



**European
Bureau for
Conscientious
Objection**



J O I N T P R E S S R E L E A S E

Ukraine blatantly violates the human rights of peace activists and conscientious objectors

29 December 2023

The [European Bureau for Conscientious Objection](#) (EBCO), [War Resisters' International](#) (WRI), the [International Fellowship of Reconciliation](#) (IFOR), and [Connection e.V.](#) (Germany) **express their deep disappointment and grave concerns about the continuing harassment of peace activists and conscientious objectors, including arbitrary prosecutions and unfair judgments, as well as the inappropriate provisions of the new mobilization bill No 10378 of 25.12.2023 proposed by the Ukrainian army.** All charges against peace activists and conscientious objectors should be dropped, and those in prison should be released immediately and unconditionally, given that they are clearly prisoners of conscience. Moreover, the new bill about conscription should include provisions for the full recognition of the right to conscientious objection to military service.

The four organisations urge the European Union (EU) to ensure that recognition of the right to conscientious objection, as a vital safeguard of democratic values and principles in time of national emergency caused by Russian aggression, be considered a necessary condition of Ukraine's accession to the EU during forthcoming negotiations. The right to conscientious objection is recognised, amongst others, in the EU Charter of Fundamental Rights (Article 10 - Freedom of thought, conscience and religion).

The following five cases show that Ukraine has no compunction in prosecuting and sentencing even the most obvious conscientious objectors to draconian terms of imprisonment:

- Seventh-day Adventist conscientious objector **Dmytro Zelinsky** is currently serving his 3-year prison sentence. The 45-year-old was acquitted in June 2023, but the Prosecutor appealed. On August 28th 2023, Ternopil Appeal Court overturned the acquittal. It acceded to the request by Prosecutor Roman Harmatiuk and handed Zelinsky a 3-year prison sentence to come into force immediately. Zelinsky is preparing a further appeal to the Supreme Court in Kyiv.¹
- Christian conscientious objector **Andrii Vyshnevetsky** is still serving in a frontline unit of the Armed Forces of Ukraine despite his declared conscientious objection and request for discharge. He submitted a lawsuit asking the Supreme Court to order President Zelensky to establish the procedure of discharge from military service on the grounds of conscience. On September 25th 2023, the Supreme Court rejected this lawsuit. The Ukrainian Pacifist Movement filed an appeal to the Grand Chamber of the Supreme Court and the announcement of the final judgment is expected on 25 January 2024.
- In a retrial ordered by the Supreme Court on December 13th 2023, the Ivano-Frankivsk City Court of Ivano-Frankivsk Oblast convicted Protestant Christian conscientious objector **Vitaly Alekseyenko** to 3-year prison sentence (suspended on condition of 1 year 6 months of probation), replacing the original sentence of one year's imprisonment of which he had served three months between his initial conviction and the Supreme Court's decision in May 2023.² Several international requests for a webcast of the trial were ignored. Vitaly will appeal, seeking acquittal.

¹ Ukraine: Three years' jail for Adventist conscientious objector to mobilisation, 1 November 2023, available at: https://www.forum18.org/archive.php?article_id=2871

² Supreme Court of Ukraine releases a prisoner of conscience: conscientious objector Vitaly Alekseenko, 26 May 2023, available at: <https://www.ebco-beoc.org/node/572>

- Christian pacifist **Mykhailo Yavorsky** was sentenced to one-year imprisonment on 6 April 2023 by the Ivano-Frankivsk city court for refusing mobilisation call-up to the Ivano-Frankivsk military recruitment station on 25 July 2022 on religious conscientious grounds.³ He filed an appeal to the Ivano-Frankivsk Court of Appeal, which on 2 October changed the verdict from one-year imprisonment to three-year suspended sentence with one-year probation. Despite the courts of first and appellate instances finding that Yavorsky held deep and sincere religious beliefs incompatible with military service, which under Article 35 of the Constitution of Ukraine should have conferred exemption from military service, this was considered only a mitigating circumstance. Yavorsky is now preparing a cassation complaint to the Supreme Court.
- Executive Secretary of the Ukrainian Pacifist Movement **Yurii Sheliashenko**, was placed under criminal investigation, on suspicion of justifying Russian aggression; an offence punishable by up to 5 years in prison with the possibility of confiscation of property. Ironically, this is based on a statement "Peace Agenda for Ukraine and the World" adopted by the Ukrainian Pacifist Movement on 21 September 2022, which statement explicitly endorses the UN General Assembly's condemnation of the Russian invasion.⁴ Sheliashenko's apartment was searched on 3rd August 2023 and his computer and smartphone seized; these have not been returned despite an order issued by the Solomiansky District Court of Kyiv; on 15th August he was placed under night house arrest with subsequent prolongations until 31st December; a further extension until 3rd February 2024 is currently being sought. Recent documents disclosed by the investigation suggest that Sheliashenko could be charged in obstruction of "legal" activities of Armed Forces of Ukraine on the grounds that he advocates the human right of conscientious objection to military service. Such allegations could entail harsher restrictions and more severe punishment, namely imprisonment from 5 to 8 years. It should be noted that Ukraine co-sponsored Human Rights Council Resolution 51/6 of 2nd October 2022, on conscientious objection to military service, which inter alia calls on States to safeguard the freedom of expression of those advocating conscientious objection".

The organisations call on Ukraine to immediately reverse the suspension of the human right to conscientious objection, release prisoner of conscience Dmytro Zelinsky, honourably discharge Andrii Vyshnevetsky, acquit Vitaly Alekseenko and Mykhailo Yavorsky, and drop charges against Yurii Sheliashenko. They also call Ukraine to lift the prohibition on all men in age from 18 to 60 from leaving the country and other conscription enforcement practices incompatible with human rights obligations of Ukraine, including arbitrary detentions of conscripts and imposition of military registration as prerequisite of legality of any civil relations such as education, employment, marriage, social security, registration of the place of residence, etc. The organisations express grave concern regarding the mobilization bill No 10378 of 25.12.2023 which imposes severe punishments on "draft evaders" without any exceptions for conscientious objectors, and welcome the announced scrutiny by the Ukrainian Parliament Commissioner for Human Rights into constitutionality of the said bill.

The organisations call on Russia to immediately and unconditionally release all those hundreds of soldiers and mobilised civilians who object to engage in the war and are illegally detained in a number of centres in Russian-occupied territories of Ukraine. Russian authorities are reportedly using threats, psychological abuse and torture to force those detained to return to the front.

The organisations call both Russia and Ukraine to safeguard the right to conscientious objection to military service, including in wartime, fully complying with the European and international standards, amongst others the standards set by the European Court of Human Rights. **The right to conscientious objection** to military service is inherent in the right to freedom of thought, conscience and religion, guaranteed under Article 18 of the International Covenant on Civil and Political Rights (ICCPR), which **is non-derogable even in a time of public emergency**, as stated in Article 4(2) of ICCPR.

³ Ukraine: EBCO meets with the Ukrainian Pacifist Movement and calls for the immediate and unconditional end of the persecution of all conscientious objectors, 19 April 2023, available at: <https://ebco-beoc.org/node/561>

⁴ Ukraine: Release peace activist Yurii Sheliashenko and drop all charges against him, 17 August 2023, available at: <https://www.ebco-beoc.org/node/589>

The organisations strongly condemn the Russian invasion of Ukraine, and call on all soldiers not to participate in hostilities and on all recruits to refuse military service. **They denounce all the cases of forced and even violent recruitment to the armies of both sides**, as well as all the cases of persecution of conscientious objectors, deserters and non-violent anti-war protestors. **They urge EU to work for peace, invest in diplomacy and negotiations, call for human rights protection and grant asylum and visas to those who object the war.**

MORE INFORMATION:

Violations of human right to conscientious objection to military service in Ukraine: from 24 February 2022 to November 2023: <https://www.ebco-beoc.org/node/607>

Website of the #ObjectWarCampaign: <https://objectwarcampaign.org/en/>

EBCO's Press Release and Annual Report on Conscientious Objection to Military Service in Europe 2022/23, covering the region of **Council of Europe** (CoE) as well as **Russia** (former CoE member state) and **Belarus** (candidate CoE member state): <https://ebco-beoc.org/node/565>

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Support the #ObjectWarCampaign: [Russia, Belarus, Ukraine: Protection and asylum for deserters and conscientious objectors to military service](#)



**#OBJECT WAR
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Solidarity with conscientious objectors and deserters from Russia, Belarus and Ukraine **Sign now!**

**#ОткажиВойне
#ВідмовВійні**

The [European Bureau for Conscientious Objection \(EBCO\)](#) was founded in Brussels in 1979 as an umbrella structure for national associations of conscientious objectors in the European countries to promote the right to conscientious objection to preparations for, and participation in, war and any other type of military activity as a fundamental human right. EBCO enjoys participatory status with the Council of Europe since 1998 and is a member of its Conference of International Non-Governmental Organisations since 2005. EBCO is entitled to lodge collective complaints concerning the European Social Charter of the Council of Europe since 2021. EBCO provides expertise and legal opinions on behalf of the Directorate General of Human Rights and Legal Affairs of the Council of Europe. EBCO is involved in drawing up the annual report of the Committee on Civil Liberties, Justice and Home Affairs of the European Parliament on the application by the Member States of its resolutions on conscientious objection and civilian service, as determined in the "Bandrés Molet & Bindi Resolution" of 1994. EBCO is a full member of the European Youth Forum since 1995.

[War Resisters' International \(WRI\)](#) was founded in London in 1921 as a global network of grassroots organisations, groups and individuals working together for a world without war. WRI remains committed to its founding declaration that 'War is a crime against humanity. I am therefore determined not to support any kind of war, and to strive for the removal of all causes of war'. Today WRI is a global pacifist and antimilitarist network with over 90 affiliated groups in 40 countries. WRI facilitates mutual support, by linking people together through publications, events and actions, initiating nonviolent campaigns that actively involve local groups and individuals, supporting those who oppose war and who challenge its causes, and promoting and educating people about pacifism and nonviolence. WRI runs three

programmes of work that are important to the network: The Right to Refuse to Kill Programme, the Nonviolence Programme, and Countering the Militarisation of Youth.

The [International Fellowship of Reconciliation \(IFOR\)](#) was founded in 1914 in response to the horrors of war in Europe, and has taken a consistent stance against war and its preparation throughout its history. Today IFOR has branches, groups, and affiliates in over 40 countries on all continents, while the International Secretariat is located in the Netherlands. IFOR's membership includes adherents of all the major spiritual traditions as well as those who have other spiritual sources for their commitment to nonviolence. IFOR has observer and consultative status to the United Nations ECOSOC and UNESCO organisations. IFOR maintains permanent representatives in Geneva, New York and Vienna and at the UNESCO in Paris who regularly participate in conferences and meetings of UN bodies, providing testimony and expertise from different regional perspectives, promoting non-violent alternatives in the fields of human rights, development, and disarmament.

[Connection e.V.](#) was founded in 1993 as an association advocating a comprehensive right to conscientious objection at an international level. The organisation is based in Offenbach, Germany, and collaborates with groups opposing war, conscription and the military in Europe and beyond, extending to Turkey, Israel, the U.S., Latin America and Africa. Connection e.V. demands that conscientious objectors from war regions should get asylum, and offers counseling and information to refugees and support for their self-organisation.
