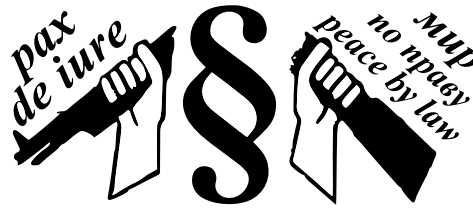


ІНСТИТУТ МИРУ І ПРАВА



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The Institute of Peace and Law is a private non-profit scientific organization based in Kyiv, Ukraine, exploring topics in human rights, pacifism and Quakerism. Our mission is to research, study, advocate and practice peace as dynamics of life free of violence and law as norms shaping how we live. We are committed to knowledge-based protection and promotion of human rights to peace and to conscientious objection to military service, development of culture of peace and peace education in Ukraine and worldwide.

14 January 2026
#45

Office of the United Nations High Commissioner for Human Rights

Input for UN OHCHR report on conscientious objection to military service

This report¹ briefly covers violations of human right to conscientious objection during Russian aggression against Ukraine, new developments in Ukraine under martial law since 2022, and challenges of dominant militarism and systemic non-compliance with positive obligations of the State to protect human right to conscientious objection to military service. It concludes with a set of recommendations, such as: Russia must stop war of aggression and conscription at the occupied territories; Ukraine must ensure changes of legislation and court practice to protect conscientious objectors from coercive military registration and conscription, especially under martial law; in the world, the right to conscientious objection should turn from object of militarist contempt, neglect and denial, or in the best case an arrangement exempting marginal communities from war-centered public policies, into universally recognized democratic safeguard from war and military dictatorship, a basis of engagement of wide public into national and international services and efforts of nonviolent protection from all threats to peace, that every State is duty-bound to create and support according to requirements of peaceful conflict resolution and respect for human rights by the UN Charter, ICCPR, and other norms of international law.

1. Violations of human right to conscientious objection during Russian aggression against Ukraine

Russia intensifies conscription² and is already forced to serve in the army more than 46 000 conscripts on occupied territories of Ukraine contrary to international humanitarian law³.

Negotiations about a possible ceasefire in Ukraine are slowly progressing, but there is a lack of political will to achieve a durable peace and reconciliation. There are no signs of any commitments to disarmament in the discussed "peace plan", including no limitations of size of Russian army and gigantic wartime cap 800 000 on the size of Ukrainian army⁴. Relentless coercion to fight war is a reason why millions of Russians and Ukrainians fled their countries seeking asylum abroad. To end the war and help these people to return home, any meaningful peace plan must include radical disarmament and safeguards preventing a new arms race and bloodshed, including explicit commitment of States to respect the right to conscientious objection as a vital provision for any peace deal made in good faith.

2. New developments in Ukraine under martial law since 2022: cancellation of alternative nonmilitary service, attempts to coerce conscientious objectors to change their religion or beliefs, and punishments for conscientious objection to military service

As the UN human rights bodies are aware, Ukraine does not recognize human right to conscientious objection to military service and does not provide proper alternative nonmilitary service under martial law⁵, does not respect obligations taken in the context of accession to the EU⁶ to provide proper alternative nonmilitary service during wartime. Imprisonment for conscientious objection continues, conscription

¹ The report is a part of Research and Development work "Study of the problems, prospects and technologies of advancing national interests in protection of human right to conscientious objection to military service and involvement of conscientious objectors into alternative nonmilitary service, including the management of this service, for peaceful (nonviolent) defense of Ukraine, ensuring human security, national harmony and security, international peace and security" (the state registration number 0125U003717), URL: <https://dir.ukrintei.ua/view/rk/4e9086e4f7463fff257cb0f9a1ba6bdc>

² <https://www.themoscowtimes.com/2025/11/04/putin-signs-law-moving-russia-to-year-round-military-draft-a91041>

³ <https://zmina.info/en/news-en/russia-has-illegally-drafted-46-thousand-ukrainians-in-the-temporarily-occupied-territories-most-of-them-in-crimea/>; <https://www.dw.com/en/how-russia-recruits-troops-in-occupied-ukrainian-territories/a-72289013>; <https://ukraine.ohchr.org/sites/default/files/2025-11/n2521410.pdf> (p.p. 5, 14).

⁴ <https://kyivindependent.com/zelensky-reveals-20-point-peace-plan-draft-backed-by-ukraine-us/>

⁵ <https://www.ohchr.org/en/documents/country-reports/42nd-periodic-report-human-rights-situation-ukraine-1-december-2024-31> (para. 85, 86);

<https://www.ohchr.org/en/documents/country-reports/41st-periodic-report-human-rights-situation-ukraine-1-september-30> (para. 90, 91).

⁶ https://enlargement.ec.europa.eu/ukraine-report-2025_en (p. 42); see also <https://rm.coe.int/memorandum-on-human-rights-elements-for-peace-in-ukraine-by-michael-o-1680b678ec> (para. 49, 50) and <https://www.civilni.media/472/>

and military registration is imposed under threat of punishment without any exceptions to conscientious objectors, they are subjected to thousands of arbitrary detentions and criminal proceedings, there is no draft legislation or public discussion on necessary change of these policies, and the parliament adopted in the first reading removal of a reference to alternative service in the law on human rights of military personnel. Despite many reports about cruel treatment of conscientious objectors, there are no signs that perpetrators are or will be taken accountable and victims are or will be compensated⁷.

A provision of alternative nonmilitary service on religious grounds under Article 35 of Constitution of Ukraine is weak and not protected from encroachments in time of war; apart of being not fully compliant with international standards, it is also not applied directly. Current legislation as interpreted by the Supreme Court allows to deny completely this provision, and Constitutional Court does not managed to consider constitutional complaints of conscientious objectors with proper urgency, with cases of prisoners of conscience pending more than a year⁸.

Apart of attempts to force conscientious objectors to change their religion or beliefs by mandatory military registration and punishments for non-registration (large fines, arbitrary detentions) and draft evasion (3-5 years of prison), a new tendency emerged to conscript them forcibly, with psychological and physical violence including tortures, and hold in military training units attempting to force them to change their religion and beliefs, become soldiers and take weapons, and then punish objectors for disobedience or evasion of military duty to 5-10 years of prison⁹.

3. Challenges of dominant militarism and systemic non-compliance with positive obligations of the State to protect human right to conscientious objection to military service

Despite numerous appeals of conscientious objectors, and scholarly studies sent, showing that Ukraine needs institutions for nonviolent resistance to Russian aggression and nonmilitary protection of peace¹⁰, and that best practice is to accept conscientious objection without inquiries¹¹ caused by presumption of guilt in draft evasion, the Ministry of Defense of Ukraine in not going to abandon plans to compel conscientious objectors to change their religion or beliefs or punish them for their scruples of conscience; the Government aligns with the MoD¹². Ukraine failed to implement international human rights standards regarding conscientious objection for decades, including suggested in concluding observations during last several cycles of the UPR, even while pledging to do so when pushed. The record of empty promises¹³ includes repeated promises of all Presidents of Ukraine to replace conscription with professional army, a 2006 presidential decree ordering, as Council of Europe suggested, to prepare draft law on reform of alternative service that was never subsequently prepared, 2018 letter to OHCHR informing about draft law on alternative service instead of mobilization that was never considered by parliament and automatically withdrawn in 2019, the 2022 co-sponsoring of HRC resolution on conscientious objection, and recent commitments related to EU accession that apparently will remain the same empty promises.

The Parliamentary Commissioner for Human Rights proposed to create noncombatant duties in army for conscientious objectors, allow conscription centers to direct arbitrarily selected conscientious objectors to defense industry or hospitals at frontline, and repeatedly wrote to conscientious objectors and their organizations that public discussion of the right to conscientious objection constitutes a threat for national security¹⁴.

Author of this submission Yurii Sheliashenko is under criminal proceedings, that could end up to 5 years of prison, his flat was searched, his computer and smartphone seized, he was subjected to house arrest in August 2023 – February 2024, for advocacy of peace and conscientious objection, and denied in official registration, that means significant deprivation of legal protection, of a media “FREE CIVILIANS. Herald of Peace and Conscientious Objection” by the national media regulator after intervention of the Security Service of Ukraine¹⁵; despite research topic of the Institute of Peace and Law on conscientious objection was registered, publication of the topic in the National Repository of Academic Texts was withheld due to security considerations, and the State Tax Service arbitrarily denied the Institute nonprofit status. Territorial conscription center (TCC) sent the author a deliberately provocative military registration call ordering to appear on

⁷ For analysis of cruel practices and 15 individual cases of prisoners of conscience, see <https://www.civilni.media/331/>; according to a recent article of constitutional scholar Serhii Rabinovych, as of 10 May 2025, the 1139 cases of forced conscription of Jehovah's Witnesses were recorded, 886 criminal proceedings were opened regarding draft evasion, 36 criminal proceedings regarding disobedience. Criminal proceedings have also been opened against Baptists, Pentecostals, and 68 criminal proceedings against Seventh-day Adventists, with four imprisoned for “disobedience”. <https://www.constjournal.com/pub/2-2025/zamina-vykonannia-viiskovoho-oboviazku-alternatyvnoi-neviiskovoiu-sluzhboiu-yak/>; as of January 2026, at least 11 Jehovah's Witnesses are officially imprisoned for conscientious objection <https://www.jw.org/en/news/global/jehovahs-witnesses-in-prison/>; also, a seven judges joint panel of the Criminal Court of Cassation of the Supreme Court in a judgment of 27.10.2025 recognized, that compulsory military service forces a conscientious objector to change one's religion or belief, but still deemed it necessary for defense of the country, URL: <https://reyestr.court.gov.ua/Review/131495382> with a dissenting opinion of two judges pointing out that the judgment violates human rights and is not consistent with the standards of rule of law, URL: <https://reyestr.court.gov.ua/Review/131537550> (see also the footnote 17)

⁸ <https://www.civilni.media/448/>

⁹ For details, see “God's cause of Andrii Skliar”, URL: <https://www.civilni.media/514>

¹⁰ Right to conscientious objection and security considerations, URL: <https://www.researchgate.net/publication/397817842>

¹¹ Presumption of good faith and respect for privacy in verification of grounds for claims of conscientious objection to military service, URL: <https://www.researchgate.net/publication/399715701>

¹² Despite Ukraine informed the OHCHR, Council of Europe and the EU about intentions to change legislation and recognize right to conscientious objection in time of war, creation of an interdepartmental working group that met twice a year ago with no results and adoption of governmental roadmap for that purpose was nothing more than formality, and no amendments were produced. In the course of these procedures Ministry of Defense insisted that conscientious objection should not be allowed in time of war; also, the MoD raised concerns regarding growing numbers of believers in churches doctrines of which prohibit use of weapons, considering it not as legitimate exercise of freedom of religion but as illegal draft evasion. The State Service for Freedom of Conscience and Ethnic Policy (DESS) charged with coordination of interdepartmental reaction to concerns regarding violations of right to conscientious objection points out lack of powers to organize proper alternative nonmilitary service, attempts to shift responsibility for changes of policy and legislation to the Ministry of Economy, and seems to be more willing to help the MoD to rule out conscientious objection in most cases as alleged abuse rather than protect and promote right to conscientious objection.

¹³ Legislative guarantees of human right to conscientious objection to military service: implement, we cannot evade?

<https://www.researchgate.net/publication/399719490>

¹⁴ See <https://ebco-beoc.org.ukraine/2024>; more details regarding systemic denial in right to conscientious objection in Ukraine in previous EBCO annual reports in archive <https://ebco-beoc.org/reports>

¹⁵ <https://undocs.org/A/HRC/56/30> (para. 45); <https://www.amnesty.org/en/documents/pol10/7200/2024/en/> (page 385); <https://docs.un.org/en/A/HRC/57/NGO/308> and <https://worldbeyondwar.org/ukrainian-friend-tells-bbc-of-conscientious-objection-difficulties/>

Christmas Eve 2025 with threats of administrative and criminal responsibility for failing to appear¹⁶, knowing that the author is a Quaker and pacifist, repeatedly declared conscientious objection. Complaints, including to courts, in such situations are hardly effective, as well as in cases of attempts to force conscientious objectors to change their religion or beliefs, even those involving violence or threats by officers; proceedings might delay months and years, and even favourable decision usually is not restoring fully the violated rights and not implemented immediately or at all for political reasons or because the army is exempted from interim measures and enforcement of judgments.

Instead of ensuring recognition of the right to conscientious objection, the Government and DESS chose to incentivise leadership of recognized churches to support army, not preach peace and refusal to kill, remain silent about human rights abuses, by providing deferrals from conscription to a few members of arbitrarily selected clergy (only from churches sending chaplains to army, thus pressing to exclude remnant – for a long time suppressed, – antiwar elements from church doctrines) not as for objectors but as essential workers.

Ukrainian courts refuse to recognize human right to conscientious objection to military service on the basis of legal fictions, contradicting reality and international human rights standards, created to justify human rights violations by the Armed Forces of Ukraine, namely, the three fictions repeated in hundreds of court decisions: a fiction of national interest in compelling all citizens to perform military duty; a fiction of possibility of military service without weapons; and a fiction of equivalence of a religion or belief incompatible with military service to a criminal intent to evade it¹⁷.

4. Recommendations

The Russian war of aggression is a root cause of the most grave human rights violations and decline of democratic institutions in Ukraine, including alternative nonmilitary service. The invasion must be stopped and Russian troops must be removed from illegally occupied territories of Ukraine, preferably by nonviolent means, with fair compensation of damages caused by aggression. Any ceasefire or peace deal needs to include adherence of both parties to respect fully human right to conscientious objection as a democratic guarantee of lasting mutual disarmament.

Government of the Russian Federation must immediately cease imposition of conscription, compulsory military registration, propaganda and indoctrination on occupied Ukrainian lands in violation of international humanitarian law.

Government of Ukraine must respect individual right to hold and adopt religion or belief incompatible with military service, and stop pointless and cruel attempts to force conscientious objectors to become soldiers. Nonviolent resistance to Russian aggression led by conscientious objectors, organized through civilian agencies, must become a part of the official policy. Conscientious objectors should be exempted from military registration and service. Legislation on alternative nonmilitary service compliant with human rights standards and best practices must be adopted immediately. Persecutions for religion or belief must cease, prisoners of conscience must be released, damages from abuses of their rights must be compensated.

Serious challenges to human rights resulting from Russian aggression and radical militarization of Ukrainian society in response are not unique; in many armed conflicts, past and present, similar challenges arose. To deal with the challenges, every nation must respect obligation of nonviolent resolution of disputes and therefore to create institutions of nonviolent resistance to war. National planning in case of emergencies should not be focused exclusively on military registration and plans of conscription, but also should include registration of conscientious objectors and planning of nonmilitary operations to secure peace.

Human right to conscientious objection to military service must be reconceptualized, protected and promoted as a cornerstone of peaceful social and international order free from scourge of war and militarist challenges to democracy. It must be recognized at national and international levels that this right is not limited to marginal religious or pacifist groups but open to anyone who is determined to maintain peace by peaceful means, and that protection of this right is not a burden, but is an opportunity for democratic society that could benefit, even in time of war, from the growing scale and mainstreaming of genuine conscientious objection with the spread of knowledge and skills of nonviolent action countering hatred and violence by humanitarianism, unarmed civilian protection and civil disobedience, strengthening democratic peace, social solidarity and resilience in face of all challenges.

Practitioners of nonviolent action resisting all forms of war and oppression for a long time point out that conscientious objection is not just an unbreakable moral pledge pursuing profound changes in collective and individual life, but also a way to ensure that Governments respect their promises to the public do not resort to war in resolution of international disputes¹⁸. Today, when international law is widely and blatantly disregarded, the United Nations and other institutions of peace denied in vitally necessary funding while the war budgets became ugly giants on steroids, peoples of Earth must unite in widespread peace movements to convince all Governments to respect their commitments to peace and invest in peace instead of war. Conscientious objection might become a basic identity of such peace movements leading to build-up of civilian institutions able not only to replace military duty with alternative nonmilitary service but to mobilize the wide public in time of need for nonviolent responses to external and internal threats to democracy, such as aggression and tyranny.

United Nations could draw resources and power directly from emerging and expanding popular peace movements, advocating right to conscientious objection and running a global database of recognized conscientious objectors who contribute to international peace and must be exempted from any compulsory involvement into wars or preparation for wars. When the objectors are in danger, decisions of human rights bodies finding the State in violation of treaties might be added to the database helping civil society to react and protect human rights.

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Best regards,

Yurii SHELIAZHENKO

¹⁶ <https://www.civilni.media/524/>

¹⁷ Legal fictions obstructing Ukraine's compliance with international law and EU accession obligations regarding protection of human right to conscientious objection to military service, URL: <https://www.researchgate.net/publication/399720158>

¹⁸ Pacifist program in time of war, threatened war, or fascism, by Richard B. Gregg, URL: [https://hdl.handle.net/2027/uc1.\\$b156699](https://hdl.handle.net/2027/uc1.$b156699)