

Flygtningenævnets baggrundsmateriale

Bilagsnr.:	231
Land:	Rusland
Kilde:	Refugee Documentation Centre (Ireland).
Titel:	Legal Aid Board. Russia – Researched and compiled by the Refugee Documentation Centre of Ireland on 7, 8 and 9 February 2011. Information on consequences of leaving the country prior to beginning compulsory military service; information on alternatives to military service.
Udgivet:	9. februar 2011
Optaget på baggrundsmaterialet:	12. august 2011



Refugee Documentation Centre (Ireland)
LEGAL AID BOARD

Russia - Researched and compiled by the Refugee Documentation Centre of Ireland on 7, 8 and 9 February 2011

Information on consequences of leaving the country prior to beginning compulsory military service; information on alternatives to military service

The *United States Department of State* in November 2010 report that:

“There is a universal military draft for men, but the constitution provides for alternative service for those who refuse to bear arms for reasons of conscience. The standard military service period is 12 months, while alternative service in a Ministry of Defense agency is 18 months, and alternative service in a nondefense agency is 21 months” (United States Department of State (17 November 2010) *Russia, International Religious Freedom Report 2010*, Section II ‘Status of Government Respect for Religious Freedom/Legal/Policy Framework’).

A report published in November 2010 by the *Center for Strategic & International Studies* states:

“The number of draft dodgers continues to grow and is aggravated by the poor health of many Russian draftees” (Center for Strategic & International Studies (November 2010) *Georgian Lessons*, p.31).

In October 2010 an article published by *Radio Free Europe/Radio Liberty* notes:

“The army's General Staff reports that in connection with spring recruitment, 200 cases have been brought against recruits who illegally eluded conscription. There have already been 87 convictions of recruits who were ordered to serve their 12 months. The army estimates that about 130,000 recruits are evading military service” (Radio Free Europe/Radio Liberty (5 October 2010) *Russian Military Concerned With Evasion As Army Draft Begins*).

A *Radio Free Europe/Radio Liberty* article in June 2010 states:

“Ten opposition activists have staged a public protest in Moscow against mandatory military service, RFE/RL's Russian Service reports. The activists, who are members of the opposition Yabloko party, gathered in front of the Defense Ministry. They displayed a large banner asking “How many more must die to stop compulsory service?” and chanted “Down with mandatory service, yes to contract service!” The activists told RFE/RL that the large number of suicides by young conscripts in Russia in the last several months motivated them to protest...Under Russian law, all men between 18 and 27 years are required to serve 12 months in the army” (Radio Free Europe/Radio Liberty (16 June 2010) *Russian group protests obligatory military service*).

In May 2010 *War Resisters International* reports:

"Faced with a declining number of men in the prime draft age group and increasing resistance even among them, the Russian defense ministry is calling for extending the length of time during which the spring draft will take place, drafting men as old as 30, reducing the number of deferments and bringing to justice those who illegally avoid service, Eurasia Review reported on 1 May 2010. "In most countries, those who are well past 30 are called up, but we have proposed raising [the draft age] to 30," said Col. Gen. Vasily Smirnov, head of the Chief Organization and Mobilization Directorate according to RIA Novosti. According to RIA Novosti, a Russian General Staff official suggested on 29 April 2010 that the draft age should be extended to 30 years and remaining deferrals scrapped. Eurasia Review reported that First, Col. Gen. Vasily Smirnov, called for extending the draft to August 31 to give the system a chance to round up more people. He said that last year, 100,000 individuals refused to serve and that now "10,000 [potential] draftees do not want to receive" draft notices. "At the same time," "Stoletiye" reported, Army General Nikolay Makarov, the chief of the General Staff said that approximately 200,000 people are seeking to avoid service and that the military wants to force prosecutors to bring those who are refusing to fulfill their military obligation to justice. In addition, the defense ministry announced that it wants to increase the upper age limit for draftees from 27 to 30, thereby increasing the size of the draft pool, at least this time around. And third, the ministry "proposed reducing by 70 percent the number of higher educational institutions of Russia whose students are deferred from service." " (War Resisters International (8 May 2010) *Russia: draft resistance forces Russia to extend draft age*).

War Resisters International in January 2010 note:

"According to Russian law, every male between 18 and 26 years of age is obliged to serve in the military. But an increasing number of young men are avoiding military service as frequent reports about bullying, hazing, and beatings in the army circulate in the media. According to the Main Department for Organizational Issues and Mobilization about 305,000 young men have been drafted in spring 2009, for a military service of 12 months. This is an increase to the year before, when 133,000 conscripts were drafted in spring, and 219,000 in fall. In spring 2009, only 197 men applied for conscientious objection" (War Resisters International (8 January 2010) *Russia: human rights violations during recruitment*).

A report issued in November 2009 by the *United Nations Human Rights Committee* states:

"While welcoming the reduction, in 2008, of the prescribed length of civilian service for conscientious objectors from 42 months to 21 months, the Committee notes with concern that it is still 1.75 times longer than military service, and that the State party maintains the position that the discrimination suffered by conscientious objectors is due to such alternative service amounting to "preferential treatment"...The Committee notes with regret that the conditions for alternative service are punitive in nature, including the requirement to perform such services outside places of permanent residence, the receipt of low salaries, which are below the subsistence level for those who are assigned to work in social organizations, and the restrictions in freedom of movement for the persons concerned" (United Nations Human Rights Committee (24 November 2009) *Concluding observations of the Human Rights Committee : Russian Federation*,p.10).

Radio Free Europe/Radio Liberty in November 2009 reports that:

"Bribery is an institution in Russia: students pay teachers for better grades, patients pay doctors for health care supposedly provided free by the state, families pay off draft boards to keep their sons out of military service" (Radio Free Europe/Radio Liberty (27 November 2009) *Corruption in Russia, Part 1: A Normal Part Of Everyday Life*).

An article in *Radio Free Europe/Radio Liberty* published in October 2009 states:

"The nongovernmental organization Soldiers' Mothers of Petersburg held a rally in St. Petersburg demanding the introduction of alternative civil service for young conscripts, RFE/RL's Russian Service reports" (Radio Free Europe/Radio Liberty (1 October 2009) *St. Petersburg Activists Demand Alternative Service*).

BBC News in August 2009 reports:

"Despite suggestions in the 1990s that the Russian army would eventually become a professional force, it still relies largely on conscription. The life of those who serve can be nasty, brutish, and short - even in peacetime. In 2008, 471 Russian soldiers died in non-combat incidents. Suicide accounted for almost half of the deaths...Masha Lipman, an expert on Russian society and the regions at the Carnegie Moscow Centre, highlights bullying - or "hazing" - as a frequent factor. "The worst problem of all in this conscription army is the threat to human life, as a result first and foremost of brutal hazing, which every year results in numerous deaths, suicides, and mutilations," she said. "As a result, those who can avoid draft avoid - and there are various tricks and bribery is one of them - but those who cannot usually end up being those who are not well educated, those from the provinces, those from poor families, sometimes undernourished, sometimes not very healthy." " (BBC News (17 August 2009) *Problems beset Russia army reform*).

Citing an external source *Accord* in April 2009 states, commenting on desertion:

"1. Desertion, that is, the unauthorized abandonment of a military unit or a place of military service for the purpose of evading military service, and likewise failure to appear for service for the same purposes, shall be punishable by deprivation of liberty for a term of up to seven years.

2. Desertion with arms entrusted in the military service, and likewise desertion committed by a group of persons in a preliminary conspiracy, or by an organized group, shall be punishable by deprivation of liberty for a term of three to ten years. Note: A serviceman who has for the first time committed desertion, as stipulated by the first part of this Article, may be released from criminal responsibility, if desertion has been necessitated by exceptional circumstances." (Criminal Code of the Russian Federation, 13. Juni 1996)" (Accord (27 April 2009) *Verjährungsfrist bei Desertion*).

An article in *Time* from March 2009 states:

"All men between 18 and 27 years of age who meet minimal health requirements must present themselves for compulsory army service. University attendance allows people to be exempted only if the school requires military training in order to graduate. Men who do not serve (and do not have a good reason for being exempted from duty) do not

qualify for international passports and related documents issued by the government. It's easy to be caught and summarily sent off to service because government-issued documentation must be carried at all times" (Time (30 March 2009) *How to Dodge the Draft in Russia*).

In December 2008 the *Russian Research Centre for Human Rights* reports that:

"Actually the law on alternative service doesn't work, since during 2008 not more than 20 persons exercised the right for the alternative service:

- the period of the service wasn't reduced

- mostly people are sent to the areas without infrastructure and have to live in extremely poor conditions

- people who are willing to choose an alternative service should prove the right for it . The only reason is declared as pacifist and religious views, which people should argue somehow. In practice it's hardly possible to be done" (Russian Research Centre for Human Rights (December 2008) *On the implementation of the ICCPR (prior to the adoption of the List of issues)*,pp.3-4).

In May 2008 a report by *The Coalition to Stop the Use of Child Soldiers* states:

"Conscription remained a universal obligation for men aged 18–27, and for women with a military proficiency qualification. In 2006 the government introduced an amendment to the Law on Military Obligations and Military Service to shorten the duration of military service. In 2007 the length of service was cut from 24 months to 18, and to one year for conscripts with a higher education. In 2008 all conscripts, regardless of educational background, would do one year's service. The law cancelled occupational deferrals and repealed provisions for the drafting of reservists. Alternative service for conscientious objectors remained at 1.75 times the length of conscription, 1.5 times for those willing to do civilian jobs in the military. The logistics of conscription were basically unchanged. Military registers throughout the country enrolled all 17-year-olds. Under the Law on Military Obligations and Military Service, active duty for conscripts began when they were 18 (Articles 8 and 22). Conscientious objectors had to apply for alternative service at the earliest stage of the conscription process, when they were only 16 or 17. Later requests were inadmissible" (The Coalition to Stop the Use of Child Soldiers (20 May 2008) *Child Soldiers Global Report 2008, Russia*).

A report produced in April 2005 by *Quaker Council For European Affairs* states:

"Draft evasion and desertion are widespread, which is prompted by the fear of being sent to serve in Chechnya and poor conditions and human rights violations within the armed forces" (*Quaker Council For European Affairs* (April 2005) *The Right to Conscientious Objection in Europe: A Review of the Current Situation, Country Report: Russian Federation*,p.5).

This document also states:

"Draft evasion and desertion are punishable under the Criminal Code. Draft evasion is punishable by a fine, arrest for three to six months or up to two years' imprisonment (Article 328). Desertion is punishable by up to seven years' imprisonment, up to ten years in case of an armed conflict or collective desertion (Article 336). Leaving a military

unit is punishable by up to six years' imprisonment or up to two years' sentence in disciplinary battalions (Article 337). Criminal prosecution may be waived if the non-authorized absence or desertion is committed for the first time or if the desertion was caused by a combination of grave circumstances (Article 338). There are no detailed figures available on the criminal prosecution of draft evaders. Because of its scale, it is evidently impossible for the Russian authorities to prosecute all draft evaders. Obviously, some draft evaders may avoid criminal prosecution through bribery. The Russian authorities maintain several means of monitoring draft evasion. The military and police authorities regularly conduct search operations for draft evaders and deserters" (ibid).

No further information on this issue could be found among sources available to the RDC within time constraints.

References

Accord (27 April 2009) *Verjährungsfrist bei Desertion*

http://www.ecoi.net/file_upload/response_en_119452.html

(Accessed 8 February 2011)

BBC News (17 August 2009) *Problems beset Russia army reform*

<http://news.bbc.co.uk/2/hi/europe/8204941.stm>

(Accessed 8 February 2011)

Center for Strategic & International Studies (November 2010) *Georgian Lessons*

http://csis.org/files/publication/102110_Bugajski_GeorgianLessons.WEB.pdf

(Accessed 8 February 2011)

The Coalition to Stop the Use of Child Soldiers (20 May 2008) *Child Soldiers Global Report 2008, Russia*

<http://www.childsoldiersglobalreport.org/content/russian-federation>

(Accessed 8 February 2011)

Quaker Council For European Affairs (April 2005) *The Right to Conscientious Objection in Europe: A Review of the Current Situation, Country Report: Russian Federation*

<http://www.quaker.org/qcea/coreport/russia.pdf>

(Accessed 8 February 2011)

Radio Free Europe/Radio Liberty (5 October 2010) *Russian Military Concerned With Evasion As Army Draft Begins*

http://www.rferl.org/content/Russian_Military_Concerned_With_Evasion_As_Army_Draft_Begins/2176960.html

(Accessed 9 February 2011)

Radio Free Europe/Radio Liberty (16 June 2010) *Russian group protests obligatory military service*

<http://www.unhcr.org/cgi-bin/texis/vtx/refworld/rwmain?page=printdoc&docid=4c2b5e45c>

(Accessed 8 February 2011)

Radio Free Europe/Radio Liberty (27 November 2009) *Corruption in Russia, Part 1: A Normal Part Of Everyday Life*
http://www.rferl.org/content/Corruption_in_Russia_Part_1_A_Normal_Part_Of_Everyday_Life_/1889394.html
(Accessed 8 February 2011)

Radio Free Europe/Radio Liberty (1 October 2009) *St. Petersburg Activists Demand Alternative Service*
http://www.rferl.org/content/St_Petersburg_Activists_Demand_Alternative_Service/1841363.html
(Accessed 8 February 2011)

Russian Research Centre for Human Rights (December 2008) *On the implementation of the ICCPR (prior to the adoption of the List of issues*
http://www.ecoi.net/file_upload/1227_1247416736_russia.pdf
(Accessed 8 February 2011)

Time (30 March 2009) *How to Dodge the Draft in Russia*
<http://www.time.com/time/world/article/0,8599,1888238,00.html>
(Accessed 9 February 2011)

United Nations Human Rights Committee (24 November 2009) *Concluding observations of the Human Rights Committee : Russian Federation*
<http://www.unhcr.org/refworld/pdfid/4b2603442.pdf>
(Accessed 8 February 2011)

United States Department of State (17 November 2010) *Russia, International Religious Freedom Report 2010*
<http://www.state.gov/g/drl/rls/irf/2010/148977.htm>
(Accessed 7 February 2011)

War Resisters International (8 May 2010) *Russia: draft resistance forces Russia to extend draft age*
<http://wri-irg.org/node/10105>
(Accessed 8 February 2011)

War Resisters International (8 January 2010) *Russia: human rights violations during recruitment*
<http://www.ein.org.uk/members/country/full.shtml?x=269730>
(Accessed 8 February 2011)

This response was prepared after researching publicly accessible information currently available to the Refugee Documentation Centre within time constraints. This response is not and does not purport to be conclusive as to the merit of any particular claim to refugee status or asylum. Please read in full all documents referred to.

Sources Consulted

Amnesty International
BBC Monitoring
BBC News
Electronic Immigration Network
European Country of Origin Information Network
Freedom House
Google
The Guardian
Human Rights Watch
Human Security Gateway
Immigration and Refugee Board of Canada
International Crisis Group
International Relations and Security Network
IRIN News
Jamestown Foundation
Lexis Nexis
Memorial
Minority Rights Group International
Online Newspapers
Refugee Documentation Centre E-Library
Refugee Documentation Centre Query Database
Reliefweb
Reuters
Sova Center for Information and Analysis
St. Petersburg Times
The St. Petersburg Times
United Kingdom Home Office
United States Department of State
UNHCR Refworld
War Resisters Internationa