

**CONSCIENCE AND PEACE TAX INTERNATIONAL  
CHILD RIGHTS INTERNATIONAL NETWORK**

**SUBMISSION TO THE HUMAN RIGHTS COUNCIL 46th SESSION (Apr/May 2024)  
UNIVERSAL PERIODIC REVIEW (UPR)**

**CYPRUS**

**Executive summary**

1. The submission refers to recommendations made to the State Under Review by the Committee on the Rights of the Child (CRC) with respect in particular to the Optional Protocol on the involvement of children in armed conflict (OPAC).
2. The submission raises the following concerns on the military recruitment of adults and adolescent children in Cyprus, which operates a conscription system with limited rights of conscientious objection:
  - a. **Differential obligations.** The period prescribed for alternative service is punitively longer than that for military service.
  - b. **Restrictive criteria.** Arbitrary, restrictive criteria undermine universal access to the legal right of conscientious objection.
  - c. **Conscription under age 18.** Adolescent children from age 17 may be conscripted, contrary to the OPAC treaty, and may also volunteer for enlistment.
  - d. **Deployment of adolescent children.** Cyprus reserves the right to deploy personnel under the age of 18 to take part in hostilities, according to tactical military demands.
3. The CRC has urged Cyprus to raise the minimum age of military enlistment to 18 and made other recommendations aimed at safeguarding adolescent children from conscription and deployment.
4. **Suggested recommendations:**
  - a. **That the State Under Review amend its legislation to:**
    - **equalise the minimum period for compulsory military and civilian service;**
    - **remove all criteria that automatically disqualify certain conscientious objectors from recognition;**
    - **place the administration of alternative service under civilian control; and**
    - **revoke the power of the Minister of Defence to suspend the rights of conscientious objectors in wartime.**
  - b. **That the State Under Review honour the recommendation of the Committee on the Rights of the Child to raise the minimum age of military recruitment to 18 years, ensuring in particular that legislation**

**prohibits a) the compulsory recruitment of all persons under the age of 18 years, and b) their use in hostilities.**

## **Background**

5. This submission is part of a joint project of Child Rights International Network (CRIN) and Conscience and Peace Tax International (CPTI) to encourage full implementation of the OPAC treaty. It incorporates the latest information available to the submitters at the time of writing.
6. Since OPAC came into force two decades ago, a global trend towards all-adult armed forces has reduced the number of states recruiting of children aged under 18. Approximately three-quarters of states now recruit only adults.<sup>1</sup>
7. At the same time, recommendations relating to the age of military enlistment and other issues associated with OPAC have rarely been considered in the UPR process.

## **Country situation**

8. National Guard Law (No 20/1964) established obligatory military service for male citizens aged 18 to 50. It has been amended on various occasions, most recently by Law 19/2011.
9. In 2020, the number of conscripts was 10,700, who made up 59% of all personnel.<sup>2</sup>

## **Issues arising**

### Compulsory military and alternative service: Differential obligations

10. After the National Guard Law of 1992 and subsequent amendments, mandatory military service in Cyprus is now set at 14 months, with two alternatives for recognised conscientious objectors only: unarmed military service (up to 18 months) and civilian service outside the armed forces (up to 19 months).<sup>3</sup>
11. Whereas other states have sought to justify similar differential obligations on the grounds that, unlike military service, civilian service carries no additional liability for subsequent reserve service, this is not so in Cyprus. Military and non-military compulsory service both include liability for further service on reserve.
12. The ratio between military and civilian service periods in Cyprus fails to satisfy the criterion established by the Human Rights Committee in *Foin v France* that any such differential should be objectively justified in the individual case.<sup>4</sup>
13. The arrangements have been repeatedly criticised by the European Committee of Social Rights as a probable violation of Article 1.2 of the European Social Charter (“to protect effectively the right of the worker to earn his living in an occupation freely entered upon”).<sup>5</sup>

### Right of conscientious objection

14. Law 19/2011 provides for a very limited right of conscientious objection to military service. It states that “those who, for reasons of conscience, refuse to fulfil the duty

of military service in the National Guard, claiming religious or ideological convictions, may be recognised as conscientious objectors”.<sup>6</sup>

15. Among several restrictions on this right are a very short window in which to apply for recognition. Application must be made, together with supporting documents, within the defined deadline,<sup>7</sup> set at twenty days from the call-up announcement.
16. The criteria for recognition are also restrictive. An applicant must demonstrate that their objection is “derived from a general perception of life, based on conscientious religious, philosophical or moral convictions, which are inviolably implemented by the person and are expressed by holding a respective attitude”.
17. Certain individuals are automatically disqualified, namely those who have ever:
  - a. applied for a firearms licence, even if the sole purpose was for leisure, or participated in sports that involve firearms;
  - b. applied for a hunting licence;
  - c. been prosecuted for a violent offence;
  - d. remained in armed service of any kind after developing a conscientious objection to it.<sup>8</sup>
18. Collectively, these criteria deny the legitimate right of conscientious objection to all individuals who:
  - a. may have used firearms for any purpose unrelated to violence against human beings;
  - b. have, after a prosecution for violence, committed to refrain from further violence;
  - c. distinguish interpersonal violence and mass violence as separate moral categories; or
  - d. develop their objection while in military service and have been unable to act on it immediately (a criterion contrary to the recommendation of the Council of Europe’s Committee of Ministers).<sup>9</sup>
19. In 2007, the State Under Review abolished automatic exemptions from military service specific to members of the Armenian Orthodox, Roman Catholic, and Maronite churches.<sup>10</sup> Today, no religious groups in Cyprus have a right of conscientious objection based on membership alone; recognition must be sought on the grounds set out above.
20. A decision on the objector’s application is made by the Minister of Defence on the advice of a “Special Committee” that they appoint, consisting of two “high officers of the Force”, a law officer of the Law Office of the Republic of Cyprus, and two university professors in philosophy, social or political sciences, or psychology. Since the committee’s quorum is three members, it may make decisions with a majority of military officers.<sup>11</sup>
21. Where an objection is recognised, non-military social service assignments are decided by the Minister of Defence. Contrary to best practice, the individual has no right to request a post compatible with the nature of their objection.
22. In case of war or other emergency, the Minister of Defence may suspend provision for civilian alternative service and reassign all conscientious objectors to unarmed

military service.<sup>12</sup> In such a case, the full right of conscientious objection would go unrecognised.

23. Official data between 2009 and 2018 inclusive show a total of 142 applications for conscientious objection. Between 11 and 20 applications *per annum* were classified as “religious” (83% accepted) and nine *per annum* were classified as “ideological” (44% accepted).<sup>13</sup>
24. While providing encouraging evidence of a working appeal system, an appeal accepted by the Administrative Court on 2 March 2021 revealed some of the procedural irregularities which can arise. The case concerned the call-up of a boy aged 17 who applied for a conscientious objection on religious grounds as a Jehovah’s Witness. The Special Committee had recommended the application be rejected, mainly on the grounds that the boy had not yet been formally baptised and so lacked the necessary documentation.<sup>14</sup>

#### Compulsory recruitment of adolescent children

25. Cyprus ratified OPAC in 2010. The state’s declaration made on ratification reads: “The National Guard Law No. 20 of 1964, as variously amended... provides that the obligation to military service, in times of peace, begins the 1st January of the year the citizen becomes 18 years old...”<sup>15</sup> This arrangement allows the conscription of adolescent children aged 17, a practice proscribed by OPAC Article 2.

#### Other recruitment of adolescent children

26. The OPAC declaration also allows voluntary recruitment to begin under the age of 18: “The recruitment, on a voluntary basis, by the armed forces at the minimum age of 17 years shall continue to be permitted under the conditions and with the safeguards provided in Article 3, paragraph 3, of the Optional Protocol.”
27. The declaration adds, in contravention of OPAC art. 1, that Cyprus reserves the right to deploy adolescent children to take a direct part in hostilities in cases of “genuine military need”, “military effectiveness”, or where practical challenges make it difficult to withdraw them.

#### **Recommendations of the Committee on the Rights of the Child**

28. In response to the state party’s initial report under OPAC, the Committee on the Rights of the Child (CRC) expressed “deep concern”:  
“that the State party maintains compulsory recruitment during the year male citizens turn 18, thus allowing the compulsory recruitment of children under 18 years of age. That is even more of a concern given that the State party does not prohibit members of the armed forces who are under 18 from taking direct part in hostilities.”<sup>16</sup>
29. The CRC urged the state party to:
  - a. “End its practice of compulsory recruitment of children who have not yet reached 18 years of age;
  - b. “Take all necessary measures to prevent members of the armed forces who have not yet reached 18 years of age from taking direct part in hostilities in all circumstances.”<sup>17</sup>

## Suggested recommendations

- 30. That the State Under Review amend its legislation to:**
- a. equalise the minimum period for compulsory military and civilian service;**
  - b. remove all criteria that automatically disqualify certain conscientious objectors from recognition;**
  - c. place the administration of alternative service under fully impartial, civilian control; and**
  - d. revoke the power of the Minister of Defence to suspend the rights of conscientious objectors in wartime.**
- 31. That the State Under Review honour the recommendation of the Committee on the Rights of the Child to raise the minimum age of military recruitment to 18 years, ensuring in particular that legislation prohibits a) the compulsory recruitment of all persons under the age of 18 years, and b) their use in hostilities.**

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<sup>1</sup> CRIN, '[Ending the military use of children](#)', 2023.

<sup>2</sup> International Institute of Strategic Studies, *The Military Balance 2021*.

<sup>3</sup> Stolwijk, M., *The Right to Conscientious Objection in Europe: A Review of the Current Situation* (Brussels: Quaker Council for European Affairs, 2005), p. 21.

<sup>4</sup> CCPR/C/67/D666/1995.

<sup>5</sup> See Council of Europe, European Committee of Social Rights, *Conclusions 2012 (CYPRUS)*, 2013, pp. 7–8.

<sup>6</sup> Law 19/2011, art. 47, paras 1 and 2.

<sup>7</sup> Law 19/2011, art. 50.2.

<sup>8</sup> Law 19/2011, art. 47, para 3.

<sup>9</sup> "Professional members of the armed forces should be able to leave the armed forces for reasons of conscience." [CM/Rec\(2010\)4](#), 2010, para 42.

<sup>10</sup> US Department of State, [Country Reports on Human Rights Practices, 2008: Cyprus](#), 2009.

<sup>11</sup> Law 19/2011, arts. 51–53.

<sup>12</sup> Law 19/2011, art. 59.

<sup>13</sup> European Bureau for Conscientious Objection, *Annual Report: Conscientious Objection in Europe 2018*, Appendix.

<sup>14</sup> European Bureau for Conscientious Objection, *Annual Report: Conscientious Objection in Europe 2021*, p. 26.

<sup>15</sup> UN Depository, [Chapter IV: Human Rights \(11b\)](#), 2023.

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<sup>16</sup> CRC, *Concluding observations on the report of Cyprus under OPAC*, [CRC/C/OPAC/CYP/CO/1](#), 2017.

<sup>17</sup> Ibid.