

In relation to your NV dated 12 October 2018, and in order to provide information regarding application procedures for obtaining the status of conscientious objector to military service in accordance with human rights standards, the Croatian authorities wish to inform of the following:

During the period when compulsory military service was in force in the Republic of Croatia, there was a right to conscientious objection, or an alternative civilian service, arising from the Constitution of the Republic of Croatia and the Defense Act.

At that time, the Constitution of the Republic of Croatia regulated the obligation to serve in the military and to take part in the defense as a duty for all able-bodied citizens in the Republic of Croatia. However, conscientious objection was allowed for those who for religious or moral reasons refused to take part in military duties in the Armed Forces. These persons were obliged to fulfill other duties determined by the Law. It is important to note that the Constitution of the Republic of Croatia with the provisions on the right to civilian service was adopted at a time when the Republic of Croatia was facing imminent threat of war.

Furthermore, the Defense Act, adopted in 1991, after the Declaration of Independence, contained a provision that persons who because of their religious or moral reasons refused to undertake military duties in the Armed Forces were allowed conscientious objection.

While registering for conscription, recruits were introduced to the rights and possibilities for civilian service. At that time, the civilian service was generally conducted in the Croatian military without wearing uniforms and weapons, and it lasted 15 months, while compulsory military service lasted 10 months.

During the period 1990 to 2000, even in the years when Croatian war was waged, around 200 requests for civilian service were filed annually.

Due to further modifications and amendments to the Defense Act, civilian service tasks fell into jurisdiction of the former Ministry of Justice and Administration in which a special Civilian Service Commission was established. Decisions on Civilian Service issued by the Commission contained provision on particular time of commencement and termination of civil service, name of the headquarters of the legal entity i.e. a place where the service will be performed.

Since 2003, the jurisdiction of civilian service has been transferred to the Ministry of Labor and Social Welfare, while the rights and duties of persons performing civilian service have been regulated by a special law – The Law on Civilian Service (Official Gazette No 25/03). The aforementioned Law establishes the rights and duties of persons who perform civilian service. Conscientious objectors were men capable of military service registered for the draft at regional recruitment offices and whom the Civilian Service Commission had approved an alternative service. In relation to that, a Regulation on determining legal entities and bodies for performing civilian service in the Republic of Croatia was adopted. It determined the legal entities and state bodies of local and regional self-government in which civilian service could be performed as well as their obligations. Those legal entities were engaged in scientific, educational, cultural, sports, social, health, sanitary or humanitarian activities in the Republic of Croatia, and were not established for the purpose of making a profit.

Every legal entity kept in mind not to jeopardize existing jobs or not to make it difficult or impossible to hire unemployed persons whilst having conscientious objectors in their service. In general, conscientious objectors performed tasks, which corresponded to their knowledge, qualifications and preferences, if there was need for that, i.e. they performed all the work that was in the sphere of the particular legal entity or body in which they served. Conscientious

objectors performed their alternative services in their place of residence. In case where this was not possible, one performed it in a place nearest to his residence. Conscientious objectors were obliged to come in time to the legal entity or body where they served and performed their duties conscientiously. For their exceptional efforts in performing their duties, they were granted 15 days of leave.

During his alternative service, the conscientious objector exercised all the rights established by the Regulations, which were exactly the same as the rights of those completing their military service in the Croatian Armed Forces (health care, health insurance, claims in case of injury, illness or deterioration of illness, employment rights, social welfare, pension and disability insurance etc.). Eight hours spent in performing civilian service duties were considered as one day in the civilian service. Civilian service lasted 8 months.

Pursuant to the Decision of the Croatian Parliament conscription was suspended from January 1, 2008, and since then, the provisions of the Law on Civilian Service have not been applied.

When the reserve component was established in 2016, there was a need again to deal with draft registrants' demands for conscientious objection. Since Article 111 of the Law on Civilian Service (Official Gazette No 25/03) stipulates that the performance of civilian service duties falls within the scope of the Ministry of social welfare (currently known as the Ministry of Demography, Family, Youth and Social Policy), on October 23, 2017, Minister Nada Murganić issued a Decision on Establishing Civil Service Commission. The Commission is comprised of representatives from the Ministry of Justice, Ministry of Defense and the Ministry of Demography, Family, Youth and Social Policy.

A draft registrant, who considers that he is not prepared to participate in performing military tasks in the Croatian Armed Forces due to conscientious objection, may apply for civilian service at his Regional Recruitment Office where he is registered. Together with his application, he also fills out the form PZC. Conscientious objection or an alternative service application may be filed by a draft registrant after he has been registered and until his military obligation expires (Article 24, the Defense Act). An appeal to the decision of the Civil Service Commission may be filed. An appeal Commission appointed by the Government at its session dated April 5, 2018, reviews those appeals.

If a reservist applies for civilian service after being called up for military service, the Commission is required to resolve his request within 30 days of its receipt. In case the Commission approves his request for alternative service, the commander shall release the reservist from the armed forces immediately and no later than 8 days from the receipt of the decision (Article 19, The Law on Civilian Service). Draft registrants, members of the reserve component who have been approved civilian service are obliged to participate in Civil Defense.