

SUBMISSION
TO THE 145th SESSION OF THE HUMAN RIGHTS COMMITTEE

Procedure for follow-up to concluding observations

UKRAINE

Freedom of expression of human rights defenders

Updated July 2025

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INTRODUCTION

This submission focuses on the right to freedom of expression, corresponding to one of the three recommendations selected by the Committee for the follow-up procedure.¹

It refers specifically to the **right of freedom of expression of human rights defenders who support conscientious objectors or who promote the right to conscientious objection to military service, as well as those promoting peace and the right to peace.**

This submission covers the period following the adoption of concluding observations in November 2021.

INTERNATIONAL STANDARDS CONCERNING FREEDOM OF EXPRESSION OF THOSE SUPPORTING CONSCIENTIOUS OBJECTORS TO MILITARY SERVICE

In 2013, in its resolution 24/17, the **Human Rights Council** urged “States to respect freedom of expression of those who support conscientious objectors or who support the right of conscientious objection to military service”.² This has been highlighted also by the Office of the United Nations High Commissioner for Human Rights (OHCHR).³

Throughout the years, the **OHCHR** has consistently reported on “Restrictions on the right of freedom of expression for those who publicly support conscientious objectors and conscientious objection to military service” (including in Ukraine⁴) and has expressed concerns.⁵

In 2017, the OHCHR explicitly stated that:

“Those who support conscientious objectors or who support the right of conscientious objection to military service should fully enjoy their freedom of expression”.⁶

In 2019, the OHCHR included such position in the minimum criteria (standards) concerning conscientious objection to military service:

“(m) Freedom of expression for conscientious objectors and those supporting them [...] Those who support conscientious objectors or who support the right of conscientious objection to military service should fully enjoy their freedom of expression.”⁷

In 2022, the OHCHR reiterated:

“(r) Those who support conscientious objectors or who promote the right to conscientious

¹ CCPR/C/UKR/CO/8, 9 February 2022, para. 54. <https://docs.un.org/en/CCPR/C/UKR/CO/8>

² A/HRC/RES/24/17, 8 October 2013, para 17. <https://docs.un.org/en/A/HRC/RES/24/17>

³ A/HRC/41/23, 24 May 2019, para. 59. <https://docs.un.org/en/A/HRC/41/23>

⁴ A/HRC/56/30, 23 April 2024, para. 45. <https://docs.un.org/en/A/HRC/56/30>
A/HRC/35/4, 1 May 2017, para. 50. <https://docs.un.org/en/A/HRC/35/4>

Referring to OHCHR reports on the human rights situation in Ukraine for the periods 16 February to 15 May 2015 (para. 72), 16 May to 15 August 2015 (para. 71), 16 August to 15 November 2015 (para. 63), 16 November 2015 to 15 February 2016 (para. 141), 16 February to 15 May 2016 (para. 117) and 16 May to 15 August 2016 (para. 115). www.ohchr.org/EN/Countries/ENACARegion/Pages/UARports.aspx.

⁵ E.g. A/HRC/23/22, 3 June 2013, paras. 64 and 69. <https://docs.un.org/en/A/HRC/23/22>
A/HRC/35/4, 1 May 2017, paras. 49-50, 62. <https://docs.un.org/en/A/HRC/35/4>

A/HRC/50/43, 11 May 2022, paras. 37-38, 56. <https://docs.un.org/en/A/HRC/50/43>

A/HRC/56/30, 23 April 2024, para. 45. <https://docs.un.org/en/A/HRC/56/30>

⁶ A/HRC/35/4, 1 May 2017, para. 63. <https://docs.un.org/en/A/HRC/35/4>

⁷ A/HRC/41/23, 24 May 2019, para. 60(m). <https://docs.un.org/en/A/HRC/41/23>

objection to military service should fully enjoy their freedom of expression.”⁸

It is worth noting, as it has been highlighted inter alia by the OHCHR,⁹ that the jurisprudence of the **European Court of Human Rights** has also taken up the issue of the right to freedom of expression of those supporting conscientious objectors.¹⁰

VIOLATIONS OF THE RIGHT TO FREEDOM OF EXPRESSION

In its annual report 2022/23, the European Bureau for Conscientious Objection (EBCO) reported that the Ukrainian government “imposed restrictions on the right of freedom of expression for public critique of Armed Forces of Ukraine and advocacy of conscientious objection to military service in Ukraine”.¹¹

It is worth noting that the case of the journalist Ruslan Kotsaba, which was initiated in 2015 and has been cited by OHCHR,¹² was still pending during the referenced period.¹³

In August 2024, War Resisters’ International, a non-governmental organization in special consultative status, together with its international partner Connection e.V. and local partner Ukrainian Pacifist Movement, submitted a written statement to 57th session of the UN Human Rights Council. In this statement on “Human Rights Violations Concerning Mobilization and Related Issues in the Ukrainian Territory”, there is a part specifically about “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.^{14,15}

⁸ A/HRC/50/43, 11 May 2022, para. 57(r). <https://docs.un.org/en/A/HRC/50/43>

⁹ A/HRC/35/4, 1 May 2017, para. 49. <https://docs.un.org/en/A/HRC/35/4>

¹⁰ ECtHR, Case of Savda v. Turkey (No. 2), (application No. 2458/12), 15 November 2016.

Available in French at: <https://hudoc.echr.coe.int/eng/?i=001-168960>

¹¹ EBCO, Annual Report, Conscientious Objection to Military Service in Europe 2022/23, p. 84.

https://ebco-beoc.org/sites/ebco-beoc.org/files/attachments/2023-05-12-EBCO_Annual_Report_2022-23.pdf

¹² A/HRC/35/4, 1 May 2017, para. 50. <https://docs.un.org/en/A/HRC/35/4>

Referring to OHCHR reports on the human rights situation in Ukraine for the periods 16 February to 15 May 2015 (para. 72), 16 May to 15 August 2015 (para. 71), 16 August to 15 November 2015 (para. 63), 16 November 2015 to 15 February 2016 (para. 141), 16 February to 15 May 2016 (para. 117) and 16 May to 15 August 2016 (para. 115).

www.ohchr.org/EN/Countries/ENACARegion/Pages/UARports.aspx.

¹³ EBCO, IFOR, WRI and Connection e.V., “Ukraine: Drop all charges against Ruslan Kotsaba”, 18 July 2022.

<https://ebco-beoc.org/node/536>

See also: EBCO, Annual Report, Conscientious Objection to Military Service in Europe 2022/23, pp. 87-88.

https://ebco-beoc.org/sites/ebco-beoc.org/files/attachments/2023-05-12-EBCO_Annual_Report_2022-23.pdf

¹⁴ [Note in the original] <https://www.instagram.com/reel/C-VCgXgspVL/>

¹⁵ UN General Assembly, Human Rights Council, “Written statement submitted by War Resisters International, a non-governmental organization in special consultative status”, (A/HRC/57/NGO/308), Distr.: General 27 September 2024

The written statement referred also the case of the legal scholar, human rights defender, and Executive Secretary of the Ukrainian Pacifist Movement, who provides legal assistance to conscientious objectors to military service, Yuri Sheliashenko, which will be detailed further below.

The case of Mr. Yuri Sheliashenko

Yuri Sheliashenko is an advocate of the right to conscientious objection, a prominent human rights defender of conscientious objectors in Ukraine and at the international level, a cofounder and leader of the Ukrainian Pacifist Movement and a member of the Board of the European Bureau for Conscientious Objection (EBCO).¹⁶

On 11 August 2022, criminal proceedings opened against Yuri Sheliashenko, Executive Secretary of the Ukrainian Pacifist Movement, on the pretext of anti-Ukrainian character of his human rights defending activities, notably, legal aid consultation text "human right to conscientious objection to military service".

On 21 September 2022, International Day of Peace, the Ukrainian Pacifist Movement met and adopted the Statement entitled "Peace Agenda for Ukraine and the World".¹⁷

On 3 August 2023, Yuri Sheliashenko, Executive Secretary of the Ukrainian Pacifist Movement, was charged with the crime of "justification of Russian aggression" with sole "evidence" the Statement of 21 September 2022, despite the fact that it was explicitly condemning Russian aggression. The Security Service of Ukraine broke into the apartment of Yuri Sheliashenko early in the morning and conducted an illegal search and seizure operation, finding nothing criminal and taking his phone, his computer, as well as some documents of the Ukrainian Pacifist Movement.¹⁸

On 7-8-9 August 2023, Yuri Sheliashenko was summoned to interrogation. On 7 August 2023, EBCO President met the Senior Investigator of the Investigative Department of the Security Service of Ukraine, but she was not allowed to attend the interrogation according to the Ukrainian law.

On 8 August 2023, the Senior Investigator of the Investigative Department of the Security Service of Ukraine with the agreement of the Prosecutor of the Kyiv City Prosecutor's Office submitted a request to the Court on the application of a preventive measure in the form of 24-hour house arrest for 60 days to Yuri Sheliashenko.

On 15 August 2023, the investigating judge of the Solomyanskyi District Court of Kyiv, in an open court session, partially satisfied the request and ordered to place Yuri Sheliashenko under house arrest, prohibiting him from leaving his place of residence in the time period from 10 p.m. until 6 a.m. the next day until 11.10.2023 inclusive, excluding the need to leave this home during an air raid and emergency medical assistance. He also imposed on Yuri Sheliashenko until October 11, 2023, inclusive, the following duties: to come to the investigator, prosecutor, investigating judge, court at every request; to deposit with the relevant state authorities his passport(s) for traveling abroad, other documents giving the right to leave Ukraine and enter Ukraine (if such documents are available); notify the investigator, prosecutor or court about a change of residence and/or work; refrain from communicating with persons identified by the investigator as witnesses. Employees of the National Police, in order to monitor his

[received 26 August 2024], p. 4. <https://docs.un.org/en/A/HRC/57/NGO/308>

¹⁶ <https://ebco-beoc.org/ebcoboar> (accessed 20 July 2025).

¹⁷ <https://worldbeyonddwar.org/peace-agenda-for-ukraine-and-the-world/>

¹⁸ Connection e.V., EBCO, WRI and International Fellowship of Reconciliation (IFOR), "Ukraine: Drop the charge against Yuri Sheliashenko. Pacifism is not a crime", 5 August 2023. <https://en.connection-ev.org/article-3835>

behaviour, received the right to appear in the house where he was under arrest, to demand oral or written explanations on issues related to the fulfilment of his obligations. The decision was subject to immediate execution and could be appealed directly to the Kyiv Court of Appeals within 5 days.¹⁹

The house arrest was further extended for several months.

In its annual report for 2024, EBCO stated:

“EBCO Board member Yurii Sheliazhenko - held under house arrest in August 2023 - February 2024 - continues to live under threat of imprisonment, while trial continues where he is falsely accused in “justification of Russian aggression” in a public statement in September 2022 where the invasion was condemned with a call to nonviolent resistance. Amnesty International reports that such charges are extensively used to disproportionately restrict freedom of expression. His communications related to human rights defending consultations to conscientious objectors were surveilled. His computer and smartphone, seized without any legal reasons during a search in his house, were not returned contrary to a court order, and another dubious order was obtained to circumvent the first one. Regarding these events and house arrest, he complained to the European Court of Human Rights. 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 Sheliazhenko's website "Free Civilians. Herald of Peace and Conscientious Objection".^{20,21} Furthermore, according to information provided by the Ukrainian Pacifist Movement, proceedings after a complaint on this case were opened on 17 September 2024 in the Kyiv Regional Administrative Court,²² but they are still not concluded, no judgment has passed after 10 months despite Article 258 of the Code of Administrative Proceedings of Ukraine requiring to resolve in 60 days cases of such category.”

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In November 2023, the case of Mr. Sheliazhenko was included in a **Communication by the Mandates of the Special Rapporteur on the rights to freedom of peaceful assembly and of association; the Special Rapporteur on minority issues and the Special Rapporteur on freedom of religion or belief.**

In their communication the Special Rapporteurs stated that, according to information received:

“Case of Mr. Yurii Sheliazhenko

More recently, on 3 August 2023 a criminal investigation was initiated against Mr. Yurii Sheliazhenko, the Executive Secretary of Ukrainian Pacifist Movement, an NGO focused on advocating, practising and protecting human rights for peace and to conscientious objection to military service. Mr. Sheliazhenko was served with a formal suspicion in justifying Russian aggression. This crime is punishable by up to 5 years in prison with the possibility of confiscation of property under art. 436-2 part 2 of the Criminal Code of Ukraine. The alleged criminal act was the sharing of a statement titled "Peace Agenda for Ukraine and the World" adopted by Ukrainian Pacifist Movement on 21 September 2022, with the Ukrainian leadership. This statement allegedly justifies Russian aggression. Mr. Sheliazhenko has since been subjected to search of his apartment on 3 August 2023, seizure of computer and smartphone and night house arrest (from 15 August and extended till 30 November 2023)”²³

¹⁹ EBCO, WRI, IFOR and Connection e.V., “Ukraine: Release peace activist Yurii Sheliazhenko and drop all charges against him”, 17 August 2023. <https://en.connection-ev.org/article-3838>

²⁰ [Note in the original] <https://docs.un.org/en/A/HRC/57/NGO/308>

²¹ EBCO, “Annual Report, Conscientious Objection to Military Service in Europe 2024”, p. 146.

https://ebco-beoc.org/sites/ebco-beoc.org/files/2025-06-05-EBCO_Annual_Report_2024.pdf

²² <https://reyestr.court.gov.ua/Review/121670012>

²³ AL UKR 1/2023, 8 November 2023, p. 5.

The Special Rapporteurs further stated:

“We are also concerned about the prosecution of persons who refuse to perform the compulsory military service based on reasons of conscientious objections, **including those who are involved in advocating the right to conscientious objection to military service.**”²⁴ (emphasis added)

The Special Rapporteurs explicitly requested information on Mr. Sheliazhenko’s case:

“9. Please provide information regarding the status of the investigation of Mr. Yurii Sheliazhenko including the factual and legal grounds for his night house arrest.”²⁵

It is worth noting that the Special Rapporteurs also included in the Annex titled “Reference to international human rights law” the following:

“Furthermore, article 19 of the ICCPR states that “everyone shall have the right to hold opinions without interference” and “everyone shall have the right of freedom of expression”. Article 19 requires the States to guarantee the right to freedom of expression (Id.). It is the States’ duty to put in place effective measures to protect against attacks aimed at silencing those exercising their right to freedom of expression. Restrictions on the right to freedom of expression must be compatible with the requirements set out in article 19(3), that is, they must be provided by law, pursue a legitimate aim, and be necessary and proportionate. The State has the burden of proof to demonstrate that any such restrictions are compatible with the Covenant. The Human Rights Council Resolution 12/16 calls on States to refrain from imposing restrictions which are not consistent with article 19(3), including: discussion of government policies and political debate; reporting on human rights; engaging in peaceful demonstrations or political activities, including for peace or democracy; And expression of opinion and dissent, religion or belief, including by persons belonging to minorities or vulnerable groups.”²⁶

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In their official response, the Ukrainian authorities stated, *inter alia*, about the case of Mr. Sheliazhenko:

“9. Regarding the status of the investigation of Mr. Yurii Sheliazhenko including the factual and legal grounds for his night house arrest.

A pre-trial investigation in criminal proceedings No. [covered] as of 11 August 2022 under part 2 of Article 436-1 of the Criminal Code of Ukraine (production and distribution of communist, Nazi symbols and propaganda of communist and national socialist (Nazi) totalitarian regimes) is underway in relation to Mr. Yurii Sheliazhenko. The restraining measure in the form of night house arrest was imposed on the suspect and subsequently extended by the investigating judge of the Solomyansky District Court of Kyiv.

Information provided by the Security Services of Ukraine (SSU)”²⁷

In April 2024, the case of Mr. Sheliazhenko, the communication of the Special Rapporteurs and the response of the Ukrainian authorities were highlighted also by the **OHCHR**, in its report concerning Conscientious objection to military service, and particularly in the chapter titled “**Refrain from unduly restricting the human rights of those representing or advocating for the rights of conscientious objectors**”:

<https://spcommreports.ohchr.org/TMResultsBase/DownloadPublicCommunicationFile?gId=28562>

²⁴ Ibid.

²⁵ Ibid., p. 6.

²⁶ Ibid. p. 10.

²⁷ Permanent Mission of Ukraine to the UN Office and other international organizations in Geneva, No 38/017, Geneva, 22 January 2024, p. 10. <https://spcommreports.ohchr.org/TMResultsBase/DownloadFile?gId=38094>

“In Ukraine, Yuri Sheliashenko, a peace activist, has been charged with criminal offences and subjected to house arrests, investigative measures and stigmatization for his advocacy for peace and the right to conscientious objection.”²⁸ The special procedures of the Human Rights Council sent a communication to Ukraine requesting information on the allegations of charges against Mr. Sheliashenko under article 436-2 of the Criminal Code relating to ‘justifying Russian aggression’. In response, Ukraine stated, inter alia, that a pretrial investigation was under way in relation to Mr. Sheliashenko, under ‘part 2 of article 436-1 of the Criminal Code of Ukraine (production and distribution of communist, Nazi symbols and propaganda of communist and national socialist (Nazi) totalitarian regimes)’.²⁹”³⁰

However, on 20 June 2024, the Ukrainian authorities issued a **significant correction concerning the legal basis of the criminal case against Mr. Sheliashenko**.³¹

As noted by EBCO:

“With regard to Yuri Sheliashenko (a Board Member of EBCO), the reply seemed to give startling new information. It stated that a pre-trial investigation was underway under Part 2 of Article 436-1 of the Criminal Code (‘production and distribution of communist, Nazi symbols and propaganda of communist and national socialist (Nazi) totalitarian regimes’). It also stated that ‘the restraining measure in the form of night house arrest was imposed on the subject and subsequently extended by the investigating judge of the Solomyansky District Court of Kiev’. Whatever the (unexplained) background to this account of the charges under investigation, it was felt necessary to issue a correction dated 20th June 2024 to this “editorial mistake”. In accordance with the information which had already been given, it was reported that in fact the investigation was under Part 2 of Article 436-2 (‘justification, recognition as lawful, denial of the armed aggression of the Russian Federation against Ukraine, which began in 2014, including by presenting the armed aggression of the Russian Federation against Ukraine as an internal civil war as well as justification, recognition as lawful, denial of the temporary occupation of a part of the territory of Ukraine, as well as glorification of the persons who carried out the armed aggression of the Russian Federation against Ukraine which began in 2014, representatives of the armed formations of the Russian Federation, irregular illegal armed groups’). Not mentioned is that the only evidence which has been publicly cited, a declaration published on 21st September 2022 in the name of the Ukrainian Peace Movement, cannot be interpreted as containing any of these assertions.”³²

CONCLUSIONS

In its Concluding Observations, the Committee recommended:

“48. The State party should prohibit officials from interfering with the legitimate exercise of the right to freedom of expression of human rights defenders and journalists, guarantee

²⁸ [Note in the original] Submission from Ukrainian Pacifist Movement and the individual concerned participated in the intersessional workshop.

²⁹ [Note in the original] See communication UKR 1/2023, available at:

<https://spcommreports.ohchr.org/TMResultsBase/DownloadPublicCommunicationFile?gId=28562>; and response from Ukraine of 22 January 2024, available at: <https://spcommreports.ohchr.org/TMResultsBase/DownloadFile?gId=38094>.

³⁰ A/HRC/56/30, 23 April 2024, para. 45. <https://docs.un.org/en/A/HRC/56/30>

³¹ Permanent Mission of Ukraine to the UN Office and other international organizations in Geneva, No 204/017, Geneva, 20 June 2024. <https://spcommreports.ohchr.org/TMResultsBase/DownloadFile?gId=38483>

³² EBCO, “Annual Report, Conscientious Objection to Military Service in Europe 2024”, p. 18.

https://ebco-beoc.org/sites/ebco-beoc/files/2025-06-05-EBCO_Annual_Report_2024.pdf

defenders' and journalists' effective protection against any kind of threat, pressure, intimidation or attack and ensure that illegal acts are thoroughly investigated and that those responsible are appropriately charged and brought to justice. The State party should ensure that any restrictions on the right to freedom of opinion on national security grounds comply fully with the strict requirements of article 19 of the Covenant and the Committee's general comment No. 34 (2011). [...]"³³

In conclusion, Connection e.V. notes with concern that the information provided in this report indicates that the State party not only has failed to implement the relevant recommendation, but through actions of its authorities, the State party has rather **“adopted measures that are contrary to or have results or consequences that are contrary to the recommendation of the Committee”**.

³³ CCPR/C/UKR/CO/8, 9 February 2022, para. 48. <https://docs.un.org/en/CCPR/C/UKR/CO/8>