

Human Security Lab

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Protecting Civilian Men's Right to Flee the Ukraine War *Strategic and Humanitarian Impacts*

EXECUTIVE SUMMARY

The Russian invasion of Ukraine has put civilian men, women and children at extreme risk of massacre, rape and bombardment by Russian forces. To defend the country, President Zelensky called for martial law shortly after Russian forces began their illegal invasion. Among other restrictions, this law prohibited approximately 9,456,905 civilian men ages 18 to 60 from fleeing an active conflict zone. Although meant to ensure the nation's protection from an existential threat, these gender-specific restrictions are unnecessary, counterproductive, divisive, and unpopular among a majority of Ukrainians. In addition, despite being intended to protect the country, the gender-specific travel ban has inadvertently exacerbated the humanitarian impact of the war and Russian war crimes on civilian men and their families, including gender and sexual minorities. Two surveys of over 4,000 Ukrainian citizens and an analysis of 29,500 citizen comments on petitions to overturn this rule suggest both strategic and humanitarian reasons for the Zelensky government to relax the travel ban. Human Security Lab recommends the travel ban be lifted and the protection of civilians be prioritized regardless of age or gender so long as Ukrainian civilians of all genders face armed conflict and potential war crimes by Russian forces.



Aris Messinis/AFP via Getty Images

KEY POINTS:

- Russia's illegal invasion of Ukraine has placed the nation under threat, to which Ukraine's volunteer military and trained reservists have delivered a swift defense and counter-offensive.
- Untrained civilian men are under particular threat from Russia's military onslaught, and civilian men are particularly vulnerable to gender-selective massacres in conflict zones generally.
- Ukraine's current law restricting civilian men from leaving the country with their families leaves these male civilians at risk from Russian troops.
- Women (including transgender women), children and students are also harmed by the travel ban separating them from their loved ones and exposing them to greater risks in flight including sexual exploitation and trafficking.
- The rule banning civilian men 18-60 from leaving the country has unclear strategic benefits but several strategic downsides: increasing corruption, undermining war morale and national unity, and potentially encouraging unfit or unwilling men to serve while foregoing their use crowd-funding military supply abroad.
- Ukrainian public opinion is divided on the travel ban. A majority of Ukrainians prefer changes to the law or oppose it outright.
- Women are particularly in favor of changing the law.
- The Zelensky administration should lift the ban to maintain war morale, increase support from abroad, and align with international human rights and refugee law standards.
- Civilian protection and human rights organizations should advocate for all civilians regardless of gender and promote a more just, gender-neutral understanding of civilian protection in all conflict zones.

BACKGROUND / OVERVIEW: Russia’s invasion of Ukraine in February 2022, coupled with its earlier incursions in Donbas since 2014, has had a disastrous impact on civilian life, killing thousands of civilians, injuring many thousands more, and destroying civilian property, infrastructure and the environment. Russian forces have committed numerous violations of international humanitarian law, including indiscriminate and disproportionate bombing and shelling of civilian areas. In areas they occupied, Russian forces committed apparent war crimes, including torture, summary executions, sexual violence and enforced disappearances.

Shortly after Russia invaded Ukraine in February 2022, Ukrainian President Volodymyr Zelensky declared martial law and submitted a notice to the United Nations announcing his intention to derogate from his country’s obligations under various human rights treaties on national security grounds.¹ Among these derogations was the right to freedom of movement: Ukraine implemented a gender-specific travel ban that restricts men ages 18 to 60 from leaving the country, but for a few strict exemptions.² Over a year later, the ban remains in effect, with millions of men (and many transgender women) subject to its provisions. This policy was conceived and justified as an emergency measure to protect the civilian population by mobilizing the citizenry to defend the country. However, it has had unexpected strategic and humanitarian impacts and should be reconsidered.

This briefing note is based on conversations with an interdisciplinary network of experts in gender, international security

and civilian protection; correspondence with civil society organizations, citizens and activists inside Ukraine; consultations and feedback with international practitioners from the human rights, civilian protection and conflict mitigation sectors; a machine-learning analysis of over 29,500 citizen comments on petitions to the Zelensky government; and two random surveys of over 4,000 Ukrainian citizens conducted between July 2022 and June 2023 and weighted against the most recent census. We also draw on significant reporting and scientific literature to document humanitarian and strategic impacts of this policy, and conclude the ban on men aged 18-60 crossing the border should be lifted when the martial law is renewed or sooner if possible.

HUMANITARIAN IMPACTS: Russian aggression is the key threat to Ukrainian civilians in this war. However, for the past eighteen months, Ukraine’s travel ban on men 18-60 has inadvertently and unintentionally exacerbated the risk of war for the civilian population.³ Unmobilized civilian men and boys (and transgender women misperceived as men) are at particular risk of gender-selective killing by Russian forces; all civilians trapped in the country face economic deprivation, indiscriminate shelling by the Russian military, and psycho-social harm; further, LGBTQI persons, including men, are at particular risk of persecution from Russian forces.⁴ Family separation also adversely affects women and children fleeing a conflict zone, and the desire to remain together with their men who cannot flee has inadvertently incentivized many women and children

to stay in harm’s way, increasing their risk of bombardment. Even some men with legitimate paperwork and exemptions - including students - have been turned away by border guards and remain trapped in the country.

Although nations are permitted to conscript their citizens in time of war, the vast majority of those subject to this travel ban are *not actually being conscripted* and thus remain (and have been appealing for relief as) civilians. As civilians, they are entitled to the protection of humanitarian law and to enjoy their human rights without discrimination based on gender or other factors, under the Geneva Conventions and the International Covenant on Civil and Political Rights, which Ukraine ratified in 1973.⁵ Indeed, the ability to flee a situation of armed conflict is a standard and basic civilian protection mechanism, one that saves civilian lives and makes it easier for warring parties to distinguish soldiers from civilians.

Instead, on the basis of gender these men are being forced to remain in a situation of

MEN AS CIVILIANS AT RISK:

Top Phrases in Citizen Petitions To End the Travel Ban

a weapon in his hands (163) can not leave the country (205) did not serve in the (237)
do not have military experience (282)
do not know how to (258) has no military experience and (152) have never held a weapon (132)
have no military experience and (173) have no military experience i (185)
he has no military experience (157)
husband has no military experience (264)
i have no military experience (476)
i want to go abroad (232) men who do not have (185)
my husband has no military (248) never held a weapon in (234)
not know how to fight (180) not serve in the army (225) should have the right to (151)
the armed forces of ukraine (171) to go abroad with my (140) want to go abroad with (134)
who do not have military (265) who do not know how (166)
will not be able to (399)

Although it is often assumed men are presumptive fighters in armed conflicts, men have appealed as *civilians* for protection from the war and the ability to flee to safety with their families. This tag-cloud is a mathematically generated analysis of the top twenty-five 5-word phrases in over 29,000 citizen comments scraped from five different petitions to President Zelensky since February 2022, visualized by Tagcrowd.

¹ United Nations, *Ukraine: Notification Under Article 4(3) of the International Covenant on Civil and Political Rights*, submitted to the UN Secretary General, March 1, 2022.
² Asha C. Gilbert, “Reports: Ukraine Bans All Male Citizens Ages 18 to 60 from Leaving the Country,” *USA Today*, February 25, 2022.
³ Simon Schlegel, “Mitigating the Gendered Effects of Ukraine’s Refugee Crisis,” *International Crisis Group*, March 16, 2022.
⁴ David DeGroot, *At a Glance: Russia’s War on Ukraine: The Situation of LGBTI People*, European Parliamentary Research Service, May 2022.
⁵ United Nations, *International Covenant for Civil and Political Rights*, Article 12; ICRC, *Customary IHL Database*, “Rule 55: Access for Humanitarian Relief to Civilians in Need,” and “Rule 105: Respect for Family Life.”

armed conflict in which they are vulnerable like other civilians to bombardment, deprivation and psychosocial harm, and particularly vulnerable to armed attack as civilian men. The situation is also compromising Ukraine's war effort by affecting domestic morale, depriving the nation of remittances and additional crowd-funding for military supply, and risking adverse impacts on military effectiveness. Survey data suggests many citizens would stay even if given the chance to leave, and others would return if called up for training, but prefer to serve the country in other ways until then from abroad.

Civilian Men: Particularly Vulnerable, Often Overlooked.

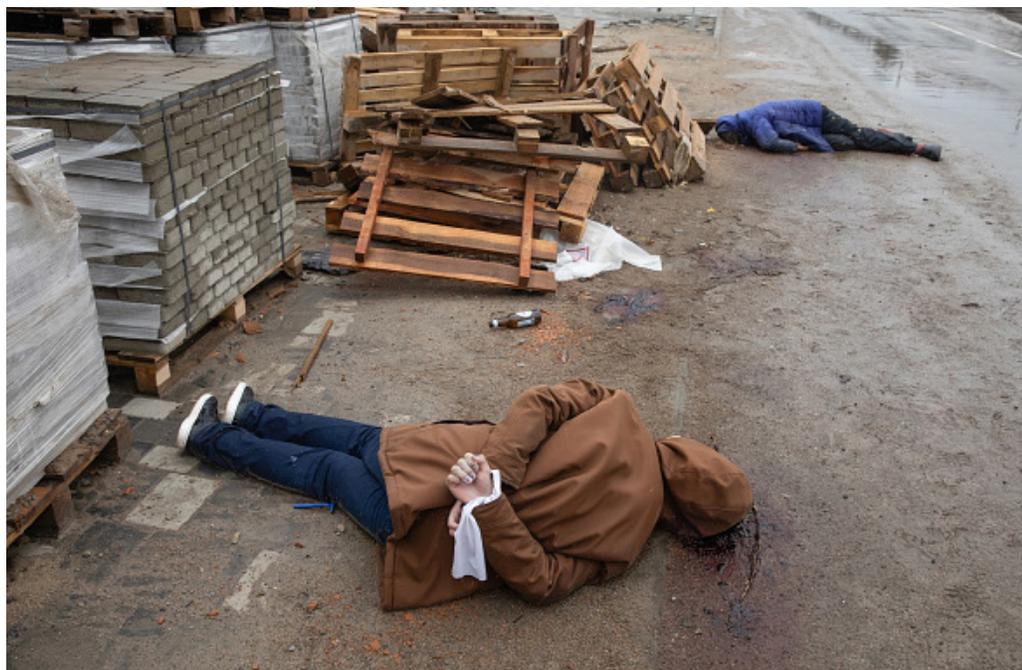
The specific vulnerabilities of unmobilized, untrained and unarmed civilian men and boys in conflict zones are well-documented in dozens of conflicts.⁶ Civilian men are particularly at risk in conflict zones because of the *perception* by combatants that they are legitimate targets.⁷ For example, civilian men were separated out and massacred in Srebrenica while women and children were evacuated by peacekeepers and aid groups.⁸ In Ukraine, the Bucha massacre (among others) targeted primarily adult men.⁹ Men and boys, like women, are also vulnerable to conflict-related sexual violence.¹⁰ Political science research shows these vulnerabilities are overlooked by policymakers, the global public, and even human rights groups due to gendered perceptions about civilians in conflict zones.¹¹

In addition to these particular harms to which civilian men are especially vulnerable, the travel ban leaves civilian men at risk of similar harms as other civilians, including economic deprivation, indiscriminate shelling, and psychosocial harm.¹² With unemployment expected to remain at 26% this year, many men are unable to work, and civilians report savings and food running out.¹³ One survey respondent wrote, "People like me who cannot serve for health reasons, also cannot leave the country to work and therefore have to sit on the last financial reserves... I don't even want to think, the money is almost over, they don't pay anything at work, I don't know what to do."

Impacts on Families, Children, Women and Transgender Persons.

This law also harms other civilians not explicitly subject to the law.¹⁴ When women and children are forced to flee without the men of their families, it creates obstacles to evacuation of women and children themselves from war-torn areas.¹⁵ Describing separation from their loved ones as "a little death," Ukrainian women have described a sense of guilt as they leave without their men.¹⁶ In some cases, children have been left behind in the war zone with fathers because pregnant mothers cannot manage on their own in flight. In others, refugees have returned into areas under bombardment in order to be close to their loved ones.¹⁷ Those women and children who do flee without their men risk physical and sexual violence: an ICRC survey of women who fled to Poland found 28% of them had experienced being at high risk for sex trafficking, while 19% experienced sexual or physical violence.¹⁸ In addition, transgender women – particularly those who have not undergone the legal process of sex reassignment– have also been

"Don't send my father to the front, that's all I want."
– Ukrainian Survey Respondent



SOPA Images/LightRocket via Getty Images

⁶ Joshua Goldstein, *War and Gender*, Cambridge University Press, 2003.

⁷ Adam Jones, *Gendercide and Genocide*, Vanderbilt University Press, 2004.

⁸ Charli Carpenter, "Women and Children First: Gender, Norms and Humanitarian Evacuation from Bosnia-Herzegovina, 1991-1995," *International Organization*, 2003.

⁹ Erika Kinetz, Oleksandr Stashevskiy and Vailisa Stepanenko, "How the Russian Military Ran a Cleansing Operation in Bucha," *Associated Press*, November 3, 2022.

¹⁰ Sara Meger, "The Political Economy of Sexual Violence Against Men and Boys in Armed Conflict" in *Sexual Violence Against Men in Global Politics*, 2018.

¹¹ Anne-Kathrin Krefl and Mattias Agerberg, "Imperfect Victims? Civilian Men, Vulnerability and Policy Preferences," *American Political Science Review*, April 2023.

¹² Pia Lotta Storf, "Ukraine's Travel Ban, Gender and Human Rights," *Volkerrechtsblog*, March 18, 2022.

¹³ National Bank of Ukraine, "NBU Forecasts Lower Inflation In 2023 And A Full-Fledged Economic Recovery From 2024- Inflation Report," *National Bank of Ukraine*, February 2, 2023.

¹⁴ Amy Maguire, "Russia's Bombardment and Ukraine's Departure Ban Leave Children and Those with Disabilities Most Vulnerable," *The Conversation*, March 17, 2022.

¹⁵ Alfred Hackensberger, "Ukrainian Families Are Being Ripped Apart As Men Stay Behind To Fight The Russian Invasion," *Business Insider*, March 3, 2022.

¹⁶ Jeffrey Gettleman and Monika Pronczuk, "Falling Into Emptiness': Ukrainian Families Feel the Pain of Separation," *New York Times*, March 6, 2022.

¹⁷ Charli Carpenter, "Civilian Men Are Trapped in Ukraine," *Foreign Policy*, July 15, 2022.

¹⁸ International Rescue Committee, "Ukraine: Grave Mental Toll On Women And Children As One Third Of People Surveyed By IRC Are Worried About Further Family Separation and Human Trafficking," *IRC Press Release*, April 14, 2022.

STUDENTS AFFECTED BY THE TRAVEL BAN

One consequence of the travel ban on men is that male college students at home on break when the war broke out have been unable to return abroad to study. According to the Ukrainian civil society organization Students Without Borders, although the law provided an exemption to such students, many of them have been turned back at the border due to uncertainty about the required documents, unclear instructions about processing these students, and a perception by border control agents that some adult men were forging student documents to get out.¹

Although the Minister of Education and Science of Ukraine had called on foreign universities to provide online education for

their Ukrainian male students, war-affected Ukrainian students state such online classes are often inaccessible due to electricity shortages, resulting in a denial of their right to an education.² The Ukraine government has partnered with Kyiv School of Economics

to create Ukraine Global University, a program for students to study abroad if they commit to return and rebuild after the war, but their website cites the martial law as a way to exclude young Ukrainian men from the program.³

The European Students Union, an umbrella organization for 45 national unions of students from 40 countries, said in a statement last fall that they had been contacted by hundreds of male and male-assigned-at-birth students who were turned

infringe their right to an education.⁴ Students within Ukraine have petitioned President Zelensky with 25,000 signatures calling for this issue to be addressed. According to the group Students Without Borders, hundreds of letters from parents, students, and universities have been sent to Ukrainian authorities; the group has also appealed to Amnesty International, Human Rights Watch, and the European Parliament.⁵

The issue of trapped students is a microcosm of the wider impact of the travel

I am male student who was enrolled in the University abroad. Will UGU help me to leave Ukraine for my studies?

Due to the regulations under the martial law in Ukraine, UGU cannot guarantee departure for studies for men older than 18 and younger than 60 while prohibition of border-crossing remains in effect. UGU does not have any opportunity to facilitate crossing the border for this category of people, therefore you are not currently eligible for our programs which require offline studies abroad, unless you have a legal permission to leave Ukraine.

Screenshot from Ukraine Global University Website, April 27, 2022

back at the border. Along with Ukraine's national student union, Ukrainian Association of Students, the European Students Union has called on national and international authorities to ensure Ukrainian students' right to leave to study, as doing otherwise would

ban on the civilian population of Ukraine, as well as on the strategic environment. Student activists point out that lack of education will prevent them from achieving their full potential in support of the war effort, as the education they will receive abroad would be vital to rebuilding Ukraine after the war. Forcing them to remain in an environment in warzone and under persistent electricity shortages, is both harming these students and hampering the future educational and social capital of Ukraine itself.

¹ Sophie Hogan, "Ukrainian Male Students Blocked," *People in Higher Education (PIE) News*, September 20, 2022.

² Documentation on file with Human Security Lab.

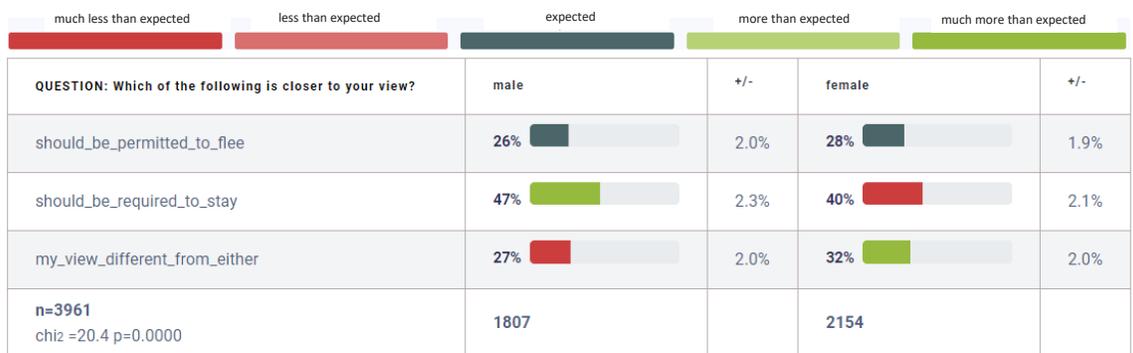
³ Helen Packer, "The War in Ukraine and Higher Education One Year On," *PIE News*, February 24, 2023.

⁴ European Students' Union. *Statement of Ukrainians Studying Abroad Blocked at the Borders*. August 9, 2022.

⁵ Documentation on file with Human Security Lab.

affected by the ban.¹⁹ While there are a variety of possible exemptions for different categories of men under the law, they are unevenly implemented, and there are no medical exemptions for transgender women who are not legally recognized as such.²⁰ As a consequence, some transgender women have been misidentified as men and refused the ability to flee the conflict.²¹ This reflects a wider set of challenging conditions for transgender persons in Ukraine, where the International Lesbian, Gay, Bisexual, Trans and Intersex

Attitudes Toward Ukraine's Travel Ban on Men 18-60, Disaggregated By Gender



Source: Survey Data from Human Security Lab, July 2022-June 2023, visualized by RIWI.

¹⁹ Julia Lee, "'Danger Everywhere': War & Transphobia Create Perfect Storm For Trans Ukrainians," *NBC News*, April 8, 2022.

²⁰ Cabinet of Ministers of Ukraine Resolution, "On Making Changes to Clauses 2-14 of the Rules for Crossing the State Border by Citizens of Ukraine," February 10, 2023, Doc. 119-2023.

²¹ Enrique Anarte, "Trans & Non-Binary People Trapped in War-Torn Ukraine," *Thomson Reuters Foundation*, March 4, 2022.

Association ranked Ukraine 39th out of 49 European countries.²² Indeed such conditions often worsen in times of armed conflict, when

gender binaries – such as that reflected and perpetuated in this law – often harden

“[Women] do not benefit from the fact that men sit without work, without the opportunity to feed and protect their families.”
– Ukrainian Survey Respondent

to support nationalistic war scripts, with negative impacts for women’s rights and gender equality more broadly in society.²³

Though the law affects primarily men, women are actually significantly less likely than men to support the law. Only 40% of female respondents argued in favor of requiring men to stay, compared to 47% of men; and a large proportion of Ukrainian women had “Different Views,” including arguing that women themselves should be viewed as equal defenders of the country. One Ukrainian civil society activist referred to this law as a “failure of patriarchy,” rooted in out-dated Soviet-era rules that fail to register women as well for military service and over-representing women in helping professions. This creates a resource-management problem and deprives the nation of needed human resources by laying the burden for the nation’s defense entirely on men, when in reality many women also wish to register to serve and some men wish to instead take on caregiving roles.²⁴

Many survey respondents echoed these concerns, calling the law “outdated.” One said: “I believe there should be equal rights regardless of gender. Both men and women are currently fighting at the front. Not only women have to take care of children, just like not only men can

“Ukraine, please show that you are not like Russia.” – Ukrainian Petitioner

join the army.” Others focused on the hardships and dangers

of women forced to flee without their men, stressing the importance of allowing fathers out: “Some families remain in a foreign country without the support of their husbands. They leave Ukraine with small children and take on all the difficulties.” Other women do support the law, stating: “Someone must fight.” However other women say that

they would prefer to allow fathers out with their families and mobilize more

“Ukraine needs healthy, brave, and strong soldiers, not children who have just turned 18.” – Ukrainian Survey Respondent

women for that fight. One female respondent who chose “A Different View” said, “Men with small children should be able to leave the country, regardless of age.” Another woman said, “I think that women with medical education, those who do not have children, should also be considered for possible mobilization.”

(cont. page 7)

APPLICABLE INTERNATIONAL STANDARDS

Article 12(2) of the International Covenant on Civil and Political Rights (ICCPR) states, “Everyone shall be free to leave any country, including his own.”¹

Although this right may be suspended in time of national emergency, such ‘derogations’ are permitted (ICCPR, Article 4) only “to the extent strictly required, provided [they] are not inconsistent with other obligations under international law and do not involve discrimination solely on the ground of race, colour, sex, language, religion or social origin.”²

According to the UN Human Rights Committee, derogation from the freedom of movement must be “proportionate to the interest protected,” and any derogation must be the least intrusive measure to achieve the desired result and protect the permissible purposes as detailed under Article 12.³

Other rights under the ICCPR are non-derogable even in national emergencies, including the right to life (Article 6), the ban on cruel or inhumane treatment (Article 7), and the right to freedom of thought, conscience and belief (Article 18) which underlies the UN-recognized human right to conscientious objection.⁴

Customary IHL requires states involved in conflict to allow humanitarian access impartially and without “adverse distinction,” on the basis of sex; and to take measures to avoid separating families.⁵

In addition, from the perspective of refugee law, forcing someone to serve in the military against their conviction can be considered a form of persecution.⁶

¹ UN Office of the High Commissioner for Human Rights, *International Covenant on Civil and Political Rights*, United Nations 1976.

² Amy Maguire, “Why Banning Men from Leaving Ukraine Violates Their Human Rights,” *The Conversation*, March 24, 2022.

³ UN Human Rights Committee, *General Comments Adopted by the Human Rights Committee under article 40, paragraph 4, of the International Covenant on Civil and Political Rights*, United Nations, 1999.

⁴ Pia Lotta Storf, “Ukraine’s Travel Ban, Gender and Human Rights,” *Volkerrechtsblog*, March 18, 2022.

⁵ ICRC, *Customary IHL Database*, “Rule 55: Access for Humanitarian Relief to Civilians in Need,” and “Rule 105: Respect for Family Life.”

⁶ UNHCR, *Guidelines on International Protection No. 10: Claims to Refugee Status Related to Military Service*, November 12, 2014.

²² International LGBTI Association, *Rainbow-Europe Country Ranking*, International LGBTI Association, 2023.

²³ UNHCR, *LGBTIQ+ Persons in Forced Displacement and Statelessness: Protection and Solutions*, Geneva: UNHCR, 2021.

²⁴ PAX Netherlands. *Changing Gender Dynamics Through Armed Conflicts in Ukraine*. PAX Netherlands, 2019.

UKRAINIAN PUBLIC OPINION

According to Human Security Lab's correspondence with Ukrainian civil society organizations, Ukrainian activists and staff of international humanitarian NGOs working in Ukraine, the subject of the travel ban is sensitive and divisive in Ukrainian society, and therefore perceived as difficult for organizations to work on formally. One NGO practitioner working in Ukraine told us, "It's a very sensitive and divisive topic... people can feel that in general mobilization is necessary but have personal reasons for not wanting to fight themselves, others are very upset about the fact that there are men trying to avoid mobilization. No one likes it and it is unjust, but what then?"

At the same time, there have been numerous citizen petitions and activism by students to overturn the ban. Two random, anonymized internet surveys conducted by Human Security Lab revealed a wide range of views on the matter, including some common ground across diverse elements of society about what to do instead, in particular some support for a gender-neutral refugee and conscription policy.

In May-July 2022 and again in May-June 2023 we collected over 4,000 survey responses and 692 open-ended comments from a random sample of all Ukraine internet users.¹ Weighted against the census to ensure representation by gender, age and income, fewer than half of respondents (43%) said they supported the current law, with the other 57% percent split between outright opposition to the law (27%) and "a different view than either option" (30%). Women are especially unlikely to believe that men should be required to stay, as are younger Ukrainians, Ukrainians living in front-line areas in the east, the very poor or very wealthy, and those either without college degrees or with advanced degrees.²

The 692 open-ended responses from July 2022—visualized in the tag cloud on p. 7—provide insight into Ukrainian views. Many respondents on both side of the debate exhibit mixed feelings. Of those who say men should be required to stay in the country, the most common reason given was that citizens have a duty to defend the country. But the majority of commenters make this argument in gender-neutral terms, not just applied to men. And some respondents say that keeping civilians in an active conflict zone may not be the best way to discharge this duty. Some pointed out that most of those being forced to stay are not actually being conscripted

Responses (3,961 total)



Let Them Choose (27%)

Respondents who selected "Civilian men aged 18-60 should be permitted to flee a war if they choose like any other civilian."

Make Them Stay (43%)

Respondents who selected "Civilian men aged 18-60 should be required to stay in Ukraine."

Different Option (30%)

Respondents who selected "My view on this issue is different from either of these options."

or trained to fight: "There are specially trained and prepared people for military operations. There may not be any benefit from the unprepared." Another major argument in favor of the law is simply that it is the law, suggesting that these citizens would support a revised law as well, should Zelensky's change his directive.

Of Ukrainians who said men should be permitted to choose whether to leave or stay, some cited human rights standards, gender equality, or mentioned the various physical, economic and psycho-social harms of the travel ban. But most reasons given were practical and strategic. Many pointed to the vulnerability of Ukrainian women and children in flight, without their male protectors. Others also pointed out that untrained men can't fight effectively, leaving comments such as: "A person forcibly taken into the army will not only not be useful but can bring problems to others." Others stated that men can be of more help by working in Europe and sending home remittances: "Personally, I will be more useful abroad, and I will be able to help instead of just sitting on the couch."

Both those who supported and those who opposed the travel ban, as well as those who said they had a "different view," listed a variety of ideas for how a revised policy could be more effective and just, such as a more limited age range for the ban or to allow fathers out while also requiring young single women to stay. Numerous citizens in the survey also indicated a willingness to participate in resource generation from abroad, crowd-funding or sending remittances or even paying a war tax: "If men can leave, work in another country, and pay money (taxes) to the country, we are more likely to win this war." Some citizens also suggested a revised version of the law to include an obligation to return to Ukraine for service if called for actual training and deployment.

¹ The survey was conducted using random domain intercept technology in collaboration with research firm RIWI.

² Toplines are available at <http://www.humansecuritylab.net>.



Tag cloud of analytical categories in open-ended comments. Font size corresponds to frequency of responses.

- Require Civilian Men to Stay
- Let Civilian Men Choose Whether to Leave
- A Different View Than Either Option

STRATEGIC IMPACTS: Ukraine’s travel ban on civilian men 18-60 is both unnecessary and counterproductive for the war effort given the rising strategic and public morale costs. Ukraine enjoys a strong and well-trained volunteer force including women, and has actually turned back legions of foreign fighters willing to volunteer.²⁵ While public opinion is mixed, significant opposition to the male-only travel ban is also evident in Ukraine. Most citizens who report on surveys that they oppose the ban argue the country’s civilian men could contribute more effectively to the defense of the country if they were allowed the freedom to move across the border, work, and protect their families.

War Morale. A survey conducted by Human Security Lab in July 2022 shows a majority of the country prefer the policy to either be lifted altogether or modified, with the public opinion data suggesting the ban is badly affecting war morale for some Ukrainians and is divisive among the citizenry.²⁶ Both survey and petition data show Ukrainians view their country as distinct from Russia, and some view forcible, gendered recruitment as a patriarchal Soviet-era policy ill-befitting Ukraine’s moral and democratic high ground. For example, one commenter on a March petition calling on Zelensky to lift the ban wrote: “I want Ukraine to win ... [but] I wouldn’t fight for such a country. I would fight for values such as freedom, freedom which has

been taken away from Ukrainian men.” That single petition, one of several challenging the law since February 2022, garnered nearly 60,000 signatures; another garnered 50,000.²⁷ At least one civil society organization in Ukraine, Students Without Borders, has formed specifically for the purpose of addressing the effects of this law on male youth and begun appealing to the international community. At the same time, the travel ban is dividing Ukrainian citizens against one another as it has become a focal point for tensions over how citizens should support the war effort. Many petitioners argue national unity would be better served by a government narrative that citizens can help in many ways, some by fighting, some by protecting their families so the country can be repopulated, some by going abroad for education to help rebuild later, some by working and sending tax money from abroad. Others emphasize that freedom to choose is a paramount Ukrainian ideal to be protected and used to distinguish Ukraine from Russia.

Military Effectiveness. Despite its intent to ensure mobilization of the country against invasion, there is some evidence that forcing men to stay in Ukraine can undermine, rather than support, military recruitment, effectiveness and morale.²⁸ While there could come a time when Ukraine would need conscripts, Ukraine began the war with nearly a million reservists and many more have

²⁵ Richard Hall, “How Russia’s Invasion of Ukraine Drew in Thousands of Volunteer Foreign Fighters,” *The Independent*, February 24, 2023; Tanya Lukyanova, “Ukraine is Turning Down Hundreds of Afghan Soldiers Who Want to Join Its War Effort,” *Semfor News*, March 10, 2023. According to scholars, the foreign legion serves primarily a propaganda purpose, precisely because Ukraine is confident in its manpower. See Namom Karl-Thomas Habtom, “The Composition and Challenges of Foreign Fighters in Ukraine,” *Scandinavian Journal of Military Studies*, June 2022.

²⁶ Charli Carpenter, Hunter Fairchild, Kristina Becvar, Liam Harney, Camryn Hughes, Nicholas McCurrach, Nhu Thieu Le, and Astrid Paz, “Zelensky’s Travel Ban Could Damage War Morale,” *Foreign Policy*, November 14, 2022.

²⁷ Rostyslav Sotnychenko, “Allow Men Aged 19-60 Without Military Experience to Leave Ukraine,” *OpenPetition*, March 19, 2022.

²⁸ Dipanjan Roy Chaudhury, “Morale of Ukrainian Military Impacted by Recruitment Processes,” *India Times*, July 27, 2022.

volunteered since.²⁹ Indeed, recruiting blitzes have swept up many who do not want to serve but turned away many who do, including foreign volunteers.³⁰ Research shows poorly trained troops sap the morale and combat motivation of their better-trained comrades.³¹ All-volunteer fighting units are militarily more effective than those relying on forced recruitment.³² They are also less likely to commit war crimes, such as rape, that badly damage a warring country's image in the eyes of the international community.³³ Moreover, if a draft becomes necessary it would seem wisest from a personnel view to recruit, train and deploy fit and young women without children as well as young men: this would free fathers to join their families, ensure the widest possible human capital for mobilization, and align with Ukraine's aspiration to embrace wider norms of gender equality.³⁴ In either case, it makes little sense to keep civilian men or women in situ until needed for training. While there may be a fear that Ukrainians would not return if called, our survey shows many who prefer the right to leave until needed say they and others would indeed come home upon a week's notice when actually called to duty, and would support this being a requirement of all citizens.

Illicit Networks and Corruption. This law has also created a profitable market for human smugglers to thrive. Smugglers currently charge over \$3,000 per person wishing to cross the border illegally.³⁵ For civilian men, the risk of getting caught by Ukrainian guards means jail time, fines, or possible conscription.³⁶ For the government of Ukraine, it saps resources that could be better spent on the war effort. The State Border Guard Service of Ukraine (DPSU) is strictly enforcing this law at the border, requiring many documents from each man claiming an exemption.³⁷ In some cases, these documents are difficult to obtain due to war conditions. The efforts by desperate civilian men to circumvent the law through loopholes has created a black market in document forgery, and impacted the ability of those with 'legitimate' exceptions to flee.³⁸ As such, the ban is contributing to corruption at the border, which has thrown the Ukrainian government's reputation into a bad light.³⁹ This fact that some men resort to faking documents makes it harder for those with genuine documents to get through, creating both a difficult policing problem for the DPSU and compounding the humanitarian difficulties.



Fadel Senna/AFP via Getty Images

A simpler strategy would be to allow men to move freely until called for service, freeing the border patrol to focus on trafficking, drugs and other serious criminal matters.

Ukraine's Moral Standing. Protecting its reputation on human rights and gender equality is a strategic concern for Ukraine as it seeks to distinguish itself from Russia and seeks membership in the European Union. The gender-specific travel ban is not consistent with international human rights standards to which Ukraine aspires, including rights on freedom of movement, conscientious objection, and limits on the derogation from human rights standards.⁴⁰ The UNHCR has encouraged Ukraine to take a more "humane approach" to the right of civilians to flee and the UNHCHR has expressed concern about the disproportionate impact of the derogation from freedom of movement on men.⁴¹ A broad alliance of organizations has called on European states to protect deserters and conscientious objectors from Ukraine, Russia and Belarus.⁴² Ukrainian students have appealed to Human Rights Watch and Amnesty International complaining this law violates their right to an education.⁴³ Other Ukrainians are appealing the law through domestic and international courts on human rights grounds.⁴⁴ It is a strategic imperative for Ukraine to maintain the appearance that its policies are aligned with those of the international community rather than Soviet-style patriarchal gender norms.

²⁹ Mykola Bielieskov, "Ukraine's Territorial Defense Forces: The War So Far and Future Prospects," *Royal United Services Institute*, May 11, 2023.

³⁰ Jane Arraf and Oleksandr Chubko, "As Ukraine Signs Up Soldiers, Questions Arise About How It Chooses," *The New York Times*, July 25, 2022.

³¹ Hew Strachen, "Training, Morale and Modern War," *Journal of Contemporary History*, 2006.

³² Doug Bandow, *The Anthro Factor in Warfare: Conscripts, Volunteers, and Reserves*, Washington: National Defense University, 1988.

³³ Dara Kay Cohen, "Explaining Rape During Civil War: Cross-National Evidence (1980-2009)," *American Political Science Review*, 2013.

³⁴ Sarah Percy, *Forgotten Warriors: The Long History of Women in Combat*, NY: Basic Books.

³⁵ Zdravko Ljubas, "Human Smugglers, Forgers Use War in Ukraine to Profit," *Organized Crime and Corruption Reporting Project*, April 14, 2022.

³⁶ Chico Harlan, "In a War of Terrible Choices, These Are the Fighting-Age Men Who Left Ukraine," *The Washington Post*, March 9, 2022.

³⁷ State Border Service of Ukraine, "The Government Made Changes to the Rules for Crossing the State Border by Citizens of Ukraine," *State Border Service of Ukraine*, April 4, 2022.

³⁸ Irina Chevtayeva, "How Men Try to Get Around the Ban to Leave Ukraine," *Deutsche Welle*, July 19, 2022.

³⁹ Patrick Tucker, "A War on Two Fronts: Ukraine Takes on Corruption as it Fights Russia," *Defense One*, April 11, 2023.

⁴⁰ Amy Maguire, "Why Banning Men from Leaving Ukraine Violates Their Human Rights," *The Conversation*, March 24, 2022.

⁴¹ UNHCHR, *Situation of Human Rights in Ukraine in the Context of the Armed Attack by the Russian Federation*, Geneva: UNHCHR, 29 June 2022; Lorenzo Tondo, "Ukraine Urged to Take 'Humane Approach' as Men Try to Flee the War," *The Guardian*, March 9, 2022.

⁴² Rudi Freidrich and Guner Burkhardt, "Broad Alliance Calls for Protection for Deserters and Conscientious Objectors," *Pro Asyl*, May 4, 2022.

⁴³ Documentation on file with Human Security Lab.

⁴⁴ Paul Waldie, "Ukraine's Ban on Adult Men Leaving the Country Faces Growing Legal Challenges," *Globe and Mail*, August 20, 2022.

RECOMMENDATIONS:

Ukraine: Ukraine should lift the travel ban on civilian men 18-60 when the general law on mobilization is renewed in August. Derogations from human rights law cannot be gender-based; families are best protected if they are kept together; and the right to education for university students must be ensured in the interest of reconstruction. By allowing civilians to access safety in a gender-neutral way, Ukraine would show its commitment to international standards, eliminate the black market in border crossings, and articulate enhanced pathways for civilians to support the war effort from home and from abroad. This would counter the divisive and inaccurate narrative that those civilians who choose to flee the fighting are unpatriotic. A gender-egalitarian civilian protection policy and mobilization policy would also lay the foundation for a more gender-egalitarian post-war society, and position Ukraine as a leader on gender and democracy internationally. These strategies would protect civilians and families, assist Ukraine's war effort, distinguish Ukraine from Russia, and support Ukraine's bid for integration into Europe.

US DoD / DoS / EU: Ukraine's allies, especially the United States and European Union, should encourage Zelensky to relax the travel ban on civilian men, citing both human rights standards and strategic imperatives. Failure to do so risks fueling Russian narratives that human rights are simply a tool that is weaponized by the West against Russia rather than a set of standards to which all nations should strive, and risks maintaining and enabling a policy that is undermining national unity. Such nudging from the West should affirm Ukraine's positive human rights record thus far, validate its desire to maintain the highest democratic standards, and express faith in its citizenry's willingness to rally uncoerced to defend the nation.

Global Civil Society: Bilateral, multilateral and nonprofit relief agencies are mandated to provide and encourage protection to all war-affected civilians without discrimination on the basis of sex. As such, they should openly advocate for and ensure the gender-neutral protection of all civilians. Advocacy INGOs, including those specializing in human rights and/or civilian protection advocacy should encourage Ukraine to ensure its civilian evacuation and mobilization policies align with international human rights standards, including the provision of humanitarian exit and the right of conscientious objection for those called to leave the civilian sector for military service. These arguments should be part of a wider effort to ensure civilians are equally protected regardless of gender in other conflict zones.

Media, Academy and Philanthropic Organizations: Journalists, scholars, funders and advocates should avoid reinforcing gender essentialisms in reporting on and fundraising for humanitarian crises and conflicts, such as using "women and children" to refer to civilians, or uncritically reporting gender-specific policies. The media should recognize the civilian status and vulnerability of men as well as women and the complexity and heterogeneity in these groups. Donors should be responsive to humanitarian appeals even when they affect men. Academics should identify the most effective, just and gender-neutral strategies for protecting all war victims, and the best strategies for educating the wider public on the realities of war.

PROJECT FACILITATOR

Charli Carpenter, University of Massachusetts Amherst
Director, Human Security Lab

RESEARCH AND PRODUCTION TEAM

Kristina Becvar
Caleb Black
Hunter Fairchild
Liam Harney
Camryn Hughes
Jayde Lovell
Nhu Thieu Makara Le
Nicholas McCurrach
Astrid Paz
Julian Posch
Amanda Shafii
Vincent Vaccaro

ACADEMIC EXPERTS

Joshua Goldstein, University of Massachusetts, USA
Adam Jones, University of British Columbia, Canada
Anne-Kathrin Kreft, University of Oslo, Norway
Amy Maguire, University of Newcastle, Australia
Jenna Norosky, University of Massachusetts, USA
Meredith Loken, University of Amsterdam, Netherlands
Sofie Rose, University of Southern Denmark, Denmark
Pia Lotta Storf, University of Munster, Germany

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