



# Ukraine

*Return and mobilisation*



## Ukraine – Return and mobilisation

This report is not, and does not purport to be, a detailed or comprehensive survey of all aspects of the issues addressed. It should thus be weighed against other country of origin information available on the topic.

The report at hand does not include any policy recommendations. The information does not necessarily reflect the opinion of the Danish Immigration Service.

Furthermore, this report is not conclusive as to the determination or merit of any particular claim to refugee status or asylum. Terminology used should not be regarded as indicative of a particular legal position.

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## Executive summary

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Ukraine remains under martial law and general mobilisation, extended on 14 January 2026 for 90 days until 4 May 2026. Mobilisation is governed mainly by the laws on Mobilisation Training and Mobilisation and Military Duty and Military Service; liability to comply with mobilisation measures is tied to mobilisation being in force and a person's status, not necessarily to having received an individual order.

Legislative changes in April–May 2024 are central to the question of mobilisation. Law No. 3127-IX lowered the mobilisation age threshold from 27 to 25; men 25–60 who are registered and lack exemption/deferment may be mobilised. Law No. 3633-IX strengthened obligations and enforcement related to mobilisation and military registration, including narrowing some deferment/exemption categories.

Men aged 18 to 60, including those residing abroad, are required to register for military service, and updating personal data is obligatory. Updates and registration is also linked to access to consular services. Summonses are mainly delivered in person. The law allows electronic summonses, though implementation was described as unresolved as of early 2026.

On illegal exit, illegal border crossing may trigger administrative liability and, in some cases, criminal liability. However, as a general rule under Ukrainian law, legislation does not have retroactive effect.

Returnees who have not been formally summoned are not described as automatically arrested solely for having lived abroad, but returnees may still face measures if listed as wanted due to summons/non-appearance practice. For men returning after living in the EU+ pre-2022, risks are described mainly as linked to registration status and for Ukrainian men above the age of 25,

Cases of Absent Without Leave (AWOL)/desertion cases are handled by courts of general jurisdiction; it provides high approximate case volumes but notes limited official statistics. There are no publicly known cases of sentences being served, but if enforced, AWOL sentences would be served in civilian prisons, while desertion sentences would be served in military disciplinary units. There is no official evidence of deserters being held in pre-trial detention in such cases. Detention conditions are described as generally poor including overcrowding, infrastructure deficits, and limitations in hygiene, food and health care.

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## Introduction

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This report summarises the legal framework and available information on mobilisation-related obligations and consequences for Ukrainian men of mobilisation age who may receive a mobilisation summons and refuse to comply, including issues relevant to return to Ukraine. It is set against Ukraine's continued martial law and general mobilisation,

The report outlines key legislative changes adopted in April–May 2024. It describes military registration and updating personal data as central, including for men abroad, and summarises call-up practices). The report further addresses abuses relation to the mobilisation process, including forced mobilisation.

Finally, the report addresses irregular exit, residence abroad and return, including potential administrative liability for unlawful border crossing and possible criminal liability where intent to evade mobilisation is proven, and summarises criminal proceedings for mobilisation evasion and AWOL/desertion as handled by courts of general jurisdiction. It also covers detention-related issues, noting that remand—if applied—would take place in pre-trial detention centre in Ukraine (SIZO), and that detention conditions are described in recent reporting as generally poor, including overcrowding, infrastructure deficits, and limitations in hygiene, food, and health care.

The Danish Immigration Service (DIS) drew up the terms of reference (ToR) in consultation with the Asylum department of DIS and the Danish Refugee Appeals Board. The ToR is included in Annex 2.

The EUAA COI Report Methodology has been applied in the writing process.<sup>1</sup> The report is based on a synthesis of information obtained from available written sources complimented by one e-mail correspondence with the Kharkiv Human Rights Protection Group (KHPG).

A note was written for the correspondence and forwarded to KHPG for approval. The minutes can be found in Annex 1. Care has been taken to present the views of the source as accurately and transparently as possible. The individual source should not be held accountable for the content of the report. For the sake of transparency, accuracy and reader-friendliness, the paragraphs in the note in Annex 1 have consecutive numbers, which are used in the footnotes when referring to the statements of the source. Not all details and nuances of the source's statements are addressed in the report, but all statements are kept in the note.

The research and editing of the report were finalised on 19 February 2026.

The report is available on the website of [us.dk](https://us.dk), thus available to all stakeholders in the refugee status determination process as well as to the public.

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<sup>1</sup> EUAA, *EUAA Country of Origin Information (COI) Report Methodology*, February 2023, [url](#)

## Abbreviations

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**AWOL** – Absent Without Leave (unauthorised absence from a military unit).

**COI** – Country of Origin Information.

**CPT** – (Council of Europe) Committee for the Prevention of Torture.

**DIS** – Danish Immigration Service.

**EU+** – European Union Member States plus associated countries used in asylum/migration contexts (commonly including countries such as Norway, Switzerland, Iceland, etc., depending on the definition used in the report).

**EUAA** – European Union Agency for Asylum.

**FOI** – Totalförsvarets forskningsinstitut (Swedish Defence Research Agency).

**KHPG** – Kharkiv Human Rights Protection Group.

**SIZO** – pre-trial detention centre in Ukraine (Ukrainian acronym commonly used for remand facilities).

**TCK** – Territorial Recruitment Centre.

**ToR** – Terms of Reference.

**TRC** – Territorial Recruitment and Social Support Centre.

**UAH** – Ukrainian hryvnia (currency).

# 1. Legal framework governing mobilisation and military service in Ukraine

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## 1.1 Martial law and general mobilisation

Since 24 February 2022, Ukraine continues to operate under martial law and general mobilisation, which have been repeatedly extended by presidential decrees approved by parliament. On 14 January 2026, the Ukrainian parliament, Verkhovna Rada, approved laws extending martial law and general mobilisation for another 90 days until 4 May 2026.<sup>2</sup> President Zelenskyy has stated that martial law *will end only after Ukraine receives security guarantees*.<sup>3</sup>

The legal basis for mobilisation is primarily contained in the Law of Ukraine *On Mobilisation Training and Mobilisation* and the Law of Ukraine *On Military Duty and Military Service*, both of which remain in force in their amended versions as well as the Ukrainian constitution.<sup>4</sup>

Under Article 22 of the Law *On Mobilisation Training and Mobilisation*, citizens who are liable for military service are required to comply with mobilisation measures and decisions taken by competent military authorities during mobilisation.<sup>5</sup> The law does not make mobilisation liability dependent on the prior receipt of an individual mobilisation order; instead, liability arises from the existence of mobilisation and the person's legal status.<sup>6</sup>

## 1.2 Latest amendments adopted in 2024

According to Landinfo, the Ukrainian parliament adopted a package of legislative amendments in April and May 2024 that significantly revised the legal framework governing mobilisation, military service, and conscription. Of the laws adopted during this period, two remain operative for the current mobilisation framework:

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<sup>2</sup> The New Voice of Ukraine, *Ukraine extends martial law and mobilization until May 4*, 14 January 2026, [url](#)

<sup>3</sup> The New Voice of Ukraine, *Ukraine extends martial law and mobilization until May 4*, 14 January 2026, [url](#)

<sup>4</sup> ЗАКОН УКРАЇНИ, *Про мобілізаційну підготовку та мобілізацію [On Mobilisation Training and Mobilisation]*, 4 December 2025, [url](#); ЗАКОН УКРАЇНИ, *Про військовий обов'язок і військову службу [On Military Duty and Military Service]*, 15 January 2026, [url](#); Ukraine, Constitution of Ukraine, 1996, [url](#), p. 17

<sup>5</sup> ЗАКОН УКРАЇНИ, *Про мобілізаційну підготовку та мобілізацію [On Mobilisation Training and Mobilisation]*, 4 December 2025, [url](#), Article 22

<sup>6</sup> ЗАКОН УКРАЇНИ, *Про мобілізаційну підготовку та мобілізацію [On Mobilisation Training and Mobilisation]*, 4 December 2025, [url](#)

Law No. 3127-IX, amending the Law *On Military Duty and Military Service*, lowered the general mobilisation age threshold from 27 to 25 years. This amendment expanded the category of men who may be mobilised during general mobilisation.<sup>7</sup>

Under the current legal framework, Ukrainian men aged 25-60 are liable for military service unless they have a lawful deferment or exemption may be mobilised. Men under the age of 25 may only be mobilised under limited circumstances, such as if they have prior military service, reserve status, or other specific qualifications.<sup>8</sup>

Landinfo identifies this amendment as a key and still-applicable change forming part of the current mobilisation regime.<sup>9</sup>

Law No. 3633-IX introduced comprehensive amendments affecting mobilisation, conscription, and military registration. Sources describes this law as the most extensive and overarching of the spring 2024 legislative changes.<sup>10</sup>

The law strengthened the legal obligations of men liable for military service, including by:

- tightening requirements related to military registration,
- increasing legal consequences for non-compliance with mobilisation-related obligations, and
- narrowing certain categories of exemption and deferment.<sup>11</sup>

Law No. 3633-IX remains fully applicable and constitutes a central element of the current legal framework governing mobilisation.<sup>12</sup>

### 1.3 Military registration obligations and administrative control

Ukrainian legislation places strong emphasis on military registration as a prerequisite for mobilisation. According to Totalförsvarets forskningsinstitut purpose of the legislative amendments adopted in 2024 was to make mobilisation more effective and transparent by

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<sup>7</sup> Landinfo, *Temanotat Ukraina: Mobilisering*, 2 May 2025, [url](#), p. 7

<sup>8</sup> Landinfo, *Temanotat Ukraina: Mobilisering*, 2 May 2025, [url](#), p. 8; ЗАКОН УКРАЇНИ, *Про внесення змін до деяких законодавчих актів України щодо окремих питань проходження військової служби, мобілізації та військового обліку* [On Amendments to Certain Legislative Acts of Ukraine Regarding Specific Issues of Military Service, Mobilization, and Military Registration], 11 April 2024, [url](#)

<sup>9</sup> Landinfo, *Temanotat Ukraina: Mobilisering*, 2 May 2025, [url](#), p. 7

<sup>10</sup> Landinfo, *Temanotat Ukraina: Mobilisering*, 2 May 2025, [url](#), p. 7; ЗАКОН УКРАЇНИ, *Про внесення змін до деяких законодавчих актів України щодо окремих питань проходження військової служби, мобілізації та військового обліку* [On Amendments to Certain Legislative Acts of Ukraine Regarding Specific Issues of Military Service, Mobilization, and Military Registration], 11 April 2024, [url](#)

<sup>11</sup> Landinfo, *Temanotat Ukraina: Mobilisering*, 2 May 2025, [url](#), p. 8

<sup>12</sup> Landinfo, *Temanotat Ukraina: Mobilisering*, 2 May 2025, [url](#), pp. 7-8; ЗАКОН УКРАЇНИ, *Про внесення змін до деяких законодавчих актів України щодо окремих питань проходження військової служби, мобілізації та військового обліку* [On Amendments to Certain Legislative Acts of Ukraine Regarding Specific Issues of Military Service, Mobilization, and Military Registration], 11 April 2024, [url](#)

regulating registration procedures, mobilisation processes, and basic military training, as well as clarifying who may be called up, who is entitled to deferment or exemption, and the consequences of evading service.<sup>13</sup>

Under Ukrainian law, all male citizens aged 18 to 60 are required to keep their personal data updated in the military register (“military registration”).<sup>14</sup> Registration and updates must be carried out either by contacting a Territorial Recruitment and Social Support Centre (TRC) or digitally via the Rezerv+ application.<sup>15</sup> Required information includes contact details such as telephone number and residential address.<sup>16</sup>

### *1.3.1 Registration obligations for Ukrainian men abroad*

The registration requirements also apply to Ukrainian men of conscription age 18 to 25 and mobilisation age 25 to 60 residing abroad.<sup>17</sup> According to Landinfo, male citizens abroad who do not have lawful grounds for exemption or deferment are subject to the same mobilisation obligations as those residing in Ukraine.<sup>18</sup>

Updated military registration is a prerequisite for accessing consular services, including passport issuance or renewal. Registration may be carried out at Ukrainian diplomatic missions or digitally via Rezerv+.<sup>19</sup> Consular services for men of conscription age who are not registered are generally limited to specific situations, such as applications for temporary travel documents for return to Ukraine (*laissez-passer*), consular assistance relating to children where the other parent is not a Ukrainian citizen, or cases involving arrest or detention.<sup>20</sup>

Mobilisation procedures are carried out by TRCs in cooperation with local state administrations, local self-government bodies, enterprises, institutions, organisations, and military and police authorities.<sup>21</sup>

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<sup>13</sup> Landinfo, *Temanotat Ukraina: Mobilisering*, 2 May 2025, [url](#), p. 7; Totalförsvarets forskningsinstitut (FOI), *Ukraine’s law on mobilisation: Positive effects and remaining dilemmas*, January 2025, [url](#), p. 3

<sup>14</sup> Landinfo, *Temanotat Ukraina: Mobilisering*, 2 May 2025, [url](#), p. 7; Visit Ukraine, *Mobilization in Ukraine: how electronic summonses and conscript’s office will work*, 1 February 2024, [url](#); Totalförsvarets forskningsinstitut (FOI), *Ukraine’s law on mobilisation: Positive effects and remaining dilemmas*, January 2025, [url](#), p. 3

<sup>15</sup> Landinfo, *Temanotat Ukraina: Mobilisering*, 2 May 2025, [url](#), p. 11; Totalförsvarets forskningsinstitut (FOI), *Ukraine’s law on mobilisation: Positive effects and remaining dilemmas*, January 2025, [url](#), pp. 3-5

<sup>16</sup> Landinfo, *Temanotat Ukraina: Mobilisering*, 2 May 2025, [url](#), pp. 11-12

<sup>17</sup> ЗАКОН УКРАЇНИ, *Про військовий обов’язок і військову службу [On Military Duty and Military Service]*, 15 January 2026, [url](#)

<sup>18</sup> Landinfo, *Temanotat Ukraina: Mobilisering*, 2 May 2025, [url](#), p. 11

<sup>19</sup> UNN, *From today, the Ministry of Foreign Affairs resumes providing consular services for men of military age*, 18 May 2024, [url](#)

<sup>20</sup> UNN, *From today, the Ministry of Foreign Affairs resumes providing consular services for men of military age*, 18 May 2024, [url](#)

<sup>21</sup> Totalförsvarets forskningsinstitut (FOI), *Ukraine’s law on mobilisation: Positive effects and remaining dilemmas*, January 2025, [url](#), p. 3

According to Landinfo, the requirement for conscripts to update their personal data, including through Rezerv+, has facilitated the authorities' ability to locate and summon liable persons, although challenges remain.<sup>22</sup>

Kharkiv Human Rights Protection Group (KHPG) described the military registration process as largely automated stating that all men reaching the age of 18 are automatically placed on the military register without visiting Territorial Recruitment Centres (TRCs). Information is drawn from territorial community registers, schools, and other sources.<sup>23</sup>

### 1.3.2 Mobilisation procedures

During mobilisation, men are summoned primarily through personal delivery of mobilisation orders. If a summons is sent by post, it must be delivered as a registered letter, requiring personal receipt rather than being left in a mailbox.<sup>24</sup> Summonses may also be delivered at the workplace or in public places.<sup>25</sup>

However, the mobilisation legislation adopted in 2024 allows for electronic delivery of summonses through the conscript's electronic portal. Once sent via this system, a summons is legally considered delivered, even if the recipient has not viewed it.<sup>26</sup>

Changes were also introduced regarding who is authorised to serve mobilisation summonses and where they may do so. Service may be carried out by:

- (i) representatives of Territorial Centres for Recruitment and Social Support (TCK) within their jurisdiction;
- (ii) representatives of district/city state administrations (military administrations) within their territory;
- (iii) representatives of executive bodies of local councils (village, settlement, city and city district councils, where established) within their administrative boundaries; and
- (iv) representatives of companies, institutions and organisations at the workplace and other locations where employees perform their duties.<sup>27</sup>

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<sup>22</sup> Landinfo, *Temanotat Ukraina: Mobilisering*, 2 May 2025, [url](#), p. 9

<sup>23</sup> KHPG: 14

<sup>24</sup> Landinfo, *Temanotat Ukraina: Mobilisering*, 2 May 2025, [url](#), p. 12

<sup>25</sup> Landinfo, *Temanotat Ukraina: Mobilisering*, 2 May 2025, [url](#), pp. 11-12

<sup>26</sup> Visit Ukraine, *Mobilization in Ukraine: how electronic summonses and conscript's office will work*, 1 February 2024, [url](#); Landinfo, *Temanotat Ukraina: Mobilisering*, 2 May 2025, [url](#), p.12

<sup>27</sup> MinFin, *Кабмин разрешил выдавать повестки круглосуточно. С 18 июля их будут рассылать по почте [The Cabinet of Ministers has authorized summonses to be issued around the clock. From 18 July, they will be sent by mail]*, 21 May 2024, [url](#)

In addition, representatives of the Security Service of Ukraine (SBU)—its relevant unit, central administration or regional bodies—may serve summonses nationwide, but only to reservists and conscripts registered with those bodies.<sup>28</sup>

Although the legal framework allows electronic delivery, the technical and organisational arrangements remain unresolved, and as of 2026, summonses were not yet being issued electronically in practice.<sup>29</sup>

KHPG further stated that a summons is deemed delivered once it has been posted to the address known to the TRC, regardless of whether the address is correct, whether it was actually received, or whether the person was aware of it. KHPG added that if a man fails to appear, he may be declared wanted, which constitutes evidence of evasion.<sup>30</sup>

A summons must contain specific information, including the identity of the person summoned, the issuing TRC, the purpose of the summons, and the place and time for appearance. Once a summons has been lawfully delivered, failure to appear without a valid reason constitutes an offence.<sup>31</sup>

Moreover, KHPG noted that the number of violations and abuses related to mobilisation issues is presently very high and that numerous cases of forced and unlawful mobilisation are known, including the mobilisation of individuals who are ill or seriously ill, including those suffering from cancer, mental illness, epilepsy, diabetes, etc.<sup>32</sup>

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<sup>28</sup> MinFin, *Кабмін дозволив видавати повістки круглодобово. З 18 липня їх будуть розсилати поштою* [The Cabinet of Ministers has authorized summonses to be issued around the clock. From 18 July, they will be sent by mail], 21 May 2024, [url](#)

<sup>29</sup> TSN, *Мобілізація в Україні: як по-новому вручатимуть повістки у 2026* [Mobilisation in Ukraine: how summonses will be served under the new rules in 2026], 27 January 2026, [url](#)

<sup>30</sup> KHPG: 16

<sup>31</sup> ЗАКОН УКРАЇНИ, *Про внесення змін до деяких законодавчих актів України щодо окремих питань проходження військової служби, мобілізації та військового обліку* [On Amendments to Certain Legislative Acts of Ukraine Regarding Specific Issues of Military Service, Mobilization, and Military Registration], 11 April 2024, [url](#)

<sup>32</sup> KHPG: 2, 30

## 2. Consequences of illegal departure and return to Ukraine

### 2.1 Persons who left Ukraine illegally

The act of crossing the border out of Ukraine illegally may constitute either an administrative or a criminal offence. Illegal border crossing with forged documents, with an attempt of bribery or organised human smuggling, is punishable by fine or imprisonment. Evasion from military service is punishable by imprisonment for a term of three to five years, whilst desertion may be punished with imprisonment for a term of 5 to 12 years.<sup>33</sup>

The act of crossing the border out of Ukraine illegally is primarily regulated under administrative law. Specifically, Article 204-1 of the Code of Administrative Offences of Ukraine stipulates that an attempt to cross the state border outside of designated border crossing points or using unauthorized means is punishable by an administrative fine ranging from UAH 3,400 to 8,500, or administrative arrest for up to 15 days.<sup>34</sup>

KHPG also described a debated category of cases where men left lawfully for example, for volunteering, participation in competitions, touring activities, etc., but later failed to return.<sup>35</sup> The organisation stated that such persons breached only a personal written undertaking to return to Ukraine within 30 days, and that such an undertaking does not constitute a law in the strict sense.<sup>36</sup> Nevertheless, the KHPG noted that Ukrainian officials regard such persons as having violated the exit rules, while current legislation does not explicitly classify them as such.<sup>37</sup>

KHPG stressed that the concept of unlawfulness requires differentiation. The organisation stated that individuals who left during the first days of the war (before 3 March 2022) crossed the border lawfully, since the Law of Ukraine approving the introduction of martial law was only adopted on 3 March.<sup>38</sup> The KHPG added that during that period (before 3 March), many men were in practice refused permission to cross the border.<sup>39</sup>

However, illegal exit may also be prosecuted under Article 336 of the Criminal Code (evasion of mobilisation) if the authorities can prove that the purpose of the illegal exit was to evade

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<sup>33</sup> Danish Immigration Service (DIS), *Ukraine: Exit rules, exemptions from military service/mobilization during martial law, documentation, punishment of evaders and deserters from military service*, June 2023, [url](#), p. 1

<sup>34</sup> Danish Immigration Service (DIS), *Ukraine: Exit rules, exemptions from military service/mobilization during martial law, documentation, punishment of evaders and deserters from military service*, June 2023, [url](#), p. 55

<sup>35</sup> KHPG: 5

<sup>36</sup> KHPG: 5

<sup>37</sup> KHPG: 5

<sup>38</sup> KHPG: 4

<sup>39</sup> KHPG: 4

mobilisation. In such cases, liability depends on the existence of evidence demonstrating intent to evade military service.<sup>40</sup>

According to official data from the Ukrainian government, a total of 618 persons were convicted under article 336 in 2024. All convicted individuals were Ukrainian citizens.<sup>41</sup>

Among those convicted, two were women. With regard to age at the time of the offence, 18 individuals were aged between 18 and 25 years, 73 were aged between 25 and 30 years, 451 were aged between 30 and 50 years, and 76 were aged between 50 and 65 years.<sup>42</sup> It is unclear what percentage of the convicted who were convicted of illegal border crossing.<sup>43</sup>

With regard to the Article 204-1 of the Criminal Code of Ukraine, which concerns the illegal crossing or attempted illegal crossing of the State Border of Ukraine, accounted for a total of 13,557 convicted persons.<sup>44</sup>

With regard to occupational and social status at the time of the offence, 440 were workers, two were civil servants, 23 were military personnel, 325 were pensioners, and 27 were unemployed. A total of 8,359 persons were of working age but were neither employed nor engaged in education at the time of the offence, while 1,490 persons were classified as having other types of occupation.<sup>45</sup>

The statistics also record 2,891 convicted persons under the category “other activities”, reflecting individuals whose employment status did not fall within the main predefined categories.<sup>46</sup>

Cases concerning refusal to comply with mobilisation orders are handled by the ordinary criminal courts, not by military courts.<sup>47</sup>

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<sup>40</sup> Danish Immigration Service (DIS), *Ukraine: Exit rules, exemptions from military service/mobilization during martial law, documentation, punishment of evaders and deserters from military service*, June 2023, [url](#), pp. 57-60

<sup>41</sup> Судова влада, *України № 7 ЗВІТ ПРО СКЛАД ЗАСУДЖЕНИХ [Ukraine No. 7 REPORT ON THE COMPOSITION OF CONVICTED PERSONS]*, 2024, [url](#)

<sup>42</sup> Судова влада, *України № 7 ЗВІТ ПРО СКЛАД ЗАСУДЖЕНИХ [Ukraine No. 7 REPORT ON THE COMPOSITION OF CONVICTED PERSONS]*, 2024, [url](#)

<sup>43</sup> Судова влада, *України № 7 ЗВІТ ПРО СКЛАД ЗАСУДЖЕНИХ [Ukraine No. 7 REPORT ON THE COMPOSITION OF CONVICTED PERSONS]*, 2024, [url](#)

<sup>44</sup> Судова влада, *України, № 1-п Звіт судів першої інстанції щодо розгляду справ про адміністративні правопорушення [No. 1-p: Report of courts of first instance on the consideration of cases involving administrative offences]*, 2024, [url](#)

<sup>45</sup> Судова влада, *України № 7 ЗВІТ ПРО СКЛАД ЗАСУДЖЕНИХ [Ukraine No. 7 REPORT ON THE COMPOSITION OF CONVICTED PERSONS]*, 2024, [url](#)

<sup>46</sup> Судова влада, *України № 7 ЗВІТ ПРО СКЛАД ЗАСУДЖЕНИХ [Ukraine No. 7 REPORT ON THE COMPOSITION OF CONVICTED PERSONS]*, 2024, [url](#)

<sup>47</sup> Forum 18, *Conscientious objectors prosecuted, jailed as "disobedient" soldiers*, 10 March 2025, [url](#); Intent, *Court Sentences Mykolaiv Man to 3 Years for Evading Mobilization*, 25 April 2025, [url](#); [KHPG: 22](#)

## 2.2 For people not formally summoned for mobilisation

Information from Ukrainian NGOs and humanitarian sources indicates that Ukrainians, who left Ukraine while being of mobilisation age, returning from abroad who were not formally summoned for mobilisation are generally not met with automatic arrest, criminal charges, or retrospective punishment solely because they left Ukraine; rather, consequences depend on whether a lawful mobilisation summons was ever issued. A source interviewed in November 2023 had not heard of Ukrainian citizens residing abroad being presented with a summons for mobilisation, e.g. through an embassy. Deserters returning from abroad would be presented with criminal liability upon return.<sup>48</sup>

KHPG emphasised that, due to the practice described above where summons deemed delivered once posted and non-appearance leading to “wanted” status, a returnee may still face coercive measures. As such, a person returning to Ukraine without having breached border rules still risks detention if they are listed as wanted for evasion of mobilisation.<sup>49</sup>

However, if the prosecutor can prove in court that a person illegally crossed the international border with the purpose of evading mobilisation, the perpetrator can be punished with imprisonment for a term of 3 to 5 years.<sup>50</sup>

### *2.2.1 Impact of legislative changes on past illegal departures*

KHPG stated that as a general rule under Ukrainian law, legislation does not have retroactive effect. Amendments apply only to events occurring after the law enters into force. The organisation added that an exception exists where a law improves the legal position of a person — in such cases, it has retroactive effect.<sup>51</sup>

### *2.2.2 Persons who resided in the EU+ prior to 2022 and subsequently return to Ukraine*

KHPG stated that Ukrainian men who resided in EU+ countries prior to 2022 and return to Ukraine afterwards are not, as such, considered to have breached border-crossing rules.<sup>52</sup> Any adverse consequences upon return would therefore primarily relate to military registration requirements, including the need to be registered and possess relevant military documentation.<sup>53</sup> For men aged 25 and above, issues may additionally arise regarding potential liability for evasion of mobilisation, depending on their status in the military registration system.<sup>54</sup>

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<sup>48</sup> Danish Immigration Service (DIS), *Ukraine – Mobilisation report*, April 2024, [url](#), pp. 86-87

<sup>49</sup> KHPG: 16

<sup>50</sup> Danish Immigration Service (DIS), *Ukraine – Mobilisation report*, April 2024, [url](#), p. 49

<sup>51</sup> KHPG: 6

<sup>52</sup> KHPG: 12

<sup>53</sup> KHPG: 14

<sup>54</sup> KHPG: 13

As already stated, military registration in Ukraine is largely “automated”, based on data from territorial community registers, schools and other sources, and notes that applications for passports/ID documents and enrolment in higher education may in practice require military registration.<sup>55</sup> Territorial Recruitment Centres (TRC) are reported to use these databases to issue summonses, which may be treated as delivered once posted to the registered address, regardless of actual receipt.<sup>56</sup> Failure to appear may result in the individual being listed as “wanted”, which the organisation links to evasion. On this basis, a returning man who did not breach border rules may nevertheless risk detention if he is registered as wanted for alleged mobilisation evasion.<sup>57</sup>

### 2.2.3 Criminal proceedings and enforcement practice for mobilisation-related offences

Mobilisation remains a highly sensitive issue in Ukraine. According to information from the KHPG, the topic is not currently a priority for broad public, legal, or political debate, and wider discussion is often avoided due to the risk of political speculation.<sup>58</sup>

According to KHPG, criminal cases concerning evasion of mobilisation under Article 336 of the Criminal Code, as well as unauthorised absence (AWOL) and desertion under Articles 407 and 408, are examined by courts of general jurisdiction.<sup>59</sup>

KHPG further provided approximate figures suggesting a substantial volume of cases, referring to about 19,000 cases relating to evasion of mobilisation and about 290,000 cases relating to AWOL and desertion.<sup>60</sup> At the same time, the organisation emphasised that there is no precise official statistical data available, stating that law enforcement authorities do not publish such information for security reasons.<sup>61</sup> KHPG also noted that in practice some military units reportedly accept individuals who have left another unit without imposing consequences, which is linked to the fact that soldiers may leave due to a perceived lack of alternative options to change their service conditions.<sup>62</sup>

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<sup>55</sup> KHPG: 14-15

<sup>56</sup> KHPG: 16

<sup>57</sup> KHPG: 16-17

<sup>58</sup> KHPG: 1

<sup>59</sup> KHPG: 22

<sup>60</sup> KHPG: 23; Цензор, *Майже 290 тисяч справ про СЗЧ і дезертирство відкрито за час повномасштабної війни, - Офіс генпрокурора. ІНФОГРАФІКА* [Nearly 290,000 cases of unauthorized leaving of a military unit and desertion have been opened during the full-scale war, the Office of the Prosecutor General says. INFOGRAPHIC], 14 October 2025, [url](#); Українська правда, *В Україні відкрили понад 19 тисяч справ щодо ухилення від мобілізації за час повномасштабної війни* [In Ukraine, more than 19,000 cases have been opened for evasion of mobilisation during the full-scale war], 5 November 2025, [url](#)

<sup>61</sup> KHPG: 24

<sup>62</sup> KHPG: 25

With regard to the serving of sentences, the KHPG stated that as of February 2026, there are no known cases of sentences actually being served for these categories of offences and that, for the reasons noted above, such information is not publicly available. However, the source assessed that if a sentence were enforced, it would be served in ordinary (civilian) institutions in cases of mobilisation evasion (Article 336), and in military disciplinary units in cases of desertion.<sup>63</sup>

## 2.3 Persons previously mobilised but temporarily exempt

According to the KHPG, individuals who were temporarily exempt - and who left Ukraine - must take active steps upon return: they must urgently visit the TRC to confirm their right to deferment.<sup>64</sup> If the competent authority confirms the deferment, they will not be mobilised.<sup>65</sup> However, where the exemption is no longer valid, KHPG states that the TRC has the right to mobilise the person, provided that medical and other requirements are met.<sup>66</sup>

KHPG further clarified that where the deferment has already expired, the individual is processed under ordinary mobilisation routines: individuals undergo standard mobilisation procedures, including a medical examination.<sup>67</sup> If considered fit, they are mobilised. At the same time, KHPG emphasised that returnees with expired deferments are not automatically singled out at the border. As such, they are not separately registered for immediate mobilisation at the border, but are treated as other persons subject to mobilisation.<sup>68</sup>

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<sup>63</sup> KHPG: 26

<sup>64</sup> KHPG: 19-21

<sup>65</sup> KHPG: 19

<sup>66</sup> KHPG: 19

<sup>67</sup> KHPG: 20

<sup>68</sup> KHPG: 21

### 3. Link between desertion and illegal exit

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Publicly available figures point to a sharp rise in AWOL and desertion. On 14 January 2026, Defence Minister Mykhailo Fedorov stated that about 200,000 soldiers were AWOL. In addition, The Kyiv Independent reported that October 2025 saw a record 21,602 AWOL/desertion cases, citing Prosecutor General's Office data.<sup>69</sup>

KHPG opined that cases in which desertion is followed by illegal exit from Ukraine are likely uncommon in practice. This is because an attempt to leave the country irregularly would entail a significant risk of contact with state authorities, which could result in the person being returned to military service and redeployed to the front. On this basis, it is assessed that such cases are unlikely to be widespread.<sup>70</sup>

At the same time, the KHPG emphasised that this assessment cannot be stated with certainty. Mobilisation-related issues are reportedly sensitive and are, to a considerable extent, avoided in public discourse.<sup>71</sup>

Where desertion does occur in combination with illegal exit, the source indicated that the conduct would be legally treated as a concurrence of offences for example unauthorised absence/desertion alongside unlawful border crossing. In such cases, criminal liability and sentencing would be determined in accordance with the principle that the more serious offence absorbs the less serious one, and sanctions would be imposed accordingly.<sup>72</sup>

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<sup>69</sup> Kyiv Independent, *Inside Ukraine's AWOL and military desertion crisis*, 16 January 2026, [url](#)

<sup>70</sup> KHPG: 31

<sup>71</sup> KHPG: 32

<sup>72</sup> KHPG: 33

## 4. Place of detention and nature of facilities

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When a custodial sentence is imposed in Ukraine for criminal offences such as evasion of mobilisation under Article 336 of the Criminal Code, the sentence is served within the civilian penitentiary system of Ukraine, administered by the State Penitentiary Service of Ukraine – which is a civilian agency under the Ministry of Justice.<sup>73</sup>

### 4.1 Pre-trial detention in criminal cases related to mobilisation

KHPG stated that there are no official reports of systematic pre-trial detention in such cases. The organisation further indicated that given the declared shortage of military personnel, the likelihood of widespread detention appears low.<sup>74</sup>

At the same time, the organisation assessed that the risk of detention is high in principle, but that this is often mitigated by the acute need for personnel at the front, meaning that individuals who might otherwise be detained are instead sent to the front line.<sup>75</sup>

With respect to the place of any judicial remand, KHPG stated that if one assumes that such situations do occur, these individuals would be held in pre-trial detention centres (SIZO), as these are the only type of institutions in which persons remanded in custody as a judicial measure are held.<sup>76</sup>

### 4.2 Conditions of detention

The following section provides an overview of recent documentation on the general conditions within the Ukrainian penitentiary system, covering both pre-trial detention and sentenced custody. For more detailed and comprehensive information, reference is made to the Danish Immigration Service's country reports *Ukraine – Prison Conditions* ([2021](#) and [2024](#)). No more recent information was identified within the timeframe of this report

#### 4.2.1 General environment and accommodation

Overcrowding is a structural problem across Ukrainian detention facilities, including both SIZO and correctional colonies.<sup>77</sup> Despite efforts to manage prison populations, overcrowding remains a systemic issue, stating that overcrowding has worsened in many detention facilities since the full-scale invasion.<sup>78</sup>

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<sup>73</sup> Yagunov, Dmytro, "THE UKRAINIAN PRISON AND PROBATION POLICY (1991 – 2024): MODULATIONS AND KEY INDICATORS", *European Journal of Economics and Management* (2024), 10, 4, September 2024, [url](#), pp. 18-19; Forum 18, *Conscientious objectors prosecuted, jailed as "disobedient" soldiers*, 10 March 2025, [url](#); Intent, *Court Sentences Mykolaiv Man to 3 Years for Evading Mobilization*, 25 April 2025, [url](#)

<sup>74</sup> KHPG: 28

<sup>75</sup> KHPG: 27

<sup>76</sup> KHPG: 29

<sup>77</sup> Danish Immigration Service (DIS), *Ukraine: Prison Conditions*, November 2021, [url](#), p. 22

<sup>78</sup> Danish Immigration Service (DIS), *Ukraine: Prison Conditions, 2024 update*, December 2024, [url](#), p. 1

Accommodation typically consists of large dormitory-style cells or shared rooms housing multiple inmates, with conditions varying considerably between institutions.<sup>79</sup> Heating, ventilation, personal space and hygiene conditions vary significantly and largely depend on funding and maintenance of the facility, and the infrastructure in many prisons has not been substantially modernised since Soviet times and was described as poor, not meeting international standards, and at times posing a serious threat to the life and health of prisoners.<sup>80</sup>

Persons awaiting trial are usually held in SIZO facilities, where conditions are described as more restrictive, with limited freedom of movement and stricter daily routines.<sup>81</sup> Once convicted, prisoners are typically transferred to correctional colonies, where the regime includes more structured daily activities such as work assignments, inspections and scheduled outdoor exercise.<sup>82</sup> Nevertheless, these facilities remain affected by the same overarching challenges relating to infrastructure and overcrowding.<sup>83</sup>

## 4.2.2 Nutrition and health care

Sources quoted in the DIS reports consistently identified deficiencies in nutrition and health care within Ukrainian detention facilities.<sup>84</sup> Food is provided according to rations set by the State Criminal Executive Service, but the quality and nutritional value are frequently described as insufficient. The reports state that the meals provided do not always meet the basic nutritional requirements, particularly in facilities experiencing high levels of overcrowding.<sup>85</sup>

With regard to health care, access is formally available but practically constrained by limited resources and staffing shortages.<sup>86</sup> The 2024 report notes that while some institutions have on-site medical units and provide basic primary care, access to specialised medical treatment or emergency care often requires referral to external hospitals, which may be delayed due to administrative procedures.<sup>87</sup> Both reports also underline that mental health services are limited, and that psychological conditions arising from stress, isolation and overcrowding are

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<sup>79</sup> Danish Immigration Service (DIS), *Ukraine: Prison Conditions*, November 2021, [url](#), p. 19

<sup>80</sup> Danish Immigration Service (DIS), *Ukraine: Prison Conditions*, November 2021, [url](#), p. 34

<sup>81</sup> Danish Immigration Service (DIS), *Ukraine: Prison Conditions, 2024 update*, December 2024, [url](#), pp. 18-20

<sup>82</sup> Danish Immigration Service (DIS), *Ukraine: Prison Conditions, 2024 update*, December 2024, [url](#), pp. 20; Danish Immigration Service (DIS), *Ukraine: Prison Conditions*, November 2021, [url](#), pp. 22-26

<sup>83</sup> Danish Immigration Service (DIS), *Ukraine: Prison Conditions, 2024 update*, December 2024, [url](#), pp. 18-20

<sup>84</sup> Danish Immigration Service (DIS), *Ukraine: Prison Conditions, 2024 update*, December 2024, [url](#), p. 21

<sup>85</sup> Danish Immigration Service (DIS), *Ukraine: Prison Conditions, 2024 update*, December 2024, [url](#), p. 18; Danish Immigration Service (DIS), *Ukraine: Prison Conditions*, November 2021, [url](#), pp. 25-26

<sup>86</sup> Danish Immigration Service (DIS), *Ukraine: Prison Conditions, 2024 update*, December 2024, [url](#), p. 21; Danish Immigration Service (DIS), *Ukraine: Prison Conditions*, November 2021, [url](#), pp. 28-30

<sup>87</sup> Danish Immigration Service (DIS), *Ukraine: Prison Conditions, 2024 update*, December 2024, [url](#), p. 21

not adequately addressed in many facilities.<sup>88</sup> External monitoring bodies have repeatedly raised concerns regarding the insufficiency of mental health support.<sup>89</sup>

### 4.2.3 Material conditions and hygiene

Hygiene standards are described as uneven and frequently inadequate, particularly in older facilities.<sup>90</sup> Sanitary installations are often communal, with limited privacy and insufficient access to hygiene products.<sup>91</sup> The 2021 report observes that hygiene conditions vary, and in some cases may fall below international standards, especially in situations where overcrowding is acute.<sup>92</sup>

Basic items such as bedding, clothing and personal necessities are provided by the institutions, but are often of low quality. Inmates frequently rely on family support to supplement basic provisions and that maintenance problems and supply shortages affect the quality of material conditions.<sup>93</sup>

### 4.2.4 Exercise, social contact and daily routine

For sentenced prisoners held in correctional colonies, daily outdoor exercise and access to structured activities, including work programmes or educational opportunities where available.<sup>94</sup> However, the availability and quality of such programmes vary significantly depending on the institution and its resources.<sup>95</sup>

Visits from family members and external contacts are permitted but subject to strict regulation, including advance scheduling and security controls.<sup>96</sup>

### 4.2.5 Oversight and human rights concerns

Both the 2021 and 2024 DIS reports refer to ongoing concerns raised by national and international monitoring bodies.<sup>97</sup> The Council of Europe's Committee for the Prevention of

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<sup>88</sup> Danish Immigration Service (DIS), *Ukraine: Prison Conditions, 2024 update*, December 2024, [url](#), p. 21;

<sup>89</sup> Danish Immigration Service (DIS), *Ukraine: Prison Conditions, 2024 update*, December 2024, [url](#), p. 21; Danish Immigration Service (DIS), *Ukraine: Prison Conditions*, November 2021, [url](#), pp. 28-30

<sup>90</sup> Danish Immigration Service (DIS), *Ukraine: Prison Conditions, 2024 update*, December 2024, [url](#), p. 19; Danish Immigration Service (DIS), *Ukraine: Prison Conditions*, November 2021, [url](#), pp. 26-27

<sup>91</sup> Danish Immigration Service (DIS), *Ukraine: Prison Conditions, 2024 update*, December 2024, [url](#), p. 19; Danish Immigration Service (DIS), *Ukraine: Prison Conditions*, November 2021, [url](#), pp. 26-27

<sup>92</sup> Danish Immigration Service (DIS), *Ukraine: Prison Conditions*, November 2021, [url](#), pp. 26-27

<sup>93</sup> Danish Immigration Service (DIS), *Ukraine: Prison Conditions, 2024 update*, December 2024, [url](#), p. 19; Danish Immigration Service (DIS), *Ukraine: Prison Conditions*, November 2021, [url](#), pp. 26-27

<sup>94</sup> Danish Immigration Service (DIS), *Ukraine: Prison Conditions, 2024 update*, December 2024, [url](#), p. 20; Danish Immigration Service (DIS), *Ukraine: Prison Conditions*, November 2021, [url](#), pp. 40

<sup>95</sup> Danish Immigration Service (DIS), *Ukraine: Prison Conditions, 2024 update*, December 2024, [url](#), p. 20; Danish Immigration Service (DIS), *Ukraine: Prison Conditions*, November 2021, [url](#), pp. 31-32

<sup>96</sup> Danish Immigration Service (DIS), *Ukraine: Prison Conditions, 2024 update*, December 2024, [url](#), p. 20; Danish Immigration Service (DIS), *Ukraine: Prison Conditions*, November 2021, [url](#), pp. 31-32

<sup>97</sup> Danish Immigration Service (DIS), *Ukraine: Prison Conditions, 2024 update*, December 2024, [url](#), pp. 11-13; Danish Immigration Service (DIS), *Ukraine: Prison Conditions*, November 2021, [url](#), pp. 10-14

Torture (CPT) and the Ukrainian Parliament Commissioner for Human Rights have repeatedly emphasised the need for improvements, particularly with respect to health care provision and overcrowding.<sup>98</sup>

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<sup>98</sup> Danish Immigration Service (DIS), *Ukraine: Prison Conditions, 2024 update*, December 2024, [url](#), pp. 11-13

## Bibliography

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Цензор, *Майже 290 тисяч справ про СЗЧ і дезертирство відкрито за час повномасштабної війни*, - *Офіс генпрокурора. ІНФОГРАФІКА* [Nearly 290,000 cases of unauthorized leaving of a military unit and desertion have been opened during the full-scale war, the Office of the Prosecutor General says. INFOGRAPHIC], 14 October 2025, <https://censor.net/ua/photonews/3579670/skilky-sprav-pro-szch-ta-dezertyrstvo-u-zsu-vidpovid-prokuratury> (accessed 18 February 2026)

Danish Immigration Service (DIS), *Ukraine – Mobilisation report*, April 2024, <https://us.dk/media/t1ihlhsq/ukraine-mobilisation-2024-til-usdk.pdf> (accessed 18 February 2026)

Danish Immigration Service (DIS), *Ukraine: Exit rules, exemptions from military service/mobilization during martial law, documentation, punishment of evaders and deserters from military service*, June 2023, [https://us.dk/media/ah1dhhgs/ukraine\\_coi-ffm-report-june-2023.pdf](https://us.dk/media/ah1dhhgs/ukraine_coi-ffm-report-june-2023.pdf) (accessed 18 February 2026)

Danish Immigration Service (DIS), *Ukraine: Prison Conditions*, November 2021, <https://www.ecoi.net/en/file/local/2064634/ukraine-prison-conditions-2021.pdf> (accessed 18 February 2026)

Danish Immigration Service (DIS), *Ukraine: Prison Conditions, 2024 update*, December 2024, <https://us.dk/media/tx1o42fe/ukraine-prison-conditions-2024.pdf> (accessed 18 February 2026)

EUAA, *EUAA Country of Origin Information (COI) Report Methodology*, February 2023, [https://coi.euaa.europa.eu/administration/easo/PLib/2023\\_02\\_EUAA\\_COI\\_Report\\_methodology.pdf](https://coi.euaa.europa.eu/administration/easo/PLib/2023_02_EUAA_COI_Report_methodology.pdf) (accessed 18 February 2026)

Forum 18, *Conscientious objectors prosecuted, jailed as “disobedient” soldiers*, 10 March 2025, [https://www.forum18.org/archive.php?article\\_id=2964](https://www.forum18.org/archive.php?article_id=2964) (accessed 18 February 2026)

Intent, *Court Sentences Mykolaiv Man to 3 Years for Evading Mobilization*, 25 April 2025, <https://intent.press/en/news/crime/2025/court-sentences-mykolaiv-man-to-3-years-for-evading-mobilization/> (accessed 18 February 2026)

Kyiv Independent, *Inside Ukraine's AWOL and military desertion crisis*, 16 January 2026, <https://kyivindependent.com/inside-ukraines-awol-and-desertion-crisis/> (accessed 18 February 2026)

Landinfo, *Temanotat Ukraina: Mobilisering*, 2 May 2025, <https://landinfo.no/wp-content/uploads/2025/05/Ukraina-temanotat-Mobilisering-02052025.pdf> (accessed 18 February 2026)

MinFin, *Кабмин разрешил выдавать повестки круглосуточно. С 18 июля их будут рассылать по почте* [The Cabinet of Ministers has authorized summonses to be issued around the clock. From 18 July, they will be sent by mail], 21 May 2024, <https://minfin.com.ua/2024/05/21/127335778/> (accessed 18 February 2026)

The New Voice of Ukraine, *Ukraine extends martial law and mobilization until May 4*, 14 January 2026, <https://english.nv.ua/nation/mobilization-and-martial-law-in-ukraine-extended-until-may-4-2026-50575662.html> (accessed 18 February 2026)

Totalförsvarets forskningsinstitut (FOI), *Ukraine's law on mobilisation: Positive effects and remaining dilemmas*, January 2025, <https://foi.se/rest-api/report/FOI%20Memo%208786> (accessed 18 February 2026)

TSN, *Мобілізація в Україні: як по-новому вручатимуть повістки у 2026* [Mobilisation in Ukraine: how summonses will be served under the new rules in 2026], 27 January 2026, <https://tsn.ua/exclusive/mobilizatsiia-v-ukrayini-iak-po-novomu-vruchatymut-povistky-u-2026-3008504.html> (accessed 18 February 2026)

Украинская правда, *В Україні відкрили понад 19 тисяч справ щодо ухилення від мобілізації за час повномасштабної війни* [In Ukraine, more than 19,000 cases have been opened for evasion of mobilisation during the full-scale war], 5 November 2025, <https://www.pravda.com.ua/news/2025/11/05/8005914/> (accessed 18 February 2026)

UNN, *From today, the Ministry of Foreign Affairs resumes providing consular services for men of military age*, 18 May 2024, <https://unn.ua/en/news/from-today-the-ministry-of-foreign-affairs-resumes-providing-consular-services-for-men-of-military-age> (accessed 18 February 2026)

Visit Ukraine, *Mobilization in Ukraine: how electronic summonses and conscript's office will work*, 1 February 2024, [https://visitukraine.today/blog/3302/mobilization-in-ukraine-how-electronic-summonses-and-conscripts-office-will-work?srsIid=AfmBOopgjODKDzm-dwBtqvEku94qWGWd6jbMDQpw2KR\\_VKKV7XWfOk](https://visitukraine.today/blog/3302/mobilization-in-ukraine-how-electronic-summonses-and-conscripts-office-will-work?srsIid=AfmBOopgjODKDzm-dwBtqvEku94qWGWd6jbMDQpw2KR_VKKV7XWfOk) (accessed 18 February 2026)

Yagunov, Dmytro, "THE UKRAINIAN PRISON AND PROBATION POLICY (1991–2024): MODULATIONS AND KEY INDICATORS", *European Journal of Economics and Management* (2024), Vol. 10, No. 4, September 2024, <https://yagunov.net/wp-content/uploads/2024/09/ukrainian-prison-policy-yagunov-2024-green.pdf> (accessed 18 February 2026)

ЗАКОН УКРАЇНИ, *Про мобілізаційну підготовку та мобілізацію* [On Mobilisation Training and Mobilisation], 4 December 2025, <https://zakon.rada.gov.ua/laws/show/3543-12#Text> (accessed 18 February 2026)

ЗАКОН УКРАЇНИ, *Про військовий обов'язок і військову службу* [On Military Duty and Military Service], 15 January 2026, <https://zakon.rada.gov.ua/laws/show/2232-12#Text> (accessed 18 February 2026)

## UKRAINE – RETURN AN MOBILISATION

ЗАКОН УКРАЇНИ, Про внесення змін до деяких законодавчих актів України щодо окремих питань проходження військової служби, мобілізації та військового обліку [On Amendments to Certain Legislative Acts of Ukraine Regarding Specific Issues of Military Service, Mobilization, and Military Registration], 11 April 2024, <https://zakon.rada.gov.ua/laws/show/3633-20#Text> (accessed 18 February 2026)

Судова влада України, № 1-п *Звіт судів першої інстанції щодо розгляду справ про адміністративні правопорушення* [No. 1-p: Report of courts of first instance on the consideration of cases involving administrative offences], 2024, [https://court.gov.ua/inshe/sudova\\_statystyka/zvit\\_dsau\\_2024](https://court.gov.ua/inshe/sudova_statystyka/zvit_dsau_2024) (accessed 18 February 2026)

Судова влада України, № 7 *ЗВІТ ПРО СКЛАД ЗАСУДЖЕНИХ* [Ukraine No. 7 REPORT ON THE COMPOSITION OF CONVICTED PERSONS], 2024, [https://court.gov.ua/storage/portal/main\\_site/zvit\\_2024/7\\_4.2024.xls](https://court.gov.ua/storage/portal/main_site/zvit_2024/7_4.2024.xls) (accessed 18 February 2026)

Ukraine, Constitution of Ukraine, 1996, [https://hcj.gov.ua/sites/default/files/field/file/the\\_constitution\\_of\\_ukraine.pdf](https://hcj.gov.ua/sites/default/files/field/file/the_constitution_of_ukraine.pdf) (accessed 18 February 2026)

## Annex 1: Meeting Minutes

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### Kharkiv Human Rights Protection Group

#### *General observations*

1. *At present, the issue of mobilisation in Ukraine is highly sensitive and, due to the continuation of the war, is not a priority for public, legal, or political debate. Certain initiatives are undertaken in this direction; however, owing to the high likelihood of political speculation, broad public discussion of this topic is largely avoided. This is also linked to the fact that the Russian Federation uses the issue of mobilisation as a tool to discredit the Ukrainian authorities and to demonstrate Ukraine’s alleged inability to continue the war. In other words, this topic is currently largely avoided in Ukraine.*

2. *At the same time, it should be noted that the number of violations and abuses related to mobilisation issues is presently very high. The Ukrainian authorities are pursuing a policy of total mobilisation and, whenever the authorities identify even the smallest opportunity to mobilise an individual, they will be mobilised. Numerous cases of forced and unlawful mobilisation are known, including the mobilisation of individuals who are ill or seriously ill (including those suffering from cancer, mental illness, epilepsy, diabetes, etc.). As a result, the level of public trust in all processes and bodies connected with mobilisation is extremely low. Consequently, the level of corruption in this sphere is also very high. These circumstances should be taken into account when analysing the situation and responding to the questions below.*

#### **Reaction of the authorities upon return to Ukraine without prior mobilisation**

3. The legal consequences for breaching the exit regulations are as follows: Article 204-1 of the Code of Ukraine on Administrative Offences — unlawful crossing or attempted unlawful crossing of the state border of Ukraine (e.g. crossing outside designated checkpoints, without documents, etc.) — entails: a fine; possible administrative arrest (in exceptional cases).

4. However, this issue requires significant differentiation, as the concept of “unlawfulness” may have different legal bases. For example, individuals who left during the first days of the war (before 3 March 2022) crossed the border lawfully, since the Law of Ukraine approving the introduction of martial law was only adopted on 3 March. At the same time, during that period (before 3 March), many men were in practice refused permission to cross the border.

5. The legality of border crossing also remains debatable in cases where men left lawfully (for example, for volunteering, participation in competitions, touring activities, etc.) but subsequently failed to return. Formally, they did not breach the law. They breached only a personal written undertaking to return to Ukraine within 30 days. However, such an undertaking does not constitute a law in the strict sense. Nevertheless, Ukrainian officials regard such persons as having violated the exit rules. Current legislation does not explicitly classify them as such.

6. As a general rule under Ukrainian law, legislation does not have retroactive effect. Amendments apply only to events occurring after the law enters into force. An exception exists where a law improves the legal position of a person — in such cases, it has retroactive effect. Accordingly, if a person was considered to have acted unlawfully under the previous law, but a new law provides that such conduct is no longer unlawful, the new provisions apply and the person should not be regarded as having committed a violation.

7. At present, it may be said in practical terms that Ukrainian citizens aged 18 to 22 who previously left unlawfully should not encounter problems upon returning to Ukraine.

8. However, the issue of military registration remains crucial. If such a person is not registered for military service and lacks the relevant documentation, they may incur liability for breaching military registration rules. Since conscription into the Armed Forces of Ukraine begins at the age of 25, even where such breaches occur, liability is administrative only:

9. Articles 210 and 210-1 of the Code of Ukraine on Administrative Offences:

Failure to register for military service in due time or breach of registration requirements — fine of approximately UAH 17,000 to 25,500 during martial law or a special period (for individuals). Higher fines may apply to officials.

10. Criminal liability may arise for more serious, repeated violations. For example, evasion of military registration following an official warning — where a person liable for military service or a reservist deliberately avoids registration for a prolonged period after an official warning from the Territorial Recruitment Centre (Ukrainian acronym: TCK/ТЦК) — may constitute a criminal offence. In such cases, a fine or corrective labour for up to one year may be imposed.

11. Evasion of military service (essentially, failure to appear following a summons) may also entail criminal liability.

### **Persons who were residing in EU+ countries before 2022 and return to Ukraine only afterwards**

12. Since they did not breach border-crossing regulations, any negative consequences would relate to military registration requirements. They must be registered and possess the relevant documentation.

13. For persons over 25, issues may arise concerning liability for evasion of mobilisation.

14. The underlying issue is that the process of military registration in Ukraine has been “automated”. All men reaching the age of 18 are automatically placed on the military register without visiting Territorial Recruitment Centres (TRCs). Information is drawn from territorial community registers, schools, and other sources.

15. Similarly, individuals applying for passports or other official documents (ID cards, etc.) are entered into the system. It is currently also impossible to enrol in higher education without military registration.

16. As a result, the TRCs maintain a database of men liable for military service and use it to issue summonses. A summons<sup>99</sup> is deemed delivered once it has been posted to the address known to the TRC, regardless of whether the address is correct, whether it was actually received, or whether the person was aware of it. If a man fails to appear, he may be declared wanted, which constitutes evidence of evasion.

17. Accordingly, a person returning to Ukraine without having breached border rules still risks detention if he is listed as wanted for evasion of mobilisation.

### **Reaction of the authorities towards persons with previous mobilisation status**

#### *Persons who were already mobilised but failed to comply*

18. Such individuals incur liability under Articles 210 and 210-1 of the Code of Ukraine on Administrative Offences or, where qualifying elements are present, under Article 336 of the Criminal Code of Ukraine.

#### *Persons previously mobilised but temporarily exempt (e.g. due to study, illness, injury), where the exemption has expired or will soon expire*

19. Such persons must urgently visit the TRC to confirm their right to deferment. If the deferment is confirmed, they will not be mobilised. If the status is lost, the TRC has the right to mobilise the person, provided medical and other requirements are met.

20. With regard to point temporarily exempted persons, it is particularly necessary to clarify:

If deferment has expired, individuals undergo standard mobilisation procedures, including a medical commission. If deemed fit for service (in practice, in approximately 99% of cases unless there is a well-documented and long-standing medical history), they are mobilised.

21. They are not separately registered for immediate mobilisation at the border; rather, they are treated as other persons subject to mobilisation.

### **Criminal proceedings and serving sentences in cases related to mobilisation**

22. Criminal cases concerning evasion of mobilisation (Article 336 of the Criminal Code) and unauthorised absence or desertion (Articles 407 and 408) are examined by courts of general jurisdiction.

23. Approximate figures:

- About 19,000 cases relating to evasion of mobilisation;
- About 290,000 cases relating to unauthorised absence and desertion.

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<sup>99</sup> A summons is considered officially delivered once it has been posted to the address on file with the Territorial Recruitment Centre (TRC), regardless of whether the address is correct, whether the person actually receives it, or whether they are aware that it has been sent.

24. There is no precise official statistical data, as law enforcement authorities do not publish such information for security reasons.

25. In practice, it is also known that some military units accept individuals who have left another unit without imposing consequences, often because soldiers leave due to lack of alternative options to change service conditions.

*In the event of a conviction, is the sentence served in civilian or military penal institutions*

26. At present, there are no known cases of sentences actually being served for these categories of offences. For the reasons outlined above, such information is not publicly available. However, if a sentence were to be enforced, it would be served in ordinary institutions in cases of evasion of mobilisation, and in military disciplinary units in cases of desertion.

### **Pre-trial detention in criminal cases related to mobilisation**

27. The risk of detention is high in principle, given general mobilisation practices. However, this risk is often mitigated by the acute need for personnel at the front, meaning that individuals who might otherwise be detained are instead sent to the front line.

28. As mentioned before, there are no official reports of systematic pre-trial detention in such cases. Given the declared shortage of military personnel, the likelihood of widespread detention appears low.

29. If we assume that such situations do occur, these individuals would be held in pre-trial detention centres (SIZO), as these are the only type of institutions in which persons remanded in custody as a judicial measure are held.

### **Risk of forced mobilisation**

30. The risk is very high. There are numerous reported instances of unlawful and forced mobilisation.

### **Link between desertion and illegal exit**

31. Such a route is likely an exception, as it entails significant risk of contact with state authorities and consequent return to the front. Logically, such cases are unlikely to be widespread.

32. However, it is not possible to state this with certainty. As noted, mobilisation issues are currently largely avoided in public discourse, and establishing the real situation would require specialised and in-depth research.

33. If a situation occurs where desertion is accompanied by illegal exit, the authorities would be legally qualified as a concurrence of offences (e.g. unauthorised absence and unlawful border

crossing). Liability would be determined under the principle whereby the more serious offence absorbs the less serious one, and sanctions would be imposed accordingly.

## Annex 2: Terms of Reference (ToR)

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### 1. Legal and practical consequences for Ukrainian men who have not been mobilised

- Applicable legislation and administrative practice concerning Ukrainian men of conscription age who have not previously received a mobilisation order.
- Legal and practical consequences for:
  - Persons who left Ukraine irregularly.
    - Applicable penalties or sanctions under current law.
    - Whether changes in legislation affect persons who left irregularly in the past but whose exit would be considered lawful under current regulations.
  - Persons who resided in the EU+ prior to 2022 and subsequently return to Ukraine.

### 2. Consequences for Ukrainian men who have been subject to mobilisation

#### a. Legal and practical consequences for men who:

- Have received a mobilisation order but failed to comply.
- b. Legal and practical consequences for men who:
  - Have previously been mobilised but were temporarily exempted from service due to studies, injury, illness or similar grounds.
  - Whose exemption period has expired or will expire shortly after return to Ukraine.

### 3. Criminal prosecution and punishment for refusal to comply with mobilisation

- Whether men who refuse mobilisation are in practice prosecuted and punished.
  - Whether proceedings take place before civil or military courts.
  - Types of penalties imposed in practice.
    - Place of detention (civil or military facilities).
    - Conditions of detention (physical conditions, food, access to health care and treatment).

**4. Pre-trial detention and detention prior to imprisonment**

- Whether mobilisation refusers risk pre-trial detention during criminal proceedings.
- Whether persons sentenced to imprisonment risk detention prior to serving the sentence.
  - Location of detention.
  - Whether facilities are civil or military.
  - Conditions of detention.

**5. Risk of forced mobilisation**

- Whether men who refuse to comply with a mobilisation order risk forced mobilisation in practice.

**6. Desertion and emigration patterns**