

**Refugee Review Tribunal
AUSTRALIA**

RRT RESEARCH RESPONSE

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Questions

- 1. What are the compulsory military service obligations in Russia?**
- 2. Is there any evidence that those performing compulsory military service are sent to serve in Chechnya?**
- 3. What system of alternative service is available to those with a conscientious objection to military service?**
- 4. How is a person's entitlement to perform alternative service determined?**
- 5. Please provide information on the "dedovshchina" system and the treatment of "dukhi".**
- 6. What steps have the Russian authorities taken to combat dedovshchina and what remedies are open to a first year recruit who suffers harm?**
- 7. Are those who perform alternative service also affected by dedovshchina?**
- 8. Are there any reports of people being killed for refusing to fight in Chechnya?**
- 9. Do those from Belarus face discrimination in Russian society and in the military in particular?**
- 10. Are there any reports of military conscripts being harmed for being unhealthy or physically weak?**
- 11. Are there any possible avenues by which a person might avoid military or alternative service altogether?**
- 12. Would a person born in Belarus to Russian/Ukrainian parents have citizenship of Belarus or any other entitlement to enter and reside there?**

RESPONSE

1. What are the compulsory military service obligations in Russia?

The Coalition to Stop the Use of Child Soldiers report on Russia for 2008 includes the following information on conscription in Russia:

Conscription remained a universal obligation for men aged 18-27, and for women with a military proficiency qualification.⁹

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 The law cancelled occupational deferrals and repealed provisions for the drafting of reservists.¹⁰

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 17.¹¹ Later requests were inadmissible.

A new requirement was that prior to enrolment boys had to undergo training in the basics of military service in their final year at school, when they were 15 or 16 (Article 13). Sixteen-year-olds who had already left school were supposed to attend training sessions at centres in their neighbourhood (Coalition to Stop the Use of Child Soldiers 2008, *Child Soldiers Global Report 2008 – Russian Federation*, 20 May – Attachment 1).

In relation to the reduced number of deferments available to potential draftees, a paper dated October 2006 summarises the originally proposed deferrals from conscription that were to be abolished from 2008:

1. Carers for elderly or disabled relatives (unless certified by local authorities);
2. Parents of children under three years old (financial compensation available);
3. Those awaiting state assignment to a place of work following higher education;
4. Those training to be firemen, policemen, or officers in certain other state bodies;
5. Those with spouses at least 26 weeks pregnant;
6. Students in vocational education;
7. Rural teachers;
8. Rural doctors;
9. Those specifically exempted by presidential decree (the “talented youth”).

The abolition of the “nine grounds for deferral did not have a completely unopposed passage through the Duma”. The bill “passed its third reading by the Duma on 14 June 2006,²⁶ with the changes to deferrals now presented as four abolitions and five amendments²⁷ – which made little substantial change to the impact on potential conscripts.” The paper also provides details of who was listed on the military register and who on the military register were subject to conscription (Giles, Keir 2006, ‘Where Have All the Soldiers Gone? Russia’s Military Plans versus Demographic Reality’, Conflict Studies Research Centre, October, pp. 4 & 10 – Attachment 2).

Recent articles also provide information on the changes to the grounds for deferment from military service in Russia. An article dated 29 April 2008 refers to “the February passage of a controversial law that for the first time allows Orthodox priests to be drafted into the armed forces.” The article indicates that “although service in the military can be postponed for men in higher education, for single fathers, fathers of two or more children, and for those working in law enforcement”, some previous waivers in relation to the draft had been removed. “Along with priests, former waivers for prospective or new fathers, fathers of children under the age of 3, family breadwinners, farm workers, and post-graduate students no longer apply” (Stolyarova, Galina 2008, ‘For God or Motherland’, *Transitions Online*, 29 April – Attachment 3).

An article dated 4 April 2008 indicates that “young men with elderly parents, newborns, and pregnant wives will be drafted along with all others. And so will employees of weapons factories and gifted musicians and actors (from what has been known as the presidential quota until now).” The article also indicates that the conscription campaign commencing in April 2008 was to “be longer than the usual three months (April 1 to July 15).” There was “an emphasis in this conscription campaign... on young men with higher education. Hence the decision to prolong the conscription campaign. It will give graduates time to get their diplomas. The abolition of military departments at colleges and universities notwithstanding, more and more people with higher education are to be drafted into the Army and Navy” (“The army counts on more conscripts than usual, every fourth of them with university or college diploma’ 2008, *WPS: Defense & Security*, 4 April – Attachment 4).

Another article dated 1 February 2008 notes that “[r]educing the number of deferrals for conscripts... was accomplished in 2006, when nine of the 25 draft deferment categories were abolished. Rural doctors and teachers, athletes, artists and cultural workers, young men with pregnant wives or very young children, and those caring for elderly parents are no longer exempt. The new restrictions will come into effect in 2008 together with a halving of the length of military service” (Barany, Zoltan 2008, ‘Resurgent Russia? A Still-Faltering Military’, *Policy Review*, 1 February – Attachment 5).

An RRT research response dated 16 August 2007 includes information on conscription in Russia (RRT Research & Information 2007, *Research Response RUS32156*, 16 August, (Question 2) – Attachment 6).

An earlier 2005 article by the Quaker Council for European Affairs on the War Resisters’ International website provides information on conscription in the Russian Federation at that time (Quaker Council for European Affairs 2005, ‘Russian Federation’ in *The Right to Conscientious Objection in Europe*, War Resisters’ International website – Attachment 7).

2. Is there any evidence that those performing compulsory military service are sent to serve in Chechnya?

A UK Home Office report on the Russian Federation dated April 2003 indicates that “[a]ll draftees” in the Russian army, “after six months of serving in the army, can be sent to areas of armed conflict.” The report also refers to “contract soldiers and conscripts” serving together in Chechnya (UK Home Office 2003, *Russian Federation Assessment*, April, Paragraphs 5.15 & 5.20 – Attachment 8).

The 2005 article by the Quaker Council for European Affairs also notes that “[a]ccording to Presidential Decree No. 660, serving conscripts can be sent to conflict areas upon completing six months’ military service.” However, the article also indicates that “the Ministry of Defence announced in March 2004 that from 2005 onwards, conscripts would no longer be sent to serve in Chechnya” (Quaker Council for European Affairs 2005, ‘Russian Federation’ in *The Right to Conscientious Objection in Europe*, War Resisters’ International website – Attachment 7).

An article in *The Economist* dated 2-8 July 2005 indicates that “[o]fficially, the army no longer uses conscripts in Chechnya, but some claim to have been sent there anyway” (‘The Russian Army, how are the mighty fallen’ 2005, *The Economist*, 2-8 July – Attachment 9).

According to another article dated 3 March 2006, conscripts from Russia’s Interior Ministry Internal Troops were still being sent to Chechnya. An Internal Troops spokesman had said that the law allowed this, but “at the end of 2005 the President announced that from 2007 conscripts would not be sent to Chechnya even from the Internal Troops.” It is stated in the article that:

Two hundred conscripts from unit No. 3526 (Leningrad region) were sent to Chechnya yesterday. The Soldiers’ Mothers Committee spoke out against this operation. Following a request from the parents of the soldiers, who have been serving for less than six months, human rights activists even sent an enquiry to the Main Military Prosecutor’s Office. The main argument of the relatives is that Defense Minister Sergei Ivanov said last year that conscripts would no longer be stationed in hot-spots. However, command of the antiterrorist operation in the North Caucasus has a loophole left, because Ivanov’s statement doesn’t apply to conscripts serving with the Interior Ministry’s Internal Troops.

Internal Troops Vasily Panchenkov spokesman said “There are no breaches of the law in sending of conscript soldiers of the brigade of the Internal Troops deployed in the Leningrad Region to Chechnya. Now the law allows this. However, at the end of 2005 the President announced that from 2007 conscripts would not be sent to Chechnya even from the Internal Troops. That is why the command tries to transfer many units deployed in Chechnya to the contract basis in the remaining year. Thus, the 46th brigade of the Internal Troops and four mountain commandant’s offices are fully manned with contract servicemen. In 80% of commandant’s offices on the flatlands of Chechnya there are contract servicemen too. Meanwhile, when conscripts are sent on combat operation this year their opinion is taken into account.”

The article refers to a “member of the coordinating council of the Soldiers’ Mothers Committee” saying that “Conscripts are simply forced to sign agreements to be sent to hot-spots.” The article also refers to General Lukyanov of the Leningrad Military District saying “that all conscripts are sent to Chechnya entirely voluntarily. Before the operation they write applications and those who do not wish to go may refuse. For instance, four soldiers have written the relevant reports and will stay” (‘Conscripts from the Internal Troops are sent to Chechnya’ 2006, *WPS: Defense & Security*, 3 March – Attachment 10).

An *ITAR-TASS World Service* article dated 12 January 2007 indicates that:

The Russian Interior Ministry Forces have 22,000 servicemen in Chechnya, including 15,000 members of the 46th special brigade, Interior Ministry Forces Commander Col. Gen. Nikolai Rogozhin told Itar-Tass on Friday.

“Some 6,000 servicemen temporarily deployed in the Chechen Republic were withdrawn last year, and the 46th brigade was enlarged by 5,000 contract servicemen,” he said. “The group has been devoid of conscripts since last November” (‘22,000 servicemen of Interior Ministry Forces stationed in Chechnya’ 2007, *ITAR-TASS World Service*, 12 January – Attachment 11).

A further article dated 29 October 2007 refers to the situation in Chechnya and indicates that “[a]s President Putin promised, conscripts are no longer sent to take part in hostilities” (‘Army Reform’ 2007, *Kommersant International*, 29 October – Attachment 12).

According to the US Department of State report on human rights practices in Russia for 2007, “[t]he role and number of federal forces” in the North Caucasus “has decreased considerably, leaving most security operations to local forces.” It is stated in the report that:

The government’s human rights record remained poor in the North Caucasus, where the government in Chechnya forcibly reined in the Islamist insurgency that replaced the separatist insurgency in Chechnya as the main source of conflict. Government security forces were allegedly involved in unlawful killings, politically motivated abductions, and disappearances in Chechnya, Ingushetiya and elsewhere in the North Caucasus. Disappearances and kidnappings in Chechnya declined, as Chechen President Ramzan Kadyrov established authoritarian and repressive control over the republic, and federal forces withdrew (US Department of State 2008, *Country Reports on Human Rights Practices for 2007 – Russia*, March, Introduction & Section 1(g) – Attachment 13).

An article dated 5 June 2008 indicates that there had been a pilot call-up in Chechnya the previous autumn and the men called up had served in military units in Chechnya. The Military Commissar of Chechnya Said-Selim Tsuyev had said that “[c]onscripts are most likely not to be sent outside the Chechen Republic during the current conscription campaign either - at least this was said at the recent meeting of the North Caucasian Military District military council” (‘Conscripts from Chechnya to continue serving locally – official’ 2008, *BBC Monitoring Former Soviet Union*, source: Interfax-AVN military news agency website, Moscow, 5 June – Attachment 14).

3. What system of alternative service is available to those with a conscientious objection to military service?

4. How is a person’s entitlement to perform alternative service determined?

The RRT research response dated 16 August 2007 includes information on alternative military service in Russia (RRT Research & Information 2007, *Research Response RUS32156*, 16 August, (Questions 1-3) – Attachment 6).

An earlier RRT research response dated 20 October 2005 also provides detailed information on alternative service in Russia (RRT Country Research 2005, *Research Response RUS17614*, 20 October, (Questions 1-4) – Attachment 15). The response refers to the 2005 article by the Quaker Council for European Affairs which includes information on conscientious objection in Russia at that time (Quaker Council for European Affairs 2005, ‘Russian Federation’ in *The Right to Conscientious Objection in Europe*, War Resisters’ International website – Attachment 7).

Another RRT research response dated 16 April 2004 looks at the alternative service law in Russia which came into force in January 2004 (RRT Country Research 2004, *Research Response RUS16568*, 16 April, (Question 4) – Attachment 16).

A recent article dated 2 April 2008 refers to “Deputy Chief of the General Staff, Colonel General Vasily Smirnov” reporting that alternative civil service terms had been reduced in Russia. According to the article:

Smirnov explained, “Due to the transition to the one-year conscript military service term this year, the terms of alternative civil service are reduced too. All conscripts will serve for 21 months and conscripts having higher education and sent for service to organizations of the Defense Ministry will serve for 18 months.” According to Smirnov, 1,155 people pass alternative service now. In 2008, 175 people submitted applications for passage of such service but positive decisions were made about 162 of them (‘Alternative service terms are reduced in Russia’ 2008, *WPS: Defense & Security*, 2 April – Attachment 17).

The article dated 1 February 2008 notes that:

The right of draft-age young men to opt for civilian service instead of conventional military duty was already enshrined in the 1993 constitution. This right, however, was not only unguaranteed by proper legislation for nearly a decade, but, in fact, individuals who intended to choose alternative service were hauled off to jail as recently as 2000. A 2004 law specified that alternative service must be performed away from the individual’s permanent residence. This stipulation creates new opportunities for corruption (i.e., influencing the decision of where civilian service might be performed) and makes it an expensive substitute for regular duty because those electing alternative service must pay for their accommodations. A recent MoD directive reduced the period of alternative service from 36 months to 18 months. Still, in January 2007, only 51 draftees out of a total of 123,000 selected this option of national service, even fewer than in the spring 2005 conscription cycle (186 out of about 155,000).⁵ There are many reports of military commissioners demanding bribes even to accept applications for alternative service (Barany, Zoltan 2008, ‘Resurgent Russia? A Still-Faltering Military’, *Policy Review*, 1 February – Attachment 5).

5. Please provide information on the “dedovshchina” system and the treatment of “dukhi”.

6. What steps have the Russian authorities taken to combat dedovshchina and what remedies are open to a first year recruit who suffers harm?

The US Department of State report on human rights practices in Russia for 2007 indicates that “violent hazing of junior recruits (known as “dedovshchina”)” continued “in the armed forces and security services” in Russia, and that “[c]ases were usually investigated only following pressure from family members or the media.” The report also indicates that “[t]here was evidence that the military was attempting to deal with its abuse problems.” It is stated in the report that:

Various abuses against military servicemen continued, including but not limited to the violent hazing of junior recruits (known as “dedovshchina”) in the armed forces and security services. Such mistreatment often included beatings or threats of increased hazing to extort money or material goods. Cases were usually investigated only following pressure from family members or the media.

According to the Office of the Military Prosecutor, the number of hazing incidents in the army decreased by about 26 percent during the first three months of the year, compared to the same period in 2006. During the period January-March, 944 servicemen were reportedly victims of hazing (compared to 1,245 servicemen in 2006) and one serviceman died after being beaten. As of June, 8,097 crimes and incidents occurred in the army and six deaths from hazing have been reported. The defense ministry reported 417 noncombat deaths in the armed forces during the year, 208 of which were recorded as suicides. In March 2006 the Council of Europe reported that hazing led to deaths every year among young conscripts. Between 50 and 80 percent of all conscripts and young servicemen were reportedly subjected to physical violence, initiation rites, beatings, rape, or humiliation on the orders of superiors or their peers.

Regional Committees of Soldiers Mothers received a total of 3,500 complaints from 20 regions across the country. The complaints from soldiers and parents mostly related to beatings, but also concerned sexual abuse, torture, and enslavement. Soldiers often did not report hazing to either unit officers or military prosecutors due to fear of reprisals, since in some cases officers allegedly tolerated or even encouraged hazing as a means of controlling their units. Officers reportedly also used beatings to discipline soldiers.

On July 7, drill sergeant Peter Tarasov severely beat conscript Artem Kaznachev in the presence of 170 other soldiers for failing to adequately perform morning exercises. Kaznachev spent two weeks in a coma, had two operations, and suffered severe damage to his lungs, liver, and other internal organs. Kaznachev is recovering and was dismissed from the army for medical reasons. Tarasov was arrested and was awaiting trial at year's end.

There were no developments in the severe hazing in 2005 of three recruits--Anton Afanasyev, Yuriy Afanasyenko, and Aleksandr Laptev--at Yekaterinburg's military base No. 32.

There was evidence that the military was attempting to deal with its abuse problems. Between January and August, approximately 1,700 officers and 2,455 servicemen were convicted of various crimes, most commonly abuse or physical assault, but continued serving in the army, according to the Federation Council Committee on Defense and Security. A series of high-profile demotions, firings, and prosecutions were also made in response to a number of hazing incidents in Primorye in 2006. During the year, after numerous media reports detailed how soldiers in Primorye's Pogradichny region were being mistreated and extorted, allegedly with the consent of officers, the Ministry of Defense sent a team from Moscow to investigate. Hazing reportedly continued to be a serious problem in units that had previously served in areas of military conflict.

In February a military court sentenced Private Yevgeniy Yegorov to five years in prison and Corporal Aleksey Vinikaynen to three-and-a-half years in prison for participating in more than 15 hazing incidents between fall 2005 and summer 2006. The two served in an elite division of the interior troops.

On September 26, in the high-profile 2005 case of private Andrey Sychev, who was beaten so badly he had to have his legs and genitals amputated, a Chelyabinsk military court sentenced Corporal Aleksandr Sivyakov to four years in prison. Sivyakov was stripped of his rank, banned from holding a command position for three years, and fined \$825 (22,000 rubles). Two codefendants in the trial, privates Pavel Kuzmenko and Gennadiy Bilimovich, were convicted of hazing a soldier of equal rank and given suspended sentences of 18 months and a year of probation.

Former defense minister and current first deputy prime minister, Sergey Ivanov, ordered parent committees to be embedded in the army and in drafting commissions. As of April 27, 2,661 parent committees have been active in the army and 81 in the drafting commissions.

Although in 2006 President Putin ordered the Ministry of Defense to create a military police force to end hazing and fight criminal activity in the armed forces, the defense ministry this year cancelled plans to create this police force.

The report includes the following further information on deaths from hazing in the Russian military:

Deaths due to hazing in the military continued to be a problem. Through the end of October, 20 military servicemen were killed in hazing incidents, according to the Ministry of Defense. In 2006, 33 servicemen were killed and 6,700 were injured in hazing incidents. Human rights observers noted that few of the accused had been prosecuted and held accountable. One exception was the October 2006 conviction of Captain Vyacheslav Nikiforov, who was sentenced by a military court to 12 years in prison for kicking to death soldier Dmitriy Panteleyev in August 2006.

On May 5, a noncommissioned officer reportedly hazed conscript Sergey Zavyalov, who later died of head injuries from the abuse. The Sertolovo Military Garrison Prosecutor's Office charged a sergeant in Zavyalov's garrison with "deliberate infliction of grave physical injuries." The case had not yet gone to trial by year's end.

On August 27, conscript Sergey Sinkonen died of severe head injuries after two inebriated officers at the Plesetsk Space Center beat him and put him in a dog cage. The Ministry of Defense investigated the incident and dismissed the base's deputy commander, who was in charge of the center at the time of the incident. In December Warrant Officer Vadim Kalinin and Captain Viktor Bal were convicted and sentenced to 14 and 11 years in prison (US Department of State 2008, *Country Reports on Human Rights Practices for 2007 – Russia*, March, Sections 1(a) & (c) – Attachment 13).

An article dated 21 July 2008 indicates that "[d]isciplinary courts martial, which were planned in the army and navy to combat nonregulation relations [euphemism for abuse of servicemen], will not be created, chairman of the Moscow District Military Court Maj-Gen of Justice Yuriy Kalinichenko, has told Interfax-AVN." According to the article:

"The Defence Ministry has for a long time worked on the idea, suggested by the Armed Forces' Main Directorate for Educational Work, of creating at military units and on board ships disciplinary courts martial; the authors of this project believed that these could be effective in combating crime and incidents, and above all the so-called 'dedovshchina' [a more specific term to denote abuse of new arrivals by servicemen who joined earlier]. The creation of these courts has now been deemed inadvisable because they go against many constitutional provisions," Kalinichenko said ('Russia drops plans for disciplinary courts martial to combat army abuse' 2008, *BBC Monitoring Former Soviet Union*, source: Interfax-AVN military news agency website, Moscow, 21 July – Attachment 18).

An article in *The Moscow Times* dated 18 July 2008 refers to the Russian military saying that "things are getting better. In November, Defense Minister Serdyukov said hazing incidents were on the decline and the overall number of criminal offenses had dropped by 20 percent over the past year. He also noted that the number of soldiers killed had fallen by 16.5 percent, giving credit not only to commanders but also to nongovernmental organizations that monitor military abuses" (Saradzhyan, Simon 2008, 'Armed With Nukes and a Vague Plan', *The Moscow Times*, 18 July – Attachment 19).

A *Reuters News* article dated 4 July 2008 indicates that “Russia must pay compensation to an army conscript who was disabled after suffering “inhuman punishment” while on compulsory military service, the European Court of Human Rights ruled on Thursday.” It is stated in the article that:

Yevgenny Chember was awarded 10,000 euro (\$15,880) in compensation by the court, based in Strasbourg, France. The court said he was forced to do 350 knee bends in March 2001 in punishment for not cleaning properly his barracks, in the Astrakhan region of Southern Russia.

Chember collapsed and was taken to hospital where he was diagnosed with a spinal injury.

“He can no longer walk properly,” the court reported in a summary of the case. Chember was dismissed from the military, but his attempts to claim a pension have been rejected.

Russia’s army has a fearful reputation for the bullying rituals meted out to new arrivals and tens of thousands of young men try every year to avoid the draft (Sweeney, Conor 2008, ‘European court slams “inhuman” Russia army punishment’, *Reuters News*, 4 July – Attachment 20).

Another article dated 23 June 2008 refers to “[t]he military investigations department of the Perm garrison” instituting “criminal proceedings with regard to the death of a conscript from Perm Territory, Aleksandr Zuyev.” Zuyev was reported to have hung himself on 18 June 2008. According to a statement by the office of the human rights ombudsman, “[h]is mother believes that her son was driven to taking this step, since Aleksandr Zuyev was regularly bullied and beaten at unit 3723 in Nalchik, and while he was on leave he approached the military investigations department for Perm garrison about instances of bullying in that unit” (‘Russia: Criminal case launched as conscript kills himself after alleged bullying’ 2008, *BBC Monitoring Former Soviet Union*, source: Interfax news agency, Moscow, 23 June – Attachment 21).

An article in *The Moscow Times* dated 1 April 2008 indicates that officials had argued that the new one year term for compulsory military service would “help fix the problem of dedovshchina, the hazing of new recruits by older soldiers. But a leading soldiers’ rights advocate said Monday that the one-year term would do nothing to improve safety.” It is stated in the article that:

“It is not always soldiers who beat each other,” Valentina Melnikova, head of the Union of Soldiers’ Mothers Committees, a nongovernmental organization that monitors soldiers’ rights, said by telephone. “Half the time it is officers and sergeants.”

Others have warned that this spring’s batch of recruits may face an additional risk of hazing from resentful older soldiers, enlisted before the change took effect (Krainova, Natalya 2008, ‘Conscripts Face Only a Year in Spring Call-Up’, *The Moscow Times*, 1 April – Attachment 22).

The article dated 1 February 2008 notes that “[o]nce in the service, draftees are commonly treated as serfs, and the widespread and brutal hazing drives thousands to desertion, suicide, or violent crime annually.” The article also indicates that “an independent Russian defense expert” had contended that most ‘contract soldiers are recruited by unit commanders from conscripts who often are forced by longer-serving soldiers to sign contracts while undergoing

hazing” (Barany, Zoltan 2008, ‘Resurgent Russia? A Still-Faltering Military’, *Policy Review*, 1 February – Attachment 5).

A *Reuters News* article dated 1 October 2007 indicates that Russia’s military had said that “it would ask members of the Committee of Soldiers’ Mothers, a stern critic of the armed forces and their treatment of conscripted soldiers, to serve on each of its draft boards.” The military had “previously been hostile towards the Soldiers’ Mothers, accusing the group of deliberately undermining the forces’ reputation.” A spokeswoman for the Committee of Soldiers’ Mothers had “said that while a few regional military commissariats had reached out to include a Soldiers’ Mothers committee member, the 33 Moscow draft boards had so far made no such offer” (Baldwin, Chris 2007, ‘Russian army asks Mothers to help with draft’, *Reuters News*, 1 October – Attachment 23).

The RRT research response dated 20 October 2005 includes information on *dedovshchina* in the Russian armed forces (RRT Country Research 2005, *Research Response RUS17614*, 20 October, (Question 5) – Attachment 15). The response refers to a Human Rights Watch report dated October 2004 that looks in detail at *dedovshchina* in the Russian military (Human Rights Watch 2004, *The Wrongs of Passage: Inhuman and Degrading Treatment of New Recruits in the Russian Armed Forces*, October, Vol. 16, No. 8(D) – Attachment 24).

The RRT research response dated 16 April 2004 also provides information on *dedovshchina* (RRT Country Research 2004, *Research Response RUS16568*, 16 April, (Question 6) – Attachment 16).

7. Are those who perform alternative service also affected by *dedovshchina*?

A search of the sources consulted found little specific information on whether those who perform alternative service are also affected by *dedovshchina*.

An Immigration and Refugee Board of Canada response to information request dated 17 November 2004 refers to a source indicating that, in relation to the period prior to the law on alternative service that came into effect on 1 January 2004, many conscientious objectors had ‘been jailed or subjected to cruel hazing during their military service’. It is stated in the response to information request that:

On 28 June 2002, the Russian Parliament passed a law on alternative civilian service, granting conscientious objectors the right to apply for an alternative to serving in the armed forces (AP 28 July 2002; Xinhua 28 June 2002; Interfax 22 July 2003). This law, however, did not come into effect until 1 January 2004 (*ibid.*; *The Hindu* 2 Jan. 2004; ITAR-TASS 30 Mar. 2004; *ibid.* 3 Dec. 2003). Prior to this law, Article 59 of the Russian constitution guaranteed conscientious objectors the right to a civilian alternative to military service; however, sources have indicated that no such alternative existed in practice (*Country Reports 2003* 25 Feb. 2004; ANN 4 Mar. 2003). According to one source, although conscientious objectors were sometimes assigned non-combat duties, “the right not to carry weapons [was] rarely guaranteed,” and “many conscientious objectors have been jailed or subjected to cruel hazing during their military service” (*ibid.*) (Immigration and Refugee Board of Canada 2004, *RUS43138.E – Russia: Whether the law in Russia currently allows for alternative military service for conscientious objectors; applicability of that law and the penalty for failure to comply with mandatory military service (2002-2004)*, 17 November – Attachment 25).

The UK Home Office report on the Russian Federation dated April 2003 indicates that pursuant to the new law on alternative service, successful applicants for alternative service could take that service “in military units as civil personnel.” According to the report:

5.16. The Constitution provides for the right to alternative civilian service, and in July 2002 a new law, due to come into effect on 1 January 2004, made possible alternative service on conscientious grounds... Those applicants who are successful will generally be expected to undertake alternative service outside the regions where they live.[33] They may undertake alternative service in various welfare, medical or social organisations, as well as in military units as civil personnel (UK Home Office 2003, *Russian Federation Assessment*, April, Paragraph 5.16 – Attachment 8).

A *BBC News* article dated 1 April 2004 notes that if a potential draftee in Russia chose alternative service, it was still possible that he would “carry out civilian duties but in a military camp, living alongside the very conscripts you wish to avoid.” It is stated in the article that;

The main reason why those opting for civilian service do so is to try to avoid the brutality faced by many young conscripts.

The incidence of beatings, murder and even suicide in the Russian army caused by institutionalised bullying is alarmingly high.

But if you choose alternative service, it is still possible that you will carry out civilian duties but in a military camp, living alongside the very conscripts you wish to avoid (Dalziel, Stephen 2004, ‘Russian objectors dodge service’, *BBC News*, 1 April <http://news.bbc.co.uk/2/hi/europe/3588907.stm> - Accessed 18 July 2008 – Attachment 26).

The 2005 article by the Quaker Council for European Affairs on the War Resisters’ International website also indicates that “[a]ccording to Article 14 of the Law on Alternative Civilian Service, the military authorities may assign COs [Conscientious Objectors] to either civilian work outside the armed forces or to non-combatant duties within the armed forces” (Quaker Council for European Affairs 2005, ‘Russian Federation’ in *The Right to Conscientious Objection in Europe*, War Resisters’ International website – Attachment 7).

The RRT research response dated 20 October 2005 notes that information on dedovshchina indicated that all new recruits in the Russian armed forces were subject to dedovshchina abuses (RRT Country Research 2005, *Research Response RUS17614*, 20 October, (Question 5) – Attachment 15).

An article dated 29 June 2007 refers to “some officers of the military registration and enlistment offices and a big part of our compatriots” having a negative attitude “to people serving alternative service”. The article indicates that:

The negative attitude of some officers of the military registration and enlistment offices and a big part of our compatriots to people serving alternative service is alarming. Some military commissars send alternative servicemen to work at psychiatric clinics and old people’s homes with unhidden pleasure and prejudiced members of drafting commission demand from them terrible “documents about views” and even force them to sing prayers (to prove their religious beliefs). Even the press writes poignantly, “The guards of night chamber pots” or “Patriots to military ranks, pacifists to pig farms!” (‘Why alternative civil service did not take root in Russia’ 2007, *WPS: Defense & Security*, 29 June – Attachment 27).

8. Are there any reports of people being killed for refusing to fight in Chechnya?

A search of the sources consulted found little information on whether people were killed for refusing to fight in Chechnya.

The UK Home Office report on the Russian Federation dated April 2003 indicates that “there were reports of mass extrajudicial executions of groups of deserters by the Russian military authorities” between 1994 and 1996 during the Chechnya conflict. It is stated in the report that:

During the conflict in Chechnya between 1994 and 1996, many conscripts deserted their units, sometimes on conscientious grounds, and went into hiding either to avoid further participation in the fighting or to avoid being sent to Chechnya. At that time, there were reports of mass extrajudicial executions of groups of deserters by the Russian military authorities (UK Home Office 2003, *Russian Federation Assessment*, April, Paragraph 5.18 - Attachment 8).

9. Do those from Belarus face discrimination in Russian society and in the military in particular?

A search of the sources consulted found little information on whether those from Belarus face discrimination in Russian society and in the military in particular.

An Australian Department of Foreign Affairs and Trade country brief on Belarus indicates that Belarus has traditionally been a close ally of Russia and that President Lukashenko of Belarus “has particularly sought to develop a closer relationship with Russia.” The document refers to “[a] framework for the Union of Russia and Belarus” being set out in treaties in 1996, 1997 and 1999, with the integration treaties containing “commitments towards monetary union, equal rights, single citizenship, and a common defence and foreign policy.” The bilateral relationship between the two countries “has suffered some setbacks since President Putin took office” and the union “appears as far away as ever” (Department of Foreign Affairs and Trade 2008, ‘Belarus Country Brief’, DFAT website, 1 February http://www.dfat.gov.au/GEO/belarus/belarus_brief.html - Accessed 23 July 2008 – Attachment 28).

An article dated 22 October 2007 in relation to the situation of labour migrants in Russia, refers to comments by “[t]he Central Asia political refugee program director for the Moscow-based Civic Assistance Committee, Yelena Ryabinina,” who said “that xenophobia remains strong in Russia – and Central Asians often face harsher discrimination than migrants from countries like Ukraine and Belarus simply because they ‘do not look Slavic’” (Saidazimova, Gulnoza 2007, ‘Labor Migrants Face Abuse, Xenophobia’, *Radio Free Europe/Radio Liberty (RFE/RL)*, 22 October – Attachment 29).

The US Department of State report on human rights practices in Russia for 2007 does not refer to Belarus. In relation to the treatment of minorities in Russia, the report indicates that “minorities were subjected to frequent discrimination by government officials, and there continued to be a steady rise in societal violence and discrimination against minorities, particularly Roma, persons from the Caucasus and Central Asia, and dark skinned persons, as well as foreigners.” According to the report:

The law prohibits discrimination based on nationality; however, minorities were subjected to frequent discrimination by government officials, and there continued to be a steady rise in societal violence and discrimination against minorities, particularly Roma, persons from the Caucasus and Central Asia, and dark skinned persons, as well as foreigners. Skinhead groups and other extreme nationalist organizations fomented racially motivated violence; the number of hate crimes increased. Racist propaganda was also a problem.

Federal and local law enforcement continued disproportionately targeting members of ethnic minorities. Police reportedly beat, harassed, and demanded bribes from persons with dark skin, or who appeared to be from the Caucasus region, Central Asia, or Africa (US Department of State 2008, *Country Reports on Human Rights Practices for 2007 – Russia*, March, Section 5 – Attachment 13).

10. Are there any reports of military conscripts being harmed for being unhealthy or physically weak?

A Human Rights Watch report dated November 2003, which looks at the inadequate food and healthcare given to conscript soldiers in the Russian military, indicates that conscripts who sought medical care often faced repercussions. Violent hazing also occurred in sickbays and military hospitals. It is stated in the report that:

Conscripts from military bases across the country uniformly described a presumption that those who seek medical care do so to avoid the hardships of military service. Because of this presumption, both junior and senior conscripts pressure their peers not to seek medical care. Conscripts who ignore the pressure often face repercussions, including harassment, beatings, and extortion.

The report also indicates that:

Violent hazing, an endemic phenomenon on many military bases throughout Russia, often does not stop at the doors of sickbays and military hospitals, and therefore interferes with conscripts' right to adequate medical care. Human Rights Watch interviewed several dozen conscripts who said senior soldiers physically ill-treated them and forced them to perform a variety of chores for them in sickbays and military hospitals. These abuses took place primarily in the evenings and at night, after medical personnel and officers had departed senior conscripts in charge. In one case we documented, the victim committed suicide after a night of particularly cruel treatment (Human Rights Watch 2003, *To serve without health? Inadequate Nutrition and Health Care in the Russian Armed Forces*, November, Vol. 15, No. 8(D), pp. 32 & 35 – Attachment 30).

The Human Rights Watch report dated October 2004 refers to the case of a Russian conscript who did not have significant physical problems, but was discharged from the military service on psychiatric grounds. While in the army, he had been beaten by “[s]econd-year conscripts, called the *dedy*”, who “felt that Alexander D. was just a ‘weakling,’ who needed to be turned into a man. The fact that Alexander D. had broken the ‘rule of silence’ by complaining about his treatment, including to the press, particularly outraged the *dedy*. They called it an act of ‘betrayal.’” The report also refers to the armed forces in Russia increasingly drawing “recruits from poor segments of the population, and many of the recruits suffer from malnutrition, ill-health, alcohol or drug addiction, or other social ills even before they start to serve.” It is stated in the report that:

The perversity of this attitude toward “maintaining discipline” in the short run is that it so clearly undermines the effectiveness of Russia’s armed forces over time. Horror stories about *dedovshchina* motivate tens of thousands of Russian parents every year to try to keep their sons out of the armed forces. As the most affluent and educated families do so most successfully, the armed forces increasingly draw recruits from poor segments of the population, and many of the recruits suffer from malnutrition, ill-health, alcohol or drug addiction, or other social ills even before they start to serve. Moreover, as mentioned above, thousands of the young men who are drafted each year run away from their units, and hundreds commit suicide (Human Rights Watch 2004, *The Wrongs of Passage: Inhuman and Degrading Treatment of New Recruits in the Russian Armed Forces*, October, Vol. 16, No. 8(D), pp. 2, 4 & 22-23 – Attachment 24).

As previously mentioned, the RRT research response dated 20 October 2005 notes that information on *dedovshchina* indicated that all new recruits in the Russian armed forces were subject to *dedovshchina* abuses (RRT Country Research 2005, *Research Response RUS17614*, 20 October, (Question 5) – Attachment 15).

The article in *The Moscow Times* dated 18 July 2008 refers to conscripts in the Russian military posing “a major headache to commanders by getting involved in the hazing of younger or weaker soldiers. Dozens of commanders have also been convicted of beating their soldiers” (Saradzhyan, Simon 2008, ‘Armed With Nukes and a Vague Plan’, *The Moscow Times*, 18 July – Attachment 19).

Recent articles also comment on the poor health of many of the conscripts drafted into the Russian army.

An *ITAR-TASS World Service* article dated 31 March 2008 refers to “[d]eputy chief of the Russian Army General Staff, Colonel-General Vasily Smirnov” saying that one in three Russian draftees had “been exempted from military service for health reasons” and that “[o]ver 50 percent of those drafted have health restrictions and may not be assigned to airborne troops and the Navy” (‘One in 3 draftees in Russia exempted from military service for ill health’ 2008, *ITAR-TASS World Service*, 31 March – Attachment 31).

The article dated 1 February 2008 notes that “[d]ata on the 2005 conscription cycle show that 70 percent of those called up for service were medically unfit, 45 percent had never held a job or studied at the postsecondary level, 5 percent had criminal records, 25 percent had not finished high school, nearly one-ninth were alcoholics and/or regular drug users, and some were illiterate” (Barany, Zoltan 2008, ‘Resurgent Russia? A Still-Faltering Military’, *Policy Review*, 1 February – Attachment 5).

11. Are there any possible avenues by which a person might avoid military or alternative service altogether?

The article dated 1 February 2008 indicates that Russia’s armed forces were “staffed by officers and noncommissioned officers most of whom enjoy few alternative career options, and by conscripts who are too inept or poor to escape the draft.” It is stated in the article that:

One of the main problems surrounding the draft is that only a small proportion of young men (9 percent to 11 percent) actually serve. There are many ways to legally avoid military service, and those who cannot avail themselves of one often bribe the appropriate officials. About 40,000 a year - a sufficient number to staff three and a half divisions - simply dodge

the draft. The military ends up with the least desirable men of their cohort. Data on the 2005 conscription cycle show that 70 percent of those called up for service were medically unfit, 45 percent had never held a job or studied at the postsecondary level, 5 percent had criminal records, 25 percent had not finished high school, nearly one-ninth were alcoholics and/or regular drug users, and some were illiterate.⁴ For tens of thousands of youths every year, the way to evade conscription is to enroll at a civilian college or university where military training (in so-called “cadet departments”) is available. This allows students to qualify as reserve officers without actually serving in the armed forces. In recent years these departments have produced about 150,000 to 180,000 reserve officers annually, about ten times more than needed.

In 2005, the number of civilian institutions of higher education where this option was available was reduced from 229 to 35. The remaining institutions are being upgraded to orient them toward students who genuinely want to serve in the military, and they will have to do so as contract officers for a period of five or six years, depending on military specialty.

This change was in line with a key provision of the Defense Ministry’s 2003 reform proposal, which expanded conscription and simultaneously shortened the draft period. Reducing the number of deferrals for conscripts, another important step in this direction, was accomplished in 2006, when nine of the 25 draft deferment categories were abolished. Rural doctors and teachers, athletes, artists and cultural workers, young men with pregnant wives or very young children, and those caring for elderly parents are no longer exempt. The new restrictions will come into effect in 2008 together with a halving of the length of military service. The latter is actually going to be a two-step process. Under the terms of the 2006 bill the period of military service will be reduced to 18 months starting in 2007 and to 12 months from 2008 for men between the ages of 18 and 27. The MoD’s hope is that the outcome of these reforms will significantly improve the size and quality of its conscript pool.

The right of draft-age young men to opt for civilian service instead of conventional military duty was already enshrined in the 1993 constitution. This right, however, was not only unguaranteed by proper legislation for nearly a decade, but, in fact, individuals who intended to choose alternative service were hauled off to jail as recently as 2000. A 2004 law specified that alternative service must be performed away from the individual’s permanent residence. This stipulation creates new opportunities for corruption (i.e., influencing the decision of where civilian service might be performed) and makes it an expensive substitute for regular duty because those electing alternative service must pay for their accommodations. A recent MoD directive reduced the period of alternative service from 36 months to 18 months. Still, in January 2007, only 51 draftees out of a total of 123,000 selected this option of national service, even fewer than in the spring 2005 conscription cycle (186 out of about 155,000).⁵ There are many reports of military commissioners demanding bribes even to accept applications for alternative service (Barany, Zoltan 2008, ‘Resurgent Russia? A Still-Faltering Military’, *Policy Review*, 1 February – Attachment 5).

An article dated 19 June 2008 refers to the Russian Defence Ministry “working on a mechanism of calling up about 10,000 citizens of the Russian Federation of the conscription age who are registered as “students” at foreign universities.” According to the article:

“We are not talking about Russian students who really study at foreign universities. They are subject to the same deferments as those for students studying in Russia. We want to draft for military service, in accordance with the constitution, primarily those who are falsely registered as students abroad or are outside Russia for other reasons”, Maj-Gen Yevgeniy Burdinskiy, chief of the conscription department of the Russian Armed Forces General Staff, explained to Interfax.

“According to rough estimates, there are about 10,000 such citizens at the moment”, Burdinskiy said.

He noted that currently, in accordance with the law on military conscription and service, Russian citizens of the conscription age who are abroad for studies or other reasons are not obligated to register with military commissariats at their place of birth or at their previous address. “Therefore, in fact these citizens are exempt from military service”, the general said.

However, Burdinskiy admitted that this issue would not be easily solvable because Russian embassies and consulates abroad do not have precise information on Russian citizens of the conscription age staying there (‘Russian defence ministry wants to draft 10,000 conscripts from abroad’ 2008, *BBC Monitoring Former Soviet Union*, source: Interfax-AVN military news agency website, Moscow, 19 June – Attachment 32).

The article in *The Moscow Times* dated 1 April 2008 notes that officials had “promised to step up enforcement against those illegally avoiding service. In Moscow, businesses will be inspected to make sure that their male employees have legitimate deferments, Major General Andrei Glushchenko, the city’s top conscription official, said in an interview published Friday in Moskovsky Komsomolets” (Krainova, Natalya 2008, ‘Conscripts Face Only a Year in Spring Call-Up’, *The Moscow Times*, 1 April – Attachment 22).

An article dated November 2006 indicates that “for most young people” in Russia, “draft avoidance -- by means of “buying” medical exemptions or deferments of military service -- is the method of choice, and not the legally provided form of conscientious objection.” It is stated in the article that:

Conscientious objection in Russia has to be seen in light of the disastrous situation within the military, and widespread draft avoidance. According to a poll by the independent Levada center, willingness to serve in the Russian military has dropped to less than 40% at the beginning of 2006 [3]. However, for most young people draft avoidance -- by means of “buying” medical exemptions or deferments of military service -- is the method of choice, and not the legally provided form of conscientious objection. This means that CO numbers do not reflect the widespread discontent with the Russian military (Speck, Andreas 2006, ‘Conscientious objection in Russia: A first impression after three years of practice’ in *The Broken Rifle, Newsletter of War Resisters’ International*, No. 72, November <http://www.wri-irg.org/pubs/br72-en.htm> - Accessed 14 August 2007 – Attachment 33).

As previously mentioned, the Human Rights Watch report dated October 2004 indicates that

Horror stories about *dedovshchina* motivate tens of thousands of Russian parents every year to try to keep their sons out of the armed forces. As the most affluent and educated families do so most successfully, the armed forces increasingly draw recruits from poor segments of the population, and many of the recruits suffer from malnutrition, ill-health, alcohol or drug addiction, or other social ills even before they start to serve (Human Rights Watch 2004, *The Wrongs of Passage: Inhuman and Degrading Treatment of New Recruits in the Russian Armed Forces*, October, Vol. 16, No. 8(D), p. 4 – Attachment 24).

Please see the answer to Question 1 above for information on the reduction in the number of deferments available to potential military draftees in Russia.

12. Would a person born in Belarus to Russian/Ukrainian parents have citizenship of Belarus or any other entitlement to enter and reside there?

The US Department of State report on human rights practices in Belarus for 2007 indicates that:

Under the law, citizenship is derived either by birth within the country's territory (*jus soli*) or from one's parents (*jus sanguinis*). A child of a Belarusian citizen is a Belarusian citizen regardless of place of birth, even if the other parent is not a citizen. Children of stateless or unknown parents are citizens only if born in Belarus (US Department of State 2008, *Country Reports on Human Rights Practices for 2007 – Belarus*, March, Section 2(d) – Attachment 34).

According to an Immigration and Refugee Board of Canada response to information request dated 16 January 2007 which looks at the procedures that a person must follow to obtain Belarusian citizenship if the person was born in the Belarusian Soviet Socialist Republic but left the Soviet Union before 1991, pursuant to Article 15 of the Law of the Republic of Belarus on Citizenship of the Republic of Belarus, “[p]ersons who were citizens of the Union of Soviet Socialist Republics (USSR) and were born, or permanently resided, within the territory of the Republic of Belarus before 12 November 1991, including their spouses who were citizens of the former USSR, and children, are eligible for Belarusian citizenship through registration” (Immigration and Refugee Board of Canada 2007, *BLR102039.E - Belarus: Procedures that must be followed for a person to obtain Belarusian citizenship if this person was born in the Belarusian Soviet Socialist Republic but left the Soviet Union before 1991; procedures that this person must follow to obtain Belarusian citizenship for his or her child; whether consent of the second parent is required if the parents are divorced; applicant's status in Belarus while awaiting Belarusian citizenship; rights and restrictions associated with this status*, 16 January – Attachment 35).

A copy of the Law of the Republic of Belarus on Citizenship of the Republic of Belarus of 1 August 2002 is attached. Article 8 of the legislation indicates that:

Citizens of the Republic of Belarus are:

persons who are citizens of the Republic of Belarus by the effective date of this Law;
persons who have acquired citizenship of the Republic of Belarus in accordance with this Law.

Citizens of the Republic of Belarus by birth are persons who were born within the current territory of the Republic of Belarus and who were citizens of the former USSR by birth and who acquired citizenship of the Republic of Belarus prior to the effective date of this Law

Chapter 2 of the legislation sets out the grounds for acquisition of citizenship of the Republic of Belarus. Pursuant to Article 12, citizenship of the Republic of Belarus may be acquired by birth, as a result of admittance to citizenship, by registration or “by other reason provided in this Law.” Article 13 sets out the grounds under which a person can acquire citizenship by birth:

Article 13. Acquisition of Citizenship of the Republic of Belarus by Birth

A child shall acquire citizenship of the Republic of Belarus by birth provided that on the date of the child's birth:

the child's parents (single parent) are citizens of the Republic of Belarus regardless of the child's place of birth;

either parent of the child is a citizen of the Republic of Belarus and the other is a stateless person or has been acknowledged missing or of unknown whereabouts, regardless of the child's place of birth;

either parent of the child is a citizen of the Republic of Belarus and the other is a foreign citizen – by a joint request of the parents, regardless of the child's place of birth. In absence of such a request, the child shall acquire citizenship of the Republic of Belarus if otherwise he/she becomes stateless;

the child's parents (single parent) permanently residing in the Republic of Belarus are stateless persons, provided that the child was born in the Republic of Belarus;

the child's parents (single parent) permanently residing in the Republic of Belarus are foreign citizens provided that the child was born in the Republic of Belarus and the countries of its parents' nationalities do not confer their citizenship to the child.

A child in the Republic of Belarus, whose parents are unknown, shall become citizen of the Republic of Belarus.

In relation to admission to citizenship, Article 14 includes the following:

Any person above 18 years of age may be admitted to citizenship of the Republic of Belarus on the basis of a written request, provided that he/she:

undertakes the responsibility to follow and respect the Constitution of the Republic of Belarus and other legislative acts of the Republic of Belarus;

knows either official language of the Republic of Belarus within communication limits;

permanently resides in the Republic of Belarus for the duration of the last seven years;

has a legal source of income;

does not have citizenship or will be losing foreign citizenship in case of acquisition of citizenship of the Republic of Belarus or has submitted to a competent agency of a foreign country an application on renunciation of nationality (denunciation of citizenship) of that country, except when that renunciation (denunciation) is impracticable or when it can not be properly substantiated.

Article 14 also covers the situation of refugees and instances where the required period of residence “may be shortened or never applied for”.

Pursuant to Article 15 of the legislation:

The following persons may acquire citizenship of the Republic of Belarus in the course of registration:

persons who were citizens of the former USSR provided that they were born or lived in the Republic of Belarus before 12 November 1991, as well as spouses of such persons who were citizens of the former USSR, and their descendants;

children – by a joint application of the parents of whom one is a citizen of the Republic of Belarus, or by application of either parent who is citizen of the Republic of Belarus if the whereabouts of the other parent who is a foreign citizen are unknown, or by an application of a single parent who is a citizen of the Republic of Belarus;

children staying in the Republic of Belarus whose only known parent or both parents have died, have been deprived of parental rights, have refused from upbringing the child or have given their consent to its adoption, who have been judicially acknowledged incapable, missing or dead, as well as incapable persons under custody or guardianship – by application of a guardian (tutor) coordinated with a guardianship and trusteeship agency.

Article 16 of the legislation sets out the reasons for an application for citizenship being rejected and Chapter 3 of the legislation covers termination of citizenship (Republic of Belarus 2002, 'Law of the Republic of Belarus on Citizenship of the Republic of Belarus', No. 136-3, UNHCR Refworld website, 1 August <http://www.unhcr.org/refworld/country,LEGAL,,,BLR,,41f79cdd4,0.html> – Accessed 16 July 2008 – Attachment 36).

An article dated 31 May 2006 on the Embassy of the Republic of Belarus in the United States of America website provides information on a bill amending the law on citizenship. The amendments included providing for “[f]oreigners, who leave Belarus for no longer than three months every seven years,” to “be able to file citizenship applications. Seven years is the period entitling a foreigner to request citizenship. The current law allows citizens to live and work abroad for a long time after getting the permanent residence permit and after seven years claim their right for the citizenship.” It is also stated in the article that:

The bill changes approaches to the simplified citizenship acquisition. According to Vladimir Naumov, the procedure saved destinies of thousands of Belarusians, who were left abroad in 1991. The Minister believes, the old regulations have accomplished their mission. Over 15 years the majority of those, who believed themselves to be part of the Belarusian nation, have got the citizenship. All in all, over 200,000 Belarusian compatriots have been granted the Belarusian citizenship.

The bill obliges the applicant to return to live in Belarus in addition to confirming the fact that the applicant was born in Belarus or lived in Belarus earlier ('Parliament Approves Amendments to Law on Citizenship' in 'Weekly Digest of Belarusian News' 2006, Embassy of the Republic of Belarus in the United States of America website, 31 May <http://www.belarusembassy.org/news/digests/053106.htm> - Accessed 23 July 2008 – Attachment 37).

Pursuant to Article 42 of the Law of the Republic of Belarus on Citizenship of the Republic of Belarus of 1 August 2002, the previous citizenship law dated 18 October 1991 became invalid (Republic of Belarus 2002, 'Law of the Republic of Belarus on Citizenship of the Republic of Belarus', No. 136-3, UNHCR Refworld website, 1 August <http://www.unhcr.org/refworld/country,LEGAL,,,BLR,,41f79cdd4,0.html> – Accessed 16 July 2008 – Attachment 36). A copy of the Law of the Republic of Belarus on Citizenship of the Republic of Belarus dated 18 October 1991 is attached. According to Article 2 of that legislation:

Citizens of the Republic of Belarus are:

- 1) persons who are permanent residents on the territory of the Republic of Belarus on the day this Law comes into force;
- 2) persons who have acquired the citizenship of the Republic of Belarus in accordance with this Law.

Section II of the citizenship law dated 18 October 1991 set out the grounds for the acquisition and maintenance of citizenship under that legislation (Republic of Belarus 1991, 'Law of the Republic of Belarus on Citizenship of the Republic of Belarus', 18 October – Attachment 38).

The United States Office of Personnel Management Investigations Service document on the citizenship laws of the world dated March 2001 provides information regarding citizenship in Belarus at that time (United States Office of Personnel Management Investigations Service 2001, 'Belarus' in *Citizenship Laws of the World*, March – Attachment 39).

An earlier RRT research response dated 29 September 1995 in relation to an applicant who was born in Belarus, lived in Russia from 1962, was permanently resident in Russia in 1991 and appeared to have acquired Russian citizenship under Article 13 of the Law of the Russian Soviet Federal Socialist Republic (RRT Country Research 1995, *Research Response RUS10789*, 29 September – Attachment 40), refers to a record of comments made by Mr Nestrov, a Consul at the Russian Consulate in Sydney, to the RRT on 28 September 1995. The record of comments indicates that “Mr Nestrov advised that a person does not acquire Belarusian citizenship simply by birth, but must also have parents who have Belarusian citizenship to acquire Belarusian citizenship themselves or live permanently in Belarus on 12.11.1991 (The day when Belarussian citizenship law came into force).” In relation to a person “born in Belarus in the early 1940s but has not lived in Belarus since 1962 and has only returned once for a brief visit”, and “was not resident in Belarus when the citizenship law of Belarus came into force in 1991”, Mr Nestrov “advised that this person would not have Belarusian citizenship” (Nestrov, Mr 1995, ‘Record of comments made by Mr Nestrov, Russian Consulate, Sydney’, 28 September – Attachment 41).

In relation to entry to Belarus for foreign citizens, a US Department of State document dated 7 December 2007 on Belarus notes that:

On February 4, 2006, changes to the 1993 Law on the Legal Status of Foreign Citizens and Stateless Persons in the Republic of Belarus entered into force. The legislation introduces three new categories of legal presence in Belarus. Foreign citizens may be granted permission for a temporary stay (up to 90 days within a chronological year), temporary residence (up to one year), or permanent residence (US Department of State 2007, *Belarus Country Specific Information*, 7 December http://travel.state.gov/travel/cis_pa_tw/cis/cis_1033.html#?css=print – Accessed 22 July 2008 – Attachment 42).

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International News & Politics

BBC News <http://news.bbc.co.uk>

Region Specific Links

Search Engines

Copernic <http://www.copernic.com/>

Databases:

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