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Formal Briefing on Russian Federation

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Honourable members of the Human Rights Committee,

the International Fellowship of Reconciliation, thanks for this opportunity to speak and raises serious concerns regarding the right to conscientious objection to military service in Russia.

As already reported¹ a Russian citizen has the right to apply for an alternative civilian service (ACS). According to the local Movement of Conscientious Objectors (MCO)² statistics, in 50% of cases people are denied ACS.³ Persons serving in the military, whether as conscripts or professional soldiers, cannot apply for conscientious objection.

Additionally the current persecution of Jehovah's Witnesses affects their right to conscientious objection to military service.

Contrary to previous concluding observations of the Committee the assessment of applications for conscientious objector status continues to be not entirely under the control of civilian authorities with a lack of independence and impartiality in the procedure.⁴ In addition, ACS remains punitive and discriminatory.

With reference to the ongoing warfare, it is worth to recall that according to the international human rights standards⁵, the right to conscientious objection applies also to selective objectors, and therefore the Russian Federation should respect this right for those who refuse to participate in the war of aggression in Ukraine.

¹https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=INT%2fCCPR%2fCSS%2fRUS%2f48820&Lang=en

² The [Movement of conscientious objectors](#) (MCO) is a non-profit anti-war organization founded in 2014 to support the right for conscientious objection to military service and to avoid the "hidden mobilization" that is currently taking place. Since the beginning of war in Ukraine MCO:

- [statement](#) on February 24, 2022 which called for an immediate end to the war unleashed by Russia,
- [collect all the cases](#) of soldiers who refused to fight in Ukraine,
- [petition](#) against compulsory military service which got more than 25000 supporters.

³ The two most common grounds are: missing the deadline for filing an application and the fact that the Draft commission has evidence that the recruit has no convictions against military service.

According to the law, in case of denial the Draft commission must issue a reasoned refusal. However, such cases are isolated.

⁴ By the law, the decision to replace compulsory military service by an alternative civilian service or a decision to deny such a replacement is made by the Draft commission.

The chairman of the Draft commission is the head or deputy head of the municipality but the military commissar is also the deputy chairman of such commission.

In practice, the organizational work of the Draft commission is carried out by the Military commissariat. Draftees file applications to the Military commissariat which conducts personal files of draftees and carries out a calling to the draftee who submitted the application. The chairman of the Draft commission does not control this process in any way.

The chairman and other members of the Draft commission, who do not work permanently in the Military commissariat often, are poorly oriented in the legislation in the field of conscription and conscientious objection and fully rely on the opinion of the military commissar and other employees of the Military commissariat.

Furthermore, the Draft commission has no funding and its sessions are held at the premises of the Military commissariat.

In practice, the Draft commission is dependent on the Military commissariat and cannot take impartial decisions.

⁵ As cited also by the OHCHR and UNHCR.

This right should be absolutely protected and cannot be restricted for reasons of national security as stated by your Committee⁶ and as highlighted in the last OHCHR quadrennial thematic report⁷.

Regarding mobilization, IFOR is concerned about the so-called “hidden mobilization”, a practice which bypasses the procedure provided for by law.⁸

At the end of May 2022, the age limit for possible conscription of contract soldiers has been raised to 65.⁹

Military commissariats put pressure on recruits, telling them that asking for civilian service is unlawful. The government proclaimed that ACS is not possible during mobilization but according to art. 59 of the Constitution citizens have the right to ACS in the case the military service contradicts their beliefs.¹⁰ There is currently no law that establishes the procedure for ACS during mobilisation and a bill has been submitted to the Duma in early October¹¹. Nevertheless the Constitutional Court in 1996 stated that this right “is directly applicable and must be ensured regardless of whether or not a relevant federal law has been enacted”.¹²

Last September a new bill introduced the concepts of “mobilization, martial law and wartime”¹³ and stated a jail terms of up to 15 years for wartime acts, including surrendering and desertion.¹⁴ Failure to show up for mobilisation is an administrative offence¹⁵ with a fine of 3,000 roubles.¹⁶

On September 21st, Russian President announced the start of Russia’s so-called “partial mobilization”.¹⁷

⁶ <https://www.refworld.org/docid/453883fb22.html>

⁷ Analytical report by the OHCHR (see paragraph 5), <https://undocs.org/en/A/HRC/50/43>.

⁸ Draft periods in Russia take place twice a year: in spring and in autumn. It consists of a medical examination, a meeting of the Draft commission to resolve the issue of sending to military service and sending to military service itself. All these three events, according to the law, must be held separately from each other, and for each of them the conscript is called by a summons. Summons must be handed to the person personally; the conscript must sign for its receipt.

In practice, summons to conscripts are sent to the mailbox without a signature. The date of appearance may be indicated outside the draft periods. And instead of the specific purpose of the call, the summon indicates the general wording "clarification of data". When visiting a Military commissariat in such a situation, a conscript can be called up for military service immediately on the day of the visit.

⁹ <https://www.rferl.org/a/russia-raises-military-age/31867388.html>

¹⁰ Constitution of the Russian Federation, Article 59(3):

A citizen of the Russian Federation shall have the right to alternative civilian service if his convictions or religious beliefs conflict with military service, as well as in other cases established by federal law.

Constitution of the Russian Federation, Article 28:

Guarantees everyone freedom of conscience and freedom of religion, including the right ... to freely choose, hold and disseminate religious and other beliefs and to act in conformity with them.

Constitution of the Russian Federation, Article 29(3):

No one shall be compelled to ... renounce [his opinions and beliefs].

¹¹ Law on ACS, Article 9: The organisation and performance of alternative civilian service during mobilisation, martial law and wartime shall be determined by federal constitutional laws, other federal laws and other normative legal acts of the Russian Federation adopted in accordance with them.

¹² Ruling No. 63-O of 22 May 1996, explained that the right of citizens whose beliefs or religious beliefs conflict with military service to be replaced by alternative civilian service, as well as all other human and civil rights and freedoms, is directly applicable and must be ensured regardless of whether or not a relevant federal law has been enacted, literally, as set forth in the said constitutional norm.

¹³ Previously not mentioned in the Russian Criminal Code.

¹⁴ <https://www.themoscowtimes.com/2022/09/20/russian-lawmakers-approve-long-jail-terms-for-military-surrender-refusal-to-serve-a78843>

¹⁵ Under Article 21.5 of the Code of Administrative Offences.

¹⁶ From the moment the medical commission is passed and the order of the military commissariat for mobilisation is announced, the state considers the person to be a serviceman and may apply the new amendments on evasion to him.

¹⁷ Russian authorities announced that they planned to call up about 300,000 people from the reserves.

Dozhd TV has [reported](#) that mobilization will happen in three stages: September 26–October 10; October 11–25; and October 26–November 10.

About 200,000 Russian citizens left the country in the week after the mobilisation alone.¹⁸

Journalists and human-rights activists are reporting that police officers have stopped and questioned men¹⁹, collected their data, and handed them draft letters.²⁰

It is also concerning that Moscow authorities demanded that hotel and hostel operators hand over information on male guests.²¹

The police is extensively used to hunt down potential recruits in the streets and in the practice of raids and arbitrary detentions.²²

Caught people are threatened with criminal prosecution if they refuse to go to the military unit.

Hundreds of military personnel are refusing to participate in combat operations in Ukraine²³ and there are information about their cruel treatment.²⁴

According to article 20 of the Federal Law "On mobilization training and mobilization in the Russian Federation", the call for mobilization must be organized by the independent Mobilization Commissions, which are civilian bodies. However, all decisions on mobilization are made by the Military Commissar.

According to the defense ministry's announcement, only people who have already served, have military specializations, and have prior combat experience will be drafted. However, information regularly appears in Russia about people who do not meet those criteria being conscripted.

¹⁸ <https://en.connection-ev.org/article-3624>

¹⁹ For instance near Moscow metro stations and in St. Petersburg.

²⁰ Moscow's military commissariat [denies](#) reports of draft letters being handed out by subway stations. According to the city's military commissar Maxim Loktev, the "ambushes" had nothing to do with mobilization and are part of regular "investigative activities" "for catching criminals." Loktev acknowledged, though, that draft dodgers fall within the scope of this law-enforcement work.

<https://meduza.io/en/news/2022/10/14/moscow-men-ambushed-and-drafted-near-subway-stations-draft-office-denies-these-reports>

²¹ The administrative head of the Filyovsky Park district demanded that Moscow hotel and hostel owners provide information on male guests between the ages of 18 and 55. Evgeny Stupin, lawyer for the Moscow City Duma, [posted](#) a photo of the document. The document states that data on guests "will be used to identify citizens who are not fulfilling their military duties." It required the information – full name, date of birth, passport data, and registered address – by October 12.

<https://meduza.io/en/news/2022/10/15/moscow-authorities-demand-that-hotel-and-hostel-operators-hand-over-information-on-male-guests>

There have been earlier reports of police raids on Moscow hostels and hotels. Mediazona reported that on October 8, police cordoned off the Travel Inn hostel and start to check guest's documents.

On October 14, publications Kholod and Verstka reported that an enlistment office in Moscow's Danilovsky district held at least 12 men, who had been brought there from hostels in the capital, for 24 hours. Three of them were residents of Bashkortosan. They were released, but instructed to return within two days, according to Kholod. It is not known what became of the other men who were taken in.

²² Since the beginning of the mobilization, a widespread practice in large cities is that police officers stop men on the streets, check their documents, and try to hand a subpoena. Lately, another practice was introduced in the form of [raids](#). On October 9, the police came to the 'heating center' for the homeless in Moscow and detained several dozen people. There were also raids at workers' dormitories. In St. Petersburg, police officers blocked exits of several residential buildings and handed out subpoenas.

Summons are issued to all caught citizens without respecting the territorial principle. This means that medical and any other documents that are in the military commissariat at the place of registration of a citizen are simply not considered by the military commissariat, where a person is taken after a raid.

²³ <https://www.wsj.com/articles/documents-reveal-hundreds-of-russian-troops-broke-ranks-over-ukraine-orders-11654094212>

<https://www.moscowtimes.ru/2022/07/18/sotni-voennosluzhaschih-iz-dagestana-otkazalis-voevat-v-ukraine-a22359>

<https://news.doxajournal.ru/novosti/v-kurskoj-oblasti-dobrovolcy-nachali-otzyvat-dokumenty-posle-ukrainskih-udarov-po-rossijskim-skladam/>

²⁴ On July 28, five members of the Presidential Human Rights Council (Alexander Asmolov, Nikolai Svanidze, Alexander Verkhovsky, Alexander Sokurov, and Natalia Yevdokimova) wrote an appeal to the military prosecutor's office with a demand to check the information about cruel treatment of Russian servicemen who wanted to refuse to take part in the war in Ukraine. The appeal was drawn up based on statements by relatives of servicemen.

<https://novayagazeta.eu/articles/2022/08/12/voiska-vyshli-iz-stroia>

This is happening also in the Ukrainian occupied territories where it is also reported a forced mobilization of conscripts by Russian affiliated armed groups²⁵.

The media reported several cases of forcibly detained refusers in Ukraine²⁶, often forced to manual labour²⁷ and subjected to psychological pressure and physical torture.²⁸

In conclusion, IFOR is also concerned about the ongoing violations of the right to freedom of expression which, as freedom of thought, conscience and religion, is a non-derogable right.

As reported by Forum 18, for instance, two Russian Orthodox priests, N. Pinchuk and I. Kurmoyarov, are currently on trial these days on different criminal charges for protesting against the Russia's war in Ukraine. If convicted, they could be imprisoned or have to pay massive fines.²⁹

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

IFOR contact:

Zaira Zafarana

IFOR's main representative to the UN

zaira.zafarana@ifor.org

²⁵ Situation of human rights in Ukraine in the context of the armed attack by the Russian Federation, 24 February –15 May 2022, a report published by the OHCHR on 29 June 2022 (see paragraphs 109, 110), <https://www.ohchr.org/en/documents/country-reports/situation-human-rights-ukraine-context-armed-attack-russian-federation>

²⁶ <https://www.currenttime.tv/a/ukraine-russia-war-russian-soldiers-/31946543.html>

<https://verstka.media/v-plenu-u-sobstvennoy-armii/>

²⁷ <https://www.severreal.org/a/chto-proishodit-s-otkazavshimisya-voevat-v-ukraine/31954279.html>

²⁸ <https://theins.ru/news/253555>

<https://zona.media/article/2022/07/21/yama>

<https://verstka.media/otkaznili-krasniy-luch/>

²⁹ Fr Nikandr Pinchuk's first full trial hearing in Sverdlovsk Region is due on 17 October. Fr Ioann Kurmoyarov's trial in St Petersburg is due to resume on 14 November. He has been in pre-trial detention since early June.

https://www.forum18.org/archive.php?article_id=2780