

Croatia

Issues

- The end of conscription in Croatia also meant the end of conscientious objection. Croatia does not recognise the right to conscientious objection for professional soldiers.



Military recruitment

Conscription

On 4 October 2007, the Croatian government decided to suspend conscription from 1 January 2008 on¹. However, conscription is only suspended. According to the decision of the Croatian government, which is based on article 39a of the Defence Law, the suspension of conscription does not apply in cases of emergency or war, or if the Armed Forces cannot carry out their duty². Conscription also remains in article 47.1 of the Croatian constitution, which reads: “*Military service and the defence of the Republic of Croatia shall be the duty of every capable citizen of the Republic of Croatia*”³.

According to the law, registration for conscription of Croatian young males continues. The local military offices also continue to invite young men to a medical examination, which establishes whether a person is fit for military service or not.

Professional soldiers

Every citizen of Croatia between 18 and 30 years can apply for a voluntary military service, which lasts 14 weeks⁴. After someone successfully finishes this service, it is possible to join the Croatian Armed Forces as a professional soldier.

The first group of soldiers in voluntary military service will begin their service on 5 October 2008. For 250 positions, about 1274 persons applied, among them 147 women⁵. The majority of applications came from the eastern part of Croatia, a region with high unemployment. The wages offered for voluntary military service are about 2 660 Kn (about €360), which is roughly equivalent to the minimum wage, but means solid money compared to unemployment. In addition to the wages, refund of travel costs for going to and leaving the place of service, basic and additional medical insurance, insurance for injuries at work, accommodation and food are covered too⁶.

Conscientious objection

Conscientious objection for conscripts

With the suspension of conscription, conscientious objection is also suspended. However, should conscription be reactivated, the laws and regulations on conscientious objection will also be in force again.

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- 1 Southeast European Times: Croatia to abolish conscription military service sooner, 5 October 2007, http://www.setimes.com/cocoon/setimes/xhtml/en_GB/newsbriefs/setimes/newsbriefs/2007/10/05/nb-07, accessed 3 September 2008
 - 2 Resoluton regarding the suspension of conscription, 5 October 2007, <http://www.nn.hr/clanci/sluzbeno/2007/3065.htm>, accessed 3 September 2008
 - 3 Constitution of the Republic of Croatia, http://www.usud.hr/default.aspx?Show=ustav_republike_hrvatske&Lang=en, accessed 3 September 2008
 - 4 PRAVILNIK O DRAGOVOLJNOM SLUŽENJU VOJNOG ROKA (Rules about voluntary military service), 4 June 2008, <http://www.nn.hr/clanci/sluzbeno/2008/2342.htm>, accessed 3 September 2008
 - 5 1127 males and 147 females applied for voluntary service, 8 August 2008, http://www.morh.hr/en/vijesti_main_en.asp?id=601, accessed 3 September 2008
 - 6 1127 males and 147 females applied for voluntary service, 8 August 2008, http://www.morh.hr/en/vijesti_main_en.asp?id=601, accessed 3 September 2008

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.*"⁷

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 reservists⁸.

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).

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.

In 2007, only 2 051 of a total of 25 130 potential recruits carried out the compulsory six months of military service as up to 10 000 of the recruits who get called up each year apply for conscientious objection and perform a substitute service⁹.

Conscientious objection for professional soldiers

Croatia does not recognise the right to conscientious objection for professional soldiers.

If someone serving voluntary military service wants to leave before the end of the 14 weeks, he or she will need to repay all expenses to the Ministry of Defence (articles 25 & 26 of the rules about voluntary military service)¹⁰.

Nothing is presently known about the regulations governing professional soldiers.

Draft evasion and desertion

penalties

For draft evasion (not responding to call-up) military disciplinary measures, including fines or imprisonment for up to 60 days, may be prescribed (art. 187 & 188 Defence Law).

Chapter 18 of the Basic Criminal Code of the Republic of Croatia (Offences against the Armed Forces of the Republic of Croatia) prescribes penalties for draft evasion and desertion:

- failure to respond to mobilisation call-up: maximum one year's imprisonment in peacetime; one to 10 years in wartime (art. 166, paragraph 1);
- hiding within the country in order to avoid mobilisation: 3 months to 5 years in peacetime; 5 to 10 years in times of threatened war.
- leaving the country to avoid mobilisation: one to 10 years in peacetime; 5 to 20 years in wartime times of threatened war¹¹.

Nothing is presently known about practice.

7 Constitution of the Republic of Croatia, http://www.usud.hr/default.aspx?Show=ustav_republike_hrvatske&Lang=en, accessed 3 September 2008

8 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 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 distinct behaviour*".

9 IOL: Croatia scraps conscription, 5 October 2007, http://www.iol.co.za/?from=rss_Europe&set_id=1&click_id=24&art_id=nw20071005155240451C133684, accessed 3 September 2008

10 PRAVILNIK O DRAGOVOLJNOM SLUŽENJU VOJNOG ROKA (Rules about voluntary military service), 4 June 2008, <http://www.nn.hr/clanci/sluzbeno/2008/2342.htm>, accessed 3 September 2008

11 Rosa, C. de 1995. Conscientious objectors, draft evaders and deserters from former Yugoslavia: an undefined status. EBCO, Brussels.