



SUBMISSION

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MONGOLIA

Conscientious objection to military service and related issues

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INTRODUCTION

1. 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 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 ICCPR, and the most updated relevant standards issued in recent years by the OHCHR.

PREVIOUS UPR RECOMMENDATIONS

2. The need for an anti-discrimination legislation, *inter alia*, on grounds of religion and political belief,¹ as well as freedom of religion or belief and the need of a legal and regulatory environment which would allow religious groups and organizations to register and operate freely,² have been the objective of previous recommendations. Both recommendations have been accepted,³ but are not fully implemented.
3. However, **the specific issue of violations of the right to conscientious objection to military service**, and further violations of the human rights of conscientious objectors, **has not been adequately addressed in the context of UPR**, despite the Committee's concluding observations.

RELEVANT CCPR PROCEDURES

4. In the **Replies to the List of Issues** for the 5th periodic report of Mongolia, in 2011, the State party has stated:
 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.”⁴

Concerns

5. It is not clear what the term “specific” means in the phrase “specific religious, moral, ethic 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.
6. 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.
7. 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.
8. 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.
9. 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.
10. 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.”⁵

11. In its **6th periodic report, in 2016**, the State party stated:
 “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.”⁶

Concerns

12. 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.
13. It appears 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.”⁷
14. In the **List of Issues**, in 2016, the Committee asked for more information about availability to everybody and the length of alternative service.⁸

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 universal military conscription:

As Article 17 of the Constitution of Mongolia states that “Citizens of Mongolia, while upholding justice and humanity, shall fulfil 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.

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:

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.”⁹

Concerns

15. It appears that the conscription bureau decides who is eligible for alternative service.

This would contradict all international standards concerning the independence and impartiality of the body examining applications for conscientious objector status.

The relevant article 30 is not quoted, and therefore the reason for length discrepancies is not explained.

16. The issue was raised during the **consideration of the 6th report, in July 2017**.¹⁰

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 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.”¹¹

Concerns

17. The response of the representative of the State party has been 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**”¹²), 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.

18. 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.

19. 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 the **lack** of a **genuine** alternative **civilian** service of a **non-punitive** nature and the repeated conscription of Jehovah’s Witnesses conscientious objectors.¹³ The same issues were reiterated by the same organisations in **2025**, adding more individual cases, and that the arrangement includes a two-week introductory training in military facilities, while those who undertake this alternative service can be assigned as armed border guards or local guards.¹⁴

20. The issue of conscientious objectors has been raised again in the **List of Issues** in relation to the 7th periodic report of Mongolia, in **2024**.¹⁵

Mongolia replied by citing the possibility of payment instead of military service.¹⁶

21. The Committee reiterated its concerns:

“42. The Committee notes that the State party recognizes in principle the right to conscientious

objection to military service but is concerned by reports that the duration of alternative service for conscientious objectors is double the length of military service, and that training provided as part of alternative service is conducted by armed forces personnel. Noting the availability under the Law on Military Service of an option to make a payment in order to fulfil the obligation of military service, the Committee is concerned that such an option is not consistent with the Covenant, both in requiring conscientious objectors to support the military and by adversely impacting individuals with limited ability to pay (art. 18).

43. 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; that alternative service is accessible to all conscientious objectors without discrimination and is not punitive or discriminatory in nature, cost and/or duration.”¹⁷

MAIN CONCERNS

22. There is no explicit recognition of “the **right** to conscientious objection to military service”, as such, in the legislation of the State party.
23. 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.¹⁸
24. 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, possibly 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 object also applies to selective objectors who believe that the use of force is justified in some circumstances but not in others.”¹⁹
 - the government sets a “**limit for number** of citizens eligible to be in alternative civilian services in lieu of military services”,²⁰ which would possibly entail arbitrary rejection/exclusion of certain conscientious objectors.
 - payment instead of military service requires conscientious objectors to support the military, contrary to ICCPR.
25. Further **abuses and restrictions of religious freedom**, as denounced by the **Jehovah’s Witnesses** in recent years,²¹ 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 RECOMMENDATIONS

26. ➡ 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;
 - alternatives to military service are 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).
27. ➡ Recognise the legal entity of Jehovah's Witnesses and guarantee the effective exercise of freedom of religion and belief, including the right to conscientious objection to military service, in conformity with article 18 of ICCPR.

¹ UN Human Rights Council, "Report of the Working Group on the Universal Periodic Review, Mongolia", [Second Cycle] (A/HRC/30/6), 13 July 2015, para. 108, recommendation 108.19, Chile. <https://undocs.org/en/A/HRC/30/6>

² UN Human Rights Council, "Report of the Working Group on the Universal Periodic Review, Mongolia", [Third Cycle] (A/HRC/46/9), 28 December 2020, para. 116, recommendation 116.68, United States of America. <https://undocs.org/en/A/HRC/46/9>

³ UN Human Rights Council, "Report of the Working Group on the Universal Periodic Review, Mongolia. Addendum. Views on conclusions and/or recommendations, voluntary commitments and replies presented by the State under review", [Second Cycle] (A/HRC/30/6/Add.1), 16 September 2015, para. 2. <https://undocs.org/en/A/HRC/30/6/Add.1>

UN Human Rights Council, "Report of the Working Group on the Universal Periodic Review, Mongolia. Addendum. Views on conclusions and/or recommendations, voluntary commitments and replies presented by the State under review", [Third Cycle] (A/HRC/46/9/Add.1), 22 February 2021, para. 3. <https://undocs.org/en/A/HRC/46/9/Add.1>

⁴ 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>

⁵ 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>

⁶ 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>

⁷ 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.

⁸ 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>

⁹ 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>

¹⁰ 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>

¹¹ 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>

¹² <https://lehmanlaw.mn/blog/mandatory-military-service-in-mongolia/>

¹³ 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, Summary and paras. 5, 11-12. https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=INT%2FCCPR%2FICO%2FMNG

[%2F56995&Lang=en](#)

¹⁴ 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 Subsequent to the Adoption of the List of Issues 143rd session (3–28 March 2025), Mongolia", 31 January 2025, Summary and paras. 6-7, 18, 20-25.

https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=INT%2FCCPR%2FCSS%2FMNG%2F62295&Lang=en

¹⁵ 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>

¹⁶ UN Human Rights Committee, "Replies of Mongolia to the list of issues in relation to its seventh periodic report", (CCPR/C/MNG/RQ/7), 7 February 2025, paras. 63-64. <https://undocs.org/en/CCPR/C/MNG/RQ/7>

¹⁷ UN Human Rights Committee, "Concluding observations on the seventh periodic report of Mongolia" (Advance unedited version) (CCPR/C/MNG/CO/7), 28 March 2025, paras. 42-43.

https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=CCPR%2FC%2FMNG%2FCO%2F7&Lang=en

¹⁸ 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>

¹⁹ 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>

²⁰ 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>

²¹ 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%2F7614&Lang=en