

Assessments of situation of Conscientious Objectors in Caucasus Countries



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Preface.

Armenia.

Human rights situation.

Nagorno-Karabakh Conflict Aftermath:

- Over 100,000 ethnic Armenians fled to Armenia due to Azerbaijan's military operation in Nagorno-Karabakh.
- Acute shortages in Nagorno-Karabakh prompted the exodus.
- Ongoing challenges in the region, including food and medical shortages.

Constitutional and Sectoral Reforms:

- Constitutional reforms stalled, but sectoral reforms continued in judiciary, police, disability rights, and education.
- Human rights groups raised concerns about judicial reforms, police accountability, and lack of comprehensive reforms.

Police Abuses and Impunity:

- Ongoing issue of lack of accountability for law enforcement abuses.
- Instances of disproportionate use of force, ill-treatment based on sexual orientation, and abuse of power.
- Concerns over dropped investigations and inadequate response to police violence.

Freedom of Expression and Information:

- Defamation, though decriminalized, results in civil cases against journalists.
- Amendments in March limit public information requests, raising concerns about potential censorship.

Disability Rights:

- Lack of a comprehensive plan for community-based services for people with disabilities.
- Digital system to evaluate functionality introduced, facing criticism for a medical model of disability.

- Courts receiving requests to strip legal capacity from individuals with disabilities.

Violence Against Women:

- Significant increase in domestic violence complaints investigated.
- Limited shelters for survivors, with continuous full capacity and ineffective protection.
- Instances of women killed, with concerns about court rulings.

Sexual Orientation and Gender Identity:

- Discrimination, harassment, and violence against LGBT individuals.
- Challenges in reporting hate crimes and inconclusive investigations.
- Positive move in December 2022: lifting the ban on men who have sex with men from donating blood.

Key International Actors:

- European Council President and the United States involved in discussions between Armenia and Azerbaijan.
- European Union's civilian mission in Armenia aims to contribute to stability.
- UN recommendations on gender equality, discrimination, and violence against women.

International Relations:

- EU and UN urging Armenia to address discrimination, ensure gender equality, and combat violence.
- Armenia's parliament ratifies the Rome Statute in October.

The context.

Military service in Armenia is mandatory for male citizens aged 18 to 27. Men who have the officer level and possess specific skills may be called up for service up to the age of 35. Young men receive pre-draft instructions at the age of 16, according to which they are registered on the call-up list and must undergo medical examination. Call-up for military service takes place at the age of 18. The service lasts two years, and conscripts are drafted twice a year pursuant to the Government's decision. Citizens aged 27 to 50 are registered in the military reserve and may be called to serve if mobilization is declared.

Military service evasion is considered a crime and is generally punishable by up to three years of imprisonment.

A citizen may be exempt from compulsory military service if,

- The citizen is deemed unfit for the military service due to health conditions;
- Prior to naturalization in the RA the citizen has served not less than 12 months in the armed forces of another state or has served alternative military service not less than 18 months in another state;
- Citizens who are exempt by a decision of the Government;
- Citizens who have a scientific degree (Candidate of Sciences or Doctor of Sciences) and are involved in professional, research or scientific activities;
- The citizen, whose parent or sibling lost their life during the defense of the Republic of Armenia or during the performance of their military duties in the armed forces, and he is the only male child of the family

Temporary exemption from mandatory military service is given:

- in connection with the marital status or a particular situation in the family;
- to citizens who wish to continue their education;
- to citizens who cannot take part because of temporary health conditions.

The two ECHR judgments, Bayatyan's case and Khachatryan's case, make it clear that conscientious objection to military service is a fundamental right and must be respected by the Armenian government. The judgment in *Adyan and Others v. Armenia* on October 12, 2017 reasoned that because the right to object to military service is protected, Armenia was required to offer conscientious objectors an acceptable alternative to military service that complied with European standards. The ACS program had to be outside of the control and supervision of the military and could not be punitive in nature. The ECHR awarded compensation for the punishment endured by the men because of their rejection of the flawed program.

An alternative service.

The Constitution of the Republic of Armenia, Article 41. Freedom of Thought, Conscience and Religion. Paragraph 3: "Every citizen shall have the right to replace military service with alternative service, as prescribed by law, if it contradicts the religious faith or belief".

According to Article 3 of the Republic Armenia Law «ON ALTERNATIVE SERVICE»: A citizen, who is subject to military conscription, has the right to pass alternative service if the passage of compulsory military service in military units, as well as carrying, maintaining, storing and using weapons, contradicts his religion or beliefs.

The types of alternative service:

- alternative military service — military service not related to combat duty and to carrying, keeping, maintaining and using of arms in the Armed Forces of the Republic of Armenia
- alternative labor service — labor service performed outside the Armed Forces of the Republic of Armenia

The term for alternative military service shall be defined for 30 months.

The term for alternative labor service shall be defined for 36 months.

A citizen who has applied with the Regional Military Commissariat where he is registered asking to replace mandatory military service with alternative service prior to May 1 or October 1 preceding the date of the next regular call-up. The Republican Committee makes a relevant decision regarding every application by 2/3 of the votes of participating members.

The citizen called up for alternative military service shall, as provided, be sent to a military unit of the place for doing alternative military service and shall be included in the list of personnel of the military unit. Alternative military serviceman shall wear a military uniform. Engaging alternative military servicemen in service in combat subdivisions, giving them combat orders, as well as assignments with regard to carrying, keeping, maintaining and use of arms shall be prohibited.

The list of places for the passage of alternative service in the Republic of Armenia is established by the Government of the Republic of Armenia. Alternative service is allowed in state, private and public organizations.

Legislation.

1. The Constitution of the Republic of Armenia - this is the country's fundamental law
2. The Law on Military Duty and Military Service - this law governs the legal framework for military service in Armenia, including the rules and regulations for conscription, the length of service, and the rights and obligations of conscripts.
3. The Law on Alternative Service - this law provides for alternative service as an option for individuals who are unable to perform military service due to religious, moral, or ethical reasons.
4. The Criminal Code of the Republic of Armenia - this law sets out the criminal offenses related to military service, including desertion, insubordination, and refusal to perform military service.

The government side.

1. The Ministry of Defense - responsible for overseeing the military and implementing conscription policies.
2. The Ministry of Justice - responsible for ensuring that the legal framework for military service is in compliance with international human rights standards.
3. The Ministry of Labor and Social Affairs - responsible for overseeing alternative service and ensuring that individuals who refuse to serve in the military for reasons of conscience are provided with non-violent options for fulfilling their civic duties.
4. The National Assembly of Armenia (informally referred to as the Parliament of Armenia) - the legislative branch of the government of Armenia.
5. The Constitutional Court - responsible for adjudicating disputes related to the constitutionality of laws related to military service.

Civil society side.

Non-governmental organizations (NGOs):

- Helsinki Citizens' Assembly Vanadzor - a non-political, non-religious, non-profit NGO, which unites individuals who value the supreme principles of democracy, tolerance, pluralism and human rights. <https://hcav.am/en/>
- Helsinki Committee of Armenia - the name symbolizes the human rights movement of the Soviet years; yet it also has practical meaning. Armenia had by then signed the human rights-related international treaties and had declared its aspiration of becoming a member of the Council of Europe. Helsinki Committee of Armenia had thus assumed a watchdog function and started to support protection of human rights. <https://armhels.com/en>
- HIMA! Youth Initiative - a youth initiative in Yerevan, Armenia, advocating democracy and civil rights. <https://himaarmenia.wordpress.com/about-us/>
- The "Armenian Lawyers' Association" - provide legal support. <https://armla.am/en/>
- The Armenian constitutional right-protective center (ACRPC) – contributes to the development of the society's legal culture in Armenia through scientific activity, education, information dissemination and advocacy. A world living with love and tolerance where law and justice given from above reign. <http://acrpc.am/index.php>

Religious organizations:

The Armenian Apostolic Church and Jehovah's Witnesses which have a significant number of members who object to military service on religious grounds and advocate for the recognition of the right to conscientious objection.

Jehovah's Witnesses website <https://www.jw.org/en/jehovahs-witnesses/worldwide/AM/>

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International organizations.

- United Nations - The Office of the High Commissioner for Human Rights (OHCHR) has been actively monitoring the situation in Armenia related to conscientious objection and has called on the government to recognize the right to conscientious objection.
- Council of Europe - The Council of Europe's Parliamentary Assembly has issued resolutions urging Armenia to bring its military service laws and policies in line with international human rights standards and recognize the right to conscientious objection.
- European Union - The European Union has also called on Armenia to recognize the right to conscientious objection and has raised concerns about human rights abuses related to military service.
- Organization for Security and Cooperation in Europe (OSCE) - The OSCE has been monitoring the situation in Armenia related to conscientious objection and has urged the government to take steps to ensure that individuals who object to military service on religious, moral, or ethical grounds are provided with non-violent options for fulfilling their civic duties.
- International Fellowship of Reconciliation (IFOR) - a non-governmental organization has a branch in Armenia that provides support to individuals who object to military service.
- Human Rights Watch - Human Rights Watch is a non-governmental organization that conducts research and advocacy on human rights abuses worldwide, including in Armenia.
- Amnesty International - Amnesty International is a non-governmental organization that works to promote human rights and hold governments accountable for human rights abuses, including in Armenia.

A list of documents from UN and EU organizations.

Here is a list of documents from UN and EU organizations on the subject of Human Rights of Conscientious Objectors:

- European Court of Human Rights judgment: Bayatyan v. Armenia, Date 7.7.2011 <https://hudoc.echr.coe.int/fre#%7B%22itemid%22:%5B%22002-440%22%5D%7D>
- European Court of Human Rights judgment: Adyan and others v. Armenia, Date 12/10/2017 <https://wri-irg.org/en/story/2017/case-adyan-and-others-v-armenia>
- Report of the Working Group on the Universal Periodic Review - Armenia (UN Human Rights Council, 2015) <https://www.ohchr.org/en/hr-bodies/upr/am-index>

Political parties.

Nikol Pashinyan Prime Minister of Armenia pledged to gradually make the Armenian military fully “professional” during last year’s parliamentary election campaign. The program of the Government of Armenia for 2021-2026 provides for the creation of a legislative framework for the gradual reduction of the period of compulsory military service.

Opposition forces blame Pashinian for Armenia’s defeat in the 2020 war with Azerbaijan. They also say that his administration is doing little to rebuild the armed forces.

August 25, 2022 Armenia's ministry of defense has drafted a new bill under which conscripts could buy their way out of most of their mandatory military service. He has proposed significantly shortening compulsory military service for conscripts willing to pay a hefty fee. It would allow draftees to do only a four-and-a-half-month service in exchange for paying the state 24 million drams (\$60,000). The bill needs to be discussed and approved by Prime Minister Nikol Pashinian’s government before it can be submitted to the parliament. Defense Minister Suren Papikyan is a key political ally of Pashinian and leading member of his Civil Contract party. Armen Khachatrian, a senior Civil Contract parliamentarian, on Thursday voiced support for the Defense Ministry proposal while saying that the authorities are open to considering other ideas.

By contrast, representatives of Armenia’s main opposition forces rejected the proposed arrangement as unfair and dangerous for national security.

“With this draft law, the authorities want to ensure that in the Republic of Armenia two-year compulsory military service is performed only by those people who cannot afford paying tens of thousands of dollars for exemption,” said Gegham Manukian of the opposition Hayastan alliance. This could only deepen inequality in the country, he said.

Cases.

1. Armenian Jehovah's Witnesses' case. How Armenia Came to Recognize the Right to Conscientious Objection. <https://www.jw.org/en/news/legal/by-region/armenia/recognize-right-to-conscientious-objection/>
2. In a new judgement of 20 July 2021, the European Court of Human Rights (ECtHR) found a violation of Article 9 (the right to freedom of thought, conscience and religion) of the European Convention of Human Rights, in the case of an Armenian conscientious objector from Nagorno-Karabakh who had been sentenced and imprisoned for refusing to perform military service. <https://wri-irg.org/en/story/2021/ecthr-rules-favour-armenian-conscientious-objector-nagorno-karabakh>

Insert Case of 'Russian

Assessments of situation of Conscientious Objectors in Caucasus Countries.

Azerbaijan.

Human rights situation.

Restrictions on Freedoms:

- Azerbaijan's government severely restricts freedoms of expression, assembly, and association.
- Persistent issues of torture and ill-treatment in police custody, with limited progress on notorious cases.

Nagorno-Karabakh Conflict:

- Azerbaijan launches a military operation to regain control over Nagorno-Karabakh, leading to mass displacement.
- Acute shortages precede the military operation, impacting the region since December 2022.
- Azerbaijan's refusal to implement International Court of Justice decisions raises concerns.

Prosecutions of Government Critics:

- Presidential pardon includes individuals with politically motivated convictions, but dozens remain wrongfully imprisoned.
- Targeting of activists, opposition politicians, and civic activists, with arrests and lengthy prison terms.

Freedom of Expression and Media:

- Critics face short-term detentions for expressing dissent.
- Intimidation through leaked private information to smear activists.
- Restrictive laws hinder independent civil society groups.

Freedom of Assembly:

- Hostility towards protests, with violent dispersals and unlawful arrests.
- Court sentences for involvement in peaceful protests, highlighting government intolerance.

- Forceful dispersal of environmental protests with injuries and arrests.

Torture and Ill-Treatment:

- Common torture and ill-treatment in police custody, with impunity.
- Exceptional cases addressing torture allegations, but many cases remain unresolved.

Sexual Orientation and Gender Identity:

- LGBT individuals face ill-treatment, extortion, arbitrary detention, and discrimination.
- Police use anti-LGBT slurs during arrests, leading to detention and fines.

Key International Actors:

- International condemnation of arrests and calls for the release of political prisoners.
- European Parliament urges Azerbaijan to release political prisoners for future EU-Azerbaijan partnership.
- Concerns raised by the US State Department, EU, and various international organizations regarding human rights violations.
- Joint opinion by the Council of Europe and OSCE expresses serious concerns about the Law on Political Parties.

The context.

Azerbaijan has mandatory military service for all able-bodied male civilians between the ages of 18 and 35 who are initially registered for military service or who have not completed the term of active military service. Military registration commissions consisting of the chairman of the commission (head of relevant executive authority) and commission members (medical specialists) are established every year. From January to March, male citizens who have reached the age of the 16 must be registered in the relevant military authority and undergo medical examinations. Citizens with a short-term health problem must send to medical institutions for treatment at the expense of the state budget. There are four call-up periods per year. The length of military service is 18 months, the compulsory service period is reduced from 18 to 12 months for university graduates.

The following categories of citizens are not required to serve in the armed forces of Azerbaijan:

- Individuals with a doctoral degree (PhD)
- People with serious health problems, including the mentally ill
- Citizens who arrested for committing a grave crime
- Being in preventive and operation registration in the police department

Temporary deferment can be given for the following reasons:

Due to the family situation

- Fathers whose wife is incapable of work and whose children cannot support themselves
- The eldest son in a family, whose members cannot support themselves
- Fathers of more than three children
- The single son in the family, whose one of parent is incapable of work

Due to health problems. Citizens with short-term health problems detected during medical examination are given postponements.

For continuing education

- To citizens under the age of 20 who have completed full-time secondary education in general education institutions
- To citizens under the age of 20 who have not completed full-time secondary education until they enter the institutions of primary function of vocational education
- To citizens who are studying higher education (Bachelor's degree), or higher education for medical education and residency education (until graduation) in the institutions and their branches
- To citizens who are studying in foreign countries in higher education (bachelor's degree), higher education for medical education, and education in residency (internship) until completion of their education.

Military servicemen discharged from actual military service (with the exception of the cases provided for in Article 42 of this Law), as well as citizens exempted from conscription for actual military service (except for those considered unfit for military service both in peacetime and wartime due to illness) are transferred to the reserve.

Legislation.

According to constitution of Azerbaijan:

Article 76. Defense of motherland

- I. Defense of Motherland is the duty of every citizen. The citizens shall serve in the Armed Forces as prescribed by law.
- II. If military service is contrary to a person's convictions, then, in cases prescribed by law, it may be permissible to replace regular military service with alternative service.

Article 109. Powers of the President

Line 26: to make decisions regarding the conscription of citizens of the Republic of Azerbaijan into active military service, and regarding the transfer of active military servicemen to the reserves;

Article 71. Guarantees for rights and freedoms of man and citizen

- III. Rights and freedoms of man and citizen may be partially and temporarily restricted in time of war, martial law and state of emergency, as well as mobilization, subject to the international obligations of the Republic of Azerbaijan. The population shall be notified in advance about restrictions as regards their rights and liberties.

Article 36. Right to strike

- II. Right to strike for persons working based on employment contracts may be restricted only in cases prescribed by law. Soldiers and civilians employed in the Armed Forces of the Republic of Azerbaijan have no right to go on strike.

The law 'On Military Duty and Military Service' (23 December 2011) - defines the legal basis for military duty and performing military service.

The Criminal Code of Azerbaijan - provides for criminal liability for the failure to respond, without legal grounds, to the regular call-up for active military service, or from the draft for mobilization, with the aim of evading military service.

In accordance with Article 321(1) of the Criminal Code, such actions are punishable by imprisonment for up to two years in peacetime.

In accordance with Article 312(2) for three to six years in wartime.

An alternative service.

Alternative civilian service (ACS) is provided for by Article 76, Part II of the Constitution of Azerbaijan, which states that 'if the convictions of citizens are contrary to the performance of active military service, then, in cases established by law, citizens shall be allowed to replace active military service with alternative service'; however, Azerbaijan has yet to adopt a law on ACS, despite this having become an obligation after joining the Council of Europe. The absence of such a law constitutes a key shortcoming in Azerbaijan's regulatory framework for conscription.

Although a signatory to the European Convention on Human Rights since 2001, Azerbaijan continues to ignore its accession commitment and ECHR judgments that recognize the right of religiously motivated conscientious objection to military service as fully protected under article 9 of the European Convention. Despite having informed the CCPR on 14 July 2016, that "alternative service is an option provided by the law",² Azerbaijan in reality has no provision for alternative civilian service.

Conscientious Objectors live in constant fear of prosecution and imprisonment. Also, they are often subject to restrictions such as being unable to obtain a passport without a military card and, as a result, they are not able to travel outside the country. A number who possess a passport have been prevented from leaving the country because of restrictions imposed by the State. Despite its commitments to the Council of Europe, Azerbaijan currently has no provision for alternative civilian service.

Citizens who are exempt from performing military service on the grounds of their convictions are understood to be citizens with religious convictions professed by religious clergies holding clerical posts and students of religious educational institutions'. Thus, non-religious and religious pacifists are not included in the list of persons able to perform alternative service. Moreover, Article 5 of the regulation limits the performance of ACS to peacetime only, while Article 6 states a two-year term for ACS, which is longer than the term for compulsory military service. To compound these shortcomings, while the regulation is included in the register of regulatory acts currently in force, it is not applied; consequently, citizens of Azerbaijan do not have the option of performing ACS in practice.

The government side.

1. **Ministry of Defense:** The Ministry of Defense is responsible for overseeing and managing the country's military forces. It plays a central role in implementing conscription policies, conducting medical examinations, and administering military service.
2. **State Service for Mobilization and Conscription:** The State Service for Mobilization and Conscription is a government agency that is responsible for organizing and managing the conscription process in Azerbaijan. It handles the registration of potential conscripts, conducts medical examinations, and selects individuals for military service.
3. **Parliament:** The Parliament of Azerbaijan is responsible for enacting and amending laws related to military service, including the Law on Conscription and Military Service. It plays a role in shaping the legal framework and policies governing military conscription.
4. **Presidential Administration:** The Presidential Administration provides administrative support to the President of Azerbaijan. It may be involved in formulating policies and decisions related to military service, as well as advising the President on matters concerning national defense.
5. **Courts and Legal Authorities:** In cases where individuals refuse military service on conscientious grounds and face legal consequences, the courts and legal authorities in Azerbaijan are involved. They handle legal proceedings, including prosecutions and sentencing, for those who evade or refuse military service.

Civil society side.

The direct monitoring by local civil society organizations of the human rights situation in the Armed Forces of Azerbaijan remains limited. The space for human rights defenders and NGOs has been steadily shrinking in Azerbaijan. A number of legislative amendments have been adopted in recent years that restrict the work of human rights activists and put their activities under strict governmental control.

1. **Human Rights Center of Azerbaijan** - is a registered, non-government, non-partisan organization that was founded in 1993 by free-lance journalist and human rights activist Eldar Zeynalov in response to a rise in political censorship in Azerbaijan. The organization was formed to remedy local and global organizations' lack of access to information about the human rights situation in the country.
<https://www.civicsolidarity.org/member/166/human-rights-center-azerbaijan>
<https://humanrightshouse.org/human-rights-houses/azerbaijan/>
2. **Institute for Reporters' Freedom and Safety (IRFS):** IRFS is an organization dedicated to promoting freedom of expression and defending the rights of journalists in Azerbaijan. It

monitors and documents attacks on media freedom, provides legal support, and raises awareness about press freedom issues

<https://www.irfs.org/>

3. Legal Education Society: The Legal Education Society is an organization that aims to enhance legal awareness, promote the rule of law, and protect human rights in Azerbaijan. It provides legal aid, conducts trainings, and engages in human rights advocacy.

<http://www.lawreform.az/?lang=en>

4. Public Association for Assistance to Free Economy: This organization focuses on promoting economic and social rights in Azerbaijan, including issues related to labor rights, poverty, and social justice.

<http://www.freeeconomy.az/>

Ombudsman Office of Azerbaijan.

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International organizations.

1. The Council of Europe Office in Baku - accompanies Azerbaijan in improving democracy, human rights and the rule of law as well as in meeting its obligations and voluntary commitments as a Council of Europe member state.
2. The European Commission for Democracy through Law - the Venice Commission - is an advisory body on constitutional matters which plays a leading role in the adoption of constitutions that conform to the standards of Europe's constitutional heritage.
3. The European Commission against Racism and Intolerance - is an independent human rights monitoring body specialized in questions relating to racism, intolerance and human rights.
4. Amnesty International: Amnesty International is a prominent international human rights organization that conducts research, campaigns, and advocacy on various human rights issues globally, including Azerbaijan. They document human rights violations, provide resources, and engage in advocacy to promote human rights in the country.
5. Human Rights Watch: Human Rights Watch is an international organization that investigates and reports on human rights abuses around the world. They have produced reports on human rights violations in Azerbaijan, including issues related to freedom of expression, assembly, and the rights of journalists.
6. Freedom House: Freedom House is an independent organization that conducts research and advocacy on democracy, political freedom, and human rights globally. They publish

an annual report called "Freedom in the World" that assesses the state of political rights and civil liberties in different countries, including Azerbaijan.

7. Forum 18 is named after this article and the similar Article 18 of the International Covenant on Civil and Political Rights, a core international human rights treaty. They work for freedom of religion or belief for all on the basis of these articles.

A list of documents from UN and EU organizations.

Here is a list of documents from UN and EU organizations on the subject of Human Rights of Conscientious Objectors.

United Nations Documents:

- Universal Declaration of Human Rights (UDHR): Article 18 of the UDHR recognizes the right to freedom of thought, conscience, and religion, which encompasses the right to conscientious objection.
- International Covenant on Civil and Political Rights (ICCPR): Article 18 of the ICCPR protects the right to freedom of thought, conscience, and religion. It is a legally binding treaty that Azerbaijan has ratified, and thus, it should be considered when examining the rights of conscientious objectors in the country.
- United Nations Human Rights Council Resolutions: The UN Human Rights Council has adopted several resolutions that call for the recognition and protection of the rights of conscientious objectors globally. While not legally binding, these resolutions provide guidance and support for conscientious objection rights.

European Union Documents:

- European Convention on Human Rights (ECHR): Article 9 of the ECHR safeguards the right to freedom of thought, conscience, and religion, which encompasses the right to conscientious objection. Azerbaijan is not a member of the European Union, but it has ratified the ECHR and is subject to its jurisdiction.
- European Convention on Human Rights (ECHR): Article 9 of the ECHR safeguards the right to freedom of thought, conscience, and religion, which encompasses the right to conscientious objection. Azerbaijan is not a member of the European Union, but it has ratified the ECHR and is subject to its jurisdiction.

Political parties.

Azerbaijan is an one party dominant state. Opposition parties against the New Azerbaijan Party are functioning, but are widely considered to have no real chance of gaining power. Members of Azerbaijan's parliament have submitted a new law that would make it virtually impossible to form new parties, and further restrict the parties that do exist. Parties that don't participate in two elections in a row – whether they be presidential, parliamentary, or local – would be closed

down. There are currently 58 political parties formally registered in Azerbaijan. But the political field is completely dominated by the New Azerbaijan Party, of which Aliyev is chair.

Cases.

After 12 weeks in jail, a Ganca court changed the nine-month jail term for Jehovah's Witness conscientious objector Seymur Mammadov to a one-year suspended sentence. Another, Royal Karimov, was released after three months' forced detention in a military unit. Both had declared readiness to perform an alternative civilian service. The Human Rights Ombudsperson's Office failed to respond on what action it would take (if any) to ensure that Azerbaijan introduces a civilian alternative service for those unable to serve in the army on grounds of conscience. Mammadov's jailing on 22 September 2022 came almost exactly a year after the European Court of Human Rights (ECtHR) in Strasbourg ordered Azerbaijan in October 2021 to pay compensation to two young men convicted earlier for refusing compulsory military service on grounds of conscience.

Links:

- Mushfig Mammadov and Others v. Azerbaijan, Nos. 14604/08 and 3 others, 17 October 2019
- [https://hudoc.echr.coe.int/fre#{%22itemid%22:\[%22001-189960%22\]}](https://hudoc.echr.coe.int/fre#{%22itemid%22:[%22001-189960%22]})
- Emil Mehdiyev and Vahid Abilov v. Azerbaijan, Nos. 52773/19 and 54768/19, 28 October 2021
[https://hudoc.echr.coe.int/eng#{%22itemid%22:\[%22001-209027%22\]}](https://hudoc.echr.coe.int/eng#{%22itemid%22:[%22001-209027%22]})

<https://wri-irg.org/en/story/2022/azerbaijan-conscientious-objectors-jail-term-changed-suspended-sentence>

Recommendations.

The most important thing is fulfilling the obligation to the Council of Europe to adopt the Law 'On Alternative Service' (ACS), and creating an effective ACS system.

Ahead of its accession to the Council of Europe in January 2001, Azerbaijan promised "to adopt, within two years of accession, a law on alternative service in compliance with European standards and, in the meantime, to pardon all conscientious objectors presently serving prison terms or serving in disciplinary battalions, allowing them instead to choose (when the law on alternative service has come into force) to perform non-armed military service or alternative Civilian service".

Azerbaijan has never done this, and conscientious objectors to military service have been repeatedly prosecuted and even jailed under Criminal Code Article 321.1. This states: "Evasion without lawful grounds of call-up to military service or of mobilisation, with the purpose of evading serving in the military, is punishable by imprisonment for up to two years [in peacetime]".

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Georgia.

Human rights situation.

Political Context:

- Tensions over the government's implementation of EU-set priorities for Georgia's EU candidacy dominated political developments.
- Authorities attempted to pass "foreign agent" legislation, posing a threat to freedom of expression but the law faced rejection after public outcry.

Freedoms of Association and Expression:

- Controversial bills requiring registration for groups and individuals receiving foreign funding faced widespread criticism.
- Massive public protests led to the withdrawal of one bill, emphasizing public opposition to restrictive measures.
- Hostile rhetoric towards civil society organizations persisted, with government efforts to undermine human rights defenders.

Law Enforcement Abuses and Lack of Accountability:

- Instances of excessive use of police force and unlawful interference with freedom of assembly were reported.
- Persistent use of administrative charges against peaceful protesters, raising concerns about fair trial norms.
- Amendments to rally and demonstration laws granted broad police discretion to disband or detain protesters.

Attacks on Journalists and the Media:

- Threats and attacks targeted media professionals, with investigations into unlawful interference with journalistic activities.
- Restrictive regulations on media accreditation, limiting journalists' access to parliament.
- Controversial amendments expanded the power to penalize broadcast content, raising concerns about censorship.

Labor Rights:

- Despite some legislative improvements, labor rights remained a concern, with protests and strikes in various sectors.
- Ongoing challenges included weak overtime regulations, wage theft, and minimal social protections.

Sexual Orientation, Gender Identity, and Gender Equality:

- The Tbilisi Pride Festival was violently disrupted, highlighting challenges faced by the LGBT community.
- The National Human Rights Strategy and the State Concept on Gender Equality lacked inclusive provisions for LGBT rights.
- Georgia has not ratified the ILO Violence and Harassment Convention.

Key International Actors:

- The European Commission recommended granting Georgia EU candidate country status, emphasizing the need for media freedom and rights protections for vulnerable groups.
- EU member states were expected to decide on Georgia's candidate status in December 2023.
- International bodies, including the UN and the US State Department, expressed concerns and took actions related to human rights issues in Georgia.

The context.

Georgia has a mandatory military service system for men aged 18-27. However, according to the Law of Georgia on Military Duty and Military Service, conscientious objectors may be exempt from military service and instead perform alternative civilian service for a period of 18 months. Despite the legal provision, many objectors face difficulties in obtaining this status. The process for obtaining conscientious objector status is often complicated, lengthy, and subject to arbitrary decision-making. Additionally, the alternative civilian service is longer than military service and offers limited opportunities for professional development, creating a disadvantage for conscientious objectors in the job market. Furthermore, societal pressure and stigmatization of conscientious objectors remain significant issues in Georgia. In recent years, the situation has shown some improvement. The Georgian government has taken steps to clarify the process and to improve the conditions of alternative civilian service.

On April 4 2023, at a plenary session of the Parliament, a new defense code of Georgia was adopted. The bill was supported by eighty deputies, with two opposed. Most of the changes will take effect starting January 1, 2025.

The duration of compulsory military service will be reduced. Instead of serving for 12 months, the recruits will serve in one of these three shorter-term programs:

- 6 months of service in a combat unit;
- 8 months of service in the security subdivision;
- 11 months of service in junior command positions and predetermined specialties.

In addition, the conscription process will no longer be delegated to municipalities. From January 1, 2024, the Ministry of Defense will organize conscription. The government will use an electronic random conscription system. Students at higher education institutions who are now exempt will also become subject to conscription. But to facilitate their education, in addition to the 6, 8, and 11 months of services offered to everyone, they will also be able to opt for a special program, allowing them to serve one month in summer, spread over 4 years if they are 23 or younger. The fee for deferring the conscription will increase from 2,000 GEL to 10,000 GEL. Only one such one-year deferral will be possible. Previously, individuals were allowed to defer their service twice, for 18 months.

The new defense code aims to improve conditions and benefits for conscripts and military personnel, but at the same time one of the goals is to close loopholes in the legislation. For example, there will be no legal loophole for people who used priesthood certificates from Biblical Freedom. This religious organization was created by the Girchi party and helped avoidance of conscription. The norm in the Law of Georgia on Military Duty and Military Service, which lists being a priest as one of the grounds for deferral of military service, will be removed. The clergy will be required to perform non-military alternative labor service immediately after the law is adopted, not from 2025. The term for alternative service will be longer than the term for military service – 18 months before January 1, 2025, and 12 months after that date.

Legislation.

- The Article 101 of Constitution of Georgia:

1. Defense of Georgia shall be an obligation of every citizen of Georgia.
2. Defense of the country and discharge of military service shall be a duty of every citizen being fit thereupon. The form of the discharge of military service shall be determined by law.

- The Law of Georgia on Military Obligation and Military Service

- Article 356 of the Criminal Code of Georgia:

evasion of military service by a person subject to military service' and 'evasion of an alternative labor service by a person subject to military service' are prohibited. These acts committed during a war or emergency shall be punished by imprisonment for a term of two to five years.

An alternative service.

The Article 29 of the Law of Georgia on Military Obligation and Military Service:

1. The following persons shall be released from conscription:
 - a) persons recognized as unfit for military service due to their health status;
 - b) persons who have done military service in the military forces of another State;
 - c) persons who have been convicted of a grave or especially grave crime;
 - d) persons who have done non-military, alternative labor service;
 - e) (deleted - 13.12.2013, No 1777);
 - f) (deleted - 29.7.2014, No 2554);
 - g) an only son in a family, in which at least one family member has been killed in the struggle for the territorial integrity of Georgia or while doing military service.
 - h) a member of the Parliament of Georgia.
2. The Prime Minister of Georgia may release especially talented conscripts from conscription into compulsory military service.
3. Persons with disabilities defined by the legislation of Georgia are released from the performance of military duty.

Performing alternative labor service replaces discharging the obligation of military service. The term of alternative labor service is longer than of a military service and amounts to 18 months. Civilians who refuse to perform their military service as an expression of the right of freedom of conscience, thought and religion, may be invoked during a peacetime to perform alternative labor service. State Commission defines the type and place of such service in line with the requirements of the interested organizations. Domestic legislation sets forth the place where a civilian is entitled to perform alternative service. In this regard, the place of residence is taken

into consideration. Alternative labor service constitutes a civil work that can contribute to the public welfare. Citizens are employed in the specialized non-military labor formations, as a group or individually. These formations include emergency-rescue, ecological, fire extinguishing or other special non-military labor formations, civil purpose building, repairing organizations and objects, organizations and facilities producing agricultural products, etc. Employment of the Georgian citizens by a State Commission for the purposes of maintaining elderly, people with disabilities, homeless people and other socially vulnerable people protected by law, constitutes non-military, alternative labor service. A person who performs non-military, alternative labor service is entitled to all the rights provided by the Constitution of Georgia. After serving a non-military, alternative labor service, a person before becoming 60 years old is enrolled in the reserve service.

The government side.

1. The Ministry of Defense: responsible for implementing the policy on alternative service for conscientious objectors and ensuring that their rights are protected.
2. The Parliament of Georgia: responsible for passing legislation related to conscientious objection.
3. The National Security Council: responsible for providing recommendations to the government on military matters, including conscientious objection.
4. The Public Defender of Georgia: responsible for monitoring and reporting on human rights violations.
5. The UN Senior Human Rights Adviser for the South Caucasus: responsible for providing advice and technical assistance to the government on human rights issues.

Civil society side.

1. Non-governmental organizations:

- The Georgian Young Lawyers' Association - provide legal aid and support to conscientious objectors and advocate for their rights <https://gyla.ge/en/>
- The Human Rights Center - is a leading human rights organization in Georgia <http://www.hrc.ge/home/eng/>
- The Georgian Institute of Public Affairs - works to promote human rights and democracy in Georgia <https://gipa.ge/eng/>

2. Religious groups:

- The Georgian Orthodox Church - the predominant religious organization in Georgia and has a strong influence on society. The Church has expressed support for the right to conscientious objection on religious grounds
- The Jehovah's Witnesses - a religious group that is known for its opposition to military service. They have faced persecution and discrimination in Georgia for their refusal to serve in the military, and the organization has been active in advocating for the right to conscientious objection in the country
- The Society of Friends (Quakers) - a religious group that advocates for peace and nonviolence. They have a small presence in Georgia but have been active in promoting the right to conscientious objection

Ombudsman in Georgia.

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Overall, the organizational landscape of peace organizations and religious groups related to conscientious objection in Georgia is diverse and includes a range of actors working to promote human rights, peace, and nonviolence. They play an important role in advocating for the rights of conscientious objectors and promoting a culture of respect for human rights and nonviolence in the country.

International organizations.

1. European Bureau for Conscientious Objection (EBCO): EBCO is a non-governmental organization that aims to promote the right to conscientious objection in Europe. They have been working closely with Georgian organizations to support conscientious objectors and advocate for their rights.
2. War Resisters' International (WRI): WRI is an international pacifist network that works to promote nonviolent conflict resolution and support conscientious objectors worldwide. They have been involved in providing support to conscientious objectors in Georgia through their affiliates in the region.
3. United Nations Human Rights Council (UNHRC): The UNHRC is an intergovernmental organization that works to promote and protect human rights around the world.
4. Amnesty International: Amnesty International is a non-governmental organization that works to promote and protect human rights worldwide. They have been involved in advocating for the rights of conscientious objectors in Georgia, including through lobbying efforts and campaigning.
5. International Fellowship of Reconciliation (IFOR): IFOR is an international organization that works to promote nonviolence and peacebuilding worldwide. They have been involved in supporting conscientious objectors in Georgia through their local affiliate, the Georgian Centre for Nonviolent Action and Reconciliation.
6. The Quaker Council for European Affairs (QCEA): QCEA is a Brussels-based non-governmental organization that advocates for peace and justice in Europe.

A list of documents from UN and EU organizations.

Here is a list of documents from UN and EU organizations on the subject of Human Rights of Conscientious Objectors:

- United Nations Human Rights Council Resolution 24/14: This resolution calls for states to respect and protect the right to conscientious objection to military service as part of their obligation to respect and protect freedom of thought, conscience and religion.
- United Nations Human Rights Committee General Comment No. 22: This General Comment sets out the scope and nature of the right to freedom of thought, conscience and religion under the International Covenant on Civil and Political Rights, including the right to conscientious objection to military service.
- European Union Guidelines on the Promotion and Protection of Freedom of Religion or Belief: These guidelines call on EU member states to respect and protect the right to conscientious objection to military service as part of their obligation to respect and protect freedom of religion or belief.
- European Court of Human Rights judgments: The European Court of Human Rights has issued several judgments on the subject of conscientious objection to military service, including cases such as Bayatyan v. Armenia and Jehovah's Witnesses of Moscow v. Russia.
- Council of Europe Resolution 1327: This resolution calls on member states to respect the right to conscientious objection to military service and ensure that those who refuse military service on grounds of conscience are not subjected to discrimination or punishment.
- OSCE Human Dimension Implementation Meeting reports: The OSCE (Organization for Security and Co-operation in Europe) Human Dimension Implementation Meeting regularly discusses the issue of conscientious objection to military service and publishes reports on the subject.

Political parties.

Girchi - is a Georgian libertarian political party that advocates for individual rights and freedoms. On 11 March 2023, Girchi organized a large-scale public protest against government attempts to expand military conscription. Moreover, they have created a religious organization to help men avoid conscription into the armed forces, but it doesn't work anymore due to new reform.

Here is a petition to abolition of conscription on their website:

<https://www.girchi.com/projects/savaldebulo-jaris-gauqmeba>

Assessments of situation of Conscientious Objectors in Caucasus Countries.

Russia.

Human rights situation.

According to Amnesty International Russian aggression against Ukraine was accompanied by escalating repression against dissent within Russia. Peaceful anti-war protests were dispersed, often forcibly, and those speaking out against the war faced prosecution. New legislation was introduced restricting protests and the activities of NGOs and civil society activists. Prosecutions of Jehovah's Witnesses continued. Torture and other ill-treatment remained endemic in places of detention. Abductions and enforced disappearances continued to be reported in Chechnya. Fair trial standards were repeatedly violated. Conscientious objectors were refused alternative civilian service. Approximately one million of Russians left the country, particularly after a "partial mobilization" began in September and resulted in scores of men being sent to the front line without adequate training or provisions. Thousands of prisoners were reportedly recruited by a private military company and deployed to Ukraine. This practice was legalized retroactively under a law passed in November. Russia withdrew from the Council of Europe on 15 March and in June adopted a law allowing Russian authorities to ignore judgments of the European Court of Human Rights (ECtHR), including those envisaging compensation payments, retroactive to 15 March.

Despite constitutional guarantees regarding alternative service, requests to perform such service by individuals drafted for deployment in Ukraine were routinely refused by military commissariats and courts. The authorities claimed that in the absence of specific legislative provisions for alternative service at times of "partial mobilization", these guarantees did not apply. Legislation introduced in November stipulated that those deployed on alternative civilian service during mobilization could be sent to serve as civilian personnel in the armed forces.

Freedom of Expression and Anti-War Dissent:

- Repressive legislation intensifies dissent suppression.
- Punitive sentences for anti-war speech.
- Closure of human rights groups.
- Ongoing sanctions against Russia.

Freedom of Assembly:

- Defunct since 2020, citing COVID-19 restrictions.
- Opposition and anti-war protests banned.

Freedom of Association and "Foreign Agents":

- Expansion of laws on "foreign agents" and "undesirable organizations."
- Increased penalties for noncompliance.

Attacks on Human Rights Defenders:

- Harassment, intimidation, and closure of human rights groups.
- Prosecution of prominent figures of Russian opposition like Alexey Navalny, Ilya Yashin and Vladimir Kara-Murza.

III-Treatment in Custody:

- Disciplinary actions against activists, prolonged detentions.
- Concerns for health conditions.

Chechnya:

- Evisceration of dissent, targeting critics.
- Violent attacks on journalists and human rights lawyers.
- The head of Chechnya Ramzan Kadyrov has posted a video showing his son beating Nikita Zhuravel, who is suspected of burning a Quran in Volgograd.

Counterterrorism and Counter-Extremism Measures:

- Navalny's allies receive lengthy sentences on extremism charges.
- Crackdown on opposition youth movement "Vesna."

Climate Change, Environment, and Human Rights:

- Attacks on environmental activists.
- Forest fires and alleged underreporting.
- First-ever "climate lawsuit" submitted to ECtHR.

Sexual Orientation and Gender Identity:

- Crackdown on LGBT rights.
- Supreme Court bans international LGBT movement.
- Prohibitions on gender-affirming surgeries.

Online Censorship, Surveillance, and Privacy:

- Arbitrary blocking of websites.
- Tightening control over internet infrastructure.
- Facial recognition technology used for surveillance.

International Actors and Responses:

- UN special rapporteur reports deterioration of human rights.
- EU imposes sanctions, issues statements condemning violations.
- Russia remained the most sanctioned country in the world.

The context.

In Russia, military service is mandatory for most male citizens between the ages of 18 and 27. All male citizens are subject to conscription for 1 year of duty military service in the armed forces. It is regulated by Article 25 of the Federal Law on Military Duty and Military Service, the military draft is organized upon a presidential order and is carried out semi-annually: between 1 April and 15 July and between 1 October and 31 December.

Prior to conscription into obligatory military service, young men aged 16 – 17 undergo an initial military registration, which is carried out by military recruitment offices. During the medical examination, pre-conscripts are assigned categories defining their physical and psychological fitness for military service. The validity of the citizen to military service is designated by the first five letters of the Cyrillic alphabet (А, Б, В, Г, Д) where А - it is suitable for military service; and Д - it is not suitable for military service.

Article 31 of the Federal Law on Military Duty and Military Service requires that a draft notice is handed in person and that a person must sign for it upon receipt. After receiving the draft notice, the person is obliged to report to the military recruitment office. But in April 2023, the Russian State Duma has passed legislation to change the nature of conscription summons and how they are served. Previously a summons had to be physically served on the person being called up. Now a summons is deemed to be served once it appears on the government services portal called "Gosuslugi". Failure to obey such a summons could mean potential "bans on driving, registering a company, working as a self-employed individual, obtaining credit or loans, selling apartments, buying property or securing social benefits."

The reasons for draft exemption are defined by Article 23 of the Law on Military Duty and Military Service of 1998.

The exemption is made for persons who

- unfit due to health-related reasons

- persons who have already completed the obligatory military service or alternative service
- persons with an academic degree
- persons whose father or brother died while performing military service
- convicts serving their sentence, persons with an outstanding criminal record, or persons under investigation

Temporal deferral is granted if

- person is found temporarily unfit for military service (up to one year)
- full-time student
- a person delivers care for their relatives who need constant assistance or supervision on health grounds, has been assigned as a permanent custodian or guardian of his underage sibling
- single father, who has two or more children or has a child with a disability under the age of three, or has a child and a pregnant wife (over 22 weeks)
- Employment with certain institutions such as the Ministry of Internal Affairs, the Federal Fire Service, law enforcement agencies, customs authorities, and Rosgvardia.

In March 2022, a deferral from statutory military service was granted to IT specialists who have a university degree and are employed full-time. The employer must submit the documents about the employment to the Ministry of Digital Development, Communications, and Mass Media.

An alternative service.

In Russia, the alternative civil service is regulated by the Federal Law «On Alternative Civil Service» of July 25, 2002 N 113-FZ.

Conscientious objectors have a right to substitute active military service with alternative civil service. This right is stipulated by Article 59.3 of the Russian Constitution and is applied if a person's 'convictions or religious beliefs contradict military service'. The law allows the refusal of military service on various convictions. The possibility of full refusal of military service is not provided. The right to substitute military service with alternative civil service is also applicable to young men from small indigenous ethnic minorities who pursue a traditional way of life.

In the Russian Federation, first a conscription commission consider an application on conscientious objection. If the application is satisfied, a «decision to replace» the military service is made. Then a medical examination is carried out, and only if the applicant is declared fit, the conscription commission notifies the institution that is organizing an alternative service about «referral to an alternative service». The period of alternative civil service is either 18 or 21 months, depending on the profile of the organization where it is performed. Theoretically, the alternative service can provide conscripts with a wide range of different professions. But, more often, they are sent to serve in the healthcare sphere, as well as in the postal service.

According to the statistics of the Federal Service of Labor and Employment, 1 152 young men were enrolled in alternative civil service as of 1 February 2022. For comparison, by 11 July 2022, 89 000 conscripts were reportedly assigned to their military units.

On 21 September, President Vladimir Putin announced the "partial mobilization" of Russia's military reserve. No legal or practical provision exists for alternative civilian service during mobilization, despite the Constitution guaranteeing this right for every citizen. This has led to military recruitment offices refusing applications and sending conscientious objectors to military units.

Despite this, human rights activists recommend people to apply for an alternative civil service regardless of the circumstances. ACS is the constitutional right and under Russian law, the Constitution takes priority over all other legislation.

People can apply for ACS if:

- person is enrolled in the military register;
- the performance of military service runs counter to your convictions;

or

- the performance of military service runs counter to your religion;

or

- person is from indigenous minority.

Legislation.

1. Federal Law "On Military Duty and Military Service" (No. 53-FZ): This law establishes the legal basis for conscription, military service, and related matters. It defines the rights and obligations of citizens in relation to military service, outlines the conscription process, and regulates issues such as deferments, exemptions, and disciplinary measures.
2. Federal Law "On Alternative Civilian Service" (No. 113-FZ): This law provides the legal framework for alternative civilian service as an alternative to military service. It outlines the eligibility criteria for alternative service, the application process, the duration and nature of service, and the rights and responsibilities of individuals performing alternative service.
3. Article 59, Part 3 of the Constitution of Russian Federation states: "A citizen of the Russian Federation, if the performance of military service contradicts his beliefs or religion, as well as in other cases established by federal law, has the right to replace it with alternative civilian service."
4. Federal Law "About mobilization preparation and mobilization" (No. 31-FZ)

The government side.

Ministry of Defense: The Ministry of Defense is responsible for overseeing the implementation of mandatory military service in Russia. It plays a central role in organizing and managing the armed forces, conscription, and related matters.

Civil society side.

- Movement of Conscientious Objectors to military service in Russia - a non-profit organization. Since 2014 we have been helping young people to legally exempt themselves from conscription to military service. MCO develops materials for recruits, consults and collects information about the conscription.
<https://stoparmy.org/en/>
- Go by the Forest – nonviolent civil resistance. Since the first days of mobilization, the organization has been doing everything that can to help people evade conscription, leave the country, find asylum and much more.
<https://iditelesom.org/en/>
https://t.me/iditelesom_help
- Military ombudsmen – they have a telegram-bot where they provide legal assistance for conscripts.
https://t.me/ombudsman_help_bot
- Conscript School - protects the rights of conscripts, military personnel and those seeking alternative service.
<https://netprizyvu.ru/>
<https://t.me/netprizyvu>
- Peace plea - coalition of lawyers and human rights activists helping to avoid draft. They also have a hotline.
<https://t.me/peaceplea>
- Human Rights Organization “Soldiers’ Mothers of Saint-Petersburg - has been protecting the legal rights of conscripts and soldiers since 1991.
<https://soldiersmothers.ru/en>
<https://t.me/solmspb>
- Real army - organization helps conscripts to obtain permission for alternative civilian service and supports the rights of Conscientious Objectors.
<https://realarmy.org/>

@agsnowarbot – telegram-bot

- Union of the Committees of Soldiers' Mothers of Russia - provides free legal advice to conscripts and their families about their rights and conscription laws, as well as intervening on behalf of soldiers who are facing abuse.
<https://ucsmr.vsite.biz/>
- Zemstvo Russia - coordination of independent municipal deputies throughout Russia in their work to protect the rights and interests of civil society.
<https://zemstvo-russia.ru>
https://t.me/zemstvo_russia
- Free Buryatia Foundation - Buryat Activists against war and racism. They have successful cases of defending the rights of conscripts and bringing young people back from the war zone.
<https://freeburyatia.org/en/home/>
<https://t.me/freeburyatiafoundation>
- Helpdesk.media – a hotline, where they provide assistance on mobilization issues.
<https://helpdesk.media/en>
- The Ark - Helping emigrants who left Russia because of the war.
<https://kovcheg.live/en/ark/>

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International organizations.

Six months after its exclusion from the Council of Europe, the Russian Federation ceases to be party to the European Convention on Human Rights on 16 September 2022. The European Court of Human Rights remains competent to deal with applications against Russia concerning actions or omissions occurring up until 16 September 2022. 17,450 applications against Russia are currently pending before the Court.

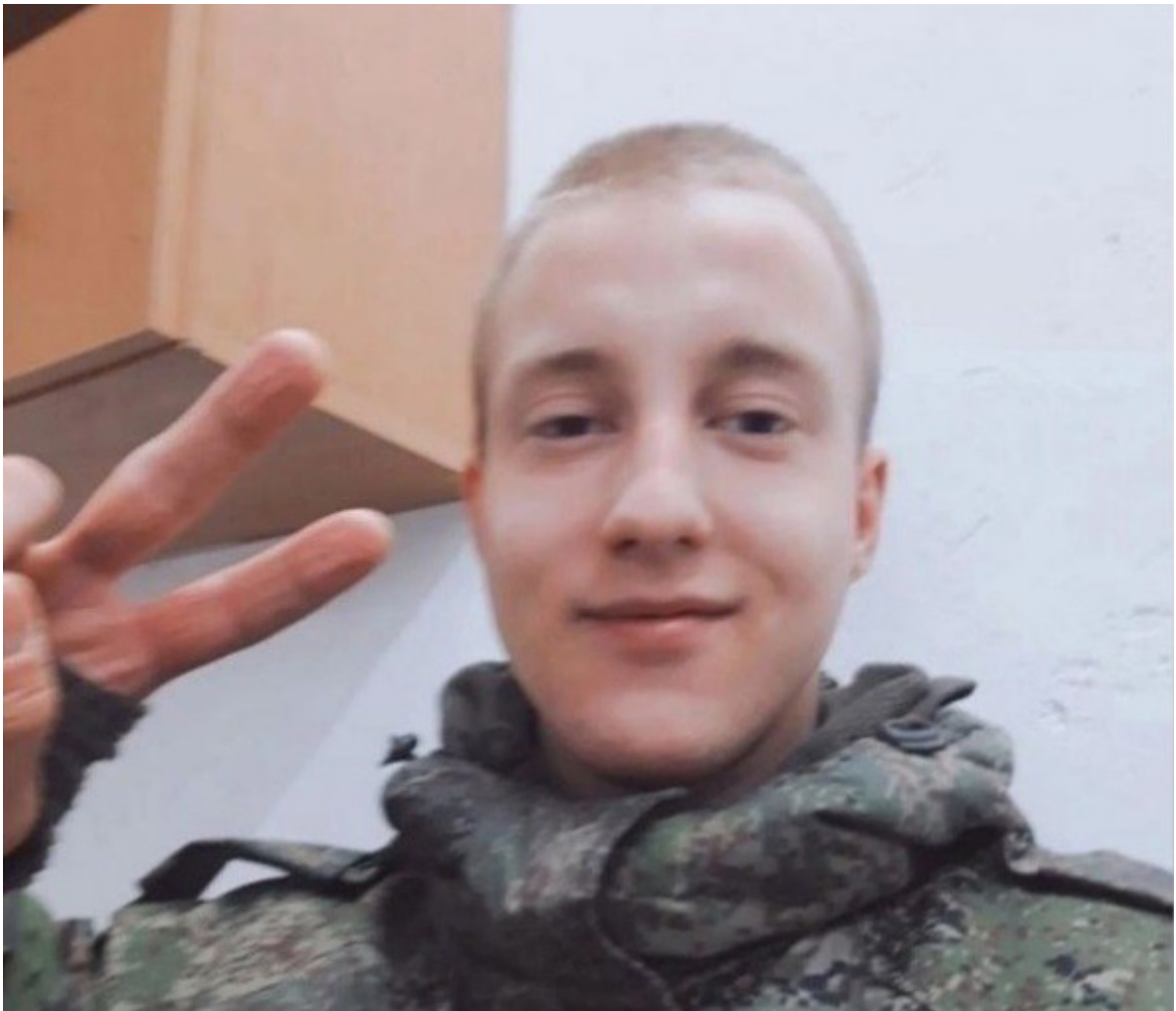
Political parties.

Russian Federation is the authoritarian state at the moment. Unfortunately, there is no place for a political discussion. The war led to considerable exodus of the opposition out of Russia. Key political opposition leaders are behind bars, as are a growing number of critics of the authorities and of the war. In those circumstances Russians prefer to vote with their feet. So a lot of Russians left the country.

Cases.

Sergey Gridin 20-year-old conscript from Komi Republic commits suicide after refusing to go to war. His fellow conscripts found the body with a suicide note where he wrote that his command was planning to send him on a rotation to Ukraine. After he asked to be left out of the tour, Gridin's commander and the sergeants "tormented" him. He said "I don't want to, and won't describe what those animals did to me, but I cannot live with this," and added that he

“made a decision to die here, in my home country, and without blood on my hands.”



Russian mobilised soldiers who refused to fight in the war were illegally detained.



A video, published by Astra, a Telegram channel, shows these horrific conditions. A small room filled with mattresses and other objects, dirty walls painted pink, a ceiling covered with mould, and a barred window—this is where the mobilized Russian men who refused to fight in Ukraine have been kept. According to the Telegram channel, about 20 conscripts were held there, later they were transferred to the former colony in Perevalsk.

“Here we’ve got part of the group of the 3rd battalion, 488th regiment, held for non-compliance with an order... repeatedly sent to the basement of the military unit. We’re all mobilised servicemen of the Russian army, called up by presidential decree. With all kinds of threats and requests, they say they’ll send us back for slaughter”.

<https://en.zona.media/article/2022/11/16/objectors>

On July 21, the Russian opposition media, citing data from human rights activists and relatives of military, reported that at least 1,793 Russian military personnel from 22 regions of Russian Federation refused to participate in hostilities on the territory of Ukraine. At least 234 of them are forcibly detained in a special center in Bryanka. The Insider media also contacted one of the Russian soldiers who refused to fight against Ukraine and ended up in Russian concentration camp in Bryanka, Luhansk region. He said he succeeded in hiding his phone. He explained to journalists that he filed a report about refusing to participate in the war because of moral unpreparedness. The military said he was offered two options in Bryanka — to fight or to refuse and be jailed. According to him, the jail means a pit.



By 3 April 2023, Russian garrison courts have received 708 cases launched under criminal articles that have been toughened after the start of mobilisation, including unauthorized abandonment of a place of service, disobedience of orders, and desertion. Sentences have been passed in 360 cases. Hundreds of Russian contract soldiers reportedly quit during the first few months of the war as Ukrainian armed forces put up fierce resistance. One of them was Corporal Marcel Kandarov who did not want to participate in the war against Ukraine. Kandarov had been serving as a contract soldier in Ufa. His unit was sent to Ukraine to fight but after a month at the front, Kandarov was sent back to Russia to recuperate. While on medical leave, he wrote a resignation letter stating that he did not want to kill people. While his request was being reviewed, Kandarov returned home to Ufa where he was detained in January. The court found Kandarov guilty of evading military service. He was sentenced to 5 years in prison and will serve his time in a general security regime prison. The Central District Military Court in Yekaterinburg on May 22 reduced Marcel Kandarov's sentence imposed by a lower court from five years to three years.

Ruslan Zinin, the man who shot and nearly killed a draft officer in a small Russian town. On September 26, 2022, Alexander Eliseev, the military draft officer of Ust-Ilimsk, a small town in southeastern Siberia, was addressing recruits in the auditorium of the enlistment office. His speech was interrupted by one of the listeners—a young man in a camouflage suit rose from his seat and shouted: “We're gonna go home now!” Then he jumped out onto the stage where the officer was standing and fired a gun at him. Eliseev fell down, causing panic in the hall. Everyone rushed to the exit. It was the first week of “partial” mobilisation, and for many in Russia he became an immediate hero. Astra reported “dozens of letters from readers offering to help the shooter's mother and asking her personal details.” In two days, according to Astra, strangers transferred more than 600,000 rubles (approximately 7000 Euro) to the woman.

Police reclassified the charge to “commission of a terrorist act” (per Article 205.2.b of the Criminal Code). Person convicted under this article must be sentenced to between twelve and twenty years in prison.



<https://en.zona.media/article/2023/04/02/zinin>

Sixth grader Masha Moskaleva from the town of Efremov in Russia's Tula region drew a picture of a woman and child under rocket fire in her art lesson. Since then, her life has changed dramatically: in the last two months alone, the girl has been twice taken to a children shelter in Efremov, while her father Alexei was interrogated and had his head beaten against the wall at the FSB office. On March 1, Alexei Moskalev was detained and his daughter was put in an orphanage. The next day, the man was put under house arrest and charged with “discrediting” the Russian army. He is waiting for his daughter to be brought back to him from the orphanage.



Dmitry Mishov a 26-year-old Russian military pilot who did not want to kill Ukrainians secretly escaped to one of the Baltic countries on May 28, and later surrendered to the Lithuanian

migration authorities. Before the full-scale invasion, in 2022 January 21 Dmitriy submitted a request to leave the armed forces, but he did not have time to leave before the start of the war, which is why he ended up in Belarus. He assures that he did not take part in military operations, never flew to the territory of Ukraine, but only transported various cargoes intended for the Russian army through the territory of Belarus in a Mi-26 helicopter.

“I am in a negative mood. I am a soldier, I have to defend my country from aggression. I shouldn’t be involved, I shouldn’t be an accomplice. For some reason we were never told what this war was about. Why should we attack Ukrainians and kill them, destroy cities? No one explained it. And half of Ukrainians, let’s say, have relatives in Russia. It is not very clear why we need them to kill I think that all this is done only to preserve the power of one person, Putin in particular. He simply decided to consolidate his power in this way. He thought it was a good idea,” Mishov told the BBC.



The process of dismissing the officer dragged on until last September, but finally the order was finally passed. The happy ending of this story was prevented by the fact that Vladimir Putin on September 21. Russia announced a partial mobilization. Dmitry received a phone call with this message and that he had to return to the squadron’s deployment location. He tried to challenge his return to the army in court, but unsuccessful.

“I was made to sign in front of witnesses that I undertake to receive a weapon and be deployed on such and such a day.” It was the end of January”, said Dmitriy.

He spent the entire weekend wondering what his chances were of not going to war and not going to prison. “I decided to cut my wrists,” he says. Not strong, but enough to put you in the hospital. After this act the commander of the helicopter squadron wrote a report to the

commander of the military unit that “in the actions of Lieutenant D. Mishov, there are signs of the crime provided for in Article 339, Part 1 of the Criminal Code – avoiding military service by simulating an illness or by other means.” Normally, such a case carries a prison sentence of up to six months, but if it occurs “during a period of mobilization or martial law, during war, or in conditions of armed conflict or hostilities,” the penalty is 5 to 10 years.

While lying in the hospital, he decided to escape and began to look for ways to do it: “First I had to get out of Russia. I had heard about the “Order of the Republic” organization. Young officers told me that there are retired officers in the organization who are anti-Putin and who can be turned to for help. I wrote to them on Telegram, they listened to my story and said they would help. They promised to take care of everything. The people who helped me made a route for me so that I wouldn’t run into the border guards.” The BBC Russia service knows the names of the people who helped Dmitriy cross the border, but for security reasons, they are not given.

Already in the territory of the European Union, he was met and taken to Vilnius by car. “It’s like breathing clean, fresh air,” he describes his emotions after crossing the border. – Because before that I felt that I was being pressed by this threat. That I can just go to jail for 10 years. I would have ended up in prison if I had fallen into the hands of the border guards.”

Here is the full interview (it’s in Russian and unfortunately there’s no subtitles)

<https://www.youtube.com/watch?v=ECohUEXAno0>

<https://www.bbc.com/russian/features-65812907>

There’re hundreds of cases. Just a few links on Media publications in English:

Eight mobilised Russian soldiers fled the war zone in Ukraine and were accused of desertion

<https://en.zona.media/article/2023/02/05/minefields>

Draft office arson, six months in jail and escape from Russia. How a shop assistant from the Urals tried to save conscripts from dying in Ukraine

<https://en.zona.media/article/2023/01/16/arson>

Alexei Runov an antifascist activist tells the story of torture that led him to flee Russia, and the challenges of Russian refugees fleeing the war in Ukraine.

<https://en.zona.media/article/2022/12/23/runov>

“I’m enslaved.” A servicewoman’s contract with the Russian military expired, but the army doesn’t let her go

<https://en.zona.media/article/2022/12/12/contract>

Memorial, Russia’s oldest and most prominent human rights organization and a 2022 Nobel Peace Prize laureate, counted 558 political prisoners in the country as of April — more than three times the figure than in 2018, when it listed 183.

Here’s just a few famous cases:

Navalny has become Russia's most famous political prisoner — and not just because of his prominence as Putin's fiercest political foe, his poisoning that he blames on the Kremlin, and his being the subject of an Oscar-winning documentary.

Vladimir Kara-Murza, who was sentenced last month to 25 years on treason charges. But there's a growing number of less-famous prisoners who are serving time in similarly harsh conditions.

Andrei Pivovarov, an opposition figure sentenced last year to four years in prison. Pivovarov was pulled off a Warsaw-bound flight just before takeoff from St. Petersburg in May 2021 and taken to the southern city of Krasnodar. Authorities accused him of engaging with an "undesirable" organization — a crime since 2015.

Alexei Gorinov, a former member of a Moscow municipal council. He was convicted of "spreading false information" about the army in July over antiwar remarks he made at a council session. He jailed for seven years after criticising Ukraine war.

Ilya Yashin an opposition politician sentenced to eight and half years in jail for denouncing Russia's war crimes in Ukraine.

Russian opposition activist Mikhail Krieger was sentenced to seven years in prison.

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