



ПОСТІЙНЕ ПРЕДСТАВНИЦТВО УКРАЇНИ
ПРИ ВІДДІЛЕННІ ООН ТА ІНШИХ
МІЖНАРОДНИХ ОРГАНІЗАЦІЯХ У ЖЕНЕВІ

MISSION PERMANENTE DE L'UKRAINE
AUPRES DE L'OFFICE DES NATIONS UNIES ET
DES AUTRES ORGANISATIONS
INTERNATIONALES A GENEVE

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The Permanent Mission of Ukraine to the United Nations Office and other International Organizations in Geneva presents its compliments to the Office of the High Commissioner for Human Rights and has the honour to transmit herewith the information from the Government of Ukraine on “Application of procedures for obtaining the status of conscientious objector to military service in the Armed Forces of Ukraine” in response to the request of the OHCHR related to preparation of a report on different approaches and challenges with regard to application of procedures for obtaining the status of conscientious objector to military service in accordance with human rights standards pursuant to resolution 36/18 of the Human Rights Council “Conscientious objection of military service”.

The Permanent Mission of Ukraine avails itself of this opportunity to renew to the Office of the High Commissioner for Human Rights the assurances of its highest consideration.

Enclosure: as stated, 1 page



Geneva, 07 December 2018

Office of the High Commissioner
for Human Rights

Geneva

Application of procedures for obtaining the status of conscientious objector to military service in the Armed Forces of Ukraine

In accordance with part 4 of Article 35 of the Constitution of Ukraine, no one shall be exempt from his duties to the State or refuse to abide by laws on religious grounds. At the same time, in line with universally accepted standards of the freedom of religion, article 35 of the Constitution of Ukraine also guarantees the rights for obtaining the status of conscientious objector to military service. If the performance of military duty contradicts the religious beliefs of a citizen, the performance of this duty shall be replaced by alternative (non-military) service.

The Law of Ukraine of 12.12.1991 No.1975 “On alternative (non-military) service” establishes organizational and legal bases of alternative service. According to Article 1 of the Law, the alternative service is a service that could be used instead of conscription with the objective of fulfilment of national duty. Article 2 of the same Law stipulates that the right to an alternative service is available to citizens of Ukraine if the performance of a military duty is contrary to their religious convictions, and these citizens belong to religious organizations operating in accordance with the legislation of Ukraine and whose doctrine does not allow the use of weapons. The status of conscientious objector to military service can be obtained during military conscription and reservist training.

Developments of recent years, namely ongoing Russian aggression against Ukraine and armed conflict resulting from it, have created several challenges in the implementation of the Law related to application of procedures for obtaining the status of conscientious objector to military service during the special period that covers mobilization, war and recovery after the end of hostilities.

Thus, the draft law of June 26, 2017 No. 6646 “On Amendments to the Law of Ukraine “On alternative (non-military) service” was elaborated by the group of experts from the Government, General Staff and other stakeholders from the security and defense sector. The draft law widens possibilities for exercising rights to freedom of thought, conscience and religion by determining the procedure for citizens’ participation in alternative service during the mobilization and recruitment of Ukrainian citizens for regular military service in a special period as well as terms of alternative service in appropriate cases.