



Conscience and Peace Tax International

Internacional de Conciencia e Impuestos para la Paz

NGO in Special Consultative Status with the Economic and Social Council of the UN

International non-profit organization (Belgium 15.075/96)

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UPR SUBMISSION

RUSSIAN FEDERATION

FEBRUARY 2009

Executive summary:

CPTI (Conscience and Peace Tax International) is concerned that the provisions concerning conscientious objection to military service in the Russian Federation fall short of the established international standards, particularly as expounded in General Comment 22 of the Human Rights Committee and in Resolution 1998/77 and subsequent resolutions of the Commission on Human Rights.

Particular aspects of concern are:

that the relevant arrangements are not under civilian control

that there is a very early deadline for application, in many cases requiring that applications are made and processed while the potential conscript is still a minor.

that military training in the last year of school is compulsory, without any exemption for conscientious objectors.

that applications are not accepted without interview

that not all alternative service placements are appropriate to the nature of the objection.

that the duration and other conditions of alternative service are punitive

Sources

1. The information in this submission has been derived from the following published sources:

Brett, D. Military Recruitment and Conscientious Objection: A Thematic Global Survey, CPTI, Geneva 2006.

Coalition to Stop the Use of Child Soldiers, London Child Soldiers Global Report 2004 and Child Soldiers Global Report 2008

Stolwijk, M. The Right to Conscientious Objection in Europe Quaker Council for European Affairs, Brussels, 2005.

Supplemented by informal contacts with and unpublished information supplied by the following Russian organisations:

Civic Initiative: The Army and the People, and the NGO Coalition for a Democratic Civil Service.

Arrangements not under civilian control

2. Applications for recognition as a conscientious objector must be addressed to the district military draft commission. The final decision on an application is, according to Article 14 of the Law, made by the Military Commissioner.

Early deadline for application

3. Under the Law on Military Duty and Military Service all male citizens must register for military service before the end of March in the year in which they reach 17 and are liable for call-up during the first recruitment period after they turn eighteen; these take place in the spring (April - June) and the Autumn (October - December). Under Article 11 of the Federal Law on Alternative Civilian Service, (No. 113-FZ) application to be recognised as a conscientious objector must be lodged immediately after registration, with an absolute deadline latest six months before the prospective date of military call-up. This means that it is only in very unusual circumstances that application can be made *after* the eighteenth birthday; sometimes in practice applications will be lodged at the age of sixteen. As far as is known, the Russian Federation is the *only* country where this situation applies.

4. It is axiomatic that the entitlement to the freedom of thought, conscience and religion, and thus the right to declare oneself a conscientious objector, must apply without discrimination to minors. But that right also includes the freedom to change one's religion or belief. Not only could a conscientious objection to military service, or any other deep-seated personal conviction, develop at any time, but it is more than usually likely that an individual's beliefs will be developing during the crucial years between 16 and 18, as will also the ability to understand the requirements of the application process, to articulate in writing, as is required, the bases of the objection, and not to be intimidated by the interview process. The protection of minors, as well as the freedom of thought, conscience and religion, demand that there must at the very least be an opportunity within the system to claim recognition as a conscientious objector *after* the eighteenth birthday; best practice of course is that such a claim may be presented at any time, before, during, or after military service..

Military training in schools

5. By contrast to the above, under Article 13 of the Federal Law Amending Certain Legal Acts of the Russian Federation Concerning Defence and Military Service (No96-FZ) of 3rd July 2006, military training was made a requirement during the last year of school education, normally at the age of 15 or 16. It is not recorded that there are any provisions to exempt conscientious objectors from this, which has obviously been introduced in partial compensation for the shortening of the period of full-time obligatory military service in the same Law.

Applications are not accepted without interview

6. All applicants for conscientious objector status must appear and justify their objection before a panel

Those accepted as conscientious objectors may be assigned to alternative service placements which are not consistent with the nature of their objection

7. Conscientious objectors may under Article 4 of the Law on Alternative Civilian Service be assigned to unarmed service in military units. A proposal from the

Duma's Committee on Legislation that such assignments be subject to the consent of the objector concerned had been rejected by the government. Other conscientious objectors have challenged their assignment to work in establishments, including the Kazan gunpowder factory, which they consider to be inappropriately close to military purposes.

8. On the other hand, there is no possibility of performing alternative service except in the employment of federal and regional authorities. Not just the non-governmental sector, but even municipal employment, where there is a considerable demand, especially in the health care sector, has been denied to conscientious objectors. In 2005, 738 organisations were recognised as possible employers, 180 of them responsible to federal authorities and 558 to regional authorities. The number of job titles available was 312; in 2006 the latter total was reduced to 256. At the same time the level of specialist skills demanded rose. All these features have combined to restrict the number and range of alternative service places available.

The duration and other conditions of alternative service are punitive

9. Under the Federal Law Amending Certain Legal Acts of the Russian Federation Concerning Defence and Military Service (No96-FZ) of 3rd July 2006, the duration of obligatory military service has been progressively cut from 24 months to 18 months in 2007 and to 12 months in 2008. The duration of military service for those with higher education qualifications has been maintained throughout at 12 months, with the result that this distinction between conscripts has been abolished. The durations of unarmed military service and of "Alternative Civilian Service" for conscientious objectors were reduced at the same time, thus cutting the excessive length of the latter, which until 2006 had been 42 months - 18 months longer than the normal military service; in both respects the most onerous anywhere in the world. However the same ratios to the standard length of military service were maintained, one-and-a-half times (now 18 months) for unarmed military service; one-and-three-quarter times (now 21 months) for "Alternative Civilian Service". Both these lengths are disproportionate, and obviously punitive in nature.

10. Among particular concerns about the is the stipulation in Article 4 of the Law on Alternative Civilian Service that that service will be performed "as a rule" outside the area of the person's own "subject of the Russian Federation" . Forcing conscientious objectors to perform their alternative service far from home was included as a deliberately punitive measure, and is inconsistent with the small number of potential placement authorities who are able to provide accommodation - in 2006 it was estimated that only 21% of the accepted organisations for supplying alternative service placements were able to offer accommodation. In this and other respects it has also been alleged that the degree of discretion permitted by the legal stipulations gives considerable scope for corruption.