



# The Right to Conscientious Objection in Europe: A Review of the Current Situation

## Country Report: CROATIA

### Conscription

Conscription is enshrined in Article 47.1 of the 1990 Constitution and is further regulated by the 2002 Defence Law.

The length of military service is 6 months.<sup>1</sup>

All men between the ages of 18 and 27 are liable for military service. Reservist obligations apply up to the age of 55 during wartime.

In recent years, the future of conscription has been discussed regularly and several leading politicians have called for a gradual abolition of conscription. However, the Ministry of Defence has published a report, which concluded that the transformation into fully professionalized armed forces would be too expensive.<sup>2</sup> At present there are no known plans to abolish conscription. In November 2004, the government announced that a decision on the future of conscription will be made by 2007.<sup>3</sup>

### Statistics

The armed forces comprise 58,000 troops, including 20,000 conscripts. Every year, approx. 30,000 young men reach conscription age.

### Conscientious objection

#### Legal basis

The right to conscientious objection is enshrined in Article 47.2 of the 1990 Constitution, according to which: "Conscientious objection shall be allowed to all those who, for religious or moral beliefs, are not willing to participate in the performance of military duties in the armed forces. Such persons shall be obliged to perform other duties specified by law."

Further legal provisions on conscientious objection are laid down in the Law on Civilian Service, which was passed by the Croatian Parliament in February 2003 and entered into force in May 2003.

The Law on Civilian Service replaced the provisions on conscientious objection that were laid down in the 1991 Defence Law (as amended in 1993 and 1996).

#### Scope

Both religious and non-religious grounds for conscientious objection are legally recognized.

#### Time limits

There are no time limits for submitting CO applications. Applications can thus be made before, during and after military service, by both serving conscripts and reservists.<sup>4</sup>

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<sup>1</sup> The length of military service was reduced from 10 months in 2001.

<sup>2</sup> Regional Network for Conscientious Objection 'Objection for Peace': To Europe Through Conscientious Objection and Civilian Service, Sarajevo September 2004 (Report Regional Conference).

<sup>3</sup> 'Croatian Defence Ministry to get more money from 2005 budget', [www.csees.net](http://www.csees.net) (South East Europe Security Monitor), 15 November 2004.

<sup>4</sup> Until 1998, there was a strict time limit for submitting CO applications and applications could only be made within 90 days of being registered for military service. However, in 1998 the Constitutional Court ruled that this time limit was a

There are no legal provisions for the right to conscientious objection for professional soldiers.<sup>5</sup>

### Procedure

Applications must be made to the Civil Service Commission (Ministry of Justice). Since the introduction of the Law on Civilian Service in 2003, applications are not individually examined and there is no personal interview with the applicant. The applicant must state in his written application that he has religious or moral reasons for conscientious objection, but he does not need to explain his reasons in detail. Consequently, almost all applications are automatically granted.

Applications may be rejected if the applicant does not clearly state he refuses military service for moral or religious reasons, if he has been convicted for a criminal offence or if he possesses weapons (Law on Civilian Service, Article 13).<sup>6</sup>

### Substitute service

The length of substitute service is 8 months, which is two months longer than military service. Substitute service is administered by the Ministry of Labour & Social Affairs. Substitute service can be performed in various educational, medical, humanitarian and cultural institutions. Since the introduction of the Law on Civilian Service in 2003, there are more opportunities to do substitute service with non-governmental organisations.

After completing substitute service, COs are liable for reservist duties in civilian protection. COs have not been called up for reservist duties in practice, but they may be called up for civilian duties during wartime or time of emergency.<sup>7</sup> According to the Croatian government, during wartime, COs may be called up for civil protection duties or other duties which do not require carrying and using weapons.<sup>8</sup>

### Practice

The following table gives the number of CO applications in recent years:<sup>9</sup>

1999	260
2000	680
2001	4,009
2002	approx. 10,000
2003	approx. 10,000

These figures indicate that in recent years approx. 50 per cent of the conscripts who are called up for military service apply for substitute service.<sup>10</sup>

Most applications are apparently granted. According to the Croatian government, 97 per cent of the applications that were made in 2000 were granted.<sup>11</sup>

Detailed figures for recent years are not available, but it is believed that, particularly since 2003, when CO applications have been no longer individually examined, approx. 99 per cent of applications are granted.<sup>12</sup>

Since 2000, the number of CO applications has increased significantly. In that year substitute service outside the armed forces became available for the first time. Before 2000, COs could

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violation of the Constitution and that "the constitutional right to conscientious objection means freedom to change conviction and it cannot be restricted with time limits for distincted behaviour".

<sup>5</sup> Exercise of the right of conscientious objection to military service in Council of Europe member states, Report Committee on Legal Affairs and Human Rights, Doc. 8809 (Revised), 4 May 2001.

<sup>6</sup> Regional Network for Conscientious Objection (2004).

<sup>7</sup> Regional Network for Conscientious Objection (2004).

<sup>8</sup> United Nations Human Rights Committee: Consideration of reports submitted by states parties under Article 40 of the Covenant: Croatia (CCPR/C/HRV/99/1), 7 March 2000.

<sup>9</sup> Regional Network for Conscientious Objection (2004). Natalie Sipak: Conscientious objection in Croatia April/May 2002, in: War Resisters' International: Broken Rifle No.55, May 2002.

<sup>10</sup> Regional Network for Conscientious Objection (2004).

<sup>11</sup> Netherlands Ministry of Foreign Affairs: Algemeen Ambtsbericht Kroatië (country report), 27 July 2000.

<sup>12</sup> Regional Network for Conscientious Objection (2004).

only perform unarmed military service within the armed forces. The increasing number of COs has led to a shortage of workplaces where substitute service can be performed. In fact the Ministry of Justice has been criticized for not adding more workplaces for substitute service. Consequently, COs may have to wait for several years before they can actually start substitute service.<sup>13</sup>

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<sup>13</sup> Sipak (2002).