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## SUBMISSION

### TO THE 145<sup>th</sup> SESSION OF THE HUMAN RIGHTS COMMITTEE

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

#### BELGIUM

#### Conscientious objection to military service, juvenile recruitment and related issues

January 2026

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## INTRODUCTION

The first part of this submission concerns the right to conscientious to military service in the State party, especially as far as it concerns volunteers / professional members of the armed forces and reservists. The second part concerns the issue of asylum / international protection for conscientious objectors from other countries, which is particularly important in view of the ongoing war in Ukraine. The third part is dedicated to the recruitment of minors and their use of arms in the armed forces of the State party, as well as the issues of militarisation of the education system and advertising of military service to minors. The final part contains suggested questions related to the above issues for the list of issues prior to reporting.

## THE RIGHT TO CONSCIENTIOUS OBJECTION TO MILITARY SERVICE

### Background

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

Legislation concerning conscientious objection to military service has been introduced in the State party since at least 1964.<sup>2</sup> However, whether the legislative provisions comply with international human rights law and standards, remains a question until today.

Issues related to the right to conscientious objection to military service in the State party were already raised in the context of its initial report.<sup>3</sup> However, due to the suspension of conscription in 1993 (last conscripts demobilised in 1995),<sup>4</sup> related issues were not prioritised in subsequent cycles, although civil society has raised issues of conscientious objection, particularly the right to conscientious objection for professional members of the armed forces.<sup>5</sup>

### International standards regarding the right to conscientious objection to military service for volunteers / professional members of the armed forces and reservists

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**.<sup>6</sup> (emphasis added)

The **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, 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.**<sup>7</sup> 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.<sup>8</sup>

The right to conscientious objection for professional soldiers and for reservists has been also explicitly recognized at the level of the Council of Europe, to which Belgium is a member. In 2001, the **Parliamentary Assembly of the Council of Europe** has recommended the Committee of Ministers to invite those member states that have not yet done so to introduce into their legislation “the right to be registered as a conscientious objector at any time: before, during or after conscription, or performance of military service” and “the right for permanent members of the armed forces to apply for the granting of conscientious objector status”.<sup>9</sup>

Indeed, the **Committee of Ministers of CoE** recommended in 2010:

“H. Members of the armed forces have the right to freedom of thought, conscience and religion. Any limitations on this right shall comply with the requirements of Article 9, paragraph 2 of the European Convention on Human Rights.

40. Members of the armed forces have the right to freedom of thought, conscience and religion, including the right to change religion or belief at any time. Specific limitations may be placed on the exercise of this right within the constraints of military life. Any restriction should however comply with the requirements of Article 9, paragraph 2, of the Convention. There should be no discrimination between members of the armed forces on the basis of their religion or belief.

[...]

42. Professional members of the armed forces should be able to leave the armed forces for reasons of conscience.

43. Requests by members of the armed forces to leave the armed forces for reasons of conscience should be examined within a reasonable time. Pending the examination of their requests they should be transferred to non-combat duties, where possible.

44. Any request to leave the armed forces for reasons of conscience should ultimately, where denied, be examined by an independent and impartial body.

45. Members of the armed forces having legally left the armed forces for reasons of conscience should not be subject to discrimination or to any criminal prosecution. No discrimination or prosecution should result from asking to leave the armed forces for reasons of conscience.

46. Members of the armed forces should be informed of the rights mentioned in paragraphs 41 to 45 above and the procedures available to exercise them.”<sup>10</sup>

As for reservists, the Committee of Ministers, already since 1987 has stated that:

“8. The law may also provide for the possibility of applying for and obtaining conscientious objector status in cases where the requisite conditions for conscientious objection appear during military service **or periods of military training after initial service**”.<sup>11</sup> (emphasis added)

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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”.<sup>12</sup>

The **UN Human Rights Council** has also moved towards this direction by stating that it “acknowledges that an increasing number of States recognizes 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**”.<sup>13</sup>

### **Failure to recognise the right to conscientious objection for volunteers / professional members of the armed forces and reservists**

According to the latest report of the European Bureau for Conscientious Objection (EBCO), “Belgium maintains voluntary armed forces, regulated by ‘Loi du 28 février 2007 fixant le statut des militaires et candidats militaires du cadre actif des forces armées’”.<sup>14</sup>

As for conscientious objection during and after military service, there is no specific provision. Early release can be sought but may be denied for operational reasons. According to the Ministry of Defence, ‘The Law of 1980, which governs conscientious objection in Belgium, also applied to reservists. Because the laws are currently suspended, they are not applicable to reservists now,’<sup>15</sup> but ‘to our knowledge, there have been no recent cases of individuals refusing reserve service on the grounds of conscientious objection.’<sup>16</sup>

In the replies of the Belgian Ministry of Defence to the EBCO Questionnaire, to the question “What legislation or regulations would apply to the case of a serving member of the armed forces who applied

for release having developed conscientious objection?", it is stated: "The laws concerning the conscientious objector are currently not in force. Thus, there is no process to decide upon applications for the recognition of conscientious objectors. Defence personnel who no longer wish to work in the military can submit their resignation."

However, to a subsequent question about statistics, the Ministry replied:

"The suspension of mandatory military service in Belgium since 1994 means that **the right to conscientious objection is no longer exercised**. For serving voluntary personnel, **such cases are extremely rare and not systematically recorded. Therefore, no recent data is available on applications or acceptances.**"<sup>17</sup> (emphasis added)

#### ➤ The importance of including conscientious objection to military service in the *list of issues prior to reporting*

Taking into consideration:

- the continuously evolving international standards on the right to conscientious objection to military service, including the **recent recommendations of the Committee** about serving / professional members of the armed forces in cases of other State parties;
- the apparent failure of the State party to fully bring its legislation and practice in line with such international human rights standards;
- the alleged broader negative stereotyping and discrimination against certain religious communities, as reported by the Jehovah's Witnesses in the previous cycle;<sup>18</sup>
- the increased militarisation, rearmament or even preparations for war in Europe, putting under pressure the right to conscientious objection to military service, which civil society, including Connection e.V., has highlighted;<sup>19</sup>

**it is currently of particular importance to include the issue of conscientious objection to military service in the list of issues prior to reporting, especially as for the serving / professional members of the armed forces and reservists, including reservists who might have served as volunteers.**

## THE RIGHT TO INTERNATIONAL PROTECTION FOR FOREIGNER CONSCIENTIOUS OBJECTORS TO MILITARY SERVICE

### Main international standards regarding international protection for conscientious objectors to military service

A non-exhaustive compilation of international standards on the issue of international protection of conscientious objectors to military service follows:

- the UNHCR has included the issue of persecution of conscientious objectors in its guidelines for international protection. The UNHCR has also clarified that "Such an objection is not confined to absolute conscientious objectors [pacifists], that is, those who object to all use of armed force or participation in all wars. It also encompasses those who believe that 'the use of force is justified in some circumstances but not in others, and that therefore it is necessary to object in those other cases' [partial or selective objection to military service]."<sup>20</sup> A conscientious objection may develop over time, and thus volunteers may at some stage also raise claims based on conscientious objection, whether absolute or partial."<sup>21</sup>
- the OHCHR has also highlighted<sup>22</sup>:
  - the Human Rights Council has encouraged States "to consider granting asylum to those conscientious objectors to military service who have a well-founded fear of persecution in their country of origin owing to their refusal to perform military service when there is no provision, or no adequate provision, for conscientious objection to military service"<sup>23</sup>

- UNHCR has noted that a well-founded fear of persecution may arise after an applicant has left her or his country of origin, owing to circumstances arising in the country of origin during the applicant's absence and/or as a result of her or his own actions after she or he has left the country of origin, for example for having expressed objections or taken a stance against a situation of armed conflict and violence.<sup>24</sup>
- the Working Group on Arbitrary Detention, in 2019, reminded States to respect, protect and fulfil the right to personal liberty of conscientious objectors to military service by exercising due diligence to prevent their expulsion, return (refoulement) or extradition to another State where there are substantial grounds for believing that they would be in danger of being subjected to arbitrary deprivation of liberty.<sup>25</sup>
- the Committee against Torture, in its general comment No. 4 (2017), noted that “violations of the right to freedom of thought, conscience and religion” (as well “desertion from the national armed forces or armed groups”) were indications of the complainant’s personal risk and that the Committee would assess “substantial grounds” and consider the risk of torture as foreseeable, personal, present and real when the existence of facts relating to the risk by itself, at the time of its decision, would affect the rights of the complainant under the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment in case of the complainant’s deportation.<sup>26</sup>

More recently, the OHCHR has stressed: “States should respect and protect the rights of conscientious objectors arriving from third States, including through adherence to the principle of non-refoulement and international human rights and refugee law and the implementation and dissemination of guidance on the interpretation of applicable international law, such as the UNHCR guidelines on international protection on claims to refugee status related to military service.”<sup>27</sup>

There is an evolving jurisprudence of the European Court of Human Rights, which takes into consideration the issue of conscientious objection to military service as for the expulsion of persons.<sup>28</sup>

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## Refugees and asylum seekers from Russia, Ukraine, and Belarus

According to the latest EBCO report:

“The Agency in charge of refugees (CGRA/CGVS) does not have statistics specific on conscientious objectors.

In answer to a question in the Federal Parliament (Chamber) on 31 January 2024, Minister Nicole de Moor (Asylum and Migration) answered about Russian conscientious objectors: ‘In 2023, there were 931 requests for international protection of Russian nationals. These were mainly conscientious objectors, persons who fear mobilisation and political opponents.’

‘Processing of these files will in principle resume from February (2024). For each file, an individual assessment will take place, examining the motives for denial of service. It is impossible to say in advance how these applications will be treated. After all, it falls to the CGRS to do so independently.

With regard to humanitarian visas for conscientious objectors, I can inform you that this is one of the elements that can be taken into account. One must have a special fear. Refusal of service can be taken into account in the assessment of the visa application, but I am not aware of any concrete cases in this regard for the time being.’

On another parliamentary question on 28 February 2024, Minister Nicole de Moor (Asylum and Migration) stated:

‘[...], if conscientious objection - whether total or partial, for example in relation to the conflict in Ukraine - is invoked in the context of an application for international protection, it may give rise to the granting of international protection status, provided that this conscientious objection is sincere and, where appropriate, deeply rooted.

This aspect is examined on a case-by-case basis for each application for international protection. The fear invoked by the applicant must, of course, be well-founded. In other words, there must be a reasonable likelihood that the applicant will actually have to perform military service or be deployed in the conflict in Ukraine or in any other conflict. In addition, opponents of the war in Ukraine may also qualify for international protection because of their anti-war stance if the applicant has a well-founded fear of persecution upon return to their country of origin. This issue is also examined on a case-by-case basis for each application for international protection.”<sup>29</sup>

In its replies to the EBCO Questionnaire, the Belgian Ministry of Defence did not provide any statistics on approvals/rejections of those asylum applications that were citing conscientious objection, and stated:

“Such statistics would fall under the responsibility of the Federal Public Service Interior, specifically the Office of the Commissioner General for Refugees and Stateless Persons (Commissariat général aux réfugiés et aux apatrides, CGRA), which oversees asylum applications in Belgium”.<sup>30</sup>

Taking into consideration:

- the lack of adequate recognition of the right to conscientious objection to military service in the State party itself;
- the alleged broader negative stereotyping and discrimination against certain religious communities in the State party itself, as reported by the Jehovah’s Witnesses in the previous cycle;<sup>31</sup>
- the Committee’s broader concerns about the absence of an effective procedure for the individual assessment of asylum seekers on the one hand and of persons who are subjected to deportation or expulsion on the other, in accordance with the principles of non-refoulement and safe third countries, as cited in its previous concluding observations;<sup>32</sup>
- the lack of statistics on approvals/rejections of those asylum applications that are citing conscientious objection;

**there is a serious concern about the treatment of possible foreign conscientious objectors from States with no adequate recognition of the right to conscientious objection to military service** who could have sought or would seek international protection in Belgium. Particular concerns are raised about potential conscientious objectors from countries directly or indirectly involved in the regional conflict (**Russian Federation, Ukraine, and Belarus**), who might be subjected in their countries of origin to **arbitrary detention**,<sup>33</sup> **forced conscription**<sup>34</sup> and even **torture or ill-treatment**.<sup>35</sup>

## **JUVENILE RECRUITMENT AND USE OF ARMS BY MINORS, MILITARISATION OF THE EDUCATION SYSTEM, AND THE RIGHTS OF THE CHILD**

### **Juvenile recruitment and use of arms by minors**

Belgium has ratified the Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict on 6 May 2002, and upon ratifying has made, *inter alia*, the following declarations:

“1. In accordance with article 3, paragraph 2, and bearing in mind article 3, paragraph 5, the Government of the Kingdom of Belgium states that the minimum age for voluntary recruitment into the Belgian armed forces is not lower than 18 years.

2. The Government of the Kingdom of Belgium states that it is absolutely forbidden under Belgian law for any person under the age of 18 years to participate in times of war and in times of peace in any peacekeeping operation or in any kind of armed operational engagement. Moreover, non-governmental militias are prohibited, regardless of the age of the persons concerned.”<sup>36</sup>

In its Concluding Observations concerning Belgium’s report under article 8 of the Optional Protocol to

the Convention on the Rights of the Child, the Committee on the Rights of the Child stated:

“4. The Committee welcomes the State party’s declaration made upon the ratification of the Optional Protocol that the minimum age for voluntary recruitment into the Belgian armed forces is not lower than 18 years and that it is absolutely forbidden under Belgian law for any person under the age of 18 years to participate in times of war and in times of peace in any peacekeeping operation or in any kind of armed operational engagement.

5. The Committee welcomes the amendment of the Criminal Code in 2003 (art. 136 quater, para. 1, point 7), which defines the recruitment of children under the age of 15 into the armed forces or armed groups, as well as the act of actively involving children under age 15 in hostilities, as war crimes.”

However, the Committee on the Rights of the Child also noted:

“Legislation

10. While noting that conscription has been suspended since 1992 in the State party, the Committee is concerned at the fact that the law governing the conscripts, which has not been repealed, allows for the recruitment of militiamen from January of the year in which they reach the age of 17, especially during wartime.

**11. The Committee recommends that the State party repeal all laws that allow the recruitment of persons under the age of 18 into the armed forces in time of war.”<sup>37</sup>**

In its Concluding Observations concerning the combined third and fourth periodic reports of Belgium, the Committee on the Rights of the Child stated:

“Children in armed conflict

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78. The Committee welcomes the adoption by the Senate in April 2006 of a detailed resolution on children in armed conflicts. However, it regrets that the State party has not taken measures to repeal the law governing the conscripts, which allows for the recruitment of militiamen from January of the year in which they reach the age of 17, especially during wartime.

**79. The Committee recommends that the State party fully implement this resolution by integrating it into the Government policy. It also reiterates the recommendation made following the review of the State party’s report under the Optional Protocol on the involvement of children in armed conflict (CRC/C/OPAC/BEL/CO/1, para. 11) that the State party repeal all laws that allow the recruitment of persons under the age of 18 into the Armed Forces in time of war and in all types of emergency situations.”<sup>38</sup>**

In its Concluding Observations concerning the combined fifth and sixth periodic reports of Belgium, the Committee on the Rights of the Child stated:

“Follow-up to previous concluding observations and recommendations on the Optional Protocol on children in armed conflict

49. The Committee welcomes the legislative amendments of 2013 to suspend the military status for recruits under 18 years of age in times of war and to prevent them from participating in “certain military missions that could put them at risk”. The Committee recommends that the State party ban the participation of children under 18 years of age in all military operations regardless of the risk involved, in compliance with its declaration made upon its ratification of the Optional Protocol on the involvement of children in armed conflict.”<sup>39</sup>

However, in the replies<sup>40</sup> of the Belgian Ministry of Defence to the EBCO Questionnaire, it is stated:

**“E. Voluntary recruitment into military service**

17. What incentives or measures are used by the national armed forces to encourage voluntary recruitment? (financial incentives, scholarships, career prospects, advertising, etc.)

‘Employer branding and advertising.’

18. What is the minimum age for recruitment?

‘The formal requirement is to have completed mandatory education. There are different

protective measures to meet the requirements of international humanitarian law regarding child soldier rules that are integrated into the Belgian military statute:

- minors must provide the proof of the consent of the person or persons who exercises parental authority over them (art. 21, al. 6 of the *Loi du 28 février 2007 fixant le statut des militaires et candidats militaires du cadre actif des forces armées*);
- for the candidate aged under eighteen the status of “military candidate” is automatically withdrawn when a period of war is decreed (art. 21/1 of the *Loi du 28 février 2007 fixant le statut des militaires et candidats militaires du cadre actif des forces armées*);
- in times of peace, soldiers who have not reached the age of eighteen may only wear weapons and military uniform when it is required for their training (art. 192 of the *Loi du 28 février 2007 fixant le statut des militaires et candidats militaires du cadre actif des forces armées*).

19. What was the total first-time military recruitment in recent years? Please disaggregate by age, gender and (if appropriate) whether as conscripts or volunteers.

Age	2022		2023		2024	
	F	M	F	M	F	M
<b>16</b>	0	1	0	3	0	1
<b>17</b>	7	73	12	104	20	127
<b>18</b>	46	319	53	439	52	380
<b>19</b>	49	336	42	397	38	377
<b>20</b>	35	267	31	278	29	257
<b>21</b>	18	240	29	215	23	174
<b>22</b>	28	180	24	179	18	157
<b>23</b>	31	148	33	146	39	155
<b>24</b>	29	134	19	122	32	130
<b>25</b>	25	102	31	117	27	138
<b>26</b>	24	68	22	77	29	94
<b>27</b>	11	83	16	59	21	85
<b>28</b>	11	39	9	39	11	53
<b>29</b>	6	52	20	33	18	64
<b>30</b>	7	27	8	24	12	28
<b>31</b>	3	11	8	15	14	26
<b>32</b>	4	11	6	12	10	20
<b>33</b>	2	4	1	4	4	7
<b>36</b>	0	0	0	1	0	0

[...].”

From the above replies it appears that:

- The State party continues the voluntary recruitment of minors, under the age of 18, to its armed forces.
- The State party has not fully implemented the recommendations of the Committee on the Rights of the Child.
- The practice of the State party contradicts its own Declaration upon the ratification of the Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict.
- Furthermore, soldiers who have not reached the age of eighteen are using weapons during their training.

➤ Considering the above, which does not seem to be fully in compliance with international law, including art. 24 of the ICCPR for the right to protection on the part of the family, society and the State,

it is important to include the issue of juvenile recruitment in the list of issues prior to reporting and request clarifications (see further below).

## **Militarisation of the education system**

According to the latest EBCO report:

“Militarisation of the education system

According to the Ministry of Defence, ‘No programmes which could be seen as preparatory to military recruitment form an obligatory part of the secondary education curriculum’.<sup>41</sup>

However, the Armed Forces are ‘engaged in several programs designed to introduce young people to military careers’ like a youth holiday camp ‘held during school vacations,’ as well as ‘the cadet program, which runs activities on weekends and during school holidays.’

Moreover, ‘within the 3rd Degree in Defence and Security program, military personnel from the reserve corps are present in participating schools to conduct classes’ where they provide ‘specialised instruction related to security and defence.’”<sup>42</sup>

Indeed, in the replies of the Belgian Ministry of Defence to the EBCO Questionnaire, to the question “Do military institutions offer temporary programs to students aged under 18 to learn more about military careers?”, the Ministry replied:

“The Defense is engaged in several programs designed to introduce young people to military careers. Alongside the 3rd Degree in Defense and Security program, which prepares students for various security professions (such as private security, police, and firefighting), the Defense also offers unique opportunities like the youth camp, a holiday camp held during school vacations, as well as the cadet program, which runs activities on weekends and during school holidays. Together, these initiatives provide students with immersive experiences, offering a well-rounded view of potential careers in the defense sector.”

And to the question “Are military personnel involved in teaching classes at schools, on a temporary or long term basis?”, the Ministry replied:

“Yes, within the 3rd Degree in Defense and Security program, military personnel from the reserve corps are present in participating schools to conduct classes. They provide specialized instruction related to security and defense, offering students both theoretical knowledge and practical insights into the profession. This allows students to benefit from the expertise and experience of military professionals as they prepare for various roles in the broader security sector.”<sup>43</sup>

Furthermore, it is quite concerning that, in November 2025, around 130,000 (or more) 17-year-olds in Belgium, were sent a letter from the Ministry of Defence inviting them to sign up for a year of voluntary military service,<sup>44</sup> apparently, when they will reach 18 years.<sup>45</sup>

Furthermore, according to reports: “This mass mailing, nearly 149,000 letters in total, has been one of the most controversial aspects of the project. The Data Protection Authority issued a sharply critical opinion, arguing that the initiative was disproportionate and that such communication should come from the National Register rather than a minister.

It also stressed that letters sent to minors should be addressed to parents. [Defence Minister Theo] Francken declined to comment on these criticisms, saying only that his determination to reach young people ‘remains unchanged.’”<sup>46</sup>

All the above **do not appear to comply with the position of the Committee on the Rights of the Child for the prohibition of “all forms of advertising and marketing for military service targeted at children, in particular at schools”.**<sup>47</sup>

## **SUGGESTED QUESTIONS FOR THE LIST OF ISSUES PRIOR TO REPORTING**

### **Right to conscientious objection to military service for volunteers / professional members of the armed forces and reservists**

- Please, provide information on whether the right to conscientious objection to military service is recognised for volunteers / professional members of the armed forces and reservists, including reservists who might have served voluntarily. If yes, please provide details of the relevant provisions in law. If not, please elaborate on any plans to introduce such legislation.
- Please, elaborate on other procedures for early release, relevant conditions and requirements, potential consequences and whether resignations can be denied and for what reasons.
- Please, elaborate on the possible disciplinary, criminal, administrative or other punishment and consequences of a professional member of the armed forces who would leave the armed forces after developing conscientious objection to military service.

### **Right to international protection for foreigner conscientious objectors to military service**

- Please, provide statistics on approvals/rejections of those asylum applications that are citing conscientious objection to military service.
- Please, elaborate on measures taken to guarantee the right to asylum / international protection for conscientious objectors to military service who are at risk of persecution in their country of origin owing to their refusal to perform military service when there is no provision, or no adequate provision, for conscientious objection to military service, and especially to conscientious objectors asylum-seekers from the Russian Federation, Ukraine and Belarus.

### **Juvenile recruitment and use of arms by minors, militarisation of the education system, and the rights of the child**

- Please, provide statistics concerning the recruitment of minors in the armed forces since the end of the previous cycle, i.e. since 2019.
- Please, explain how the recruitment of minors in the armed forces, the use of arms by minors, the programs designed to introduce young people to military careers and the massive sending of invitations to minors concerning the voluntary military service are compatible with international law, including the rights of the child (art. 24), the recommendations and standards set by the Committee on the Rights of the Child and the Declaration made by the State party itself upon the ratification of the Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict.

<sup>1</sup> See, *Min-Kyu Jeong et al. v. Republic of Korea* (CCPR/C/101/D/1642-1741/2007), para. 7.3.

<https://undocs.org/CCPR/C/101/D/1642-1741/2007>

See also: *Jong-nam Kim et al. v. Republic of Korea*, para. 7.4; *Abdullayev v. Turkmenistan*, para. 7.7; *Mahmud Hudaybergenov v. Turkmenistan*, para. 7.5; *Ahmet Hudaybergenov v. Turkmenistan*, para. 7.5; *Sunnet Japparow v. Turkmenistan*, para. 7.6; *Akmurad Nurjanov v. Turkmenistan*, para. 9.3; *Shadurdy Uchetov v. Turkmenistan*, para. 7.6; *Dawletow v. Turkmenistan*, para. 6.3 and others.

<sup>2</sup> EBCO, *Annual Report - Conscientious Objection to Military Service in Europe 2024*, Brussels, 5th June 2025, p. 33.

[https://ebco-beoc.org/sites/ebco-beoc.org/files/2025-06-05-EBCO\\_Annual\\_Report\\_2024.pdf](https://ebco-beoc.org/sites/ebco-beoc.org/files/2025-06-05-EBCO_Annual_Report_2024.pdf)

<sup>3</sup> A/43/40, 1988, paras. 480, 501. <https://docs.un.org/en/A/43/40>

<sup>4</sup> EBCO, *Annual Report - Conscientious Objection to Military Service in Europe 2024*, Brussels, 5th June 2025, p. 33.

[https://ebco-beoc.org/sites/ebco-beoc.org/files/2025-06-05-EBCO\\_Annual\\_Report\\_2024.pdf](https://ebco-beoc.org/sites/ebco-beoc.org/files/2025-06-05-EBCO_Annual_Report_2024.pdf)

<sup>5</sup> CPTI, Submission to the 98th Session of the Human Rights Committee: March 2010 for the attention of the Country Report Task Force on BELGIUM. Conscientious objection to military service and related issues.

[https://tbinternet.ohchr.org/\\_layouts/15/treatybodyexternal/Download.aspx?symbolno=INT%2FCCPR%2FNGO%2FBEL%2F98%2F8108&Lang=en](https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=INT%2FCCPR%2FNGO%2FBEL%2F98%2F8108&Lang=en)

CPTI, Submission to the 100th Session of the Human Rights Committee: October 2010. Conscientious objection to military service and related issues. BELGIUM.

[https://tbinternet.ohchr.org/\\_layouts/15/treatybodyexternal/Download.aspx?symbolno=INT%2FCCPR%2FNGO%2FBEL%2F100%2F8096&Lang=en](https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=INT%2FCCPR%2FNGO%2FBEL%2F100%2F8096&Lang=en)

<sup>6</sup> 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>

<sup>7</sup> 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. (par. 21(b)). <https://docs.un.org/en/CCPR/C/BRB/QPR/4>

<sup>8</sup> 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>

<sup>9</sup> Council of Europe, Parliamentary Assembly, Recommendation 1518 (2001), paras. 5.1 and 5.2.

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<sup>10</sup> CM/Rec(2010)4 - Recommendation of the Committee of Ministers to member states on human rights of members of the armed forces (Adopted by the Committee of Ministers on 24 February 2010 at the 1077th meeting of the Ministers' Deputies).

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<sup>11</sup> Council of Europe: Committee of Ministers, "Recommendation No. R (87) 8 of the Committee of Ministers to Member States Regarding Conscientious Objection to Compulsory Military Service", 9 April 1987, para. 8. <https://search.coe.int/cm?i=09000016804e6689>

<sup>12</sup> 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].

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<sup>13</sup> 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>

<sup>14</sup> EBCO, *Annual Report - Conscientious Objection to Military Service in Europe 2024*, Brussels, 5th June 2025, p. 34.

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<sup>15</sup> Lois portant le statut des objecteurs de conscience, coordonnées le 20 février 1980, as amended by Loi du 31 décembre 1992.

<sup>16</sup> EBCO, *Annual Report - Conscientious Objection to Military Service in Europe 2024*, Brussels, 5th June 2025, pp. 33, 35.

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<sup>17</sup> See replies to questions 38 and 42.

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<sup>18</sup> European Association of Jehovah's Witnesses, Submission to the UN Human Rights Committee Subsequent to the Adoption of the List of Issues, 127th Session (14 October–8 November 2019), BELGIUM. 10 September 2019.

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<sup>19</sup> Quaker Council for European Affairs (QCEA), Pax Christi International, Pax Christi Scotland, Pax Christi Italy, Connection e.V., Un ponte per ETS and War Resisters' International, "Europe is rearming once again: is our right to Conscientious Objection at risk?", 12 December 2025.

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<sup>20</sup> See, UN Conscientious Objection to Military Service, E/CN.4/Sub.2/1983/30/Rev.1, 1985 (the "Eide and Mubanga-Chipoya report"), <http://www.refworld.org/pdfid/5107cd132.pdf>, para. 21. See also, paras. 128-135 regarding persecution in the context of conscientious objection to conflicts which violate basic rules of human conduct.

<sup>21</sup> UNHCR: Guidelines on International Protection No. 10, para. 3. <https://www.unhcr.org/sites/default/files/legacy-pdf/529efd2e9.pdf>

<sup>22</sup> United Nations, General Assembly, Conscientious objection to military service, Analytical report of the Office of the United Nations High Commissioner for Human Rights, (A/HRC/50/43), 11 May 2022, paras. 20-22. <http://undocs.org/A/HRC/50/43>

<sup>23</sup> UN Human Rights Council, Resolution 24/17 (A/HRC/RES/24/17), 8 October 2013, para. 13. <http://undocs.org/A/HRC/RES/24/17>

<sup>24</sup> UNHCR, Handbook on procedures and criteria for determining refugee status and guidelines on international protection, Reissued, Geneva, February 2019, p. 226. <https://www.refworld.org/pdfid/5cb474b27.pdf>

<sup>25</sup> UN Human Rights Council, "Arbitrary detention. Report of the Working Group on Arbitrary Detention", (A/HRC/42/39), 16 July 2019, para. 63. <http://undocs.org/A/HRC/42/39>

<sup>26</sup> Committee against Torture, "General comment No. 4 (2017) on the implementation of article 3 of the Convention in the context of article 22", (CAT/C/GC/4), 4 September 2018, para. 45. <http://undocs.org/CAT/C/GC/4>

<sup>27</sup> UN Human Rights Council, Conscientious objection to military service, Report of the Office of the United Nations High Commissioner for Human Rights, (A/HRC/56/30), 23 April 2024, para. 58. <https://undocs.org/A/HRC/56/30>

<sup>28</sup> See for example ECtHR, *M.D. and others v. Russia*, paras. 45 and 110. <https://hudoc.echr.coe.int/eng?i=001-211791>

<sup>29</sup> EBCO, *Annual Report - Conscientious Objection to Military Service in Europe 2024*, Brussels, 5th June 2025, pp. 35-36.

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<sup>31</sup> European Association of Jehovah's Witnesses, Submission to the UN Human Rights Committee Subsequent to the Adoption of the List of Issues, 127th Session (14 October–8 November 2019), BELGIUM. 10 September 2019.

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<sup>32</sup> CCPR/C/BEL/CO/6, 6 December 2019, paras. 31-32. <https://docs.un.org/en/CCPR/C/BEL/CO/6>

<sup>33</sup> E.g. CED/C/UKR/CO/1, 4 October 2024, paras. 51(d), 52(d). <https://docs.un.org/en/CED/C/UKR/CO/1>

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<sup>34</sup> A/HRC/54/54, 18 September 2023, paras. 78, 96-98, 112(s). <https://docs.un.org/en/A/HRC/54/54>

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<sup>36</sup> [https://treaties.un.org/Pages/ViewDetails.aspx?src=TREATY&mtdsg\\_no=IV-11-b&chapter=4&clang\\_=en#EndDec](https://treaties.un.org/Pages/ViewDetails.aspx?src=TREATY&mtdsg_no=IV-11-b&chapter=4&clang_=en#EndDec)

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<sup>38</sup> CRC/C/BEL/CO/3-4, 18 June 2010, paras. 78-79. <https://docs.un.org/en/CRC/C/BEL/CO/3-4>

<sup>39</sup> CRC/C/BEL/CO/5-6, 28 February 2019, para. 49. <https://docs.un.org/en/CRC/C/BEL/CO/5-6>

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<sup>45</sup> Léa Huppe, “What will Belgium’s new voluntary military service look like in practice?”, *The Brussels Times*, 23 November 2025.

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<sup>47</sup> E.g. CRC/C/DEU/CO/5-6, 13 October 2022, para. 45(a). <https://docs.un.org/en/CRC/C/DEU/CO/5-6>