, which appears to be punitive.
- It is not clear what does it mean that “the government shall determine the limit for number of citizens eligible to be in alternative civilian services”. The term “eligible” appears to imply that the government can put a limit to those who are permitted to perform alternative civilian service and therefore, reject other people on arbitrary grounds. There can be no number limit. All those who are conscientious objectors should be eligible.

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.”⁴

In the **List of Issues**, in 2016, the Committee asked for more information:

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

19. In reference to the Committee’s previous recommendations (see CCPR/C/MNG/CO/5, para. 23) and the information provided by the State party (CCPR/C/MNG/6, paras. 131-132), please clarify whether: (a) the right to conscientious objection to military service is guaranteed in law and in practice to all individuals who are required by law to perform military service; (b) the length of alternative service is equal to the duration of military service and, if not, explain the reasons that justify such difference.”⁵

In its **Replies to the List of Issues, in 2017**, the State party stated:

“Legalization of the right to have conscientious objections to military service and the practice of

³ UN Human Rights Committee, “Consideration of reports submitted by States parties under article 40 of the Covenant. Sixth periodic reports of States parties due in 2015. Mongolia”, (CCPR/C/MNG/6), 3 May 2016, paras. 131-132. <https://undocs.org/en/CCPR/C/MNG/6>

⁴ 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; *Dawletov v. Turkmenistan*, para. 6.3 and others.

⁵ UN Human Rights Committee, “List of issues in relation to the sixth periodic report of Mongolia”, (CCPR/C/MNG/Q/6), 21 November 2016, para. 19. <https://undocs.org/en/CCPR/C/MNG/Q/6>

universal military conscription:

14. As Article 17 of the Constitution of Mongolia states that “Citizens of Mongolia, while upholding justice and humanity, shall fulfill in good faith the duty to defend the motherland and serve in the army according to law”, hence military conscription is a legally obligated duty for a citizen of Mongolia.

15. However, According to the paragraph 29.2 of Article 29 of the “Law on Conscription” states that “Military conscription can be substituted by alternative services due to religious, ethical, or other reasons specified by law” ensuring the right of a citizen to substitute military conscription by alternative services. For example, Article 7 of the Procedures on Alternative Conscription, approved by Government Resolution # 49 of 2008, specifies as “A citizen shall be eligible for an alternative conscription in the following cases:

(a) If he is an official disciple of a temple or religious institution;

(b) The conscription bureau provided a description as being not eligible for genuine military conscription due to religious or ethical reasons.

Term to serve an alternative conscription must be the same as military conscription; and reasons for term discrepancy if there is any:

16. The paragraph 7.1 of Article 7 of the Law on Military Conscription legalizes as the “Term for compulsory military conscription shall be 12 months”, while paragraph 30.2, Article 30 specifies as “Term for alternative military conscription shall be 24 months”. The relations for discrepancies between the compulsory military conscription and alternative conscription have been described in the paragraph 30.4, Article 30 of the same law.”⁶

These State party’s replies raise again questions and serious concerns:

- The sentence “The conscription bureau provided a description as being not eligible for genuine military conscription due to religious or ethical reasons” (para. 15), appears to imply that it is the conscription bureau which decides who is eligible for alternative service, and who is not. This would contradict all international standards concerning the independence and impartiality of the body examining applications for conscientious objector status and for alternative civilian service.
- In paragraph 16 it is written that “The relations for discrepancies between the compulsory military conscription and alternative conscription have been described in the paragraph 30.4, Article 30 of the same law.” However, the relevant article is not quoted, and therefore the reason for discrepancies is not explained.

According to the relevant summary records, during the **consideration of the 6th report, in July 2017**, a member of the Committee, Ms. Waterval, said:

“4. She would be grateful for the delegation’s comments on whether the right to conscientious objection to military service was guaranteed in law and in practice. If alternative service was not of equal length to military service, she would welcome clarification of the reasons for the disparity.”⁷

The response of the representative of the State party was:

“19. With regard to conscientious objection to military service, article 17 of the Constitution required citizens to perform military service and to defend the motherland. However, article 29.2 of the Law on Conscription permitted alternative forms of service on religious, ethical or other grounds. Military service was required for 12 months and alternative service for 24 months, because the persons concerned would be mobilized in the event of a natural disaster, an industrial accident or some other form of

⁶ UN Human Rights Committee, “List of issues in relation to the sixth periodic report of Mongolia. Addendum. Replies of Mongolia to the list of issues”, (CCPR/C/MNG/Q/6/Add.1), 10 March 2017, paras. 14-16. <https://undocs.org/en/CCPR/C/MNG/Q/6/Add.1>

⁷ UN Human Rights Committee, “120th session. Summary record of the 3381st meeting. Held at the Palais Wilson, Geneva, on Friday, 7 July 2017, at 10 a.m.”, (CCPR/C/SR.3381), 17 July 2017, para. 4. <https://undocs.org/en/CCPR/C/SR.3381>

emergency. Article 7 of the Procedures for Alternative Conscription approved by Resolution #49 of 2008 permitted such conscription for official disciples of a temple or religious institution and for persons who had been declared ineligible for military conscription on religious or ethical grounds.”⁸

The response of the representative of the State party has been again unclear. It is not clear by the orders of whom somebody is mobilised (especially since there is publicly available information that someone is “**summoned for duty by military staff of relevant province, city or district**”⁹), under which command someone operates during mobilisation, in which specific bodies and whether all of them are genuinely civilian, what are the conditions during such mobilisation (e.g. payment or other provisions), as well what are the conditions during a period when somebody is not mobilised. Whatever the exact scheme of alternative service might be, a period of 24 months, both in absolute terms, as well as in comparison with 12 months of the military service, appears to be punitive and discriminatory. Furthermore, other aspects, such as, for instance, the grounds for ineligibility for military service, and therefore for eligibility for alternative service, the body deciding on this eligibility, the existence of a limit of number of persons who can perform alternative service, remained unclear. However, unfortunately the issue of conscientious objection to military service was not eventually included in the Concluding Observations.

In the **joint submission of the Asia-Pacific Association of Jehovah’s Witnesses (APAJW) and The European Association of Jehovah’s Witnesses (EAJW)** prior to the adoption of the List of Issues, in **2024**, in addition to other serious abuses and restrictions of religious freedom described, it is specifically reported regarding the conscientious objectors to military service:

“Summary of the Submission

[...]

Jehovah’s Witnesses in Mongolia and as a worldwide organization respectfully request the Government of Mongolia to: [...]

(2) Recognize the right to conscientious objection to military service and provide for a genuine alternative civilian service of a non-punitive nature;

[...]

II. ABUSES AND RESTRICTIONS OF RELIGIOUS FREEDOM

[...]

5. Moreover, Mongolian law provides conscientious objectors with a form of alternative service, but the arrangement is placed under the supervision and control of the military. The provision, therefore, cannot be considered as genuine alternative civilian service of a non-punitive nature, in harmony with international standards. At the same time, the authorities apply the law in an arbitrary manner. Jehovah’s Witnesses are recognized internationally as conscientious objectors to military service. They want to contribute to their community but cannot avail themselves of the purported alternative service provision.

[...]

B. Conscientious Objection

11. Because there is no genuine alternative civilian service available, individual Jehovah’s Witnesses of draft age are often forced to plead with officials to be given exceptional treatment that respects their conscientious objection to military service.

12. Ulaanbaatar (Bayangol District). The authorities conscripted one of Jehovah’s Witnesses, a conscientious objector, for the third time in October 2023, but released him for health reasons. The young

⁸ UN Human Rights Committee, “120th session. Summary record of the 3381st meeting. Held at the Palais Wilson, Geneva, on Friday, 7 July 2017, at 10 a.m.”, (CCPR/C/SR.3381), 17 July 2017, para. 19. <https://undocs.org/en/CCPR/C/SR.3381>

⁹ <https://lehmanlaw.mn/blog/mandatory-military-service-in-mongolia/>

man had been granted a temporary exemption in October 2022 and May 2023.”¹⁰

In the **List of Issues** in relation to the seventh periodic report of Mongolia, in **2024**, the Committee has requested:

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

18. Please provide information on measures taken to ensure: (a) that the registration of religious organizations in the State party is based on unambiguous and objective criteria; (b) the effective exercise of freedom of religion and belief, in conformity with the narrow restrictions permitted under article 18 of the Covenant and the Committee’s general comment No. 22 (1993); and (c) that the right to conscientious objection to military service is guaranteed in law and in practice to all individuals who are required to perform military service, that alternatives to military service are accessible to all conscientious objectors without discrimination, and that such alternatives are not punitive or discriminatory in nature or duration, compared with military service.”¹¹

MAIN ISSUES OF CONCERN

- There is no recognition of “the **right** to conscientious objection to military service”, as such, in the legislation of the State party.
- Any legislative provisions concerning alternative service are not compatible with the provisions of the Covenant, and international human rights law and standards in general, including the most updated standards set by the OHCHR.¹² More specifically it is concerning that:
 - the alternative service is **not of a genuinely civilian character**;
 - the **duration** of alternative service is **punitive and discriminatory**;
 - the **conditions** of alternative service, including **nature and cost**, remain **unclear**, and therefore they could possibly be punitive and/or discriminatory;
 - the **body deciding on eligibility** for alternative service is not civilian and therefore **lacks independence and impartiality**.
 - the **grounds for eligibility** for alternative service are unclear and it is doubtful that they comply with the minimum standards set by OHCHR, i.e.: “Non-discrimination on the basis of the grounds for conscientious objection and between groups. Alternative service arrangements should be accessible to all conscientious objectors without discrimination as to the nature of their religious or non-religious beliefs; there should be no discrimination between groups of conscientious objectors.” And “Recognition of selective conscientious objection. The right to

¹⁰ The Asia-Pacific Association of Jehovah’s Witnesses And The European Association of Jehovah’s Witnesses, “Joint Submission to the United Nations Human Rights Committee Prior to the Adoption of the List of Issues, 140th session (4–28 March 2024), Mongolia”, 8 January 2024. https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=INT%2FCCPR%2FICO%2FMNG%2F56995&Lang=en

¹¹ UN Human Rights Committee, “List of issues in relation to the seventh periodic report of Mongolia”, (CCPR/C/MNG/Q/7), 22 May 2024, para. 18. <https://undocs.org/en/CCPR/C/MNG/Q/7>

¹² 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/en/A/HRC/41/23>

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

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. 54-58. <https://undocs.org/en/A/HRC/56/30>

object also applies to selective objectors who believe that the use of force is justified in some circumstances but not in others.”¹³

- the government sets a “**limit for number** of citizens eligible to be in alternative civilian services in lieu of military services”,¹⁴ which would possibly entail arbitrary rejection/exclusion of certain conscientious objectors.

- Further **abuses and restrictions of religious freedom** as denounced by the **Jehovah’s Witnesses** in recent years,¹⁵ apart from constituting human rights violations in breach of the Covenant, could also have an **impact on the exercise of the right to conscientious objection** to military service of Jehovah’s Witnesses.

SUGGESTED QUESTIONS

Due to the unclear replies of the State party in the context of examination of previous periodic reports, a more thorough inquiry is necessary in order to clarify the actual situation. Connection e.V. kindly suggests more detailed, specific and targeted questions which could assist in clarifying the situation concerning the right to conscientious objection to military service:

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- Please, clarify whether “the **right** to conscientious objection to military service” is cited as such in any part of the **legislation**. If not, please explain whether there is any plan to introduce such a provision.
- Please, clarify whether the alternative service is of a **genuinely civilian character or not**. In this regard:
 - Please, clarify whether the term “alternative **military** service”, as cited in the Replies to the List of Issues of 2011,¹⁶ (still) exists in any part of the legislation.
 - Please, clarify whether the arrangement for alternative service “is placed under the supervision and control of the military”, as suggested by the organisations of Jehovah’s Witnesses¹⁷.
 - Please, clarify whether it is still valid, and in which part of the legislation, that “**Trainings** for those who are in alternative military services are conducted by the **squads of armed force**”

¹³ 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) and (d). <https://undocs.org/en/A/HRC/41/23>

See also: UN General Assembly, 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 (f) and (e). <https://undocs.org/en/A/HRC/50/43>

¹⁴ UN Human Rights Committee, “Consideration of reports submitted by States parties under article 40 of the Covenant. Sixth periodic reports of States parties due in 2015. Mongolia”, (CCPR/C/MNG/6), 3 May 2016, para. 132. <https://undocs.org/en/CCPR/C/MNG/6>

¹⁵ The Asia-Pacific Association of Jehovah’s Witnesses And The European Association of Jehovah’s Witnesses, “Joint Submission to the United Nations Human Rights Committee Prior to the Adoption of the List of Issues, 140th session (4–28 March 2024), Mongolia”, 8 January 2024. https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=INT%2FCCPR%2FICO%2FMNG%2F56995&Lang=en

See also: The European Association of Jehovah’s Christian Witnesses (EAJCW), “Submission to the UN Human Rights Committee Subsequent to the Adoption of the List of Issues (120th Session—3 July–28 July 2017). Sixth periodic report pursuant to article 40 of the Covenant. Mongolia (120th Session of the Human Rights Committee, 3–28 July 2017)”, 31 May 2017.

https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=INT%2FCCPR%2FCSS%2FMNG%2F27614&Lang=en

¹⁶ UN Human Rights Committee, “Replies from the Government of Mongolia to the list of issues (CCPR/C/MNG/Q/5) to be taken up in connection with the consideration of the fifth periodic report of Mongolia (CCPR/C/MNG/5)”, (CCPR/C/MNG/Q/5/Add.1), 22 February 2011, paras. 41, 42, 44, 45. <https://undocs.org/en/CCPR/C/MNG/Q/5/Add.1>

¹⁷ The Asia-Pacific Association of Jehovah’s Witnesses And The European Association of Jehovah’s Witnesses, “Joint Submission to the United Nations Human Rights Committee Prior to the Adoption of the List of Issues, 140th session (4–28 March 2024), Mongolia”, 8 January 2024, para. 5. https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=INT%2FCCPR%2FICO%2FMNG%2F56995&Lang=en

and border troops under the auspices of Division of Emergency Authority”, as cited in the Replies to the List of Issues of 2011.¹⁸

- Please, provide a **full list** of the services, bodies, agencies, institutions, organisations, forces, etc., where the alternative service might be performed, and explain the civilian character of each one. In this regard, please provide whether the “**border service supporting force**”, cited in the 6th periodic report,¹⁹ is still included, and please clarify the nature and character of such force.
- Please, clarify by orders of whom somebody is mobilised and also regarding the publicly available information that those under the scheme of alternative service are “**summoned for duty by military staff of relevant province, city or district**”²⁰.
- Please, clarify under which command someone operates during mobilisation.
- As for the **duration**, please clarify whether the alternative service is still 24 months, in comparison to 12 months of military service. In this regard please also clarify:
 - Whether it still applies that “The government shall reserve the right to **extend the period up to 3 months**” as it was cited in the 6th periodic report.²¹
 - Please, clarify whether **paragraph 30.4**, of Article 30 of the Law on Military Conscription is still valid and explains the **discrepancies** between the duration of alternative and military service, as it was cited in the Replies to the List of Issues of 2017,²² and **please quote the said provision**, or any other equivalent provision of the legislation.
 - Please, elaborate on whether there are plans to amend the legislation in order to comply with the international human rights standards which require that “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.”²³
- Please, clarify the **conditions** of alternative service, both in times of mobilisation and other times, including as for its **nature and cost**, including details on **place/location, working hours, days of leave, payment, housing**, or other **provisions**.
- As for the **procedure** under which it is decided who is **eligible** to serve the “alternative service”, please clarify:
 - whether there is a procedure for **application**, and if there is, how it is conducted, and if there are any **time-limits**, which would be contrary to international standards;²⁴
 - whether anybody who applies or wishes to perform the “alternative service” is granted the opportunity or if there are people rejected;

¹⁸ UN Human Rights Committee, “Replies from the Government of Mongolia to the list of issues (CCPR/C/MNG/Q/5) to be taken up in connection with the consideration of the fifth periodic report of Mongolia (CCPR/C/MNG/5)”, (CCPR/C/MNG/Q/5/Add.1), 22 February 2011, para. 42.

<https://undocs.org/en/CCPR/C/MNG/Q/5/Add.1>

¹⁹ UN Human Rights Committee, “Consideration of reports submitted by States parties under article 40 of the Covenant. Sixth periodic reports of States parties due in 2015. Mongolia”, (CCPR/C/MNG/6), 3 May 2016, para. 131. <https://undocs.org/en/CCPR/C/MNG/6>

²⁰ <https://lehmanlaw.mn/blog/mandatory-military-service-in-mongolia/>

²¹ UN Human Rights Committee, “Consideration of reports submitted by States parties under article 40 of the Covenant. Sixth periodic reports of States parties due in 2015. Mongolia”, (CCPR/C/MNG/6), 3 May 2016, para. 131. <https://undocs.org/en/CCPR/C/MNG/6>

²² UN Human Rights Committee, “List of issues in relation to the sixth periodic report of Mongolia. Addendum. Replies of Mongolia to the list of issues”, (CCPR/C/MNG/Q/6/Add.1), 10 March 2017, para. 16. <https://undocs.org/en/CCPR/C/MNG/Q/6/Add.1>

²³ 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 (l). <https://undocs.org/en/A/HRC/41/23>

²⁴ 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 (f). <https://undocs.org/en/A/HRC/41/23>

- if there are people rejected, **which body** is taking such decision. In this regard, please clarify whether it is still “The **conscription bureau**” which provides a description as being not eligible for genuine military conscription due to religious or ethical reasons, as cited in the Replies to the List of Issues, in 2017.²⁵
- whether it still applies that “The law states that the government shall determine the **limit for number of citizens eligible** to be in alternative civilian services in lieu of military services which is regulated by the resolution #49 of 2008 of Mongolian Government.”²⁶
- please, provide data, for the past 10 years, on:
 - the **number** of persons who have **actually performed** alternative service;
 - the **number** of **applications** to perform alternative service; how many have been **approved** and how many have been **rejected**;
 - the possible “**limit** for number of citizens eligible to be in alternative civilian services” decided by the government each year.
- As for the **grounds for eligibility** for alternative service:
 - please, clarify the grounds as provided by the legislation, citing and quoting the relevant text;
 - please, clarify whether the **minimum standards set by OHCHR**,²⁷ have been included in the legislation (and if not, whether there are plans to be included), i.e.:
 - “Non-discrimination on the basis of the grounds for conscientious objection and between groups. Alternative service arrangements should be accessible to all conscientious objectors without discrimination as to the nature of their religious or non-religious beliefs; there should be no discrimination between groups of conscientious objectors.”
 - “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.”

SUGGESTED RECOMMENDATIONS

- The State party should promptly take all necessary measures to ensure that the right to conscientious objection to military service is guaranteed in law and in practice to all individuals affected by any kind of military service; that alternatives to military service is accessible to all conscientious objectors without discrimination; that such alternatives are not punitive or discriminatory in nature, cost and/or duration, and that are in compliance with the contemporary OHCHR standards (A/HRC/41/23, para. 60; A/HRC/50/43, para. 57; A/HRC/56/30, paras. 54-58).
- The State party should recognise the legal entity of Jehovah’s Witnesses and guarantee the effective exercise of freedom of religion and belief, in conformity with article 18 of the Covenant.

²⁵ UN Human Rights Committee, “List of issues in relation to the sixth periodic report of Mongolia. Addendum. Replies of Mongolia to the list of issues”, (CCPR/C/MNG/Q/6/Add.1), 10 March 2017, para. 15. <https://undocs.org/en/CCPR/C/MNG/Q/6/Add.1>

²⁶ UN Human Rights Committee, “Consideration of reports submitted by States parties under article 40 of the Covenant. Sixth periodic reports of States parties due in 2015. Mongolia”, (CCPR/C/MNG/6), 3 May 2016, para. 132. <https://undocs.org/en/CCPR/C/MNG/6>

²⁷ 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) and (d). <https://undocs.org/en/A/HRC/41/23>

See also: 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 (f) and (e). <https://undocs.org/en/A/HRC/50/43>