

**SUBMISSION**

**TO THE 133<sup>rd</sup> SESSION OF THE HUMAN RIGHTS COMMITTEE**

**UKRAINE**

**Military service, conscientious objection and related issues**

Updated September 2021

**Content Index**

1. Ukraine basic information
2. Conscientious objection to military service (Article 18 and 19 of the Covenant)
3. Right to life, prohibition of torture and other cruel, inhuman or degrading treatment or punishment, and liberty and security of person (Articles 2, 6, 7, 9 and 14 of the Covenant)
4. The rights of the child (Article 24 of the Covenant)
5. Recommendations

## 1. UKRAINE BASIC INFORMATION

**Population** (July 2021, estimated)<sup>1</sup> 43,745,640

### **Military expenditure**

In millions of US \$ at current prices and exchange rates: 5924 m.<sup>2</sup>

Per capita: \$ 118.9<sup>3</sup>

As percentage of gross domestic product in 2019: 3.9%<sup>4</sup> of GDP; 3% of GDP (2020 est.)  
(The percentage increased at least from 2015)

### **Compulsory military service**

Conscription reimposed in 2014.

Armed forces are composed by conscripts and contracted (voluntary) personnel.

Minimum recruitment age:<sup>5</sup>18 years old (19 years old for contract service)

Duration of compulsory military service: 18 months (12 months for citizens who completed higher education and obtained master's degree)

Women can voluntarily perform military service in peace time. Also, certain professions can be drafted in wartime.

### **Alternative (non-military) service**

Length: one-and-a-half times of military service

Open only to specified religious denominations.

### **Armed forces**

Active strength 2020: approximately 200,000 active troops (150,000 Army, including Airborne/Air Assault Forces; 12,000 Navy; 40,000 Air Force); approximately 50,000 National Guard.<sup>6</sup>

Conscripts in 2018: 33,150 people, including:

18,000 people (54.3%) conscripted to the Armed Forces of Ukraine.

10,500 people (31.7%) in the National Guard of Ukraine.

1,900 people (5.7%) conscripted to the State Special Transport Service.

2,750 people (8.3%) conscripted to the State Special Transport Service.

---

<sup>1</sup> Central Intelligence Agency (CIA), The World Factbook (2020): <https://www.cia.gov/the-world-factbook/countries/ukraine/>.

<sup>2</sup> SIPRI database on military spending. Given the conflict in the east of the country, and resulting substantial additional budgetary allocations during the year, the figures for 2014-2020 should be treated as provisional or uncertain.

<sup>3</sup> *Ibidem*.

<sup>4</sup> Central Intelligence Agency (CIA), The World Factbook (2020): <https://www.cia.gov/the-world-factbook/countries/ukraine/>.

<sup>5</sup> CHILD SOLDIERS WORLD INDEX [www.childsoldiersworldindex.org](http://www.childsoldiersworldindex.org).

<sup>6</sup> Central Intelligence Agency (CIA), The World Factbook (2020): <https://www.cia.gov/the-world-factbook/countries/ukraine/#military-and-security>.

## 2. CONSCIENTIOUS OBJECTION TO MILITARY SERVICE (ARTICLE 18 and 19 OF THE COVENANT)

### *Compulsory military service*

Ukraine has been looking for a long time to move from conscription to a full professional army. In 2013, mandatory conscription was suspended by the Defence Ministry in order to switch to a volunteer contract-based service. Yet, on 2<sup>nd</sup> September 2014, a new law was signed “regulating the procedure for military recruitment of personnel on contracts and simplifying the conscription procedure”<sup>7</sup>. Military recruitment in Ukraine and relevant issues are regulated by:

- the Constitution of Ukraine,<sup>8</sup>
- the Law of Ukraine "On the Armed Forces of Ukraine"<sup>9</sup>
- the Law of Ukraine "On Military Duty and Military Service,"<sup>10</sup>
- the Law of Ukraine "On the Alternative (Non-Military) Service,"<sup>11</sup>
- the Law of Ukraine "On Mobilization Preparation and Mobilization,"<sup>12</sup>
- the Law of Ukraine "On Unified State Register of Persons, Liable for Military Service,"<sup>13</sup>
- Criminal Code of Ukraine,<sup>14</sup>
- Code of Ukraine on Administrative Offences,<sup>15</sup>
- other regulations of draft, alternative service, and patriotic education

According to the Law on Military Duty and Military Service, “Ukrainian male citizens who are physically qualified for military service, over 18 years old and older, but who have not reached the age of 27, and who have no right for exemption from military service will be conscripted”.

Women who are fit for military service in terms of health, age and family status are included in the list of registered persons liable for military service<sup>16</sup> and, in peacetime, can perform military service only on a voluntary (contractual) basis.

Meanwhile, in wartime, women doing certain categories of job who have been registered with enlistment offices can be called into military service or involved in other defence activities.<sup>17</sup>

### *Recognition of conscientious objection and alternative service*

Article 35 paragraph 4 of the 1996 Constitution stipulates that:

“If performance of military service is contrary to the religious beliefs of a citizen, the performance of this duty shall be replaced by alternative (non-military) duty.”

---

<sup>7</sup> BBC, Ukraine reinstates conscription as crisis deepens, 02/05/2014; War Resisters' International (WRI), Propaganda, Ukrainian desertion and conscription in Lithuania, 03/03/2015

<sup>8</sup> Constitution of Ukraine, URL: [http://www.ccu.gov.ua/sites/default/files/constitution\\_2019\\_eng.doc](http://www.ccu.gov.ua/sites/default/files/constitution_2019_eng.doc).

<sup>9</sup> The Law of Ukraine "On the Armed Forces of Ukraine" in Ukrainian, URL: <https://zakon.rada.gov.ua/laws/show/1934-12>.

<sup>10</sup> The Law of Ukraine "On Military Duty and Military Service" in Ukrainian: <https://zakon.rada.gov.ua/laws/show/2232-12>.

<sup>11</sup> The Law of Ukraine "On the Alternative (Non-Military) Service" (Ukr.) <https://zakon.rada.gov.ua/laws/show/1975-12>.

<sup>12</sup> The Law of Ukraine "On Mobilization Preparation and Mobilization" (Ukr.) <https://zakon.rada.gov.ua/laws/show/3543-12>.

<sup>13</sup> The Law of Ukraine "On Unified State Register of Persons, Liable for Military Service" in Ukrainian, URL:

<https://zakon.rada.gov.ua/laws/show/1951-19>.

<sup>14</sup> Criminal Code of Ukraine, URL: <https://www.legislationline.org/documents/action/popup/id/16257/preview>.

<sup>15</sup> Code of Ukraine on Administrative Offences, in Ukrainian, URL: <https://zakon.rada.gov.ua/laws/show/80731-10>.

<sup>16</sup> Law on Military Duty and Military Service, art. 1 part 1.

<sup>17</sup> Law on Military Duty and Military Service, art. 1 para. 12.

### ***Reasons of conscientious objection***

To have the right to alternative service, a citizen must belong to a religious organization forbidding the use of weapons and have own beliefs contradictory to military service.<sup>18</sup>

In 1999 Cabinet of Ministers of Ukraine approved a list of eligible religious organizations which includes ten confessions: Adventist Reformists, Seventh-day Adventists, Evangelical Christians, Evangelical Baptist Christians, Pokutnyky, Jehovah's Witnesses, Charismatic Christian Churches, Christians of the Evangelical Faith, Christians of the Gospel Faith and Krishna Consciousness Society.<sup>19</sup>

This list has never been updated since its adoption.

Ukraine limits the recognition of the right only to short-listed religion beliefs. Therefore, any other reason of conscience, including profound convictions arising from ethical, pacifist, humanitarian or similar motives, is not taken into account.

### ***Length of alternative service***

An amendment of 18<sup>th</sup> May 2004 replaced the specific stipulations regarding the duration of alternative service with a general provision that it would be one-and-a-half times that of the military service which would be otherwise required from the person concerned.

Therefore, the length of alternative service is normally 27 months and 18 months for persons with a high school degree.

### ***Procedural aspects: timing***

Citizens can apply for alternative service after their military registration but not later than two months before the start of the conscription determined by Presidential Decree.<sup>20</sup>

In recent years, in the practice, the period of time between the publication of the Presidential Decree and the date of the start of the conscription has been less than two months.

However, there is a recent decision of the Kherson Circuit Administrative Court claiming that the non-compliance with the term cannot be the sole reason for denial in application, since it must be checked if the applicant holds authentic religious beliefs<sup>21</sup>.

### ***Procedural aspects: decision-making body***

The 1999 Act and its subsequent amendments made an important advance towards good practice by placing the processing of applications for recognition of conscientious objector status and the administration of alternative service under the local state administration.

The usual administrative practice consists in the creation of local alternative service commissions with advisory power, while the final decision is up to the local state administration.

The Ukrainian Pacifist Movement<sup>22</sup> indicated that the composition of the alternative service commissions varies in composition. Usually, they are chaired by the deputy chief of the State administration

---

<sup>18</sup> Article 2 of the Law of Ukraine "On the Alternative (Non-Military) Service".

<sup>19</sup> List of religious organizations, doctrine of which don't allow the use of weapons, approved by the Cabinet of Ministers of Ukraine, in Ukrainian, URL: <https://zakon.rada.gov.ua/laws/show/2066-99-%D0%BF>.

<sup>20</sup> Article 9 of the Law of Ukraine "On Alternative (Non-Military) Service"

<sup>21</sup> Decision of Kherson Circuit Administrative Court No. 83213002of 23.07.2019 in Ukrainian: <https://youcontrol.com.ua/en/catalog/court-document/83213002/>.

<sup>22</sup> The Ukrainian Pacifist Movement has been founded in 2019 by the participants of peaceful protests against conscription in Kyiv. Information provided for editing of the EBCO annual report on conscientious objection to military service in Europe 2019.

or Self-government body and other members such as officials from administrative divisions with functions of military policy, youth policy, labour and social care, and always one or more members represent local military commissariat. The inclusion of representatives from civil society is rare, and they never have the majority.

For instance, in Kyiv oblast administration, members of the commission on the alternative service representing civil society are usually around 5 out of 20 members and the commission has only advisory power.<sup>23</sup>

### ***Procedural aspects: types of service and information available***

Cabinet of Ministers of Ukraine has approved the list of jobs for citizens conducting alternative service, including health and social care, collective, community and personal services, construction, production of electricity, gas and water, agriculture, hunting and forestry, fisheries, mining industry, manufacturing industry, and transport.

From the above list of jobs, it can be concluded that it is not possible to perform alternative service in the private sector, including even charities and other civil society organisations.

In addition, local sources document that local public administrations seem to have no workplaces available for conscientious objectors, so they cannot perform their alternative service and possibly they could be prosecuted for failing to fulfil their duty.<sup>24</sup>

It can be assumed that, rather than a lack of workplaces, there is a specific will of making the alternative service less attractive.

### ***Procedural aspects: choice of the institution***

Those who apply to perform alternative service have no choice as to which placement they are assigned to (Article 13).

It has been reported that the alternative service is not popular among Ukrainians due to prohibitive regulations. About five hundred of persons, each year, serve it.

23-year non-military servicemen interviewed by the radio reported: "instead of weapons bears broom and shovel and cleans out the grounds and entrances of high-rise buildings"; he stated that the first time the job was hard physically and psychologically and he shamed to tell friends about it.<sup>25</sup>

### ***No information about the remuneration for the alternative service***

Meanwhile the alternative service is documented by labour contract, it is not clear how much it is remunerated. It seems that alternative servicemen should earn at least minimal remuneration (near US \$ 185/month).

The lack of information about the payment aspect, together with the greater length and the lack of workplace available, makes it even more punitive than the military service.

### ***Disciplinary offences***

Article 8 of the 1999 Act provides a list of disciplinary offences in the performance of alternative

---

<sup>23</sup> About the Kyiv Oblast State Administration commission on alternative service, in Ukrainian, <http://koda.gov.ua/normdoc/pro-komisiyu-u-spravakh-alternativnoi/>.

<sup>24</sup> Information from Ukrainian Pacifist Movement, December 2020.

<sup>25</sup> "Alternative service: the unused potential," Radio Deutsche Welle (03.04.2013), in Ukrainian, URL: <https://www.dw.com/uk/a-16716791>.

service for which the recognition of conscientious objector status may be completely inappropriately withdrawn and the military service requirement reinstated. The list includes among the offences the participation in strikes.

### ***Criminal code: desertion and dodging***

The Criminal Code of Ukraine sets out that avoidance of conscription for active military service is punishable by up to three years of imprisonment (art. 335).

Article 336 stipulates that evasion from being drafted under the mobilization process is punished with limitation of freedom for a period time from two to five years.

Article 337 on “Evasion from military registration or military exercise” stipulates for the following:  
1) evasion of the person liable to military service from the military registration after the warning made by a corresponding military enlistment office shall be punishable with a fine in the amount of up to UAH 850.00 (approx. 31 US \$) or correctional labour for the period of up to two years, or arrest for up to six months;

2) evasion of the person liable to military service from drill (or checkout) or special training shall be punishable with a fine in the amount of up to UAH 1 190 or arrest for up to six months.

Starting from the fact that the right to conscientious objection is recognised only on religious grounds, desertion remains one of the most common crimes in the Ukrainian army.

Indeed, from 2014 to 2018, the Armed Forces of Ukraine lost more than 33,000 people to desertion. As of early 2019, about 9,300 troops had deserted from the Ukrainian army. This is more than 4.5 percent of the total number of servicemen approved by the Verkhovna Rada in 2015.<sup>26</sup>

According to official judicial statistics, 16,806 people in 2014-2018 were punished for the mentioned forms of refusal of military service, 2,744 of them sentenced to imprisonment.<sup>27</sup>

Moreover, on that period, 149 Ukrainians were punished by the court’s sentences under the article of the Criminal Code of Ukraine referring to evasion of military service by self-mutilation, 26 of which were deprived of liberty.<sup>28</sup>

### ***Service in the military reserve in special period (wartime)***

In the current "special period" proclaimed by the presidential decree in 2014, all discharged conscripts are counted in military reserve; it means they are regularly summoned to military gatherings and after 6 months of discharge from conscription can be mobilized to military service in any time, including their involvement into armed conflict in Eastern Ukraine.<sup>29</sup>

Conscientious objection and alternative service are not foreseen by the Ukrainian legal framework for individuals drafted through emergency mobilization, resulting in the risk of enlistment contrary to a person’s religious beliefs.<sup>30</sup> The religious beliefs of conscientious objectors summoned during the waves of emergency mobilization in the context of the current conflict are often reportedly as

---

<sup>26</sup> Global security website, Ukraine military personnel. [www.globalsecurity.org/military/world/ukraine/personnel.htm](http://www.globalsecurity.org/military/world/ukraine/personnel.htm).

<sup>27</sup> The Truth seeker (*Newspaper in Kyiv*), President Zelensky Must Stop Military Sadism, 12.08.2019.

<sup>28</sup> Ibid.

<sup>29</sup> Law of Ukraine on Mobilisation Preparation and Mobilisation, see in particular article 22.

<sup>30</sup> UN High Commissioner for Refugees (UNHCR), International Protection Considerations Related to the Developments in Ukraine – Update III, September 2015

ignored by conscription offices.<sup>31</sup>

### ***Liberty of movement and freedom to choose own residence and leave to any country***

From the moment of an announcement of mobilization, citizens registered for military duty are prohibited to change their place of residence without the consent of a military commissar<sup>32</sup>.

Moreover, an application to receive an international Ukrainian passport may be denied due to a lack of military service, thus preventing the individual from traveling abroad.

### ***Freedom of opinion and expression: Ruslan Kotsaba case***

In January 2015, Ruslan Kotsaba, Ukrainian journalist and a supporter of the *Maidan protests*, made a public declaration against the military mobilization imposed under the martial law in that period of the armed conflict in Ukraine.

He uploaded the video of himself stating the following declaration on YouTube:

"I know that the mobilization is declared under martial law. I would rather go to prison than go into civil war now and kill my compatriots who live in the East. Don't argue with conscription. I will not take part in this fratricidal war".<sup>33</sup>

A few weeks later he was arrested and charged with "treason" and "obstruction of the legitimate activities of the armed forces of Ukraine"<sup>34</sup>. After 16 months of pre-trial detention under inhumane conditions, the court in Ivano-Frankivsk sentenced him to 3.5 years in prison.

The Court of appeal acquitted him shortly afterwards. However, the public prosecutor's office requested that the trial be reopened, which the Supreme Court followed in June 2017.

In the last two years, a total of 14 Courts have referred the case to each other. Starting from November 2020, the last trial has been holding at the Court in Kolomyja.<sup>35</sup>

On 22<sup>nd</sup> January 2021, before a hearing, Ruslan Kotsaba has been subjected to a physical aggression by far-right militants that sprayed with a fire extinguisher chanting "Death to the enemies! Ukraine above all!".

On June 25<sup>th</sup> he was victim of an attack with the green chemical "Seljonka" by a neo-Nazi group at the Ivano-Frankivsk railway station and received ophthalmological treatment at the hospital.<sup>36</sup>

The following in person hearings have been postponed and he will be on trial again on 20<sup>th</sup> September 2021.

During the years, many NGOs repeatedly called for the acquittal from 2016 to be confirmed and for the criminal proceedings to be stopped.<sup>37</sup>

---

<sup>31</sup> The Institute of Religious Freedom reports highly restrictive approaches and entail criminal prosecution of conscientious objectors as draft evaders. Institute of Religious Freedom, *Alternative (Non-Military Service): Path of Reforms or Verdicts*, 10 September 2015, [http://www.irs.in.ua/index.php?option=com\\_content&view=article&id=1596%3A1&catid=37%3AArt&Itemid=64&lang=ru](http://www.irs.in.ua/index.php?option=com_content&view=article&id=1596%3A1&catid=37%3AArt&Itemid=64&lang=ru)

<sup>32</sup> Law of Ukraine from October 21, 1993, of No. 3543-XII About mobilization preparation and mobilization; Ilyashev & Partners, Mobilization: medical contraindications and legal reservations, 04/07/201

<sup>33</sup> [https://static1.squarespace.com/static/54c00acde4b022a64cd0266b/t/60105c995e88385525d2fb1c/1611685017801/2020-12-07\\_The+Ruslan+Kotsaba+Story.pdf](https://static1.squarespace.com/static/54c00acde4b022a64cd0266b/t/60105c995e88385525d2fb1c/1611685017801/2020-12-07_The+Ruslan+Kotsaba+Story.pdf).

<sup>34</sup> He was arrested on 7 February 2015 in Ivano-Frankivsk, 130 km south-east of Lviv.

He was then named as Amnesty International's first Ukrainian prisoner of conscience in five years. He spent 524 days under arrest and was duly acquitted in 2016.

<sup>35</sup> Connection e.V (German Ngo), "The Ruslan Kotsaba story, last updated: December 7, 2020", available here: [www.ebco-beoc.org/sites/ebco-beoc.org/files/attachments/2020-12-07\\_The%20Ruslan%20Kotsaba%20Story.pdf](http://www.ebco-beoc.org/sites/ebco-beoc.org/files/attachments/2020-12-07_The%20Ruslan%20Kotsaba%20Story.pdf).

<sup>36</sup> [https://www.coe.int/en/web/media-freedom/detail-alert?p\\_p\\_id=sojdashboard\\_WAR\\_coesojportlet&p\\_p\\_lifecycle=0&p\\_p\\_col\\_id=column-4&p\\_p\\_col\\_count=1&sojdashboard\\_WAR\\_coesojportlet\\_alertId=102265091](https://www.coe.int/en/web/media-freedom/detail-alert?p_p_id=sojdashboard_WAR_coesojportlet&p_p_lifecycle=0&p_p_col_id=column-4&p_p_col_count=1&sojdashboard_WAR_coesojportlet_alertId=102265091)

<sup>37</sup> More details about international solidarity with Ruslan Kotsaba on the European Bureau for conscientious objection's web site ([www.ebco-beoc.org](http://www.ebco-beoc.org)).

### **3. RIGHT TO LIFE, PROHIBITION OF TORTURE AND OTHER CRUEL, INHUMAN OR DEGRADING TREATMENT OR PUNISHMENT, AND LIBERTY AND SECURITY OF PERSON (ARTICLES 2, 6, 7, 9 AND 14 OF THE COVENANT)**

#### ***Arbitrary detention for the purposed of military recruitment***

In September 2019 military commissariats of Kyiv sent to the police 34,930 cases of evaders from the conscription.<sup>38</sup>

Military commissariat of Lviv Oblast reported that two-thirds of summoned conscripts did not appear at draft stations, so the police was asked to search for them.<sup>39</sup>

Hunting for conscripts in the streets, but also inside dorms and hostels for students, to deliver them to the military assembly point against their will is the usual activity of police during the draft period.<sup>40</sup>

United Nations Human Rights Monitoring Mission in Ukraine documented 11 cases of arbitrary detention of conscripts by the representatives of the military commissariat who do not have the right to apprehend individuals only from May to August 2019.<sup>41</sup>

For example, Yehor Potamanov was abducted by police and military commissariat during the raid after young conscripts in the streets of the city and he was taking his sick father to the hospital with his brother. Protesting against the abduction, Yehor Potamanov resorted to a week-long hunger strike and refused to take a military oath.<sup>42</sup>

According to Dmytro Tyshchenko, brother of Yehor Potamanov, hundreds of conscripts were abducted the same way in the streets of Kharkiv during the summer. Three of them cut their veins and one hanged himself in desperate attempts to get an exemption from draft on the ground of mental disorder.<sup>43</sup> Abducted conscripts' requests to meet with their relatives were refused since authorities tried to conceal bruises and injuries caused by violent transportation to the military commissariat. Police failed to conduct an effective criminal investigation of abduction, inhuman treatment, and abuses of power during the so-called hunting for draftees<sup>44</sup>

In May 2020, the draft law no. 3553 has been presented to the Parliament by President Zelensky; it seems that the draft law includes, inter alia, the legalization of police hunting for draftees in the streets with forcible transfer to army recruitment centres.<sup>45</sup>

#### ***Harsh condition in the Armed forces: cases of hazing and suicide***

The UN Committee against Torture (CAT), in its List of Issues prior to submission of the seventh periodic report of Ukraine asked to the member State to provide information on:

---

<sup>38</sup> "35K young people in Kyiv dodge army," Ukrinform news agency, in Ukrainian, URL: <https://www.ukrinform.ua/rubric-kyiv/2787291-u-kievi-vid-armii-kosat-majze-35-tisac-osib.html>.

<sup>39</sup> "At Lviv Oblast only one third of summoned conscripts came to military commissariat voluntarily," in Ukrainian, URL: <https://zaxid.net/na-lvivshhini-lishe-tretina-prizovnikiv-dobrovoljno-priyshla-v-komisariati-pislya-ot-rimannya-povistok-n1494606>.

<sup>40</sup> "Military commissariats are hunting for conscripts again," <https://tsn.ua/ukravina/viyskkomati-znovu-viyshli-na-polyuvannya-na-prizovnikiv-chomu-tak-vidbuvayetsya-i-scho-z-cim-roboti-1452870.html>; "Military commissariat searched student dormitory for conscripts," <https://delo.ua/economyandpoliticsinukraine/v-kieve-voenkomy-ustroili-v-5-utra-rejd-v-obsche-360396/>; "Draft in Rivne oblast: 8 boys are detained against their will," <https://radiotrek.rv.ua/news/osinniy-pryzov-na-rivnenshchyni-hloptsiv-try-mayut-8-dniv-proty-ih-voli-advokat-fotovi-deo-241741.html>.

<sup>41</sup> 26 Office of the United Nations High Commissioner for Human Rights, Report on the human rights situation in Ukraine 16 May to 15 August 2019, [https://www.ohchr.org/Documents/Countries/UA/ReportUkraine16May-15Aug2019\\_EN.pdf](https://www.ohchr.org/Documents/Countries/UA/ReportUkraine16May-15Aug2019_EN.pdf).

<sup>42</sup> President Zelensky Must Stop Military Sadism, <https://truth.in.ua/en/public/729/>.

<sup>43</sup> Even military commissariats admit self-harm among conscripts, see <https://armyinform.com.ua/2019/09/vijskovyj-komisar-deyaki-pryzovnyky-vdayutsya-navit-do-chlenoushkodzhennya/>.

<sup>44</sup> Ukrainian Pacifist Movement in Kyiv protested against cruelties of conscription, URL: <https://truth.in.ua/en/public/758/>.

<sup>45</sup> Information from the Ukrainian Pacifist Movement.

- a) The number of non-combat deaths in the Ukrainian armed forces during the period under review, and the number of such deaths attributed to hazing (“dedovshchina”).
- b) Investigations undertaken during the period under review into cases of suspected hazing in the military, information on whether military prosecutors or the national police have undertaken these investigations and whether any have resulted in prosecutions and the conviction of those responsible; and
- c) Whether redress and rehabilitation, including medical and psychological assistance, has been provided to victims of hazing in the military during the period under review.<sup>46</sup>

As stated by the Kharkiv Human Rights Protection group,<sup>47</sup> relations between members of the Ukrainian Armed Forces that violate regulations (“hazing”) remain an issue.

Such actions are punishable under the Penal Code. Thus, according to the State Judicial Administration of Ukraine, at least 130 servicemen were prosecuted for this offence in 2014–2018. When a person commits several offences, the Judicial Administration records that person under the strictest article of the Penal Code brought against it.

Based on this, the Kharkiv Human Rights Protection group has concluded that the number of servicemen prosecuted for violating regulations is actually higher.

Moreover, when interviewed by a national outlet, Major-General Oleg Gruntkovskiy, Head of the Department of Moral and Psychological Support of the General Staff of the Ukrainian Armed Forces, said that the issue of psychological, moral or physical abuse of subordinates or peers still exists in the army. One of the reasons for this phenomenon is the poor training of commanding officers in the Ukrainian Armed Forces<sup>48</sup>

Moreover, the Kharkiv Human Rights Protection group underlined that suicides among military personnel, classified as non-combat casualties, are becoming more frequent.

On 27<sup>th</sup> November 2018, Main Military Prosecutor of Ukraine Anatoliy Matios presented a report dedicated to the World Mental Health Day, stating that based on the information of the Military Prosecutor’s Office, 615 cases of suicide among servicemen were registered between 2014 and 2018, with 282 suicides committed in the Joint Forces Operation zone<sup>49</sup>

The Kharkiv Human Rights Protection group has compared the information provided by the Ministry of Defence in 2015 with the information presented in 2018 by the Main Military Prosecutor and affirmed that the number of suicides has tripled.<sup>50</sup>

#### 4. THE RIGHTS OF THE CHILD (ARTICLE 24 OF THE COVENANT)

##### *The "Defense of the Fatherland" course: Armed forces involved in education*

The course "Zakhyst Vitchyzny" ("Defense of the Fatherland") is a mandatory part of the curriculum of basic schools in Ukraine aimed at national patriotic education, i.e., to inform students about the

<sup>46</sup> Committee against Torture, List of issues prior to submission of the seventh periodic report of Ukraine (CAT/C/UKR/QPR/7), published the 10 January 2017, para. 40.

<sup>47</sup> Seventh Periodic Report of Ukraine on Implementation of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment / Y. Zakharov, G. Tokarev: compilation; Kharkiv Human Rights Protection group. Kharkiv: 2020.

<sup>48</sup> Mariya Tsaturian, Oleg Grishchak, “Major-General of the Armed Forces of Ukraine Oleg Gruntovskiy: “About 30% of suicides in the army take place in the ATO”, RBK — Ukraine, March 2, 2018, (online) <https://daily.rbc.ua/rus/show/general-mayor-vsu-oleg-gruntkovskiy-okolo-1519946455.html>.

<sup>49</sup> Alla Kotlyar, “Anatoliy Matios: “We need prevention if we want to prevent non-combat casualties”, ZN, UA, (online) <https://dt.ua/interview/anatoliy-matios-schob-ne-bulo-neboyovih-vtrat-potribna-prevensiya-292174.html>.

<sup>50</sup> Kharkiv Human Rights Protection group. Kharkiv: 2020, ibidem., p. 74.

Armed Forces of Ukraine and prepare them to military service.

For the course, from 1.5 to 2 hours weekly must be scheduled for studies in 10 and 11 classes of basic school and 18 hours for military field training at military units or military commissariats, including rifle shooting.<sup>51</sup> Ministry of Defense of Ukraine regularly reports about cooperation between schools and armed forces in different forms, such as master classes in weaponry<sup>52</sup> and production of camouflage costumes for soldiers at the schools.<sup>53</sup>

### ***Military schools and age for enrolling***

The UN Committee on the Right of the Child noted in its Concluding Observations that according to the Military (General Conscription and Service) Act (art. 20) the minimum age for enrolling in higher military academies or higher education institutes with military studies departments is 17 years of age.<sup>54</sup>

This legal provision has not changed since then, and Ukrainian underage can enrol in higher military academies or higher education institutes with military studies departments.

It is necessary to specify that, according to the law, higher military academies or higher education institutes with military studies departments are part of the Armed forces.

### ***Registration of pre-conscripts ("prypyska") at age of 17***

All male citizens 17 years old (so-called pre-conscripts, "dopryzovnyky") are subjects to registering at the draft stations by the military commissariats at the place of their residence.

Procedure of military registration of pre-conscripts ("prypyska") includes their call to military commissariat for medical examination and their listing in the register of persons liable for compulsory military service. Then, registered conscripts of the age defined by the law are summoned for the procedure of conscription that includes passing a conscription commission and being sent to military units<sup>55</sup>

Usually, conscripts wait several days or weeks for transportation to the military units in detention, at extremely uncomfortable assembly points and family members have difficulties trying to see them.

---

<sup>51</sup> Syllabus of the course "Defense of the Fatherland" for primary schools, adopted by the Order of the Ministry of Education and Science of Ukraine No 826 of 30.07.2015, <https://ips.ligazakon.net/document/view/MUS25406>.

<sup>52</sup> "Rivne's military unit organized master class for school students, teaching them to disassemble and assemble weapons," Ministry of Defense of Ukraine (2018), (in Ukrainian): <http://www.mil.gov.ua/news/2018/02/04/rivnenski-vijskovi-proveli-majster-klas-dlya-shkolyariv-z-rozbirannya-zbirannya-zbroi/>.

<sup>53</sup> "Lviv school students produce camouflage for defenders of the Fatherland," Ministry of Defense of Ukraine (2014), (in Ukrainian) <http://www.mil.gov.ua/news/2014/11/25/lvivski-shkolyari-vigotovlyayut-maskuvalni-zasobi-dlya-zahisnikiv-vitchizni/>.

<sup>54</sup> Committee on the Rights of the Child, Consideration of reports submitted by States parties under article 8 of the Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict Concluding observations: Ukraine, CRC/C/OPAC/UKR/CO/1, 11 April 2011, para. 15.

<sup>55</sup> Instruction of the Cabinet of Ministers of Ukraine on organization of conscription of citizens of Ukraine and recruiting for contracted service (in Ukrainian) <https://zakon.rada.gov.ua/laws/show/352-2002-%D0%BF>.

## **5. RECOMMENDATIONS**

IFOR kindly requests the Committee to consider the inclusion of the following recommendations in its Concluding Observations to the Eighth Periodic Review of Ukraine:

### **Conscientious objection to military service (Article 18 of the Covenant)**

- Recognise and fully implement the right to conscientious objection on any grounds to conscripts, reservists and contracted members of the armed forces, also during partial and total mobilisation.
- Avoid the call-up of Internally Displaced People to perform the compulsory military service and reservists drafting.
- Take immediate measures to comply with the previous Recommendations of the UN Human Rights Committee: “Alternative service arrangements should be accessible to all conscientious objectors without discrimination as to the nature of the beliefs (religious or non-religious beliefs grounded in conscience) justifying the objection, and should be neither punitive nor discriminatory in nature or duration by comparison with military service (Human Rights Committee previous recommendation to Ukraine” (CCPR/C/UKR/CO/7 , Para 19 and CCPR/C/UKR/CO/6, para. 12).
- Ensure that the decision-making body for the conscientious objector status should be entirely independent from the military authorities, and the conscientious objector should be granted a hearing and be entitled to legal representation and to call relevant witnesses.
- Ensure that conscripts, reservists, and volunteers should be able to object before the commencement of military service, or at any stage during or after military service.
- All persons affected by military service should have access to information about the right to conscientious objection and the means of acquiring objector status.
- After any decision on conscientious objector status, there should always be a right to appeal to an independent civilian judicial body.

### **Right to life, prohibition of torture and other cruel, inhuman or degrading treatment or punishment, and liberty and security of person (articles 2, 6, 7, 9 and 14 of the Covenant)**

- Prohibit arbitrary detention for the purposes of military recruitment; ensure that all allegations of arbitrary detention are promptly, thoroughly and impartially investigated and that perpetrators are prosecuted and punished.
- Ensure that all allegations of hazing and other cruel, inhuman or degrading treatment under the armed forces are promptly, thoroughly and impartially investigated and that perpetrators are prosecuted and punished.
- Undertake efforts to improve the level of physical and psychological well-being of conscripts and voluntary personnel of the armed forces.
- Undertake efforts to include human rights and peace education in the armed forces training courses.

### **Freedom of opinion and expression (art.19 of the Covenant)**

- Ensure that the freedom of opinion and expression of conscientious objectors and their supporters is implemented
- Drop all charges against the journalist and pacifist Ruslan Kotsaba who expressed his anti-war opinion and investigate reprisals and violent acts against him.

### **The rights of the child (Article 24 of the Covenant)**

- Strictly ensure that no children under the age of 18 are enrolled in military secondary schools.
- Stop the registration of pre-conscripts ("prypyska") at age of 17 and share information about the alternative (no-military) service among high school students.
- Eliminate armed forces activities in schools with minor students.
- Undertake efforts to include peace education in the school curricula and in teachers training courses.

**IFOR contact:**

Zaira Zafarana

IFOR Main representative to UNOG

[zaira.zafarana@ifor.org](mailto:zaira.zafarana@ifor.org)