**RUSSIA**

**How to become a conscientious objector?**

***Over 1000 conscientious objectors carrying out a civilian service***



**HRWF with OVD** **(19.04.2024) - Alternative civil service (ACS) is a normal job instead of serving in the army but lasts longer: 21 months instead of 12. Since the beginning of the full-scale invasion of Ukraine, Russian conscripts have been increasingly demanding to replace their military service with the ACS.**

According to [Rosstat](https://www.vedomosti.ru/society/articles/2023/08/31/992736-spetsoperatsiya-ne-povliyala-na-chislo-prohodyaschih-alternativnuyu-sluzhbu), 1,140 citizens were carrying out alternative civil service in Russia in the second half of 2023. The largest number of [conscientious objectors](https://www.vedomosti.ru/society/articles/2023/08/31/992736-spetsoperatsiya-ne-povliyala-na-chislo-prohodyaschih-alternativnuyu-sluzhbu)  is in St. Petersburg with 69 people. The second and third places were shared by the Moscow region (64 people) and Moscow (42 people). This is very small number, given the total number of recruits.

In addition, there are regions where no one is performing alternative service: Arkhangelsk and Novgorod regions, Transbaikalia and Kamchatka, the republics of Altai and Tuva and several others.

The war in Ukraine, according to Rosstat, did not affect the number of objectors. Nevertheless, human rights activists in a conversation with "Vot Tak" noted that during the full-scale **[invasion](https://vot-tak.tv/tag/vtorzhenie-v-ukrainu/" \t "_blank)**[,](https://vot-tak.tv/tag/vtorzhenie-v-ukrainu/" \t "_blank)draft commissions and courts began to refuse to grant the ACS status more often but there are no accurate statistics on such cases.

Many of those who seek the ACS are not sent anywhere later. They are either just waiting or they are released from military service for health reasons. Since military registration and enlistment offices are not interested in organizing the ACS and transferring information to Rostrud to select alternatives to the military duty. See testimonies of applicants for the ACS status [HERE](https://vot-tak.tv/novosti/19-04-2024-prizyvnikam-otkazyvayut-v-ags).

**Alternative civilian service: the law, the procedure, the implementation, going to court**

This section is a translation by HRWF of parts of an article published by [Forum 18](https://www.forum18.org/archive.php?article_id=2881) on 19 December 2023.

## ***“Alternative civilian service: The law***

Article 59, Part 3 of the Constitution 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".  
  
Under Russian law, the Constitution takes priority over all other legislation, but the right to alternative service is not absolute, despite the absence of any conditions in Article 59.  
  
The 2002 Law on Alternative Civilian Service sets out the procedures of applying for, granting, and carrying out ACS. According to Article 2, a man has the right to replace military service by conscription with alternative civilian service if: "performing military service is contrary to his beliefs or religion"; or "he belongs to the indigenous people of the Russian Federation, leads a traditional way of life, carries out traditional economic activities and is engaged in traditional crafts of the indigenous peoples of the Russian Federation".  
  
To exercise this right, however, an individual must submit an application to be considered by the Conscription Commission (a nominally independent body comprising representatives of the local civilian authorities and Military Commissariat), which decides to accept or refuse it. If successful, the applicant undergoes a medical examination and is then assigned to work at a state or municipal institution (for 21 months) or in a civilian role in the armed forces (for 18 months), usually (though not always) outside his home region.   
  
Possible ACS deployments in 2023 included both skilled and unskilled jobs in - among others – Culture Ministry and Agriculture Ministry organisations, hospitals and polyclinics, nursing homes, and educational institutions. Members of indigenous groups may be assigned to organisations employed in traditional economic activities.

Only small numbers of those called up each year undertake ACS. Lawyer Sergey Chugunov noted on his Telegram channel on 3 May 2023 that as of 1 February 2022, 1,138 people were in the process of doing ACS, while the total number of young men called up in the autumn conscription in 2021 was 127,500.

Both conscripts who do military service and those who do ACS are enrolled in the reserves upon completion, rendering them liable to call-up in the event of mobilisation. Several individuals who served in the army as conscripts, but who did not want to fight in Ukraine on grounds of their religious beliefs, have found themselves assigned to military units anyway, given the [lack of provision for ACS for reservists](https://www.forum18.org/archive.php?article_id=2865), and have had to challenge their mobilisation in court, with little success.

Only one person who refused call-up on religious grounds, Protestant Pavel Mushumansky, [is known to have had his mobilisation ruled unlawful](https://www.forum18.org/archive.php?article_id=2819).

On 1 January 2024, an amendment to the Law on Military Service will come into force which raises the upper age limit for conscription from 27 to 30, thus creating a much larger pool of potential draftees. The lower limit will remain at 18, despite earlier proposals to raise it to 21. Men who turn 27 before the end of 2023 (and have not yet done military – or alternative – service) will not be liable to be called up, the State Duma noted on its website on 25 July.

## ***Alternative civilian service: The procedure***

Article 11 of the Law on ACS states that an individual must submit an application to the Military Commissariat at which he is registered, before 1 April for that year's autumn call-up (October to December) or before 1 October for the following year's spring call-up (April to June).

The process of granting the replacement of military service with ACS takes place in one call-up period (when a Conscription Commission considers an application), while actually going to do ACS takes place in the next (when the Military Commissariat issues orders for an individual to work at a particular organisation).

ACS is not granted simply upon request. According to the law, "Citizens who have expressed a desire to replace conscripted military service with alternative civilian service must substantiate [their claim] that military service is contrary to their beliefs or religion", and set out "the reasons and circumstances [prichiny i obstoyatelstva] that prompted [them] to apply for this".

In his application, an individual must include an autobiography and a reference from his place of work or study. He also has the right to include other documents which back up his request, and to give details of "persons who agree to confirm the veracity of his arguments that military service contradicts his beliefs or religion".

A Constitutional Court decree of 23 November 1999 states that the right to ACS "is a directly valid, and specifically individual, right, i.e. associated with freedom of religion in its individual rather than collective aspect, and therefore must be ensured regardless of whether or not a citizen is a member of any religious organisation".

A Conscription Commission – which consists of a mix of civilian officials from the local administration and military staff from the Military Commissariat – considers each application at a meeting to which the young man himself is summoned to make his case for being allowed to do alternative service. According to Article 12 of the Law on ACS, the commission bases its decision on testimony given at the meeting by the applicant himself and the people who have agreed to make supporting statements, as well as the materials he has submitted.

A decision must be issued within one month of the application deadline and a copy sent to the applicant within three days of its being taken.

***Alternative civilian service: Refusals***

The Conscription Commission may refuse an application on certain grounds: a) if the deadline is missed or the procedure incorrectly followed; b) if the submitted documents and other information "are not in accordance with the citizen's arguments that military service is contrary to his beliefs or religion"; c) if the submitted information is false; d) if the individual has twice failed to appear at meetings of the Conscription Commission; e) if an individual has previously been granted ACS and has failed to do it.  
  
The Constitutional Court ruled on 17 October 2006, however, that a missed deadline should not be grounds for outright refusal to consider a request for ACS on its merits (see below).  
  
A Conscription Commission's conclusion that an individual's submitted information does not back up his professed beliefs is the second most common reason for applications to be refused, according to the [Movement of Conscientious Objectors](https://stoparmy.org/) (after missed deadlines).  
  
"The [Conscription Commission's] position is usually not that the citizen has no beliefs at all that preclude the undertaking of military service .. rather, [it] considers that everything stated by the conscript is not beliefs, but delusions and so on", the Movement observes on its website.

"The lack of an independent civil decision-making body [is] a significant concern", the [European Bureau for Conscientious Objection](https://ebco-beoc.org/) notes on its website. It points out that while Conscription Commissions are chaired by the head or deputy head of a municipality, the deputy chair is a military commissar, and "in practice", the commission's work is largely done by the Military Commissariat and is not under the control of the civilian chair.

Civilian officials on Conscription Commissions "are poorly oriented in the legislation in the field of conscription and conscientious objection and fully rely on the opinion of the military commissar and other employees of the Military Commissariat", the Bureau observes. "In practice, the [Conscription Commission] is dependent on the Military Commissariat and cannot take impartial decisions. Military officials also "put pressure on recruits, telling them that asking for civilian service is unlawful".

There is no clear official indication of what constitutes "reasons and circumstances", or how to "give a basis for" [obosnovat] their beliefs, Forum 18 notes. This leaves a grey area in which Conscription Commissions may dismiss applications under pressure from military officials, or applicants may not amass "enough" material to convince commission members of their convictions.

The right to ACS is "becoming increasingly difficult to exercise", lawyer Sergey Chugunov [commented on his Telegram channel on 3 May](https://t.me/chugunovsv/172).

"Alarming news is coming from different regions of the country that citizens are being denied ACS for a variety of reasons," Chugunov noted. "Some for missing the deadline for filing an application, which is not an absolute basis for restricting the right. Others because of a lack of evidence for beliefs, which does not correspond to either the law or common sense. And I get the impression that these are far from ‘excesses on the ground'."

"Refusals, in my opinion, in most cases are not justified," Chugunov added to Forum 18 on 19 December. "[Conscription commissions] require proof of belief, but this is the wrong approach. However, the courts are in no hurry to correct the situation. The conscript must give a basis for [obosnovat] the contradiction of military service with his beliefs, but not prove [dokazyvat] their existence. This is impossible."

It is unclear from the court decisions in the five Baptist cases examined by Forum 18 whether the Conscription Commissions expected the applicants to "prove" their beliefs – the emphasis instead appears to be on the alleged insufficiency of documentation – but this tendency among Conscription Commissions has been causing concern among conscripts' rights organisations and lawyers.

The Call to Conscience Telegram channel noted on 22 September 2023 that "Candidates for ACS should give a basis for [obosnovat] [their claim] that doing military service goes against their beliefs or religion, but are not obliged to prove [dokazyvat] it or convince the commission [ubezhdat komissiyu]".

When Conscription Commissions refuse applications on these grounds, "all the citizen's statements are considered not as a statement of his beliefs that are contrary to military service, but something else (fear of the army, declaration of a political position, distorted idea of the army, etc., etc.)", the Movement of Conscientious Objectors observes. 

## ***Alternative civilian service: Going to court***

If an applicant is unsuccessful, he can either appeal to a higher-level Conscription Commission or file an administrative lawsuit at a district-level court, requesting that the Conscription Commission's decision be ruled unlawful.

Going to court means that the implementation of the Conscription Commission's decision is suspended until the court's decision enters into legal force. If a lawsuit is initially unsuccessful, the plaintiff has one month to appeal, and the decision does not enter legal force before the appeal ruling. It is therefore likely that the call-up period will end before the lawsuit is resolved, meaning that the individual is not liable to be conscripted immediately even if his legal challenge fails. He can then make a new application for alternative service in the next call-up period.”

***Four young Baptists denied the ACS status***

According to Forum 18, Military officials rejected the alternative civilian service applications of four young Baptists in Siberia and the Far East. The four men had all set out their pacifist religious convictions.

**Brothers Daniil and German Strelkov** are preparing to appeal after a court ruled the refusals lawful. Courts twice declined to uphold **Zakhar Asmalovsky**'s lawsuit against the military authorities. **Timofey Reznichenko** successfully challenged his refusal in court, gaining the right to have his application re-examined.

A higher-level Conscription Commission granted a fifth, Sergey Myalik, the right to undertake alternative service.