

Slovakia

Issues

- Slovakia does not recognise the right to conscientious objection for professional soldiers.
- In case of the reintroduction of conscription, there will be a right to conscientious objection. Details of the provisions are however not known.



Military recruitment

Conscription

Slovakia abolished conscription in 2005. However, Article 25 paragraph 1 of the constitution still reads “*The defence of the Slovak Republic is a matter of honor for each citizen*”¹.

Presently, Slovakia maintains fully voluntary Armed Forces. However, Law No. 570/2005 Coll. on “*National Service and on Change and Amendment of Some Acts*”² regulates conscription in times of crisis or war. The detailed regulations are not known.

Professional soldiers

The service of professional soldiers is regulated in Law 346/2005 on “*State Service of Professional Soldiers of Armed Forces of the Slovak Republic and on Change and Amendment of Some Acts*”³. According to Article 13 of this law, Slovak citizens can apply to join the Slovak Armed Forces once they are 18 years old. A contract will first include a preparatory service, which is followed by a time based contract according to Article 20 (Temporary State Service). The service time is usually from three to six years, but can be extended (Article 21).

Conscientious objection

Conscientious objection for conscripts

The constitution recognises the right to conscientious objection in Article 25 paragraph 2: “*No one must be forced to perform military service if this runs counter to his conscience or religious belief. The details will be specified in a law*”⁴.

Should conscription be introduced in times of crisis or war (according to Law 570/2005), then Law No. 569/2005 Coll. on “*Alternative Service at the Time of War and State of War*”⁵ regulates the right to conscientious objection, and the duty to perform a substitute service.

The law regulates the substitute service which a registered citizen or soldier in reserve is obliged to perform in the time of war and state of war instead of extraordinary military services, the procedure for refusal to perform the extraordinary military service, the records of registered citizens and soldiers in reserve obliged to perform substitute service, conscription of registered citizens and soldiers in reserve obliged to perform substitute service, and performance of substitute service⁶.

Conscientious objection for professional soldiers

The Slovak Republic does not recognise the right to conscientious objection for soldiers who joined the Armed Forces voluntarily.

1 Constitution of the Slovak Republic, <http://www.slovensko.com/docs/const/>, accessed 10 April 2008

2 Law No. 570/2005 Coll. on National Service and on Change and Amendment of Some Acts, http://www.mosr.sk/legislativa/zakony/zakon05_570.pdf, accessed 10 April 2008

3 Law No. 346/2005 Coll. on State Service of Professional Soldiers of Armed Forces of the Slovak Republic and on Change and Amendment of Some Acts, http://www.mosr.sk/legislativa/zakony/zakon_eng.pdf, accessed 10 April 2008

4 Constitution of the Slovak Republic, <http://www.slovensko.com/docs/const/>, accessed 10 April 2008

5 Law No. 569/2005 Coll. on Alternative Service at the Time of War and State of War, http://www.mosr.sk/legislativa/zakony/zakon05_569.pdf, accessed 10 April 2008

6 Ministry of Defence: Acts under the competence of the Ministry of Defence of the Slovak Republic, <http://www.mosr.sk/index.php?page=341&PHPSESSID=e87bf96d31e6c692c87a020adfb32c3f>, accessed 10 April 2008

According to Article 69 of Law 346/2005, during preparatory state service “*the service relationship shall also end on the base of an application by the professional soldiers*”.

According to Article 70 paragraph 2, a professional soldier can also apply “for termination of service relationship” before the end of the term. According to Article 72, a decision on dismissal has to be taken “without delay”, but more specifically within two month of the day the reason for dismissal has been established, or within one year the reason occurred.

It is clear that this does not constitute a right to leave the Armed Forces prematurely. Also, reasons of conscience are not mentioned anywhere as a reason for premature dismissal.

Draft evasion and desertion

No information on practice is available.