

Russian anti-war protesters, deserters and draft evaders are entitled to protection*

(Oslo 10 June 2026) Asylum seekers from Russia who, from the outset, have opposed the illegal war waged by Putin's regime against Ukraine and have refused military service should be granted protection. International law protects against return if it would result in forced conscription into an army that commits war crimes or other acts contrary to international law. The rejection of such asylum seekers, including Nikita and Olga Belov in Finland, may breach international protection criteria. Below is a presentation of the Belov case, along with arguments for why Finland should grant them protection.

Many cases involving draft evaders and deserters are handled by European states, including the case of [Georgy Avaliani](#) in Germany. Setting a precedent by granting protection to people at real risk of being sent to the frontline in Ukraine or of being sentenced to long prison terms is paramount.

The Belov case

Olga and Nikita Belov are a mother and son from Russia seeking political asylum in Finland.² In September 2021, Nikita began working as an engineer at the Central Research Institute of Ferrous Metallurgy in Moscow. After learning that the project he was working on might support Russia's war effort, he refused to continue and sought to resign. His employer warned that he would be reported to the Ministry of Defence for military conscription and threatened him with violence. Nikita was eventually dismissed without warning for allegedly failing to attend work. Olga Belov, a specialised medical professional and anaesthesia nurse, was also facing mounting pressure in a health system mobilised for war.

In August 2022, they fled Russia and travelled to Finland. On 2 September 2022, they applied for asylum. While awaiting a decision on their asylum application, they became active

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² The facts of the case have been taken from media reports and direct talks with Olga and Nikita Belov.

supporters of the Ukrainian armed forces, helping to fund, supply, and coordinate aid for them. In addition to providing material aid, they became local representatives of the Finnish-Estonian Pro-Ukraine volunteer organisation FinEst in Uusikaupunki.

Although the risks to the Belov family are well documented, the Finnish authorities have rejected their asylum application. The Finnish Immigration Service acknowledged their anti-war views and the security concerns they raised, but still refused their application.

The Belovs' appeals have so far been rejected at every level, including by the Supreme Administrative Court. The Finnish authorities found that they face no real risk of harm on their return to Russia.

The Russian authorities, however, have taken actions that clearly show they intend to enlist Olga and Nikita in their war effort. After the family left Russia, the authorities issued multiple military summonses ordering Nikita to report to an enlistment office and began searching for him. State-linked actors have actively sought to identify and locate them. The police raided their relatives' apartments, seeking information about Olga and Nikita and pressuring the relatives to persuade them to return to Russia.

In addition, the Belovs have repeatedly received online death threats and intimidation messages from Russian citizens, further indicating that a safe future for them in Russia is unlikely.

On 24 April 2026, the Belovs were detained by Finnish authorities pending deportation. On 27 April, the Helsinki Administrative Court suspended the decision pending the outcome of their appeal. They have been released since 28 April; however, the deportation proceedings remain pending, and a final decision may be issued in the near future.

Finland's approach risks conflating routine immigration enforcement with a case of political persecution. If Finland upholds its decision to send the Belovs to Russia, it will set a dangerous precedent across Europe.

Legal arguments

There are two main legal arguments against deporting the Belovs to Russia.

Firstly, Finland risks violating the principle of non-refoulement by failing to provide protection (asylum) to those at risk of serious harm. The principle holds that a person must not be sent to a place where they would face persecution, torture, or other grave human rights violations.

Because Nikita and Olga refused to support Russia's war effort through their work and because they have been active in supporting the Ukrainian military, they are at heightened

risk of prosecution for treason, which carries long prison sentences in Russia's infamous prisons.

Under Article 33(1) of the 1951 Refugee Convention, "No Contracting State shall expel or return ('refouler') a refugee in any manner whatsoever to the frontiers of territories where his life or freedom would be threatened..." Grounds for protection include race, religion, nationality, political opinion, and membership of a particular social group, and these apply regardless of how the person entered the country. A state must not return a person if there is a real and foreseeable risk of torture or of cruel, inhuman, or degrading treatment; extrajudicial killing or enforced disappearance; arbitrary detention with severe abuse; or persecution (including serious discriminatory punishment).

Human rights law provides clear protection against refoulement, including Article 3 of the UN Convention against Torture (CAT), Article 7 of the International Covenant on Civil and Political Rights (ICCPR), and Article 3 of the European Convention on Human Rights (ECHR). Under these instruments, no balancing against national security applies, and no derogation in emergencies is permitted to any person, including refugees. Non-refoulement is therefore widely regarded as customary international law. The prohibition of refoulement to torture or inhuman treatment is *jus cogens*.

The 15 May 2026 [Chisinau Declaration](#), adopted by the Committee of Ministers of the Council of Europe, emphasises that "the prohibition of torture and inhuman or degrading treatment or punishment under Article 3 of the [European] Convention [on Human Rights] is absolute. It permits no derogation, contains no exceptions, and allows for no legitimate interference." This protection also extends to "inhuman or degrading treatment or punishment".

The Declaration is significant because it clarifies the circumstances under which Member States believe they may extradite or expel migrants without violating the Convention. It sends a clear message that all Council of Europe Member States agree to be bound by the Convention's principle of non-refoulement.

These international obligations are directly reflected in Finnish domestic law. Section 9(4) of the Constitution of Finland (731/1999) provides that "a foreigner shall not be deported, extradited or returned to another country if, as a result, they are in danger of a death sentence, torture or other treatment violating human dignity."

This constitutional guarantee is further operationalised by the Aliens Act (301/2004). Section 147 of the Aliens Act prohibits returning any person to an area where they could face the death penalty, torture, persecution, or other treatment that violates human dignity, or to an area from which they could be transferred to such an area.

Section 87a of the Aliens Act, which transposes Article 9(2)(e) of the EU Qualification Directive, recognises as an act of persecution the prosecution or punishment for refusing to perform military service in a conflict in which such service would involve crimes within the scope of the exclusion grounds.

Even if refugee status or subsidiary protection is denied, Section 89 of the Aliens Act requires the issuance of a temporary residence permit where the non-refoulement principle applies, ensuring that Finland cannot remove a person to a risk of serious harm, irrespective of other grounds for refusal.

Returning the Belovs to Russia would pose a high risk of immediate detention. Under Article 59 of the Constitution, all Russian citizens have «a duty and obligation» to defend the country, and a citizen is obliged to perform military service in accordance with the federal law on About Conscription and Military Service (March 28, 1998, No. 53-FZ).

The Presidential decree of the Russian Federation of 21 September 2022, No. 647, declared partial mobilisation in the Russian Federation from that date. Federal Law No. 53-FZ has been amended and is linked to the Criminal Code, which has also been amended several times. Under Article 338 of the Criminal Code, desertion committed during a period of mobilisation or martial law can result in a prison sentence of up to 15 years. Desertion is defined as the unauthorised abandonment of a military unit or place of service to evade military service, as well as failure to report for duty for that purpose.

Additionally, their support for the Ukrainian armed forces may result in prosecution for treason, which carries severe penalties, including [life imprisonment](#).

According to the UN Special Rapporteur on Russia, “torture and other cruel, inhuman or degrading treatment or punishment are used as State-sanctioned tools for systemic oppression”, particularly in police custody, administrative detention, and the penitentiary system. Her [report](#) emphasises the widespread use of electric shocks, prolonged solitary confinement, psychological abuse, sexual violence, and enforced disappearances.

Russia was a party to the European Convention for the Prevention of Torture (CPT) and underwent 30 CPT visits between 1998 and 2021, focusing on pre-trial detention and penitentiary establishments. Although only four visit reports have been published, they raised serious concerns, including overcrowding, disease, and systemic torture. Russia's withdrawal from the CPT means it no longer accepts independent external oversight of places of deprivation of liberty.

In addition, Human Rights Watch, Amnesty International and Russian human rights groups have provided extensive reporting on severe human rights abuses in Russia's penitentiary system, including torture of Ukrainian captives and Russian anti-war protesters.

Secondly, international humanitarian law includes provisions relevant to the case, clarifying that even when states are permitted to enforce conscription, they cannot compel participation in international crimes, including war crimes, crimes against humanity, and genocide.

The International Committee of the Red Cross (ICRC) consistently affirms that International Humanitarian Law (IHL) prohibits compelling individuals to participate in hostilities if doing so would require them to commit war crimes or other serious violations of IHL. Individuals incur criminal [responsibility](#) for war crimes, and [superior orders](#) are not a defence for manifestly unlawful acts.

Accordingly, the UN High Commissioner for Refugees (UNHCR) provides [guidance](#) that if military service requires participation in acts condemned by the international community, punishment for refusal may constitute persecution (UNHCR [Handbook](#) §171).

Disproportionate or persecutory punishment is an aggravating circumstance, including torture or inhuman treatment, punishment based on political opinion, ethnicity, or religion, or repeated or arbitrary punishment.

In conclusion, while IHL prohibits compelling individuals to commit violations of IHL, refugee law recognises that return is prohibited where individuals face a real risk of being compelled to commit such violations.

As an EU Member State, Finland is bound by the Qualification Directive (Directive 2011/95/EU). Article 9(2)(e) explicitly classifies as an act of persecution the prosecution or punishment for refusing to perform military service in a conflict in which such service would involve committing crimes against peace, war crimes, or crimes against humanity.

This protection is firmly established in European Union jurisprudence by two landmark rulings of the Court of Justice of the European Union (CJEU).

In *Shepherd v Bundesrepublik Deutschland* (Case C-472/13), the CJEU held that Article 9(2)(e) of the Qualification Directive applies to all military personnel, including those in logistical or support roles. The Court clarified that even indirect participation in the commission of war crimes falls within the scope of this provision, provided that, by performing their tasks, the individual would reasonably be expected to provide indispensable support to the preparation or execution of such crimes.

Building on this, in *EZ v Bundesrepublik Deutschland* (Case C-238/19), the CJEU further extended protection. The Court held that Article 9(2)(e) does not require the person concerned to formalise their refusal to serve by following a specific procedure; fleeing the country to avoid conscription may itself constitute a refusal to perform military service.

The Court ruled that even where a conscript does not yet know their future field of military operation, the performance of military service may, directly or indirectly, involve the commission of crimes referred to in Article 12(2) of the Directive, where *the overall situation* makes it credible that such crimes would be committed. In the context of a conflict characterised by the repeated and systematic commission of such crimes by the armed forces using conscripts, the CJEU held that there is a strong presumption that a refusal to perform military service is connected to one of the five grounds for persecution set out in Article 10 of the Directive.

Read together, these rulings establish that individuals who flee conscription into armed forces credibly implicated in systematic war crimes or crimes against humanity may qualify for refugee status under EU law, even if they have not received a formal call-up order and irrespective of the specific military role they would have been assigned to.

There are also other concerns related to the case. We believe that deportation to Russia would cause *irreversible* harm. If returned, there will be no effective remedy, and the likelihood of their fleeing Russia again is very low.

It is well documented, for example by the Independent International [Commission](#) of Inquiry on Ukraine, that the treatment of troops within the Russian armed forces is characterised by “extreme violence and coercion, arbitrarily ordered or practised by commanders. Soldiers described being treated like “cannon fodder” or “disposable material”, sent on so-called “meet assaults” without preparation, equipment, or an evacuation plan, and forced to advance at all costs. They reported the shooting of soldiers, mock executions, severe beatings, tying soldiers to trees, and detention in pits. Their testimonies demonstrate a total disregard for human life and dignity.”

The case concerns Nikita and Olga's refusal to participate in Russia's war against Ukraine and the resulting need for protection. However, it is also a case in which countries supporting Ukraine's defence against Russia's aggression should demonstrate policy and decision-making consistency.

By protecting draft evaders, deserters, anti-war protesters, and Russian citizens who support Ukraine, Finland and other countries can contribute to upholding international law more broadly by limiting Russia's access to new troops and thereby supporting Ukraine.

Protection provided in similar cases

The Belov case is emblematic. Thousands of Russian draft evaders and deserters are seeking asylum in Germany, the Baltics and other European countries, yet only a minority are granted protection. Most applicants are rejected, particularly when the draft notice has not yet been issued or when deployment to actively contested war zones is deemed unlikely. Even deserters who have been tortured are rejected, as illustrated by Avaliani's case.

European states need to rethink their position. There are signs that such a rethink may be underway, with some applicants receiving favourable protection decisions, including landmark court rulings in Latvia and France.

In May 2026, the Latvian Administrative Regional Court [granted](#) refugee status to a Russian draft-age male, holding that even ordinary military service in Russia entails a real risk of participation in the war against Ukraine and of criminal punishment for refusal. Relying on updated country information from the European Union Agency for Asylum (EUAA), the court found that the likelihood of deployment was sufficiently high and that refusal would expose the applicant to prosecution and imprisonment. The court rejected the argument that protection requires prior draft notice or a mobilisation order and held that the risk was individualised and foreseeable.

As early as July 2023, France's National Court of Asylum [held](#) that Russian nationals who fled mobilisation or deserted because they refused to fight in Ukraine were eligible for refugee status under EU asylum law.

The court specifically stated that Russia has committed war crimes in Ukraine, that mobilisation is widespread, and that Russian men cannot effectively refuse military service or seek civilian alternatives. Asylum seekers must, however, prove the risk of forcible conscription, not merely reserve status.

In October 2024, France's government granted entry visas to a group of six Russian deserters and their partners, allowing them to travel to France to apply for asylum despite lacking valid passports. This marks the first known instance of an EU country offering such direct support to deserters. This policy move may be seen as complementing the asylum court's 2023 ruling, signalling the practical implementation of protection principles.

Building on such precedents, Finland can play an important role in strengthening protection.

The argument that the Belovs are not widely known figures, such as opposition leaders or profiled human rights defenders, is unconvincing. Their anti-war actions and support for Ukraine, as reported by the media, put them at high risk of severe human rights violations.

Conclusions

The case of Nikita and Olga Belov highlights a gap between current asylum practices and the fundamental principles of international law. Where credible evidence shows that individuals face a real risk of persecution, imprisonment, or forced conscription into armed forces that commit war crimes, states should provide protection.

In the Belov case, the combination of documented threats, direct actions by Russian authorities, and their visible anti-war activities demonstrates a level of risk that meets the threshold under international law.

Given the severity of the penalties for treason and for supporting Ukraine, the risk is not abstract but concrete and foreseeable. In such circumstances, deportation would violate the principle of non-refoulement, which prohibits returning individuals to situations where their lives or freedoms are threatened.

Beyond the individual consequences, the broader implications of this case should also be considered. Decisions in cases like the Belovs' do not exist in isolation. They shape legal interpretation and influence how similar cases are handled across Europe.

A restrictive approach may lower the threshold for future deportations, thereby narrowing access to protection for those fleeing persecution. It sets a dangerous precedent amid the ongoing war in Ukraine and the growing repression of dissent in Russia.

Finland should grant asylum to Nikita and Olga Belov, thereby helping to achieve similar outcomes for anti-war protesters and draft evaders seeking protection across Europe.