



General Assembly

Distr.: General
27 September 2024

English only

Human Rights Council
Fifty-seventh session
9 September–9 October 2024
Agenda item 10
Technical assistance and capacity-building

Written statement* submitted by War Resisters International, a non-governmental organization in special consultative status

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1996/31.

[26 August 2024]

* Issued as received, in the language of submission only.



Human Rights Violations Concerning Mobilization and Related Issues in the Ukrainian Territory

War Resisters International (WRI) is deeply concerned about the ongoing war of aggression of the Russian Federation in Ukraine and the forced mobilization in the occupied territories.

Together with its international partner Connection e.V. and local partner Ukrainian Pacifist Movement, War Resisters International expresses serious concern about the violation of the human right to conscientious objection to military service in Ukraine.

Human Rights Violations by the Russian Occupying Forces

In continuity with what has been done in the Autonomous Republic of Crimea since the illegal annexation in 2014, the Russian Federation has been organizing conscription and militarist indoctrination of children in the Donetsk and Luhansk regions, then parts of Kherson and Zaporizhzhia regions, after 2022.

Russian military commissariats and conscription commissions are currently administrating compulsory military registration, conscription, and recruitment; central offices are situated in Simferopol, Sevastopol, Donetsk, Luhansk, Melitopol, and Henichesk. The occupying power forces local population to get Russian citizenship and do military registration to access employment, education, medical aid, mobile communication, and other services.

There are, as well, informal practices of forced mobilization and pressures for "voluntary" contract service in the army. Most of the requests for alternative service are denied with threats of punishment. Refusal to serve could end in punitive fine or detention; "disobedient" conscripts and soldiers are regularly detained and tortured.

In a notorious case, personnel of a music school in Donetsk region were forcibly mobilized; relatives of one of them -the guitar teacher Vladimir Frolov- reported deployment to the frontline in Krasnogorovka where he died.[1]

A priest of the Ukrainian Orthodox Church, Feognost Pushkov, has been reported to be threatened with 5 years in prison to force him to military registration; another priest, Kostiantyn Maksimov, to be summoned for military registration, detained and sentenced to 14 years of jail for "espionage".[2]

A large number of Russian soldiers and Ukrainian mobilized civilians, refusing to participate in the war of aggression have been arbitrarily detained, tortured, and executed in prisons situated in the Donetsk and Luhansk regions.[3]

Of particular concern is the reported militarization of minors in the occupied territories where pre-conscription training is a mandatory part of the basic education curriculum and children, and youth are engaged in militarized activities, in violation of Article 51 of the IV Geneva Convention.

Ukrainian Mobilization Practices Violating Human Rights Standards

The new mobilization laws adopted on 11 April and 9 May 2024 enforce mandatory registration for military recruitment of all males 18 to 60 years of age, under penalty of sanctions, fines, and civil rights restrictions; in addition, the ban on leave the country continues for males in this age group.

It has been reported that the Ukrainian Parliamentary Commissioner for Human Rights, Dmytro Lubinets, noted incidents of detention and forced transportation of citizens to territorial recruitment centres. People protested in Buchach (Ternopil region) and Baranivka (Zhytomyr region) after the deaths of conscripts detained by military recruiters.

Recruitment centres have been reported to prevent persons summoned for military registration and mobilization from taking legal aid.[4]

In 2023-2024 a parliamentary commission investigated violations of law in the army and reported about 3,200 complaints on military recruiters.[5]

Prosecutions of Conscientious Objectors to Military Service

As reported by the Office of the High Commissioner for Human Rights[6], the right to conscientious objection to military service has ceased to be recognized in Ukraine since the Russian invasion on 24 February 2022, and discharge from the army for reasons of conscience has been never allowed.

Under the current mobilization, no applications for alternative service have been granted. Those who have persisted in declaring themselves conscientious objectors have been prosecuted as draft evaders (43 cases reported: 18 real prison sentences and 25 suspended sentences replacing incarceration with probation).

It has been reported that the Ministry of Defense insisted on rejecting proposals of Churches, NGOs, MPs, and Parliamentary Commissioner for Human Rights to provide alternative service in wartime[7], in line with international standards.

Dmytro Zelinsky, a conscientious objector member of the Adventist Church, was found guilty of "draft evasion", sentenced to 3 years of imprisonment. The Supreme Court upheld the sentence on the grounds that it is possible to serve in the army without carrying weapons, although the military statutes prescribe otherwise and that "no religious beliefs can be a reason for evading mobilization".[8]

A member of an Evangelical Baptist Church who wanted to serve without weapons, nor taking oath, nor wearing uniform, was ordered by a commander to wear the uniform and military equipment. He refused, was charged for disobedience (punishable by up to 10 years of incarceration), and was detained pending trial [9].

At least three prison sentences for conscientious objectors in criminal proceedings, following Zelinsky case, have been reported. Additionally, a court refused to discharge a Jehovah's Witness from military service, as previously done in the case of the pacifist Andrii Vyshnevetsky. In some cases, courts refuse to annul fines to conscientious objectors for non-compliance with military registration regulations.

Mykhailo Yavorsky received 3-years suspended sentence which was upheld by the Supreme Court on the grounds that, despite Ukraine has the obligation to respect the human right to conscientious objection, the situation of national emergency requires to prevent draft evasion disguised as conscientious objection claims, and that there is no procedure for the recognition of conscientious objection in wartime.

Conscientious objector Vitaliy Alexeienko, released in 2023, after a retrial received 3-years suspended sentence. The Supreme Court is going to decide on possible acquittal. Meanwhile, the administration of a dormitory where he lives, as an internally displaced person, attempted to evict him on discriminatory grounds.

It was reported that two Baptist conscientious objectors were forcibly taken to a military unit in Zhytomyr Region.[10] A court refused to discharge Jehovah's Witness from military service [11], as previously done with Andrii Vyshnevetsky [12]. In some cases, courts refuse to annul fines to conscientious objectors for non-compliance with military registration regulations.[13]

The public space is dominated with a stigma against those refusing to engage in war, and shame on "draft evaders"; conscientious objectors continue to be labelled as "evaders" in the media.

Violations of Freedom of Expression

Protests against human rights violations related to mobilization are regularly portrayed as “Russian propaganda”. People who criticize such violations are in many cases accused of dissemination of national security sensitive information about mobilization practices and locations of forceful street recruitment, charged under Article 114-1 of the Criminal Code (interference with legal activities of Armed Forces of Ukraine), punishable with a prison term from 5 to 8 years.

Protests against abuses by military recruiters, such as happened in June-August 2024 in Odesa, Kovel and Vorokhta, ended with criminal charges against protesters, administrative arrests, and fines.

In August 2024, young men with banners such as "Recruitment centres abduct people" and "War is not a reason to build dictatorship" were arrested when picketing Ministry of Internal Affairs in Kyiv.[14]

The Security Service of Ukraine accused Yurii Sheliashenko -legal scholar, human rights defender, and executive secretary of the Ukrainian Pacifist Movement, who provides legal assistance to conscientious objectors to military service- of "justification of the Russian aggression" on the grounds of the statement "Peace Agenda for Ukraine and the World" which actually condemns Russian aggression. His house was searched, and his computer and smartphone were seized. Amnesty International reports that such charges are extensively used to disproportionately restrict freedom of expression [15]. It is also of concern the reporting that there is an attempt to prohibit and dissolve the Ukrainian Pacifist Movement, and that the national media regulator refused to register Sheliashenko's website "Free Civilians. Herald of Peace and Conscientious Objection".[16]

Recommendations

UN High Commissioner for Human Rights to:

- urge the international community to contribute to the resolution of the armed conflict through peace negotiations leading to the full restoration of human rights, and the full accountability for crimes and violations committed;
- closely monitor the full implementation of human rights in the Ukrainian territories, including the human right to conscientious objection to military service.

Russian Federation to:

- withdraw its army from the occupied territories and cease compulsory military registration and recruitment of local population;
- release all conscripts detained for their refusal to fight in a war of aggression.

Ukraine to:

- fully implement the human right to conscientious objection to military service in line with international standards, during mobilization too, and thus to stop any persecution and discrimination against those who object to war and refuse to serve in the army;
- ensure the full protection of the right to freedom of expression of conscientious objectors, war resisters and human rights defenders.

Connection e.V. and Ukrainian Pacifist Movement NGO(s) without consultative status, also share the views expressed in this statement.

[1] <https://astra.press/english/2024/05/30/1766/>

[2] https://www.forum18.org/archive.php?article_id=2924

- [3] <https://www.ifor.org/news/2023/3/29/russia-release-all-those-who-object-to-engage-in-the-war-and-are-illegally-detained-in-the-russian-controlled-areas-of-ukraine>
- [4] https://ombudsman.gov.ua/news_details/advokativ-dopuskayut-navit-u-miscya-pozbavleniya-voli-u-volinskij-tck-ni
- [5] Oral statement delivered by War Resisters International at the 56th session of the HRC <https://wri-irg.org/en/story/2024/oral-statement-given-interactive-dialogue-situation-ukraine-un-human-rights-council-56th>
- [6] A/HRC/56/30, para. 39, 40.
- [7] Annual Report "Conscientious objection to military service in Europe 2023/24" (p. 159), https://ebco-beoc.org/sites/ebco-beoc.org/files/2024-05-15-EBCO_Annual_Report_2023-24.pdf
- [8] See endnote 5.
- [9] <https://reyestr.court.gov.ua/Review/118923782>
- [10] https://www.forum18.org/archive.php?article_id=2906
- [11] <https://reyestr.court.gov.ua/Review/120546999>
- [12] See [7], p. 153.
- [13] <https://reyestr.court.gov.ua/Review/120935064>
- [14] <https://www.instagram.com/reel/C-VCgXgspVL/>
- [15] <https://www.amnesty.org/en/location/europe-and-central-asia/eastern-europe-and-central-asia/ukraine/report-ukraine/>
- [16] <https://detector.media/rinok/article/227250/2024-05-23-shelyazhenko-khotiv-zareiestruvaty-sayt-pro-patsyfizm-natsrada-ne-pidtrymala/>