

# Protection and asylum for conscientious objectors and deserters from the states involved in the war in Ukraine

## The Bundestag shall resolve

### In light of the war in Ukraine, the Bundestag observes:

- the fundamental importance of Articles 1 and 2 of the United Nations Charter, which prohibit war of aggression and acts of war in violation of international law;
- the applicability of the Rome Statute, Article 25 of which imposes individual criminal liability for violations of Articles 1 and 2 of the Charter of the United Nations;
- recognition of the "Code of Conduct on Politico-Military Aspects of Security" adopted by the OSCE in 1994, in which all members of the armed forces are personally responsible for complying with international humanitarian law, and that members of the armed forces authorized to issue orders may not do so in violation of international law;
- the validity of the European Union Qualification Directive, Article 9 of which provides protection under refugee law to those who face prosecution or punishment for refusing military service in a conflict contrary to the purposes and principles of the United Nations as stated in the Preamble and Articles 1 and 2 of the Charter of the United Nations;
- the overall applicability of the human right to conscientious objection, as established by the European Court of Human Rights in its judgment of July 7, 2011, in the case of Bayatyan vs. Armenia;
- that the human right to conscientious objection in both Russia and Belarus, as well as Ukraine does not meet the criteria set by the European Court of Human Rights and other international bodies.
- that Russian and Belarusian military men and women are refusing to serve in a war of aggression that violates international law;

### The Bundestag therefore asks the Federal Government to,

- grant asylum to Russian and Belarusian military men and women who have evaded military service and thus possible war deployment in Ukraine, or who have deserted, in a manner in line with the Qualification Directive;
- grant Ukrainian conscientious objectors protection, who have been refused recognition in Ukraine, as well as to military men and women evading possible acts in violation of international law on the side of Ukraine.

### Sources

Charter of the United Nations: <https://www.un.org/en/about-us/un-charter/full-text>

Rome Statute of the International Criminal Court: <https://www.icc-cpi.int/resource-library/documents/rs-eng.pdf>

OSCE- Code of Conduct: <https://www.osce.org/fsc/41355>

EU- Qualification Policy: <https://eur-lex.europa.eu/legal-content/EN/TXT/HTML/?uri=CELEX:32011L0095>

EGMR, Bayatyan vs. Armenien, Verdict from 7. Juli 2011:

<https://hudoc.echr.coe.int/eng#%7B%22dmdocnumber%22:%5B%22887947%22%5D,%22itemid%22:%5B%22001-105611%22%5D%7D>

On the right to conscientious objection in Russia, Belarus and Ukraine [https://ebco-beoc.org/sites/ebco-beoc.org/files/attachments/2021-02-15-EBCO\\_Annual\\_Report\\_2020.pdf](https://ebco-beoc.org/sites/ebco-beoc.org/files/attachments/2021-02-15-EBCO_Annual_Report_2020.pdf)

Connection e.V.: Conscientious objection and desertion in Belarus, Russian Federation and Ukraine. March 24, 2022. <https://en.connection-ev.org/article-3522>

Connection e.V.: Protection and asylum for conscientious objection and desertion in times of war in Ukraine. March 24, 2022. <https://de.connection-ev.org/article-3531>

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