

MINISTRY OF DEFENSE OF UKRAINE
COMMAND OF THE GROUND FORCES OF THE ARMED FORCES OF UKRAINE

15.02.2025
№ 116/2/1/4/13791

To:
Derek BRETT
Editor-in-Chief of the Annual Report of
European Bureau of Conscientious Objection

Dear Mr. Derek!

Your request for information on the range of issues specified in it has been processed in the personnel department of the headquarters of the Ground Forces Command of the Armed Forces of Ukraine by order and within the scope of competence.

In result of the processing, the response is that in accordance with the second part of Article 19 of the Constitution of Ukraine, state authorities and local self-government bodies, their officials are obliged to act only on the basis, within the limits of authority and in the manner provided for by the Constitution and laws of Ukraine.

It is hereby reported that the questions raised in your request are regulated by the provisions of the Law of Ukraine "On Alternative (Non-Military) Service", the Resolution of the Cabinet of Ministers of Ukraine "On Approving Regulatory Acts on the Application of the Law of Ukraine "On Alternative (Non-Military) Service" dated 10.11.1999 No. 2066, the Law of Ukraine "On Military Duty and Military Service", Regulations on the Completion of Military Service by Citizens of Ukraine in the Armed Forces of Ukraine, approved by the Decree of the President of Ukraine dated 10.12.2008 No. 1153/2008.

In addition, some of the questions indicated in your request do not fall under competencies of the personnel department of the headquarters of the Ground Forces Command of the Armed Forces of Ukraine. Some of the requested information on quantitative and qualitative indicators belongs to information with limited access. Also, the damage to the interests of the National Security of Ukraine in the event of its dissemination significantly exceeds the public interest in receiving it.

At the same time, in order to inform, it is worth noting that the legal regulation of relations between the state and citizens of Ukraine in connection with their fulfillment of the constitutional duty to protect the Motherland, independence and territorial integrity of Ukraine, as well as the general principles of military service in Ukraine are determined by the Law of Ukraine "On Military Duty and Military Service".

According to the Decrees of the President of Ukraine dated 24 February 2022 No. 64/2022 "On the introduction of martial law in Ukraine" (as amended) and dated 24 February 2022 No. 65/2022 "On general mobilization", martial law is in effect in Ukraine and general mobilization measures are being carried out.

Conscription for military service during mobilization, for a special period, is carried out in accordance with the provisions of the Constitution of Ukraine, Laws of Ukraine, Decrees of the President of Ukraine, resolutions of the Verkhovna Rada of Ukraine and the Cabinet of Ministers of Ukraine, other normative legal acts, etc.

We also inform you that the duties of Ukrainian citizens during general mobilization events are specified in Article 22 of the Law of Ukraine "On Mobilization Preparation and Mobilization".

The Cabinet of Ministers of Ukraine, by Resolution No. 560 dated 16.05.2024, approved the Procedure for conscripting citizens into military service during mobilization, for a special period.

According to Article 68 of the Constitution of Ukraine, everyone is obliged to strictly abide by the Constitution of Ukraine and the laws of Ukraine, and not to encroach upon the rights and freedoms, honour and dignity of other persons. Ignorance of the law shall not exempt from legal liability.

It is also worth noting that according to the provisions of Article 35 of the Constitution of Ukraine, everyone has the right to freedom of worldview and religion. This right includes the freedom to practice any religion or not to practice any religion.

Thus, the article provides that the exercise of this right can be limited by legislation only in the interests of protecting public order, health and morals of the population or the rights and freedoms of other people. This article also states that no one can be exempted from their duties to the state or refuse to comply with laws on the ground of religious beliefs.

The request of persons to replace military duty due to religious beliefs with alternative (non-military) service does not comply with the provisions of Article 1 of the Law of Ukraine "On Alternative (Non-Military) Service" because the specified type of service is introduced only instead of term-limited military service and is aimed at fulfilling a duty to society. In conditions of war or a state of emergency, certain restrictions on the rights of citizens to undergo alternative service may be established. Article 23 of the Law of Ukraine "On Mobilization Training and Mobilization" does not provide for the religious beliefs of citizens as grounds for exemption from conscription for military service during mobilization.

It should be noted that alternative service, namely its application, is a substitute for a term-limited military service in peacetime, replacement of military service with alternative (non-military) service during martial law is not provided for by Ukrainian legislation.

At the same time, taking into account the repeated appeals regarding the citizens of Ukraine who according to their religious beliefs cannot take up arms, the Cabinet of Ministers of Ukraine mandated the State Service of Ukraine for Ethnopolitics and Freedom of Conscience (hereinafter - DESS) to organize a working group to work out issues related to the development of a separate legal act with the aim of bringing the Law of Ukraine "On Alternative (Non-Military) Service" into compliance with the requirements of Article 35 of the Constitution of Ukraine regarding the performance of military duty by conscripts in wartime, if it conflicts with their religious beliefs. Such a working group of DESS was created, and it includes specialists from the Ministry of Defense of Ukraine, the Secretariat of the Commissioner of the Verkhovna Rada of Ukraine for Human Rights, the Ministry of Justice of Ukraine, the Ministry of Economy of Ukraine, the Ministry of Social Policy of Ukraine, the Ministry of Development of Communities and Territories of Ukraine, the Ministry of Health of Ukraine, the State Emergency Service of Ukraine and the State Agency for Reconstruction and Development of Infrastructure of Ukraine.

At present, consultations and development of legislative proposals regarding alternative (non-military) service during martial law, for a special period, are underway.

Based on the above, the following should be noted.

In Ukraine, there is a conscription for military service during mobilization, for a special period.

The share of persons entering military service under a contract among conscripts is determined by the Ministry of Defense of Ukraine.

The duties of reservists and the procedure for being called up for service in the reserve are regulated by the Law of Ukraine "On Military Duty and Military Service".

Statistics on the number of persons prosecuted for evasion of service and cases of conscientious objection are processed by relevant law enforcement agencies and courts.

Regarding the obligation to attend military presentations in educational institutions - this is not universally mandatory, and depends on the educational program.

The access of the Armed Forces of Ukraine to the personal data of pupils and students is regulated by the legislation on the protection of personal data.

Programs of military educational institutions for persons under 18 years of age are possible, but not mandatory.

Involvement of the military in teaching in schools is possible within the framework of military-patriotic education.

Incentives for military service include financial benefits, social benefits, and career prospects.

The minimum age for contract service is 18 years. The minimum age for conscription is 18 years.

The duration of military service is determined according to the category of service, in particular: by conscription during mobilization - until the end of the special period; according to the contract, the term is determined in accordance with the signed contract.

Liability for evasion of military service is stipulated by the Criminal Code of Ukraine, in particular: Article 335 - evasion of conscription for term-limited military service, military service by conscription of officers; Article 336 - evasion of conscription for military service during mobilization, for a special period, for military service by conscription of reservists in a special period.

The right to submit an application for conscientious objection is regulated by national legislation, applications are reviewed by competent authorities.

Legislative provisions regarding the exemption from military service of conscientious objectors provide for the possibility of alternative (non-military) service in accordance with the legislation of Ukraine.

At the same time, the law does not provide for alternative service during martial law. Conscientious objectors are not exempted from military duty during mobilization. Evasion from military service is punishable, including, by criminal liability. Currently, the issue of amending the legislation regarding alternative service in wartime is under consideration.

If you need additional information, you can contact the State Service of Ukraine for Ethnopolitics and Freedom of Conscience.

Sincerely

Head of the personnel department of the headquarters of the Ground Forces Command of the Armed Forces of Ukraine
Colonel
Mykola KACHANENKO