



Home Office

Country Policy and Information Note

Ukraine: Military service

Version 8.0

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Preface

Purpose

This note provides country of origin information (COI) and analysis of COI for use by Home Office decision makers handling particular types of protection and human rights claims (as set out in the [Introduction](#) section). It is not intended to be an exhaustive survey of a particular subject or theme.

It is split into 2 parts: (1) an assessment of COI and other evidence; and (2) COI. These are explained in more detail below.

Assessment

This section analyses the evidence relevant to this note - that is information in the COI section; refugee/human rights laws and policies; and applicable caselaw - by describing this and its inter-relationships, and provides an assessment of, in general, whether one or more of the following applies:

- a person is reasonably likely to face a real risk of persecution or serious harm
- that the general humanitarian situation is so severe that there are substantial grounds for believing that there is a real risk of serious harm because conditions amount to inhuman or degrading treatment as within [paragraphs 339C and 339CA\(iii\) of the Immigration Rules](#)/Article 3 of the [European Convention on Human Rights \(ECHR\)](#)
- that the security situation is such that there are substantial grounds for believing there is a real risk of serious harm because there exists a serious and individual threat to a civilian's life or person by reason of indiscriminate violence in a situation of international or internal armed conflict as within [paragraphs 339C and 339CA\(iv\) of the Immigration Rules](#)
- a person is able to obtain protection from the state (or quasi state bodies)
- a person is reasonably able to relocate within a country or territory
- a claim is likely to justify granting asylum, humanitarian protection or other form of leave, and
- if a claim is refused, it is likely or unlikely to be certifiable as 'clearly unfounded' under [section 94 of the Nationality, Immigration and Asylum Act 2002](#).

Decision makers **must**, however, still consider all claims on an individual basis, taking into account each case's specific facts.

Country of origin information

The country information in this note has been carefully selected in accordance with the general principles of COI research as set out in the [Common EU \[European Union\] Guidelines for Processing Country of Origin Information \(COI\)](#), April 2008, and the Austrian Centre for Country of Origin and Asylum Research and Documentation's (ACCORD), [Researching Country Origin Information – Training Manual](#), 2013. Namely, taking into account the COI's relevance, reliability, accuracy, balance, currency, transparency and traceability.

The structure and content of the country information section follows a [terms of reference](#) which sets out the general and specific topics relevant to this note.

All information included in the note was published or made publicly available on or before the 'cut-off' date(s) in the country information section. Any event taking place or report/article published after these date(s) is not included.

All information is publicly accessible or can be made publicly available. Sources and the information they provide are carefully considered before inclusion. Factors relevant to the assessment of the reliability of sources and information include:

- the motivation, purpose, knowledge and experience of the source
- how the information was obtained, including specific methodologies used
- the currency and detail of information
- whether the COI is consistent with and/or corroborated by other sources.

Multiple sourcing is used to ensure that the information is accurate and balanced, which is compared and contrasted where appropriate so that a comprehensive and up-to-date picture is provided of the issues relevant to this note at the time of publication.

The inclusion of a source is not, however, an endorsement of it or any view(s) expressed.

Each piece of information is referenced in a footnote. Full details of all sources cited and consulted in compiling the note are listed alphabetically in the bibliography.

Feedback

Our goal is to provide accurate, reliable and up-to-date COI and clear guidance. We welcome feedback on how to improve our products. If you would like to comment on this note, please email the [Country Policy and Information Team](#).

Independent Advisory Group on Country Information

The [Independent Advisory Group on Country Information](#) (IAGCI) was set up in March 2009 by the Independent Chief Inspector of Borders and Immigration to support him in reviewing the efficiency, effectiveness and consistency of approach of COI produced by the Home Office.

The IAGCI welcomes feedback on the Home Office's COI material. It is not the function of the IAGCI to endorse any Home Office material, procedures or policy. The IAGCI may be contacted at:

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Information about the IAGCI's work and a list of the documents which have been reviewed by the IAGCI can be found on the Independent Chief Inspector's pages of the [gov.uk website](#).

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Assessment

Updated: 16 June 2022

1. Introduction

1.1 Basis of claim

- 1.1.1 Fear of persecution or serious harm by the state because of:
- (a) the general treatment and/or conditions likely to be faced by the person during compulsory military service duties; and/or
 - (b) a person being required to perform military service during emergency mobilisation, despite their stance as a conscientious objector; and/or
 - (c) the penalties likely to be faced by the person's refusal to undertake, or their desertion from, military service duties; and/or
 - (d) prison conditions if a draft evader convicted in absentia is held in detention on return to Ukraine.

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1.2 Points to note

- 1.2.1 For information about whether the security situation in Ukraine is such that there are substantial grounds for believing there is a real risk of serious harm due to indiscriminate violence in a situation of international or internal armed conflict, as defined in [paragraphs 339C and 339CA\(iv\) of the Immigration Rules](#), see the Country Policy and Information Note on [Ukraine: Security Situation](#).

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2. Consideration of issues

2.1 Credibility

- 2.1.1 For information on assessing credibility, see the instruction on [Assessing Credibility and Refugee Status](#).
- 2.1.2 Decision makers must also check if there has been a previous application for a UK visa or another form of leave. Asylum applications matched to visas should be investigated prior to the asylum interview (see the [Asylum Instruction on Visa Matches, Asylum Claims from UK Visa Applicants](#)).
- 2.1.3 In cases where there are doubts surrounding a person's claimed place of origin, decision makers should also consider the need to conduct language analysis testing (see the [Asylum Instruction on Language Analysis](#)).

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2.2 Exclusion

- 2.2.1 Decision makers must consider whether there are serious reasons for considering whether one (or more) of the exclusion clauses is applicable. Each case must be considered on its individual facts and merits.
- 2.2.2 If the person is excluded from the Refugee Convention, they will also be excluded from a grant of humanitarian protection (which has a wider range of exclusions than refugee status).
- 2.2.3 For guidance on exclusion and restricted leave, see the Asylum Instruction on [Exclusion under Articles 1F and 33\(2\) of the Refugee Convention, Humanitarian Protection](#) and the instruction on [Restricted Leave](#).

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2.3 Convention reason(s)

- 2.3.1 Religion - if a person is required to perform military service during emergency mobilisation, despite their stance as a conscientious objector.
- 2.3.2 Political opinion - if a person is a conscientious objector on moral and/or political grounds.
- 2.3.3 The individual circumstances must be taken into account when deciding on a Convention reason. See the [Asylum Instruction on Assessing Credibility and Refugee Status](#) for further information on assessing Convention reasons. See also the [Asylum Instruction on Military service and conscientious objection](#) for further information.
- 2.3.4 Establishing a convention reason is not sufficient to be recognised as a refugee. The question is whether the person has a well-founded fear of persecution on account of an actual or imputed Refugee Convention reason.
- 2.3.5 Before considering whether a person requires Humanitarian Protection (HP), decision makers must consider if the person faces persecution for a Refugee Convention reason. Where the person qualifies for protection under the Refugee Convention, decision makers do not need to consider if there are substantial grounds for believing the person faces a real risk of serious harm meriting a grant of HP.
- 2.3.6 For further guidance on Convention reasons see the instruction on [Assessing Credibility and Refugee Status](#).
- 2.3.7 For guidance on Humanitarian Protection see the Asylum Instruction, [Humanitarian Protection](#).

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2.4 Risk

a. Framework for considering claims based on national service

- 2.4.1 Compulsory national service is a prerogative of sovereign states. It is therefore reasonable that draft evasion and desertion are criminal offences and punishable by law – points provided for in the [UNHCR Handbook and Guidelines on Procedures and Criteria for Determining Refugee Status](#) (paragraphs 167-174) and confirmed by the House of Lords in the case of [Sepet & Another v. SSHD \[2003\] UKHL 15](#). The [UNHCR Handbook](#) further notes, 'Desertion or draft-evasion does not, on the other hand, exclude a person from being a refugee, and a person may be a refugee in addition to being a deserter or draft-evader' (paragraph 167).
- 2.4.2 Therefore, a requirement to undergo compulsory military service – or punishment for failing to complete this duty – does not, in itself, constitute persecution. It will only do so where:
 - (a) military service would involve acts, with which the person may be associated, which are contrary to the basic rules of human conduct; or
 - (b) the conditions of military service would be so harsh as to amount to persecution; or
 - (c) the punishment for draft evasion or desertion is disproportionately harsh or severe.

2.4.3 For further information, see the [Asylum Instruction on Military Service and Conscientious Objection](#).

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b. [Eligibility for national service in Ukraine](#)

2.4.4 Those who are not eligible for, or who are otherwise exempt from, national service are unlikely to have a well-founded fear of persecution or show a real risk of serious harm based on 2.4.2 above.

2.4.5 On 1 January 2022, the National Resistance Act provided for the recruitment of 120,000 civilian reservists who would form a territorial defence force, in addition to the 10,000 people already in place. In the event of mobilisation, they must report to their units within 24 hours. Members of the Territorial Defence Force would normally be required to provide support behind the frontline, but may be sent to the frontline if it is deemed necessary (see [Territorial defence force](#)).

2.4.6 On 24 February 2022, Russia invaded Ukraine. On the same day, martial law was introduced for a period of 30 days and has subsequently been extended 3 times. The last extension was in May, when martial law was extended by 90 days, to 23 August. Also on 24 February 2022, President Zelensky signed a decree on general mobilisation in all regions of Ukraine plus the city of Kyiv. The decree became law on 3 March 2022, and mobilisation of conscripts and reservists was to be carried out within 90 days of this date. Males aged 18 and upwards are eligible, with no upper age limit in place. Males aged 18 to 60 are not allowed to leave Ukraine as long as martial law is in place (see [Russian invasion of Ukraine](#), [Martial law](#) and [Decree of 24 February 2022](#)).

2.4.7 In April 2022, the Ukrainian news outlet Ukrinform reported that a draft law would make it a legal requirement for men outside Ukraine who are subject to conscription during mobilisation to return to Ukraine within 15 days of the introduction of martial law (see [Return of men from abroad](#)).

2.4.8 In peacetime, males aged 18 to 27 are eligible for conscription, unless they fall into one of the categories for exemption. The maximum age for military service varies from 45 to 65, depending on rank (see [Eligibility: age](#)).

2.4.9 Women who are aged 18 to 60, in good health and who work in certain professions (as defined by the Ministry of Defence) must register for military service. They may be required to carry out military service in times of war, although there are exemptions. In December 2021, the list of relevant professions was increased significantly (see [Women: registration](#) and [Women: mobilisation](#)).

2.4.10 By law, various categories of persons are exempt from carrying out military service. This includes those who are unfit to do so for health reasons, those who are undertaking certain types of study, and those who have lost family members during military service. It is unlikely that all these exemptions apply under the emergency measures of February 2022, although a decree adopted in March allows men of conscription age (18 to 60 years) who have disabilities to leave the country (see [General exemptions](#)).

- 2.4.11 The law also provides for certain categories of persons to defer military service. Grounds for postponement include a variety of family, educational and professional circumstances. However, deferment remains possible under the emergency measures taken in February 2022, albeit the number of categories able to do so appears to have been reduced. The current limitations in reporting also means it is unclear how deferments are being applied in practice (see [Deferment](#)).
- 2.4.12 For further guidance on assessing risk, see the instruction on [Assessing Credibility and Refugee Status](#).

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c. Whether military service would involve acts which are contrary to the basic rules of human conduct

- 2.4.13 'Acts ... which are contrary to the basic rules of human conduct' is taken to mean being required to act in a way that would bring that person within the scope of Article 1F of the Refugee Convention.
- 2.4.14 There is no evidence of a generalised risk that military service would involve acts which are contrary to the basic rules of human conduct, and the onus is on the person to show otherwise.
- 2.4.15 Human Rights Watch reported that there had been incidences of Ukrainian soldiers abusing Russian prisoners of war; an advisor to the Ukrainian president stated that an investigation would be carried out, and, if abuse had taken place, those responsible would be punished. The scale and extent of the alleged abuse were not clear. Reuters further reported that Ukrainian troops had been guilty of sexual violence, but once again, the scale and extent of any such abuse were not clear ([Conduct of Ukrainian troops](#)).
- 2.4.16 However, if such reports are confirmed, they do not appear to be either sanctioned or condoned by the Ukrainian state and therefore represent the actions of a rogue element within the armed forces. They also do not appear to represent the actions of the Ukrainian army in general.
- 2.4.17 For further information, see the [Asylum Instruction on Military Service and Conscientious Objection](#).
- 2.4.18 For further guidance on assessing risk, see the instruction on [Assessing Credibility and Refugee Status](#).

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d. Conditions of military service, and whether the requirement to perform military service puts the person at risk of serious harm or mistreatment

- 2.4.19 Since the Russian invasion of Ukraine in February 2022, conditions for military service will have changed and, owing to the limitations in reporting, it is not 100% clear what current conditions of military service are.
- 2.4.20 Treatment received during military service may, in limited circumstances, be sufficiently serious by its nature and/or repetition as to engage Article 3 ECHR. Consideration must be given on a case-by-case basis.
- 2.4.21 A fear of being killed due to a requirement to take part in military service is not a sufficient ground for a grant of asylum or humanitarian protection. This

is because Article 2 of the European Convention on Human Rights may be derogated from in relation to lawful acts of war.

- 2.4.22 In peacetime, the period of conscription is 18 months for regular conscripts and 12 months for holders of master's degrees. Reservists retain their jobs and average monthly wages. In February 2022, an increase in wages was introduced for those defending the frontline (it is not clear whether this includes conscripts or mobilised reservists) (see [Length of service](#), [Reservists](#) and [Pay and compensation](#)).
- 2.4.23 On 5 February 2015, a law was passed which authorises military commanders to use physical force against soldiers who commit criminal acts such as 'disobedience, resistance or threat to use force against the commander, voluntary abandonment of military positions and certain locations of military units in areas of combat missions' (see [Punishment for evaders and deserters](#)). It has not been possible to ascertain how often such punishments may be used or how severe they may be. In some of these circumstances, physical restraint may be a proportionate and reasonable measure. Each case must be considered on its individual facts, taking into account the high threshold of Article 3 ECHR.
- 2.4.24 In mid-April, President Zelensky stated that approximately 2,500 to 3,000 Ukrainian soldiers had died since the Russian invasion of Ukraine in February 2022 (see [Deaths of Ukrainian troops](#)).
- 2.4.25 The law provides that conscripts are not sent to combat zones, other than to work in arsenals, and that they are not to be involved in military tasks in anti-terrorist operation zones. They are expected to serve mainly in supporting roles. However, The Times reported that untrained men have been conscripted since the Russian invasion of Ukraine and sent to war zones without having received appropriate training. It appears that this is because some officials have made their own rules, rather than following official practice and that men who have been displaced and travelled to western Ukraine for safety have been affected when registering in their new place of residence, as required under martial law; however, it is not clear how many have been conscripted in this way (see [Conscripts](#)).

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e. [Punishment for draft evasion or desertion, including conscientious objection](#)

- 2.4.26 Evasion of conscription is punishable in law by up to three years' imprisonment. Desertion from military service is punishable by imprisonment for two to five years, and up to 12 years in some circumstances, which include a time when martial law is in place (see [Desertion](#)). Such penalties are neither disproportionate nor excessive.
- 2.4.27 Moreover, in practice, the courts issue fines or suspended sentences in most cases. Out of 295 draft evaders in Ukraine in 2021, none were imprisoned, 8 persons were sent to semi-open prisons, 175 persons were given suspended sentences, and 73 were fined (see [Evasion of conscription](#), [Punishment for evaders and deserters](#) and [Desertion](#)).

- 2.4.28 The country guidance case of [VB & Another \(draft evaders and prison conditions: Ukraine\) \(CG\) \[2017\] UKUT 79 \(IAC\) \(6 March 2017\)](#), heard on 31 October and 1 November 2016 and promulgated on 6 March 2017, held that very few draft evaders had been subject to any criminal proceedings, let alone convicted of any criminal offence or sent to prison. It further noted the presumption in favour of bail for those awaiting trial and the removal of criminal penalties for minor matters. It held that draft evaders convicted in absentia would probably be entitled to a retrial and that there was no evidence that a retrial would result in a prison sentence.
- 2.4.29 The Country Guidance case of [PK and OS \(basic rules of human conduct\) Ukraine CG \[2020\] UKUT 314 \(IAC\)](#), heard on 3 and 4 June 2020 and promulgated on 19 November 2020, stated that it was not reasonably likely that a draft evader avoiding conscription or mobilisation in Ukraine would face criminal or administrative proceedings for that act, even though prison sentences were provided for in law. It held that it was ‘highly unlikely’ that a draft evader would be detained at the border pending trial.
- 2.4.30 The situation in Ukraine is now different from when this CG case was considered. However, there are not ‘very strong grounds supported by cogent evidence’ to justify a departure from this caselaw. The onus is on the person to demonstrate otherwise, and such evidence must be considered if provided.
- 2.4.31 [VB & Another](#) also noted that a draft evader convicted in absentia and sentenced to a term of imprisonment was at risk of being held in detention on arrival, pending a decision on any retrial. It further noted, ‘There is a real risk that the conditions of detention and imprisonment in Ukraine would subject a person returned to be detained or imprisoned to a breach of Article 3 ECHR’ (paragraph 90). Each claim must be considered on a case-by-case basis.
- 2.4.32 The law provides for alternative service for those persons for whom military duty contradicts their religious convictions. However, unlike the situation with regular conscription, alternative service for conscientious objectors is not recognised at times of emergency mobilisation (see [Alternatives](#), [Conscientious objection](#), and [Search for conscripts](#)).
- 2.4.33 Paragraph 168 of the UNHCR handbook states that ‘a person is clearly not a refugee if his only reason for desertion or draft-evasion is his dislike of military service or fear of combat.’
- 2.4.34 Each case must be determined on the individual facts.
- 2.4.35 For further guidance on assessing risk, see the Asylum Instructions on [Assessing Credibility and Refugee Status](#), the [Military Service and Conscientious Objection](#), and [Humanitarian Protection](#).

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2.5 Protection

- 2.5.1 As the person’s fear is of persecution and/or serious harm by the state, they will not be able to avail themselves of the protection of the authorities.
- 2.5.2 For further guidance on assessing the availability of state protection, see the instruction on [Assessing Credibility and Refugee Status](#).

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2.6 Internal relocation

- 2.6.1 As the person's fear is of persecution and/or serious harm by the state, they will not be able to relocate to escape that risk.
- 2.6.2 For further guidance on internal relocation see the instruction on [Assessing Credibility and Refugee Status](#).

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2.7 Certification

- 2.7.1 Where a claim is refused, it is unlikely to be certifiable as 'clearly unfounded' under section 94 of the Nationality, Immigration and Asylum Act 2002.
- 2.7.2 For further guidance on certification, see [Certification of Protection and Human Rights claims under section 94 of the Nationality, Immigration and Asylum Act 2002 \(clearly unfounded claims\)](#).

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Country information

Section 3 updated: 4 April 2022

3. Law

3.1 Law on conscription and military service

3.1.1 The [Law on Military Duty and Military Service](#), dated 25 March 1992 and most recently amended on 15 March 2022¹.

3.1.2 Article 3, Chapter 1 of the [Law on Military Duty and Military Service](#) states:

'The legal basis of military service and military service is [the Constitution of Ukraine](#), this Law, the Law of Ukraine "[On Defense of Ukraine](#)", "[On the Armed Forces of Ukraine](#)", "[On Mobilization Training and Mobilization](#)", other laws of Ukraine and adopted in accordance with decrees of the President of Ukraine and other regulations on ensuring the state's defense capabilities, military service, military service, service in the military reserve and the status of servicemen, as well as international treaties of Ukraine, approved by the Verkhovna Rada of Ukraine.'²

3.1.3 More recent legislation should be noted concerning [Reservists](#), [Territorial defence force](#) and [Women](#).

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3.2 Mobilisation

3.2.1 The [Law on mobilisation training and mobilisation](#)³, dated 21 October 1993 and subsequently amended, regulates the scope and conditions of mobilisation.

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3.3 Reservists

3.3.1 Service by reservists is provided for in the [Law on Military Duty and Military Service](#) (Articles 1 and 2, Chapter 1).

3.3.2 On 21 April 2021, Interfax-Ukraine reported:

'President of Ukraine Volodymyr Zelensky signed the law On Amendments to Certain Legislative Acts of Ukraine Concerning the Improvement of Certain Issues of Military Duty and Military Record Keeping No. 1357-IX, which the Verkhovna Rada adopted on March 30, 2021...

'This document improves the requirements for manning the Armed Forces of Ukraine and other military formations with reservists (military-trained persons with combat experience) in a special period without announcing mobilization. This will make it possible to quickly equip the military units of all the defense forces of the state with reservists, which will significantly increase their combat capability during a military aggression, as well as rapidly increase the combat potential of the defense forces and allow timely response to sudden

¹ Verkhovna Rada of Ukraine, [Law on Military Duty and Military Service](#), 25 March 1992

² Verkhovna Rada of Ukraine, [Law on Military Duty and Military Service](#), 25 March 1992

³ Verkhovna Rada of Ukraine, [Law on mobilisation training and mobilisation](#), 21 October 1993

threats to national security,” the statement on the website of the President's Office said ...

‘The president's office reported that the law introduces a new type of military service - military service for the conscription of persons from among the reservists in a special period.

“So, in a special period, citizens who have entered into contracts for service in the military reserve and/or enrolled in the military operational reserve will be called up for military service. The decision to conduct such a call will be made by the Supreme Commander of the Armed Forces of Ukraine on the proposal of the Commander-in-Chief of the Armed Forces. The decision will determine the categories of reservists who will need to be called up, tasks, volumes, terms and procedure for the call and the like,” the message said.⁴

3.3.3 Interfax-Ukraine continued:

‘The law of Ukraine signed by the president is reforming the military accounting system and the activities of local military command and control bodies, based on European principles and approaches.

“In particular, it is planned to create territorial centers of recruitment and social support on the basis of military registration and enlistment offices; streamlining the issues of military registration of conscripts and reservists. The procedure for the implementation of military registration of reservists is being improved, including with the help of the automated information and telecommunication system Oberig (Unified State Register of conscripts, liable for military service and reservists),” the President's Office said.

‘...on March 30 [2021], the Verkhovna Rada adopted a law on the creation of territorial recruitment and social support centers on the basis of military enlistment offices (bill No. 3553), which will allow reservists to be recruited within 24 hours in a special period without announcing mobilization.

‘As previously explained by head of the Rada Committee on National Security, Defense and Intelligence Oleksandr Zavytnevykh, the law concerns the introduction of a new type of service, which provides for contracts with reservists of the operational reserve [in a special period], allows to involve the already existing reserve promptly within 24 hours, in case of an aggravation of the situation at the frontline or violation of state borders. The reserve will include a small group of citizens who have already served and have combat experience.⁵

3.3.4 Interfax-Ukraine reported that President Zelensky had signed a decree on calling up reservists during a special period on 22 February 2022⁶.

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3.4 Territorial defence force

3.4.1 On 25 January 2022, IWPR reported on legislation concerning a territorial defence force of civilian reservists: ‘The national resistance act, which came into force on January 1, 2022, mandates that in addition to the core 10,000

⁴ Interfax-Ukraine, [Zelensky signs law on conscription of reservists...](#), 21 April 2021

⁵ Interfax-Ukraine, [Zelensky signs law on conscription of reservists...](#), 21 April 2021

⁶ Interfax-Ukraine, [Conscription of reservists starts on Feb 23](#), 23 February 2022

career personnel currently in territorial defence, a further 120,000 civilian reservists will be recruited and trained. In the event of any mobilisation, they will have to report to their units within 24 hours, swelling the ranks of the territorial defence forces to 130,000.⁷

3.4.2 Arrangements for the territorial defence force are covered by the [Law on the basis of national resistance](#) (dated July 2021 and came into effect in January 2022).

3.4.3 A new law entered into force on 12 June 2022 which allowed for members of the Territorial Defence Force to be sent to frontlines:

'In order to increase forces and means to stabilize the situation, as well as in the case of determining the appropriate zone of territorial defense by the area of military (combat) operations, military units of the Territorial Defense Forces of the Armed Forces of Ukraine and volunteer formations of territorial communities by the decision of the Commander-in-Chief of the Armed Forces of Ukraine may be involved in the implementation of territorial defense tasks outside their territorial defense zone and in areas of military (combat) operations.' (para 1.2).⁸

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3.5 Women

3.5.1 Service by women is provided for in the [Law on Military Duty and Military Service](#) (Article 1 (11-12), Chapter 1).

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3.6 Martial law

3.6.1 On 25 February 2022, Ukrinform reported:

'Martial law in Ukraine has been imposed from 05:30 on February 24, 2022, for a period of 30 days...

'In connection with the imposition of martial law in Ukraine, the constitutional rights and freedoms of person and citizen provided for in Articles 30-34, 38, 39, 41-44, 53 of the Constitution of Ukraine may be temporarily restricted, as well as temporary restrictions on the rights and legitimate interests of legal entities may be introduced.'⁹

3.6.2 On 20 March 2022, Ukrinform reported that martial law would be extended from 26 March 2022 for a further period of 30 days¹⁰.

3.6.3 On 21 April 2022, Ukrinform reported that martial law in Ukraine would be further extended until May 25, 2022¹¹.

⁷ IWPR, [Ukraine Rolls Out Mass Recruitment for Volunteer Army](#), 25 January 2022

⁸ Verkhovna Rada of Ukraine, [On amendments to the Law of Ukraine 'On the Fundamentals of National Resistance' to enable territorial defense to perform tasks in the areas of conduct | on May 3, 2022 No 2237-IX \(rada.gov.ua\)](#), adopted 3 May 2022

⁹ Ukrinform, [Martial law imposed in Ukraine](#), 24 February 2022

¹⁰ Ukrinform, [President extends martial law in Ukraine](#), 20 March 2022

¹¹ Ukrinform, [Parliament extends martial law in Ukraine](#), 21 April 2022

- 3.6.4 On 22 May, Ukrinform reported that martial law had been extended for a further 90 days to 23 August¹².
- 3.6.5 The [Law on the legal regime of martial law](#)¹³, dated 2015 and subsequently amended, ‘provides for the provision of powers necessary for the relevant state authorities, military command, military administrations and local self-government bodies to prevent the threat, repel armed aggression and ensure national security....’ (Article 1). It provides for limitations of the constitutional rights and freedoms envisaged by Articles 30-34, 38, 39, 41-44 and 53 of the [Constitution of Ukraine](#)¹⁴.

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Section 4 updated: 4 April 2022

4. Military service

4.1 Definitions of types of service

- 4.1.1 Article 1, Chapter 1 of the [Law on Military Duty and Military Service](#) stated:
- ‘3. Conscription includes:
- ‘training of citizens for military service;
 - ‘postscript to conscription stations;
 - ‘acceptance on a voluntary basis (under contract) and conscription;
 - ‘military service;
 - ‘military service in reserve;
 - ‘service in the military reserve;
 - ‘compliance with the rules of military accounting.’¹⁵

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4.2 Military accounting

- 4.2.1 The Ukrainian governmental Legal Aid website explained that ‘The main task of military accounting is the timely identification of all citizens of conscript age living in the territory serving the military commissariat, determining their number and quality characteristics, ensuring the organized conduct of regular conscription of citizens for military service, monitoring the implementation by citizens of Ukraine of the Law of Ukraine “On General Military Duty and Military Service”.’¹⁶

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4.3 Registration

- 4.3.1 Article 10, Chapter 1 of the [Law on Military Duty and Military Service](#) stated:

¹² Ukrinform, [Ukraine's parliament extends martial law, mobilization until Aug 23](#), 22 May 2022

¹³ Verkhovna Rada of Ukraine, [Law on the legal regime of martial law](#), 12 May 2015

¹⁴ Verkhovna Rada of Ukraine, [Constitution of Ukraine](#), 28 May 1996

¹⁵ Verkhovna Rada of Ukraine, [Law on Military Duty and Military Service](#), 25 March 1992

¹⁶ Legal Aid, [Military accounting for women: what you should know ...](#), 6 January 2022

'Citizens of Ukraine who are assigned to conscription stations or are in the reserve of the Armed Forces of Ukraine, the Security Service of Ukraine, the Foreign Intelligence Service of Ukraine or serve in the military reserve are obliged to:

'to arrive at the call of the district (united district), city (district in the city, united city) territorial center of staffing and social support (hereinafter - the relevant district (city) territorial centers of staffing and social support), Central Office or regional body of the Service Security Service of Ukraine, the relevant unit of the Foreign Intelligence Service of Ukraine for the issuance of military accounting documents (certificates of enlistment in conscription stations, military tickets, temporary certificates of conscripts), registration, medical examination, referral for training to obtain or improve military accounting specialties, conscription or conscription and reservists;

'undergo medical examination and treatment in treatment and prevention facilities in accordance with the decisions of the commission on registration, conscription commission or military medical commission of the relevant district (city) territorial center of staffing and social support, health care facilities of the Security Service of Ukraine, and the Foreign Service Intelligence of Ukraine - by the decision of the heads of the relevant units or the military medical commission of the Foreign Intelligence Service of Ukraine...'¹⁷

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4.4 Call-up

4.4.1 The Danish Immigration Service published a report in November 2021 which noted the procedure for call-up when martial law is NOT in place:

'The source advised that as long as there are not declared martial law, the rules of conscription is actually very liberal. For example, if the military commission wants to call up a person who is on the list for conscription, the commission has to deliver the call-up personally. The call-up should contain the person's personal ID and signature, before it is valid. This means that if the person is not home or he is hiding from the commission representatives, then he is not obliged to stand before the commission. The commission cannot do anything about this, according to the current legislation. So dodging in this way is not perceived as a crime, according to the law, as there is no proof that the person in question was called up, because he had not signed the call-up.'¹⁸

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4.5 Eligibility: age

4.5.1 Article 15, Chapter 3 of the [Law on Military Duty and Military Service](#) stated that males aged 18 to 27 are eligible for conscription, unless they are exempt¹⁹.

¹⁷ Verkhovna Rada of Ukraine, [Law on Military Duty and Military Service](#), 25 March 1992

¹⁸ Danish Immigration Service, [Ukraine: Prison conditions](#), November 2021

¹⁹ Verkhovna Rada of Ukraine, [Law on Military Duty and Military Service](#), 25 March 1992

- 4.5.2 Article 22, Chapter 4 of the [Law on Military Duty and Military Service](#) stated that the maximum age for military service varies from 45 to 65 years, depending on rank²⁰.

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4.6 Length of service

- 4.6.1 Article 23, Chapter 4 of the [Law on Military Duty and Military Service](#) set out the length of military service:

‘for soldiers and sailors, sergeants and sergeants serving in the Armed Forces of Ukraine and other military formations - up to 18 months;

‘for persons who have a master's degree at the time of conscription for military service - up to 12 months...’²¹

- 4.6.2 The same Article noted that length of service differs for those with a contract²².

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4.7 Conscripts

- 4.7.1 Article 1 (9), Chapter 1 of the [Law on Military Duty and Military Service](#) stated that conscripts are ‘persons who are in reserve to recruit the Armed Forces of Ukraine and other military formations for a special period, as well as to perform work to ensure national defense...’²³

- 4.7.2 Quoting various sources, the French Office for the Protection of Refugees and Stateless persons (OFPRA) published a report in May 2017 which stated:

‘In June 2016, the Military advisor of the European Union Delegation in Ukraine asserted that conscripts mainly serve in supporting roles in backward positions and that sending conscripts to combat zones is against the law. Many conscripts are actually drafted into the Navy and the Air Force, but only few into the Army and the National Guard (the latter is mostly guarding public buildings). Representatives of the Ministry of Defense of Ukraine specified that, in anti-terrorist operation (ATO) zones, conscripts could however still work in arsenals. Indeed, the law provides that in the ATO zone, conscripts would not be involved in military tasks.’²⁴

- 4.7.3 However, the same report noted that, ‘... recruits on contract basis get 2 or 3 months training, followed by Anti-Terrorist Operation (ATO) training, and can be deployed to the ATO zone after a minimum of 3 months.’²⁵

- 4.7.4 On 16 March 2022, International Crisis Group (ICG) reported:

‘...the ins and outs of travel bans and mobilisation require more transparent communication by the army. Whether and under what circumstances men can be involuntarily enlisted remains the subject of rumour. For instance, in

²⁰ Verkhovna Rada of Ukraine, [Law on Military Duty and Military Service](#), 25 March 1992

²¹ Verkhovna Rada of Ukraine, [Law on Military Duty and Military Service](#), 25 March 1992

²² Verkhovna Rada of Ukraine, [Law on Military Duty and Military Service](#), 25 March 1992

²³ Verkhovna Rada of Ukraine, [Law on Military Duty and Military Service](#), 25 March 1992

²⁴ OFPRA, [Fact-finding Mission Report - Ukraine](#), May 2017

²⁵ OFPRA, [Fact-finding Mission Report - Ukraine](#), May 2017

the western border town of Uzhgorod, stories circulate that recruiters are seeking out single men staying at hotels. At a press conference on 15 March, the army's chief recruiter had to deny accusations that internally displaced men were targeted more often than locals. Even if one has sorted out the rules, the soldiers operating some fifteen military checkpoints now dotting the road from Kyiv to the western border may not agree with one's interpretation. A Kyiv man who drove his family to safety reported that every checkpoint not only creates its own traffic jam, but also comes with the fear of ending up on a conscription list.²⁶

- 4.7.5 On 2 April 2022, The Times [published an article](#)²⁷ which reported on men with very little or no military training being made to fight on frontlines.

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4.8 Reservists

- 4.8.1 Article 1 (9), Chapter 1 of the [Law on Military Duty and Military Service](#) stated that 'reservists are persons who serve in the military reserve of the Armed Forces of Ukraine, other military formations and are intended for their manning in peacetime and in a special period.'²⁸

- 4.8.2 Article 26, Chapter 5 of the Law on Military Duty and Military Service stated that 'During a special period, persons discharged from military service who, according to their professional and psychological characteristics and state of health, are fit for service in the military reserve and meet the established requirements for military service shall be obligatorily enlisted in the military operational reserve.'²⁹

- 4.8.3 Article 22 (2) of the Law on Mobilisation Training and Mobilisation stated: that 'Citizens who are in reserve and are not called up for military service or are not involved in the duties of mobilization for positions provided for by wartime states during mobilization may, in accordance with the law, be involved in the performance of works that are defensive in nature....'³⁰

- 4.8.4 Article 22 (4) of the Law on Mobilisation Training and Mobilisation stated that 'Citizens who are in reserve are assigned in advance to military units for military service in wartime or to other units or formations to perform duties in positions provided for by wartime states.'³¹

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4.9 Territorial defence force

- 4.9.1 On 25 January 2022, Institute for War and Peace Reporting (IWPR) reported on a territorial defence force of volunteers:

'As tensions continue to mount with Russia, Ukraine is mobilising a citizen militia that Kyiv hopes could be instrumental in resisting an invasion.'

²⁶ ICG, [Mitigating the Gendered Effects of Ukraine's Refugee Crisis](#), 16 March 2022

²⁷ The Times, [Conscription in Ukraine: IT worker forced to fight war...](#), 2 April 2022

²⁸ Verkhovna Rada of Ukraine, [Law on Military Duty and Military Service](#), 25 March 1992

²⁹ Verkhovna Rada of Ukraine, [Law on Military Duty and Military Service](#), 25 March 1992

³⁰ Verkhovna Rada of Ukraine, [Law on mobilization training and mobilisation](#), 21 October 1993

³¹ Verkhovna Rada of Ukraine, [Law on mobilization training and mobilisation](#), 21 October 1993

'Thousands of volunteers flocked to join military efforts when war first broke out in 2014, but this new force is intended to be well-structured and better equipped, with the ability to be deployed rapidly across the country.

"The territorial defence is becoming a fully-fledged part of the Ukrainian army," said Fedor Venislavsky, a lawmaker from the ruling Servant of the People party and a member of the parliamentary committee on national defence, security and intelligence.

'The national resistance act, which came into force on January 1, 2022, mandates that in addition to the core 10,000 career personnel currently in territorial defence, a further 120,000 civilian reservists will be recruited and trained. In the event of any mobilisation, they will have to report to their units within 24 hours, swelling the ranks of the territorial defence forces to 130,000.

'Officials say that this ambitious recruitment effort is expected to be complete by the end of February. ...

'Venislavsky explained that in [the eventuality of a Russian invasion], the territorial defence fighters would be deployed to ensure calm in the rear, enabling the 250,000-strong army to perform their frontline duties.

"This is not only the protection of authorities, but also critical infrastructure facilities, such as bridges or power plants, and their functions include countering sabotage squads," Venislavsky said. "However, there is another change – the territorial defence moves from the office of the head of the ground forces to the commander-in-chief. And this means that, if necessary, these fighters can be sent to the front line, if the commander-in-chief decides that the time has come."

'The weapons available to volunteers – until now limited to small arms such as assault rifles and pistols for officers – will also be upgraded.

"Of course, we are not talking about heavy armoured vehicles, but in connection with the expansion of tasks they will receive both grenade launchers and mortar artillery," Venislavsky explained, adding that Canada recently announced it would supply small arms and protective equipment to the Ukrainian territorial defence.

'This will make it possible to provide volunteers with modern equipment in addition to the current, often Soviet-era, supplies.

"We have already formed 70 per cent - and in the border regions 100 per cent - of the personnel basis of the territorial defence and are beginning to receive reservists," Venislavsky said. "In general, by the end of February - and in the border areas to the Russian Federation much earlier, most likely by mid-February - this work will be completed."

'Territorial defence officer Oleksiy Lapin said that the new system could be a game-changer.

“Until now, it was a lot of platoons which were united only by a common name,” he said. “Now it is a full-fledged military structure with its own hierarchy and control system.”³²

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4.10 Women: registration

4.10.1 Article 1 (11-12), Chapter 1 of the [Law on Military Duty and Military Service](#) stated:

‘Women who have a specialty and/or profession related to the relevant military accounting specialty, defined in [the list](#) approved by the Ministry of Defense of Ukraine, and fit for military service by health and age, are taken into military service conscripts .

‘Women who are on the military register may be called up for military service or recruited to carry out work to ensure the defense of the state in wartime. In peacetime, women can be admitted to military service and service in the military reserve only on a voluntary basis (under contract).’³³

4.10.2 The Ukrainian government website on legal aid published an article on 6 January 2022 which stated:

‘In December 2021, the order of the Ministry of Defense of Ukraine came into force, which significantly expanded the list of professions, after which women will have to register for military registration. In total, this list includes 35 professional areas and hundreds of professions. There are not only technical or engineering specialties. Now the military records should be workers in the fields of musical and stage art, the apparatus of the judiciary, museology, library studies, journalism, advertising and public relations, social workers, art critics and literary critics...

‘Military registration in Ukraine is regulated by the Law of Ukraine “On Military Duty and Military Service” of March 25, 1992 No. 2232-XII. In accordance with Part 11 art. 1 of the Law “women who have a specialty and/or profession related to the relevant military accounting specialty, defined in the list approved by the Ministry of Defense of Ukraine, and are suitable for military service for health and age, are taken on military registration of military personnel”.

‘By the Order of the Ministry of Defense of October 11, 2021, No. 313, the List of specialties and/or professions related to the relevant military-accounting specialties was approved, which entered into force on December 17, 2021 after publication in the “Official Bulletin of Ukraine” No. 96 dated December 17, 2021...

‘All women aged 18 to 60 years who have a specialty and/or profession related to the relevant military accounting specialty, defined in the list approved by the Ministry of Defense of Ukraine, and are suitable for military service for health and age are subject to military registration.

‘The algorithm for registering women is no different from the algorithm for registering men in January 2022. In particular, in the territorial recruitment

³² IWPR, [Ukraine Rolls Out Mass Recruitment for Volunteer Army](#), 25 January 2022

³³ Verkhovna Rada of Ukraine, [Law on Military Duty and Military Service](#), 25 March 1992

center (as military enlistment offices are now called) an application is written, copies of documents about a person, education, work, marital status are provided. If a person is subject to military registration, he will be sent to the medical board, which determines the suitability for military service.

‘That is, for registration on military registration, women whose profession is provided for by the list must by the end of 2022 personally appear in the military commissariat at the place of registration and provide relevant documents, as well as pass a medical commission that will establish suitability for military service.’³⁴

4.10.3 On 27 December 2021, the website Military.Com, ‘a news and resource website for military members, veterans and their families,’³⁵ reported:

‘Ukraine's Ministry of Defense has significantly expanded the pool of Ukrainian women who are required to register for possible military conscription in the event of a major war...

‘...the recent revision of the law regulating Ukraine's military reserves dramatically expanded the number of professions that qualify for mandatory registration with the armed forces. Now women who are librarians, journalists, musicians, veterinarians, and psychologists - among many other varied professions - are required to register for possible military service...’³⁶

4.10.4 Further information about the revision to the law is available on the website of Focus.ua, a Ukrainian news outlet³⁷. The article includes a full list of the occupations affected and notes the documents needed to register for military service.

4.10.5 On 21 January 2022, the Ukrainian Ministry of Defence published an article about a draft regulation concerning the mandatory registration with military registration offices of women with certain qualifications and skills:

‘In particular, the new order “On approval of the list of specialties and/or professions related to the relevant military-accounting specialties, after which women are taken on the military registration of military service, and the List of specialties and/or professions related to the relevant military accounting specialties”, identified 14 specialties and 6 professions, the acquisition and receipt of which provides for the registration of military registration. These specialties and professions are related to about 100 military-accounting specialties. Previously, we were talking about 35 professional areas, which united more than 200 specialties...

‘Mainly we are talking about specialties and professions in the field of medicine, electronics, communications, metrology and cartography, finance, accounting and auditing, etc. The final list will be approved after receiving approvals from other departments. The draft order also contains a mechanism for revising this list...’³⁸

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³⁴ Legal Aid, [Military accounting for women: what you should know ...](#), 6 January 2022

³⁵ Military.Com, [About Us](#), no date

³⁶ Military.Com, [Ukraine Requires Women to Register for Military Conscription...](#), 27 December 2021

³⁷ Focus.ua, [The Ministry of Defence of Ukraine obliged women...](#), 22 December 2021

³⁸ MoD of Ukraine, [The Ministry of Defense sent for approval a new version ...](#), 21 January 2022

4.11 Women: mobilisation

- 4.11.1 The website Military.com noted ‘The pool of women who could potentially be mobilized is a bit narrower in terms of age than the pool of those required to register with the military. According to the updated law, Ukrainian women between the ages of 20 and 40 can be mobilized for military service as regular soldiers, and from 20 to 50 years of age for service as officers. There are exemptions for some women with children, as well as full-time students and graduate students...’³⁹
- 4.11.2 The Global Security website published undated information which stated ‘Ukrainian women will not be drafted into the army without their consent, but those who do not register will not be able to get a job. As the commander-in-chief of the Armed Forces of Ukraine, Valery Zaluzhny, explained, women are not subject to compulsory mobilization, and they will attend military training only at will. According to him, the army just needs to know what specialists are in the country in order to “join the defense as a last resort.”’⁴⁰

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4.12 Women: terms of service

- 4.12.1 Article 1 (12), Chapter 1 of the [Law on Military Duty and Military Service](#) stated, ‘Women perform military service on an equal footing with men (except as provided by the legislation on maternity and childhood protection, as well as the prohibition of discrimination on the grounds of sex), which includes voluntary admission (under contract) and conscription, military service, service in the military reserve, military service in reserve and compliance with the rules of military accounting.’⁴¹

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4.13 Women: numbers in the armed forces

- 4.13.1 In December 2021, the website Military.com noted:
- ‘In 2018, the regular Ukrainian military officially allowed women to serve in combat specialties, including as armored vehicle gunners, infantry commanders, and snipers. According to 2020 data, more than 31,000 women were serving in the Ukrainian armed forces at that time, representing 15.6% of the total force. By March 2021, that share was up to almost 22.5%, the Ukrainian military reported.
- ‘As of March [2021], Ukraine’s armed forces comprise more than 900 female officers in command positions, including 109 platoon commanders and 12 company commanders, according to the military.’⁴²
- 4.13.2 On 16 March 2022, ICG reported that ‘Nearly a quarter of the army’s work force are women, and the ratio of female soldiers in combat roles almost doubled from around 6 per cent in 2014, when war began with Russian-backed separatists in eastern Ukraine, to over 10 per cent in 2019. The Territorial Defence Units, civilian reserves that signed up tens of

³⁹ Military.Com, [Ukraine Requires Women to Register for Military Conscription...](#), 27 December 2021

⁴⁰ Global Security, [Ukrainian Military Personnel](#), no date

⁴¹ Verkhovna Rada of Ukraine, [Law on Military Duty and Military Service](#), 25 March 1992

⁴² Military.Com, [Ukraine Requires Women to Register for Military Conscription...](#), 27 December 2021

thousands of new recruits during the first week of the present Russian attack, assign women and men the same sets of duties. From the invasion's early days, women have played a significant role in civilian resistance as well, in some cases by literally standing in the way of Russian troops.⁴³

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4.14 Deferment

- 4.14.1 Article 17, Chapter 3 of the [Law on Military Duty and Military Service](#) set out the circumstances in which military service may be deferred. These included 'family circumstances, health, education and continuation of professional activities.'⁴⁴

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4.15 General exemptions

- 4.15.1 Article 23 of the Law on Mobilisation Training and Mobilisation declared that those who are not subject to conscription during mobilisation include the following:

'recognized in accordance with the conclusion of the military medical commission temporarily unfit for military service for health reasons for up to six months (followed by the passage of the military medical commission);

'women and men, dependent on which there are three or more children under the age of 18 (such women and men can be called up for military service if they agree and only at the place of residence);

'women and men who independently raise a child (children) under the age of 18 (such persons may be called up for military service if they agree and only at the place of residence);

'women and men who are supported by a child with a disability of subgroup A under the age of 18 years;...

'adoptive parents, guardians, trustees, foster parents, parents-educators, on the maintenance of which are orphans or children deprived of parental care, under the age of 18 (such persons can be called up for military service in case of their consent and only at the place of residence);...

'engaged in constant care of persons in need, in accordance with the legislation of Ukraine, in the absence of other persons who can carry out such care;

'people's deputies of Ukraine, deputies of the Verkhovna Rada of the Autonomous Republic of Crimea;

'employees of military administration (management bodies), military units (units), enterprises, institutions and organizations of the Ministry of Defense of Ukraine, the Armed Forces of Ukraine, the State Service for Special Communications and Information Protection of Ukraine, the Security Service of Ukraine, the Foreign Intelligence Service of Ukraine, the National Guard of Ukraine, the State Border Guard Service of Ukraine, the National Police of Ukraine, the Tax Police, the National Anti-Corruption Bureau of Ukraine, the

⁴³ ICG, [Mitigating the Gendered Effects of Ukraine's Refugee Crisis](#), 16 March 2022

⁴⁴ Verkhovna Rada of Ukraine, [Law on Military Duty and Military Service](#), 25 March 1992

State Bureau of Ukraine investigations, the State Executive Service of Ukraine, the Department of State Protection of Ukraine;...

'applicants of professional pre-higher and higher education, trainee assistants, postgraduates and doctoral students who study in full-time or dual forms of education;

'scientific and scientific-pedagogical workers of higher and professional pre-higher education institutions, scientific institutions and organizations that have an academic title and/or a scientific degree, and pedagogical workers of general secondary education institutions, provided that they work accordingly in higher or professional pre-higher education institutions, scientific institutions and organizations, general secondary education institutions at the main place of work at least 0.75 rates;

'women and men whose close relatives (husband, wife, son, daughter, father, mother, grandfather, grandmother or family (full-time, incomplete) brother or sister) died or went missing during the anti-terrorist operation...'⁴⁵

4.15.2 Further categories of exemptions may be seen at Article 23 of the [Law on mobilization training and mobilisation](#).

4.15.3 The UN High Commissioner for Refugees (UNHCR) reported that according to 'Government Decree № 264...men with disabilities of conscription age (18-60 years) are allowed to leave the country by showing documents certifying disability - and they are no longer required to provide documents from military registration offices. Also, the person with disability could be accompanied by one adult relative disregarding his/her age and sex.'⁴⁶

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4.16 Conscientious objection and alternative service

4.16.1 Article 1 (4), Chapter 1 of the Law on Military Duty and Military Service stated that 'Citizens of Ukraine have the right to have their military service replaced by alternative (non-military) service in accordance with [the Constitution of Ukraine](#) and [the Law of Ukraine](#) "On Alternative (Non-Military) Service".'⁴⁷

4.16.2 Article 35 of the Constitution of Ukraine stated, 'No one shall be relieved of his duties to the state or renouncing the exercise of laws on the grounds of religious beliefs. If the performance of military duty contradicts the religious beliefs of a citizen, the performance of this duty should be replaced by alternative (non-military) service.'⁴⁸

4.16.3 Article 1, Section 1 of the Law on Alternative (Non-Military) Service states: 'Alternative service is a service that is introduced instead of military service and aims to fulfill its duty to society.'

⁴⁵ Verkhovna Rada of Ukraine, [Law on mobilization training and mobilisation](#), 21 October 1993

⁴⁶ UNHCR, [Protection Cluster: Ukraine Crisis Protection Snapshot...](#), 27 March 2022

⁴⁷ Verkhovna Rada of Ukraine, [Law on Military Duty and Military Service](#), 25 March 1992

⁴⁸ Verkhovna Rada of Ukraine, [Constitution of Ukraine](#), 28 May 1996

‘Under martial law or a state of emergency, certain restrictions may be imposed on the right of citizens to undergo alternative service, indicating the validity of these restrictions.’⁴⁹

- 4.16.4 The OFPRA Report 2017 noted, ‘Contrary to regular conscription, conscientious objection and alternative service is not foreseen by the Ukrainian legal framework for individuals drafted through emergency mobilization.’⁵⁰
- 4.16.5 Article 6, Section 1 of the Law On Alternative (Non-Military) Service states: ‘The term of alternative service is one and a half times longer than the term of military service established for soldiers and sergeants who undergo military service in the Armed Forces of Ukraine and other military formations formed in accordance with the laws of Ukraine. For persons who have higher education at the educational and qualification level of training of a specialist or master, the term of alternative service is one and a half times longer than the period of military service established for persons who have the appropriate educational qualification level.’⁵¹
- 4.16.6 Article 8, Section 1 of the Law on Alternative (Non-Military) Service explains the consequences of evasion of alternative service, stating, ‘In case of evasion of a citizen from alternative service or committing other actions provided for by part one of this Article, the local state administration may cancel its decision to send him to alternative service, which within five calendar days in writing informs the citizen and the territorial center of recruitment and social support, after which the citizen is subject to conscription for military service on a general basis.’⁵²
- 4.16.7 See [Search for conscripts](#) for information about attempts to conscript conscientious objectors.

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4.17 Subpoenas for those who have broken the law

- 4.17.1 On 18 June 2022, the BBC reported that those found to have broken the law could be handed a summons to a military recruitment centre as a punishment:

‘In May, in Vinnytsia region, summonses were handed to two men who tried to illegally cross the border, giving a bribe. On June 16, 14 violators of public order were served in Uman. In Ternopil region in March reported on the delivery of summonses to 32 men who were caught drunk driving, non-payment of alimony and violation of curfew rules.’

- 4.17.2 ‘Also, news is increasingly emerging about the delivery of subpoenas right in the middle of the street and in public places.’⁵³

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⁴⁹ Verkhovna Rada of Ukraine, [Law of Ukraine on Alternative ... Service](#), 12 December 1991

⁵⁰ OFPRA, [Fact Finding Mission Report - Ukraine](#), May 2017,

⁵¹ Verkhovna Rada of Ukraine, [Law of Ukraine on Alternative ... Service](#), 12 December 1991

⁵² Verkhovna Rada of Ukraine, [Law of Ukraine on Alternative ... Service](#), 12 December 1991

⁵³ BBC, [Subpoena as punishment. Is it legal](#), 18 June 2022

5. Mobilisation of February 2022

5.1 Russian invasion of Ukraine

- 5.1.1 On 17 April 2022, BBC reported on the Russian invasion of Ukraine, stating:
'Launching the invasion on 24 February [Vladimir Putin] told the Russian people his goal was to "demilitarise and de-Nazify Ukraine", to protect people subjected to what he called eight years of bullying and genocide by Ukraine's government.
'Foreign Minister Sergei Lavrov spoke of freeing Ukraine from oppression...
'Russia's leader refused to call it an invasion or a war, and made doing so a criminal offence. Instead it can only be termed a "special military operation".
'The claims of Nazis and genocide in Ukraine are completely unfounded but part of a narrative repeated by Russia for years.'⁵⁴

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5.2 Decree of 24 February 2022

- 5.2.1 On 3 March 2022, Ukrinform published an article which stated:
'The Verkhovna Rada of Ukraine has adopted Law No.7113 approving the presidential decree "On General Mobilization," according to the parliament's press service.
'President Volodymyr Zelensky on February 24 signed a decree on general mobilization in Ukraine.
'According to the document, mobilization will be carried out in Vinnytsia, Volyn, Dnipropetrovsk, Donetsk, Zhytomyr, Zakarpattia, Zaporizhzhia, Ivano-Frankivsk, Kyiv, Kirovohrad, Luhansk, Lviv, Mykolaiv, Odesa, Poltava, Rivne, Sumy, Ternopil, Kharkiv, Kherson, Khmelnytskyi, Cherkasy, Chernivtsi, Chernihiv regions, and the city of Kyiv.
'Mobilization will last for 90 days from the date of entry into force of this decree.'⁵⁵
- 5.2.2 On 3 March 2022, Interfax-Ukraine published an article which stated:
'In his decree [on general mobilisation], President of Ukraine Volodymyr Zelensky announced a general mobilization on the territory of all regions of Ukraine and the city of Kyiv. Mobilization is carried out within 90 days from the date of entry into force of this decree (the decree comes into force after its approval by the Verkhovna Rada). In accordance with the decree, the Security Service of Ukraine (SBU) carries out measures of counterintelligence support during the implementation of general mobilization measures.

⁵⁴ BBC, [Why has Russia invaded Ukraine and what does Putin want?](#), 17 April 2022

⁵⁵ Ukrinform, [Verkhovna Rada approves decree on mobilization in Ukraine](#), 3 March 2022

'The Ukrainian deputies also approved the presidential decree "On the use of the Armed Forces of Ukraine and other military formations" (draft law No. 7115).

'In particular, the law allows the use of the Armed Forces of Ukraine and other military formations created in accordance with the laws of Ukraine to repel the armed aggression of the Russian Federation against Ukraine. According to the law, the task of state authorities and military command and control bodies is to take measures to repel the armed aggression of the Russian Federation...

'In total, the Verkhovna Rada adopted 14 laws and one resolution on [3 March].

'As reported, the Parliament adopted a resolution on the appeal of the Verkhovna Rada to the UN, the UN High Commissioner for Refugees, the International Committee of the Red Cross, the European Parliament, international organizations and their parliamentary assemblies, parliaments and governments of foreign states on the urgent need to ensure the protection of the civilian population of Ukraine from armed attacks by Russian invaders (No. 7123).'⁵⁶

5.2.3 On 24 February 2022, Deutsche Welle (DW) reported:

'Conscripts and reservists will be called up over the next 90 days to "ensure the defense of the state, maintaining combat and mobilization readiness," an entry on the Ukrainian presidency's website said...

'Ukraine's border guard said that males aged 18-60 are not allowed to leave the country in a statement posted on its Facebook account.

'The border guard said that this restriction will last for the duration of the period of martial law in Ukraine.'⁵⁷

5.2.4 On 25 February 2022, i News reported:

'The Ukrainian defence ministry urged men to sign up for the army and suggested those of all ages could join, saying: "Today Ukraine needs everything".

"All procedures for joining [the forces] are simplified. Carry only your passport and identification code. There are no age restrictions."⁵⁸

5.2.5 On 9 March, The Guardian reported that 'The Ukrainian government is not forcing men to fight, only remain in the country, but there are fears of enforced conscription if the violence continues.'⁵⁹

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5.3 Pay and compensation

5.3.1 On 28 February 2022, Ukrinform reported:

⁵⁶ Interfax-Ukraine, [President's decree on general mobilization approved...](#), 3 March 2022

⁵⁷ DW, [Ukraine president orders general mobilization](#), 24 February 2022

⁵⁸ i News, [Ukrainian men banned from leaving the country...](#), 25 February 2022

⁵⁹ The Guardian, [Ukraine urged to take 'humane' approach as men try to flee war](#), 9 March 2022

‘The Ukrainian military defending the frontline will be paid UAH 100,000 [approximately equivalent to £2,475 per month].

‘The relevant statement was made by Ukrainian Defense Minister Oleksii Reznikov on his Facebook page, an Ukrinform correspondent reports.

“Ukraine will pay the military UAH 100,000 per month. The relevant decision has been endorsed by the Cabinet of Ministers of Ukraine pursuant to the Decrees of the President of Ukraine today,” Reznikov wrote.

‘In his words, for the duration of the martial law, the members of the Armed Forces of Ukraine, the State Security Service of Ukraine, the Foreign Intelligence Service of Ukraine, the Main Intelligence Directorate of the Ukrainian Defense Ministry, the National Guard of Ukraine, the Ukrainian State Border Guard Service, the Administration of the State Guard of Ukraine, the Ukrainian State Service of Special Communication and Information Protection, junior and senior personnel of the Ukrainian State Emergency Service and police will receive an additional monthly benefit of UAH 30,000 [approximately equivalent to £742.50].

‘Meanwhile, for the military involved in military actions directly or providing national security and defense measures, repulsing and deterring armed aggression, the additional monthly benefit will be raised to UAH 100,000 [approximately equivalent to £2,475] in proportion to the time spent on such activities and measures.’⁶⁰

- 5.3.2 Ukrinform also noted that ‘The families of the military killed in the war will receive a one-time monetary aid of UAH 15 million [approximately equivalent to £371,250] divided equally between all recipients.’⁶¹

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5.4 Reservists

- 5.4.1 On 23 February 2022, Interfax-Ukraine reported:

‘The conscription of reservists into the ranks of the Armed Forces of Ukraine begins on Wednesday, February 23, 2022, the command of the Ground Forces of the Armed Forces of Ukraine reports.

“Reservists from 18 to 60 years old will be subject to the call. These will be both officers and private, sergeant officers. The call will begin from today. The maximum service life is one year,” the Facebook message says.

‘The command said that the reservists of the operational reserve of the first stage will serve in those military units and in the specialty in which they served before and signed a contract to serve in the operational reserve.

“According to the law of Ukraine, the drafted reservists will retain their jobs and average monthly wages,” the message says.

‘According to the order of the President of Ukraine, the reservists of the operational reserve of the first stage must independently report to their military units or territorial centers of recruitment and social support, by phone call or by receiving a summons.

⁶⁰ Ukrinform, [Government approves UAH 100,000 in salaries for military...](#), 28 February 2022

⁶¹ Ukrinform, [Government approves UAH 100,000 in salaries for military...](#), 28 February 2022

'If a reservist, for one reason or another, provided by law, cannot be called up, he must personally provide supporting documents...

'The reservists of the first stage of the operational reserve are servicemen who are dismissed from fixed-term military service, military service by conscription during mobilization, for a special period, who, according to their professional and psychological characteristics and health status, are suitable for service in the military reserve and meet the established requirements for service in the military reserve, and received a certain military registration specialty.

'...According to the president, a training camp for reservists of the territorial defense system will also be held in the near future.'⁶²

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5.5 Release of detainees from custody

5.5.1 On 28 February, Ukrinform reported:

'Ukrainians who have real combat experience will be released from custody, and some sanctions will be lifted from participants in the Anti-Terrorist Operation.

'Ukrainian President Volodymyr Zelensky said this in his address on February 28...

"We dedicate every minute to the struggle for our state. Everyone who can join the struggle against the invaders must do so. Therefore, the decision was made, not simple from a moral point of view, but useful in terms of our protection. Ukrainians with real combat experience will be released from custody and will be able to compensate for their guilt in the hottest spots. All sanctions against some individuals who participated in the Anti-Terrorist Operation will be lifted. The key thing now is defense," Zelensky said.'⁶³

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5.6 Return of men from abroad

5.6.1 On 14 April 2022, Ukrinform reported on '...the draft law No. 7265 on amendments to the Criminal Code of Ukraine and the Law of Ukraine "On the legal regime of martial law" to establish liability for non-compliance with the requirements of the law on the return to Ukraine after the introduction of martial law in Ukraine or in some of its localities...

'As reported, the draft Law No. 7265 proposes to introduce a new article into the Law of Ukraine "On the Legal Regime of Martial Law" regarding the obligation of persons who, according to the law, are subject to conscription during mobilization, as well as members of the Cabinet of Ministers of Ukraine, heads of state authorities and their deputies, people's deputies of Ukraine, village, settlement, city heads, law enforcement officers of Ukraine, judges, judges of the Constitutional Court of Ukraine, prosecutors who are outside Ukraine, in case of imposition of martial law in Ukraine or in some of its areas, in the absence of good reasons to return to Ukraine.

⁶² Interfax-Ukraine, [Conscription of reservists starts on Feb 23](#), 23 February 2022

⁶³ Ukrinform, [Ukrainians with real combat experience will be released...](#), 28 February 2022

‘Valid reasons in the case provided for in part 1 of this Article are a ban on leaving the host country, natural disasters, disasters, accidents, business trips, inpatient treatment or other circumstances that prevent departure from the host country.

‘The term of return of such persons in the draft law is set fifteen days from the date of imposition of martial law in Ukraine or in some of its localities, unless another period is defined in the decree of the President of Ukraine on the introduction of martial law in Ukraine or in some of its localities.

‘In addition, it is proposed to introduce a new article into the Criminal Code of Ukraine, establishing criminal liability of Ukrainian citizens for non-compliance with the requirements of the law on returning to Ukraine after the introduction of martial law in Ukraine or in some of its localities.’⁶⁴

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5.7 Civilians

5.7.1 On 25 February 2022, the Ukrainian Defence Force issued a call for civilian recruits, with those aged over 60 ‘who are morally and physically ready to resist and defeat the enemy’ included⁶⁵.

5.7.2 On 6 March 2022, Radio Svoboda (Radio Liberty) reported that ‘The law provides for the possibility of creating voluntary formations of territorial communities that are allowed to use their own hunting weapons. It defines, in particular, such concepts as “national resistance” and “territorial defense”. In particular, according to the text, territorial defense “consists of military, civilian and military-civilian components.”’⁶⁶

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5.8 Attitudes to service

5.8.1 On 4 March 2022, Ukrinform reported:

‘The vast majority of Ukrainians are ready to defend the integrity of Ukraine with weapons in their hands.

‘According to results of a poll conducted by the Sociological group "Rating", 80% of respondents are ready to defend the integrity of Ukraine with weapons in their hands. Compared to pre-war times, this figure has increased significantly (against 59% in 2020).

‘The highest level of readiness is observed in the west and center of Ukraine, a slightly lower level of readiness – in the south and east. But even in the south-eastern regions, Ukrainians express extremely high level of willingness to fight for the Motherland (in the south – almost 80%, in the east – almost 60%).

‘As noted, 90% of men and 70% of women are ready to fight for Ukraine with weapons.

⁶⁴ Ukrinform, [Martial law: 'servants' against criminal liability...](#), 14 April 2022

⁶⁵ BBC, [Ukraine live updates: Ukraine says Russian forces...](#), 10.27am, 25 February 2022

⁶⁶ Radio Svoboda, [Since the beginning of the Russian invasion, 100,000 people...](#), 6 March 2022

'The poll was conducted on March 1 among the residents of Ukraine aged 18 and older in all regions, except for the temporarily occupied territories of Crimea and Donetsk and Luhansk regions.

'The sample is representative by age, sex, and type of settlement. Sample population: 1,200 respondents. Survey method: CATI (Computer Assisted Telephone Interviews).'⁶⁷

5.8.2 On 9 March 2022, The Guardian reported that:

'Men of conscription age, aged 18 to 60, were banned from leaving Ukraine after the Russian invasion on 24 February but there have been multiple reports of men with Ukrainian citizenship trying to cross into Hungary, Poland and Romania. It is unclear how many have been allowed to pass...

'According to reports from aid workers, many of those trying to leave were not born in Ukraine and were in the country for work or family reasons when the war began.'⁶⁸

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5.1 Conduct of Ukrainian troops

5.1.1 On 16 March 2022, Human Rights Watch (HRW) published an article which stated:

'The Security Service of Ukraine (SBU), the main security arm of the Ukrainian government, has a Telegram account with about 868,000 subscribers where it has posted videos of captured Russian soldiers who appear under duress or are revealing their names, identification numbers, and other personal information, including their parents' names and home addresses. It shares these videos on its Facebook, Twitter, YouTube, and Instagram pages with roughly 978,000 combined followers and subscribers. A Telegram channel apparently run by the Internal Affairs Ministry with over 847,000 subscribers does the same and has an affiliated website and YouTube channel...

'The various Security Service accounts have posted dozens of videos of captured Russian soldiers, some of which show them being interrogated while bound. Most clearly show the prisoner's face, or the prisoners state their name or other personal information, such as their date of birth and parents' names...

'The Telegram channel, YouTube channel, and website apparently run by the Interior Ministry, all created on February 26, include a database with the names of Russian soldiers who were captured or killed in the war. An adviser to the Interior Ministry, Victor Andrusiv, said he is the manager of the website and affiliated channels. He said the purpose is to help the relatives identify captured and killed Russian soldiers.

'On these platforms, the ministry has posted hundreds of photos and videos of captured Russian soldiers, often with their passports and identification documents. Some of the soldiers are blindfolded, gagged, or masked. In

⁶⁷ Ukrinform, [80% of Ukrainians ready to defend Motherland's integrity...](#), 4 March 2022

⁶⁸ The Guardian, [Ukraine urged to take 'humane' approach as men try to flee war](#), 9 March 2022

some cases, the POWs are recorded while calling their family back home. In one video posted to Telegram on March 6 with 785,000 views, two POWs identified with their names and military unit are interrogated at gunpoint while blindfolded and on their knees.

‘The platforms also show graphic images of dead Russian soldiers. The authenticity of all these photographs and videos cannot be verified.

‘In a video posted to the ministry-run YouTube channel, Andrusiv commented on Ukraine’s respect for the laws of war. “We are committed to fulfilling the Geneva Conventions and have instructed all units to treat all prisoners with respect,” he said. “The general commander and the minister of internal affairs have adopted instructions based on the Geneva Conventions for all soldiers and policemen. We will monitor adherence to these instructions on a permanent basis.” ...’⁶⁹

5.1.2 On 31 March, Human Rights Watch published a further article which stated:

‘Ukraine should ensure an effective investigation into alleged abuse by Ukrainian fighters of Russian prisoners of war (POWs)... If confirmed, the beating and shooting of captured combatants in their legs would constitute a war crime...

‘An adviser to the Ukrainian president, Olexiy Arestovych, acknowledged that abuse of prisoners of war constitutes a war crime and said it will be punished... In a video posted to YouTube that day at 10 p.m., Arestovych said that Ukraine would punish those responsible if an investigation determined that there had been abuse...

‘The captors [appearing in the videos] have a mix of uniforms, weapons, and gear and no clearly identifiable insignia. Whether these individuals are part of the regular army, a territorial defense unit, or another force remains unclear...

‘On March 27, the commander of the Ukrainian Armed Forces, Valerii Zaluzhnyi, accused Russia of producing fake videos of alleged abuse against Russian POWs to discredit Ukrainian forces. “I emphasize that service members of the Armed Forces of Ukraine and other legitimate military formations strictly adhere to the norms of International Humanitarian law,” he posted to Facebook.’⁷⁰

5.1.3 On 4 April 2022, The Guardian reported, ‘It is not only Russian soldiers Ukrainian women may have to protect themselves from. In Vinnytsia, a town in the west of the country, a teacher reported to police that a member of the territorial defence services dragged her into the school library and tried to rape her. The man was arrested.’⁷¹

5.1.4 On 11 April 2022, Reuters published an article relating to increasing reports of the use of rape and sexual violence in the context of the Russian invasion of Ukraine, stating, ‘The United Nations said last week that U.N. human rights monitors were seeking to verify allegations of sexual violence by Russian forces, including gang rape and rapes in front of children, and

⁶⁹ HRW, [Ukraine: Respect the Rights of Prisoners of War](#), 16 March 2022

⁷⁰ HRW, [Ukraine: Apparent POW Abuse Would Be War Crime](#), 31 March 2022

⁷¹ The Guardian, [Rape as a weapon: huge scale of sexual violence inflicted ...](#), 4 April 2022

claims Ukrainian forces and civil defense militias had also committed sexual violence...⁷²

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5.2 Deaths of Ukrainian troops

5.2.1 In a report updated on 22 April 2022, Al Jazeera stated that Ukraine had 209,000 active personnel and 900,000 reserve personnel, making a total of 1,109,000 persons⁷³.

5.2.2 On 18 April, Washington Examiner reported:

‘Ukrainian President Volodymyr Zelensky estimated that his side has lost roughly 2,500 Ukrainian soldiers, while another approximately 10,000 have been injured.

‘The Washington Examiner could not independently confirm the estimate, and both sides in an armed conflict have their own incentives to inflate or deflate the numbers. Outside groups and governments also have a difficult time coming up with an exact tally of those who have died without having people at the location.’⁷⁴

5.2.3 On 16 April 2022, Business Insider reported that President Zelensky had stated that Ukraine had lost approximately 2,500 to 3,000 troops since the Russian invasion⁷⁵.

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Section 6 updated: 4 April 2022

6. Draft evaders and deserters

6.1 Evasion of military service

6.1.1 Article 409 of the Criminal Code stated:

‘**Article 409.** Evasion of military service by way of self-mutilation or otherwise

‘1. Evasion of a serviceman from carrying out duties of military service by self-mutilation or by simulating illness, forgery of documents or other deception -

‘is punishable by being held in a disciplinary battalion for up to two years or imprisonment for the same term.

‘2. Refusal to carry out duties of military service -

‘punishable by imprisonment for a term of two to five years.

‘3. Acts provided for by parts one or two of this Article, committed in conditions of a special period, except martial law, -

‘punishable by imprisonment for a term of three to seven years.

‘4. Acts provided for by parts one or two of this Article, committed under martial law or in a combat situation, -

⁷² Reuters, [Ukraine rights group tells top U.N. body that rape used ...](#), 11 April 2022

⁷³ Al Jazeera, [Russia-Ukraine war by the numbers: Live Tracker](#), 22 April 2022

⁷⁴ Washington Examiner, [Ukraine estimates Russian troops killed north of 20,000](#), 18 April 2022

⁷⁵ Business Insider, [Ukraine Says 2,500-3,000 Troops Have Died...](#), 16 April 2022

‘punishable by imprisonment for a term of five to ten years.’⁷⁶

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6.2 Evasion of registration or training

6.2.1 Article 337 of the Criminal Code stated:

‘**Article 337.** Evasion of military accounting or training (special) meetings

‘1. Evasion of a conscript, conscript, reservist from military registration after a warning made by the relevant head of the territorial recruitment and social support center, heads of the relevant bodies of the Security Service of Ukraine, relevant units of the Foreign Intelligence Service of Ukraine, -

punishable by a fine of three hundred to five hundred non-taxable minimum incomes of citizens or correctional work for up to one year.

‘2. Evasion of the conscript, reservist from training (special) meetings -

‘punishable by a fine of five hundred to seven hundred non-taxable minimum incomes of citizens or correctional work for up to two years.’⁷⁷

6.2.2 Evasion of military registration leads to fines of 850-1700 hryvnia [approximately £20.82 to £41.65]. The employer of a military officer who evades registration may be fined 5100-8500 hryvnia [approximately £125 to £208]⁷⁸.

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6.3 Evasion of conscription

6.3.1 Article 335 of the Criminal Code stated:

‘**Article 335.** Evasion of conscription for military service, military service by conscription of officers

‘Evasion of conscription for military service, military service by conscription of officers -

‘punishable by restriction of liberty for up to three years.’⁷⁹

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6.4 Evasion of mobilisation

6.4.1 Article 336 of the Criminal Code stated:

‘**Article 336.** Evasion of civil protection in a special period (except for the reconstruction period) or in the case of targeted mobilization -

‘punishable by imprisonment for a term of two to five years.’⁸⁰

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6.5 Evasion at the border

6.5.1 On 1 March 2022 the Ukrainian news website Pravda reported:

⁷⁶ Verkhovna Rada of Ukraine, [Criminal Code](#), 5 April 2001

⁷⁷ Verkhovna Rada of Ukraine, [Criminal Code](#), 5 April 2001

⁷⁸ Legal Aid, [Military accounting for women: what you should know ...](#), 6 January 2022

⁷⁹ Verkhovna Rada of Ukraine, [Criminal Code](#), 5 April 2001

⁸⁰ Verkhovna Rada of Ukraine, [Criminal Code](#), 5 April 2001

'The State Border Service [of Ukraine] documented 10 cases of bribery attempts to get assistance in crossing the border... at the Shegini, Krakovets, Tysa, Smolnitsa, Kosino, Rava-Russkaya and Avgustovskoe checkpoints, they offered bribes totaling 900 euros [approximately £748] and 2,100 US dollars [approximately £1,607]. Three more Ukrainians offered UAH 3,000 [approximately £78] at the Vilok checkpoint. They disguised themselves as Hungarians, trying to cross the border on the types of return to Hungary and the passports of gr. Hungary, allegedly, were published in the city of Berehove on the day of their trip. However, later they found passports of citizens of Ukraine, and they fell under the category of restricted exit... Subsequently, the police officers proposed, after compiling the necessary procedural documents, to send these persons to military registration and enlistment offices for draft evasion (or mobilization). The State Border Guard Service urges citizens not to try to offer money to border guards, because this is a criminal liability.'⁸¹

6.5.2 On 16 March 2022, ICG reported that 'In the few cases where men have been caught trying to buy their way out of Ukraine, the bribes reached \$2,100 [approximately £1,609], about five times the average monthly pay in the country. Those who did not get caught likely paid a higher price, meaning that the poorest men may be the most vulnerable to dubious smuggling schemes.'⁸²

6.5.3 On 14 March 2022, State Border Guard Service of Ukraine published information which has been translated using Google Translate:

'At the Rava-Ruska checkpoint on the border with Poland, border guards stopped two attempts to provide illegal bribes. The 28-year-old and 29-year-old men offered \$ 5,000 [approximately £3,803] and \$3,450 [approximately £2,624], 8,500 hryvnias, to avoid mobilization and flee Ukraine. The State Border Guard Service did not agree to any of the illegal proposals. The actions of the evader-bribe-givers were documented by the State Border Guard Service and handed over to the National Police.'⁸³

6.5.4 On 21 March 2022, State Border Guard Service of Ukraine published the following report, which has been translated using Google Translate:

'March 21, 2022, 16:37. Border guards of the Belgorod-Dniester detachment together with the Security Service and the National Police detained a citizen of Ukraine who was organizing the illegal transfer of conscripts to the Republic of Moldova. The organizer was a 27-year-old resident of Belgorod-Dniester district. For a monetary reward, from one and a half thousand dollars to two thousand euros, he "guaranteed" the unimpeded entry of men into a neighboring country. The man implemented the illegal scheme through advertisements on messengers and social networks. Within a few days, six young men from Odesa, Kirovohrad and Khmelnytsky regions expressed their desire to use the offender's services. However, despite his efforts, he and six Ukrainian citizens were detained by a border patrol near the Ukrainian-Moldovan border. In the end, the shipper was declared a suspect under Part 3 of Art. 332 of the Criminal Code (Illegal transportation of

⁸¹ Pravda, [Border guards sent 10 men to the military registration and enlistment ...](#), 1 March 2022

⁸² ICG, [Mitigating the Gendered Effects of Ukraine's ...](#), 16 March 2022

⁸³ State Border Guard Service of Ukraine, [Considerable bribes offered...](#), 14 March 2022

persons across the state border of Ukraine). The sanction of the article provides for imprisonment for a term of seven to nine years with deprivation of the right to hold certain positions or engage in certain activities for up to three years with confiscation of property. The other six offenders were charged with attempted border violations and handed over to law enforcement.’⁸⁴

- 6.5.5 On 27 March 2022, UNHCR noted, ‘The UN HCR reported that the IOM developed a package of materials on the prevention of human trafficking that will be shared by the Border Guards. Partners report cases of men (particularly of 18-60 years old) resorting to smugglers to take them through irregular international border crossing points, due to presence of checkpoints where military conscription documents are reportedly granted while travelling on the main roads leading to regular border crossing points.’⁸⁵

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6.6 Numbers of deserters

- 6.6.1 The Global Security website published undated information which stated: ‘From 2014 through 2018, the Armed Forces of Ukraine lost more than 33,000 people to desertion. As of early 2019, about 9,300 troops had deserted from the Ukrainian army. This is more than 4.5 percent of the total number of servicemen approved by the Verkhovna Rada in 2015. According to the first Deputy Minister of Defense of Ukraine Ivan Rusnak, who voiced these data, such a number of deserters leads to a serious understaffing of the military units of the Armed Forces of Ukraine (AF)...
- ‘By 2018 Ukraine faced an ongoing flight from the Armed Forces of the Armed Forces - 11 thousand people broke the contract for the first half of 2018 and another 18 thousand were ready to do this before the end of the year. “For the Ukrainian army, if we consider that its real composition is less than 200 thousand people, every seventh quit or quit this year,” Yuri Butusov, editor-in-chief of the website “Censor.net”, said on August 5 on Ukrainian television. “Moreover, the most experienced and motivated servicemen will quit.”’⁸⁶
- 6.6.2 See [Willingness to serve](#) for information about attitudes towards military service during the war with Russia 2022

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6.7 Desertion

- 6.7.1 Article 408 of the Criminal Code stated:

‘Article 408. Desertion

‘1. Desertion, that is, unauthorized abandonment of a military unit or place of service in order to evade military service, as well as failure to appear for the same purpose in the service in case of appointment, transfer, business trip, vacation or medical institution -

⁸⁴ State Border Guard Service of Ukraine, [In Odessa region law enforcement...](#), 21 March 2022

⁸⁵ UNHCR, [Protection Cluster: Ukraine Crisis Protection Snapshot: 17-26 March 2022](#), 27 March 2022

⁸⁶ Global Security, [Ukrainian Military Personnel](#), no date

'punishable by imprisonment for a term of two to five years.

'2. Desertion with weapons or by prior conspiracy by a group of persons -

'punishable by imprisonment for a term of five to ten years.

'3. The act provided for by parts one or two of this Article, committed in a special period, except martial law, -

'punishable by imprisonment for a term of five to ten years.

'4. The act provided for by parts one or two of this Article, committed under martial law or in a combat situation, -

punishable by imprisonment for a term of five to twelve years.'⁸⁷

- 6.7.2 The Global Security website published undated information which stated that 'Desertion remained one of the most common crimes in the Ukrainian army, the Prosecutor General's Office of Ukraine (GPU) has admitted. ... Responding to a request from the StopFake project, the Prosecutor General's Office said that in 2014-2018 investigators had sent to court more than 11.3 thousand indictments under articles "Desertion" and "Arbitrary leaving of military service".'⁸⁸

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6.8 Travel abroad

- 6.8.1 Global Security published undated information which noted:

'Citizens of Ukraine military of conscription age traveling abroad must show a document issued by a military commissariat. Defense Minister Stepan Poltorak made the statement on 31 January 2015. "All the recruits that were called into the army during mobilization, based on the provisions, should provide the document (issued by a military commissariat -ed.) for traveling abroad. It's like an auxiliary measure to determine the reason for traveling abroad and so on," he said.'⁸⁹

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6.9 Punishment for evaders and deserters

- 6.9.1 In November 2021, the Danish Immigration Service published a report which noted that '... there was not a single draft evader imprisoned, according to judicial statistics for 2021.'⁹⁰

- 6.9.2 The report continued: 'Disciplinary battalions (disbat) are prisons for military personnel. These facilities are for military personnel who has committed disciplinary offenses. They will serve time in these disciplinary battalions, which de facto is the equivalent of a military prison. The disciplinary battalions are only for sentenced military personnel, and thus does not include draft evaders, conscientious objectors or evaders of mobilisation.'⁹¹

- 6.9.3 The report further stated:

⁸⁷ Verkhovna Rada of Ukraine, [Criminal Code](#), 5 April 2001

⁸⁸ Global Security, [Ukrainian Military Personnel](#), no date

⁸⁹ Global Security, [Ukrainian Military Personnel](#), no date

⁹⁰ Danish Immigration Service, [Ukraine: Prison conditions](#), November 2021

⁹¹ Danish Immigration Service, [Ukraine: Prison conditions](#), November 2021

‘Pursuant to articles 335-337 [covering draft evaders] of the Criminal Code of Ukraine, draft evaders can be sentenced and imprisoned according to the law. Convicted draft evaders serve their sentence together with the general prison population; as such, these persons are not serving in the military and hence cannot be sentenced by military law. However, according to judicial statistics for 2021, none out of the 295 of such offenders was imprisoned. Only eight persons were placed in semi-open prisons, 175 persons got a suspended sentence, and 73 were fined.

‘According to the Ombudsman, military personnel currently employed can be punished by detention in a disciplinary battalion, which is under the supervision of the Ministry of Defence.

‘Within the disciplinary battalion, the imprisoned military personnel are subject to socially useful work, social-educational work, general education, vocational training and social influence. The ombudsman noted that imprisoned personnel could not be granted leave.

‘Pursuant to articles 407-409 [covering deserters] of the Criminal Code of Ukraine, deserters and the like also serve their sentence together with the general prison population, unless they have the rank of junior lieutenant or any rank above that. The officers are normally held separately, but there are no formal rules on this matter. Prisoners who served in the National Guard of Ukraine and the Military Service of Order are held in a special prison for sentenced law enforcement personnel, according to existing law. According to statistics on persons punished after articles 407-409 from 2020, out of 1,744 cases in 2020:

- 165 persons were imprisoned,
- 8 persons received the sentence of disciplinary battalion,
- 67 were arrested,
- 148 were fined,
- 1,202 were put on probation.

‘Sentenced, former military personnel do not in general have problems with the general prison population; they are usually treated properly. The only reservation is that they cannot be promoted to higher levels of the internal prison hierarchy. Otherwise, they live under all the same common rules within the correctional colonies as other prisoners.’⁹²

6.9.4 Global Security published undated information which stated:

‘Ukraine’s parliament passed a law 05 February 2015 which authorizes commanding officers to use physical force against army defectors. It comes as the latest military draft has seen a lack of enthusiasm on the part of potential soldiers. ... The new article 22(1) added to the charter regulating service in the armed forces of Ukraine states that commanders “have the right to personally use physical force, special means, and weapons when in combat” against soldiers who commit “criminal acts.”

⁹² Danish Immigration Service, [Ukraine: Prison conditions](#), November 2021

'Under criminal acts the law listed "disobedience, resistance or threat to use force against the commander, voluntary abandonment of military positions and certain locations of military units in areas of combat missions." An explanatory note to the document said that currently there are mass violations of military discipline, in particular, desertion from units and drinking alcohol, as well failure to execute commanders' orders.'⁹³

- 6.9.5 See [Willingness to serve](#) for information about attitudes towards military service during the war with Russia 2022.

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Section 7 updated: 4 March 2022

7. Search for conscripts

7.1 All groups

- 7.1.1 The US Department of State's Country Report on Human Rights Practices covering 2021 did not contain information relevant to this section. However, the previous report, covering the year 2020, stated:

'Human rights experts reported arbitrary detention in the context of conscription into the armed forces. For example, in late May representatives of the Kharkiv military registration office systematically stopped and forcibly detained young men near public transport stops, taking them to military registration and enlistment offices. The detainees were deprived of their cell phones, kept indoors, fed once a day, and sent to undergo medical examinations, after which they were conscripted.'⁹⁴

- 7.1.2 In November 2021, the UN Human Rights Committee (UN HRC) published concluding observations on the eighth periodic report of Ukraine in which it stated that 'The Committee is concerned about reports of hunting for conscripts, including conscientious objectors, to deliver them to military assembly points against their will and cases of arbitrary detention of conscripts. It is also concerned about the lack of information on investigations and prosecution of such cases.'⁹⁵

- 7.1.3 The Danish Immigration Service published a report in November 2021 which stated:

'There are call-ups two times a year and when nobody comes to the military commissions, they have to make a plan on how to get people enrolled in the army. The source stated that the commission together with the police would approach people at a so-called collection point, which could be on a street, at a cinema, universities or at exams. It is campaigns like this that KhPG [Kharkiv Human Rights Protection Group] is fighting, because they are not allowed, according to the law. The source knew of cases where they had called up persons who lived in another city, and was only in that particular city to visit friends. It is something that the military commission do, only to get

⁹³ Global Security, [Ukrainian Military Personnel](#), no date

⁹⁴ USSD, [HR Report 2020, Ukraine](#) (Section D), 30 March 2021

⁹⁵ UN HRC, [Concluding observations on the eighth periodic report...](#), 11 November 2021

a check mark in their book, so they can show their superiors that they have fulfilled the plan.⁹⁶

- 7.1.4 See [Conscientious objection](#) for further information on this subject. See [Willingness to serve](#) for information about attitudes towards military service during the war with Russia 2022.

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7.2 Jehovah's Witnesses

- 7.2.1 The US Department of State published a report on International Religious Freedom covering 2020 (USSD IRF Report 2020) which stated:

'According to Jehovah's Witnesses, conscientious objection was not uniformly recognized. While courts and the Parliamentary Human Rights Ombudsperson protected the right of Jehovah's Witness conscientious objectors to perform alternative civilian service, some military enlistment officials "arbitrarily" detained young Witnesses to call them up for military duty or denied them the right to alternative service. At times, district and oblast state administration officials denied Witnesses access to alternative civilian service. Some Jehovah's Witnesses were reportedly detained for days facing criminal prosecution for "draft evasion," in some cases because they had missed the application deadline to apply for alternative service as conscientious objectors. On April 23, the Ombudsperson's Office reportedly informed the oblast state administrations that the right to alternative service was "of absolute nature," and thus could not be limited by any deadlines. It criticized the practice of not providing alternative civilian service to a conscientious objector solely due to a missed application deadline...'⁹⁷

- 7.2.2 The same report noted the following experiences of Jehovah's Witnesses:

'According to Jehovah's Witnesses, on December 10, the Ternopil District Administrative Court ruled that Jehovah's Witness Ihor Zherebetskyi's conscription into military service was unjustified because he had applied for alternative service.

'On November 17, military enlistment officers reportedly detained Jehovah's Witness Oles Tytokhod at his home, threatened him with prosecution for draft evasion, and escorted him to two local military registration enlistment offices. He was released after a 10-day detention.

'On October 28, military enlistment officers reportedly escorted Jehovah's Witness Matvii Pikalov to the Lviv Regional Military Registration and Enlistment Office and detained him for three days without cause.

'On October 21, military enlistment officers reportedly escorted Jehovah's Witness Ivan Nikitin to the Khmelnytsky Regional Military Registration and Enlistment Office, although he had been granted permission for alternative service. He was released after a nine-hour detention following his lawyer's intervention.

'On October 6, military enlistment officers reportedly escorted Jehovah's Witness Nazar Duda to the Lviv Regional Military Registration and

⁹⁶ Danish Immigration Service, [Ukraine: Prison conditions](#), November 2021

⁹⁷ US Department of State, [2020 Report on IRF, Ukraine](#), 12 May 2021

Enlistment Office, forging a statement on his behalf that he agreed to serve in the military. Duda was detained for three days, despite his statement that he was a conscientious objector. Duda was released after his relatives reported his detention to a prosecutor and his lawyer filed a complaint.

'On October 16, military enlistment officers reportedly tried to deliver a conscription notice to Jehovah's Witness Dmytro Tyshkovets, who had previously applied for alternative service. When Tyshkovets refused to receive the notice, stating that he was a conscientious objector, the officers accused him of draft evasion and referred the case to the police. Police opened an investigation, which continued through year's end.

'According to Jehovah's Witnesses, on September 10, the Brody District State Administration rejected Vladyslav Prystupa's application for alternative civilian service, saying he was not baptized as a Jehovah's Witness. On February 13, the Yuzhnoukrainsk City Council refused Bohdan Boyko's application for alternative civilian service, stating he was not a baptized Jehovah's Witness. Authorities reportedly charged him with draft evasion and, on August 25, rejected Boyko's second application.'⁹⁸

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⁹⁸ US Department of State, [2020 Report on IRF, Ukraine](#), 12 May 2021

Terms of Reference

A 'Terms of Reference' (ToR) is a broad outline of what the CPIN seeks to cover. They form the basis for the [country information section](#). The Home Office's Country Policy and Information Team uses some standardised ToR, depending on the subject, and these are then adapted depending on the country concerned.

For this particular CPIN, the following topics were identified prior to drafting as relevant and on which research was undertaken:

- Military service
 - Relevant law (updated to take account of Russian invasion)
- Conscription
 - Process of call-up and registration
 - Eligibility
 - Reservists
 - Contractors
 - Women
 - Length of service
 - Exemptions
 - Conscientious objection
 - Alternative forms of service
- Draft evaders and deserters
 - Records of conscripts kept by the state and used to detect evaders/deserters at e.g. airports, borders
 - Action taken by the state
- Combat
 - Requirements of conscripts
 - Areas of posting
- Hazing and other forms of mistreatment
 - Possibility of mistreatment
 - Avenues of redress

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Version control

Clearance

Below is information on when this note was cleared:

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Official – sensitive: Start of section

The information on this page has been removed as it is restricted for internal Home Office use.

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Changes from last version of this note

Updated country information and Assessment.

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