

**UN Human Rights Committee
133rd session**

**Formal Briefing on Ukraine
October 19th 2021**

Honorable members of the Human Rights Committee,

On behalf of the International Fellowship of Reconciliation, I thank you for the opportunity to raise serious concerns about the situation of human rights in Ukraine, as IFOR has already done several times during the sessions of the Human Rights Council and the Universal Periodic Review¹.

Freedom of thought, conscience and religion is a non-derogable right, alike freedom of expression, and it continues to apply regardless of a situation of armed conflict.

The right to conscientious objection to military service² should always be guaranteed by the state, especially in the situation of armed conflict.

Conscription in Ukraine engages all young males in the age 18-27 and a term of service is 18 months³. Only religious objectors belonging to ten particular confessions listed in the governmental decree are allowed to apply for replacement of compulsory military service with the 27 months alternative non-military service⁴. Many applications are rejected because of lack of procedural fairness⁵. Even members of privileged confessions are endangered, as shows systematic refusal in access to alternative service to Protestant conscientious objectors in Rivne region⁶. It is extremely hard to access this discriminatory and punitive alternative service without bribes⁷. Servicemen who develop a conscientious objection have no legal way to have their objection recognized.

Young people are “hunted through the streets”, transported to military units against their will or prosecuted for evasion of conscription if they do not afford escape from draft by going abroad, enrolling to university, or just paying corrupted officers and medics⁸.

New legislation adopted this year envisages mandatory military training of all citizens starting from the school without any provision for objectors to military service⁹, high fines for violations of rules of military training and military registration¹⁰, more severe punishments for wider circle of people for evasion of military service, including imprisonment from 3 to 5 years for evasion of conscription¹¹.

We highlight the Human Rights Committee’s previous recommendations to the government of Ukraine, which are still not implemented¹², to provide alternative service neither punitive nor discriminatory in nature or duration by comparison with military service to all conscientious objectors without any discrimination on the basis of religious or non-religious beliefs justifying their objection.

We would also like to draw the attention of the Committee to the urgency for the government of Ukraine to recognize by the law objection developed by acting servicemen, to cease any military-type training of schoolchildren and to investigate proactively and efficiently assaults of haters against well-known - to the OHCHR¹³ as well - pacifist, journalist, and conscientious objector Ruslan Kotsaba. These attacks took place this year on 22 January placing his life under threat and on 25 June when his eye was severely injured; it is essential as well to ensure fair trial in the case concerning his 2015 video blog, in reasonable terms, without politically motivated and hearsay-based prosecution, with full respect to human rights to freedom of

expression and freedom of thought, conscience and religion¹⁴. Individuals should not be persecuted and jailed for their refusal to kill, and the state should not obstruct public discussion and media pluralism by closing any space for peace advocacy and anti-militarism, nor should it allow violent groups to do so with targeted attacks.

More details on the above issues are provided in the IFOR report submitted to the Committee for this session¹⁵.

IFOR wishes the members of this Committee a good and productive working session.

Thank you.

¹ <http://www.ifor.org/s/HRC35-IFOR-Item-10-Ukraine.pdf> ;
<https://www.facebook.com/InternationalFellowshipofReconciliation/posts/2737520579793130> ;
<http://www.ifor.org/news/2021/1/26/ifor-speaks-at-the-un-human-rights-council-on-the-right-to-conscientious-objection-in-ukraine> ; <http://www.ifor.org/news/2021/7/13/ifor-speaks-on-refuse-to-war-and-conscientiousobjection-in-ukraine-at-the-47th-un-human-rights-council>

² Conscientious objection to military service,
<https://www.ohchr.org/EN/Issues/RuleOfLaw/Pages/ConscientiousObjection.aspx>

³ Law of Ukraine "On military duty and military service" <https://zakon.rada.gov.ua/laws/show/2232-12#Text>

⁴ "Provisions on the procedure for alternative (non-military) service" and "List of religious organizations whose beliefs do not allow the use of weapons", URL: <https://zakon.rada.gov.ua/laws/show/2066-99-%D0%BF#Text>

⁵ E.g.: at least 20% of applications for alternative service are usually declined referring to untimeliness – see EBCO report (https://ebco-beoc.org/sites/ebco-beoc.org/files/attachments/2021-02-15-EBCO_Annual_Report_2020.pdf), infra note 8; this is caused by late issuing presidential decrees on terms of conscription contrary to the law, as mentioned European Association of Jehovah's Witnesses in its Submission to the UN Human Rights Committee, 2019, https://tbinternet.ohchr.org/Treaties/CCPR/Shared%20Documents/UKR/INT_CCPR_ICO_UKR_36874_E.pdf

⁶ Recently nine Protestant conscientious objectors in Rivne region, some from Protestant families in second or third generation, were not allowed to conduct non-military service. Protestants are not represented in the local state administration's body administering alternative service, and these nine Protestant objectors were questioned in their knowledge of the Bible by representative of the church which openly support conscription, the fact raising doubts in objectiveness of procedure of legal recognition of conscientious objection. This happened after UN Human Rights Monitoring Mission in Ukraine noted with concern that local authorities in the same region have failed to provide access to alternative non-military service to a group of parishioners, referring to a "lack of vacant positions".

<https://www.ohchr.org/Documents/Countries/UA/31stReportUkraine-en.pdf> (para. 79)

⁷ E.g.: Khmelnytsky City District Court of Khmelnytsky Region decision of 1 June 2020 in criminal case No 1202024000000100 indicating that in May 2020 the director of the division of professional adaptation of participants of anti-terrorist operation, joint forces operation, and alternative service of the Khmelnytskyi Oblast State Administration was arrested for extortion of \$1000 bribe, a box of candies and coffee for retroactive registration of late application for alternative service and ensuring approval of the application (in Ukrainian), <https://reyestr.court.gov.ua/Review/89607664>

⁸ Conscientious Objection to Military Service in Europe 2020, https://ebco-beoc.org/sites/ebco-beoc.org/files/attachments/2021-02-15-EBCO_Annual_Report_2020.pdf; also, OHCHR documented cases of arbitrary detention in Kharkiv in the context of conscription into the Ukrainian armed forces, https://www.ohchr.org/Documents/Countries/UA/ReportUkraine16May-15Aug2019_EN.pdf (para. 49)

⁹ Article 6 of the Law "On the Fundamentals of National Resistance" of 16 July 2021 (in Ukrainian: <https://zakon.rada.gov.ua/laws/show/1702-20#Text>), para. 2, 3: "General military training of citizens of Ukraine consists in mastering basic general military knowledge, practical skills and abilities and is divided into initial and basic training. Initial training is organized by the central executive body, which ensures the formation and implementation of state policy in the field of education and science, together with the Ministry of Defense of Ukraine and is conducted in general secondary education institutions. In summer, military and patriotic training is conducted in the form of games in summer camps"; note that children go to "general secondary education institutions" at 6-7 years of age because primary and secondary education is combined, and even secondary education starts at 10-11 years of age, https://en.wikipedia.org/wiki/Education_in_Ukraine ; "military-patriotic education" is part of the program of national-patriotic education for the period up to 2025, adopted by the Government <https://www.kmu.gov.ua/en/news/uryad-zatverdiv-pershu-v-ukrayini-derzhavnu-cilovu-socialnu-programu-nacionalno-patriotichnogo-vihovannya-na-period-do-2025-roku>

¹⁰ Articles 210, 210-1 and 211 of Code of Ukraine on Administrative Offenses (<https://zakon.rada.gov.ua/laws/show/80731-10#Text>), and Article 337 of Criminal Code of Ukraine (<https://zakon.rada.gov.ua/laws/show/2341-14#Text>), amended on 30 March 2021 (<https://zakon.rada.gov.ua/laws/show/1357-20#Text> ; <https://portal.rada.gov.ua/en/news/page/news/News/205884.html>); see also: "President signed laws on national resistance and increasing the number of the Armed Forces", <https://www.president.gov.ua/en/news/glava-derzhavi-pidpisav-zakoni-pro-nacionalnij-sprotiv-i-zbi-69809>)

¹¹ Articles 336, 336-1 of Criminal Code of Ukraine, amended on 30 March 2021; see also note 10.

¹² Previously, the Human Rights Committee expressed its concern that no measures appear to have been taken to extend the right of conscientious objection against mandatory military service to persons who hold non-religious beliefs grounded in conscience, as well as beliefs grounded in all religions – see Concluding observations of the Human Rights Committee of 2013 <https://undocs.org/CCPR/C/UKR/CO/7> (Para. 19) and of 2006 <https://undocs.org/CCPR/C/UKR/CO/6> (Para. 12). These concerns were never addressed by the government. In 2018 Ukrainian government claimed that alternative service may be made more accessible after the adoption of a particular bill – The letter <https://www.ohchr.org/Documents/Issues/RuleOfLaw/ConscientiousObjection/2019/Ukraine.pdf> referred at the OHCHR's conscientious objection page, see note 2.

This bill was never considered by the parliament, was not proposed or even formally supported by the government, and in 2019 was withdrawn: see Draft Law on Amendments to the Law of Ukraine "On Alternative (Non-Military) Service", procedural info on the Verkhovna Rada of Ukraine official website, http://w1.c1.rada.gov.ua/pls/zweb2/webproc4_1?id=&pf3511=62130 . Also, government ignored the proposals to include a commitment to guarantee the human right to conscientious objection to military service into the National Human Rights Strategy of Ukraine and in the Action Plan for 2021-2023.

¹³ Report on the human rights situation in Ukraine 16 February to 15 May 2015, para. 72:

<https://www.ohchr.org/Documents/Countries/UA/10thOHCHRreportUkraine.pdf>.

Report on the human rights situation in Ukraine 16 February to 15 May 2016, para. 117:

https://www.ohchr.org/Documents/Countries/UA/Ukraine_14th_HRMMU_Report.pdf

¹⁴ Continuing trial of Ruslan Kotsaba and impunity of haters which assaulted him and severely injured his eye with the brilliant green dye (zelenka) is example of grave violations of human rights to fair trial, to liberty and security, and to freedom of expression. Ruslan Kotsaba was accused of treason and obstructing military operations for his expression of antiwar thoughts in a 2015 video blog calling to public conscience, advocating boycott of mobilization to armed conflict in Eastern Ukraine. He already spent 524 days under arrest and was duly acquitted in 2016. His current retrial is a result of politically motivated prosecution and far-right pressure on justice. Prosecutor asks the court to sentence him to 13 years of imprisonment with confiscation of property, which is a clearly disproportionate punishment. Ongoing retrial continues beyond the reasonable time, testimonies of witnesses are mostly hearsay and only 15 of 58 of prosecution's witnesses are interrogated for now (others did not appear before the court when summoned, it is known that they are random people, not even locals, engaged against their will to say what they were told). There is open pressure on the court, far-right mob surrounds the court during almost every hearing; because of attacks of this mob, the court allowed Kotsaba to participate in the hearings remotely. On 22 January right-wing radicals attacked Kotsaba, his mother and his lawyer, sprayed him with a fire extinguisher as the mob chanted "Death to the enemies! Ukraine above all!". On 25 June 2021, Kotsaba was attacked at the Ivano-Frankivsk railway station, assaulters poured brilliant green dye (zelenka) in his face; because of chemical burn of his eye, he underwent surgery; later his eye regenerated approximately by 50%, his sight is blurred in a damaged eye, and worsened to -3 in other eye, and recently the damaged eye became worse and Ruslan started new course of healing. Both assaults were not effectively investigated, perpetrators were not held accountable. Kotsaba was allowed to read proceedings of criminal investigation, and he found that police investigator did not take any steps to indict assaulters and accomplices, not to say organizers of the assault; all formal enquiries of the investigator were ignored, and investigation did not go further, despite there is a lot of evidence including videorecords and other posts of assaulters in social networks boasting about their violent attack on Kotsaba.

¹⁵https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=INT%2fCCPR%2fCSS%2fUKR%2f46684&Lang=en