





# **WORKING MATERIALS**

**“Comparative study about the existing models of civilian service in  
the region - future models of civilian service for  
countries of the region”**

**Regional conference on conscientious objection and civilian service  
«To Europe Through Conscientious Objection and Civilian Service»  
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## INTRODUCTION

The right to conscientious objection is a right which enables to persons to refuse the performance of military service and declare themselves as conscientious objectors because of their moral, ethical and/or religious choices.

Along with development of the right to conscientious objection, the civilian service was developing, too. Actually, the civilian service is a consequence of the compulsory military service and it was partly created in order to establish a balance in obligation and work between persons who serve military and persons who obtain the right to conscientious objection.

Of course, if we speak about a modern civilian service like the one that was performed in Spain and the one that is still current in Italy and Germany, the benefits the society can enjoy from well organized civilian service is clear and obvious, with remark that we will not consider the models in these countries as the most ideal ones for the time and modern trends in the organization of defense structures of the countries.

In the region of South-eastern Europe, the civilian service is on its beginnings (except for Slovenia where the army is completely professionalized and Croatia where civilian service began to be practiced in 1997), which is why there are still some lacks in the models of civilian service and its organization, as well as in all other aspects of respect and recognition of the right to conscientious objection (with partial exceptions).

In spite of lacks in this field, it is possible to achieve ideal solutions by using positive and negative experiences from countries which entered this process twenty of thirty years ago and positive partial solutions from countries of the region.

Ideal solution in our opinion is an organization of civilian service which will follow recognized and respected European norms and standards regarding this field, an organization which will be of a social benefit in the most optimal form, and which will not represent any menace to further trends towards transformation of defense policy's principles of countries of the region.

We will try to sketch and offer with this study a proper and practically applicable model of civilian service, analyze previous models in countries and comment the currently used practices and legislations related to this field.

We will give examples of ignorance of European recommendations and standards within this field and also examples of good solutions which are part of legislations and practices of the countries of the region, and finally we will try to offer correct solutions.

The study is outlined in order to present:

- European standards and recommendations, primarily recommendations of the European Council
- Basic principles to which the models of civilian service in the region should be accorded to in a sense of general benefit for each country and the entire region
- Detailed analysis of all models of civilian service in the region

## European standards and recommendations

In reference to the Regional standards about the right to conscientious objection as a document which includes all European declarations and recommendations brought by the European Council, United Nations and other European institutions, as basic principles regarding the organization of civilian service we cite the following paragraphs of this document:

- Civilian service must have a clear civilian feature and the entire process of application and performance of civilian service must be under jurisdiction of a civilian ministry. Ministry of defense cannot be considered as civilian ministry.

Civilian service is a state-prescribed duty for conscientious objection. Since those people have conscientious objection to military service, the entire process regarding it should be under the jurisdiction of a civilian body. Also, it was proven that civilian ministries can gain much more benefits from civilian service and that there are fewer mistreatments of conscientious objectors if a civilian institution has the jurisdiction over the entire process. Also, the work done by conscientious objectors must be totally civilian and in no direct or indirect connection to the military – because of the reasons people apply for conscientious objection.

- Civilian service cannot have a punitive feature in regard to work and length for persons who perform it, and it cannot have any negative consequences for persons who performed civilian service.

The civilian service is a supplement for military service for conscientious objectors and, as such, it cannot be of punitive or degrading character or the rights of people serving civilian service can not be any different to the rights of those serving military service. The treatment of conscientious objectors must not be any different from the treatment of others and their human rights are not to be violated. The work they are doing cannot be degrading or punitive and the dignity of conscientious objectors is preserved at all time.

- All expenses of the civilian service must be overtaken by the state, not by the organization in which the service is being performed.

List of recommendations that verify these three principles:

- Resolution 337 (1967) of the Committee of Ministers of the Council of Europe, section B, paragraph 2
- The Bandrés, Molet & Bindi resolution of the European Parliament, paragraph 9
- The Macciocchi resolution of the European Parliament, paragraphs 4 and 5
- The Schmidbauer resolution of the European Parliament, paragraphs 3, 5 and 6
- The De Gucht resolution of the European Parliament, paragraphs 48 and 51
- The Bandrés, Molet & Bindi resolution of the European Parliament, paragraph 10

- Resolution 1518 (2001) of the General Assembly of the Council of Europe, paragraph 5.iv
- Recommendation No. R(87)8 of the Committee of Ministers, section C paragraph 9

Basic principles to which the models of civilian service in the region should be accorded to in a sense

of general benefit of each country and the region.

From listed general principles and other international recommendations regarding the right to conscientious objection, and from the choice of good and bad practices, it is easy to specify solutions which should be incorporated in legislations and practices as far as the civilian service is concerned. In the continuation, we will list and give arguments for the majority of prerequisites for proper implementation of aforementioned general principles and suggest practical solutions for the organization of the civilian service.

### **1. Law on civilian service**

Certainly, this is the first prerequisite for proper implementation of recommendations regarding the conscientious objection in general, along with the condition that civilian service must be under jurisdiction of a civilian ministry. As civilian service and conscientious objection are of a pure civilian character, the recommendations related to jurisdictional issues naturally imply the necessity of existence of the law on conscientious objection and civilian service separated from the Defense law. From the fact that civilian ministries can organize civilian service in the most optimal way, it comes naturally that jurisdiction over civilian service is assigned to a ministry of appropriate character.

### **2. Financing of civilian service**

Civilian service must be financially provided for by the state, not by legal persons where civilian service is performed. We emphasize that expenses of civilian service are not additional expenses for the state budgets and they are included in expenses for the organization of military service. Considering the unquestionable social benefit of properly organized civilian service and its humanitarian character, it is logical that legal persons are freed from financing these expenses.

Also, it is contrary to the philosophy of the right to conscientious objection that budget savings made by the Ministry of defense are used for military service and that conscientious objectors indirectly contribute to military structures. As the adopted territorial principle of civilian service organization is significantly cheaper than expenses of military service, it is natural that estimated difference gets invested in social or some other civil programs.

### **3. Civilian servant cannot occupy nobody's working place**

As far as the civilian service is concerned, this principle is very important. The main reason why it must be respected is the possibility of exploitation of civilian service by legal persons-organizers of civilian service. Unwanted consequences can provoke a negative public's attitude towards the entire process of civilian service (dismissing of workers who can be replaced by "free labor"...) )

Also, if we do not pay enough attention to this problem, there is an objective threat of dependence of civic structure on civilian service, which can represent an obstacle for professionalization of military structures, which we consider as one of basic choices the countries of the region can make.

This principle generates the following principles which eliminate completely this unwanted consequence:

- legal persons should organize the civilian service for auxiliary and short-term jobs, and jobs planned for each class of servants separately
- adaptation of criteria for assignment of the status of organizer of civilian service which would stimulate non governmental organizations to admit objectors on volunteer projects

**4. Once a person has obtained the right to conscientious objection, this person cannot be deprived of this right**

This principle refers to deprivation of the right to conscientious objection as a sanction. The right to conscientious objection cannot be conditioned in any way, so the sanction for irresponsible relation of a conscientious objector toward the civilian service must be made in a way which does not include this measure. The basis of this principle is clear and it derives from international declarations on human rights and civil freedoms.



## **Presentation of models of civilian service in countries of the region and comparison to European standards**

Models of civilian service of each country are evaluated with intent to explain the adaptation of legislations of the region to European standards and to illustrate current procedures regarding the organization of civilian service. As introduction to this part of the study we will try to give the basic answers to questions that regard the application of European standards, which are explained at the beginning of this study.

### **Is civilian service regulated by a law and by which law?**

According to international recommendations, civilian service should be regulated by the Law on civilian service, i.e. by the law reserved to define civilian service and right to conscientious objection. All authorizations over all processes within this field should be under jurisdiction of a civilian ministry. The Ministry of defense, according to aforementioned declarations, is not to be considered as a civilian ministry.

### **Is there an obligation to inform the recruit about the choice of service to perform in the Law on civilian service?**

International recommendations are clear about this, too, and they suggest to all the countries to accept the obligation to inform the recruits about the right to conscientious objection. The recommendations that contain this obligation are the following:

- The De Gucht resolution of the European Parliament, paragraphs 49
- Resolution 337 (1967) of the Committee of Ministers of the Council of Europe, section B, paragraph 1
- Recommendation No. R(87)8 of the Committee of Ministers, section B paragraph 3
- Resolution 1518 (2001) of the General Assembly of the Council of Europe, paragraph 5.iii

### **Does the objector perform his service in the place he comes from?**

The territorial principal of performance of civilian service is not demanded by any international recommendations, but due to positive and financially convenient reasons, this principle is probably the most ideal one for the countries of South-eastern Europe. Of course, in other countries practices allow services abroad, but we won't elaborate here the possible good effects of the "exchange of objectors" inside the region.

### **Who selects legal persons, how often and on what basis?**

All processes, including this one, should be executed by authorized departments of civilian ministries which should have a jurisdiction over the civilian service. There is no point in elaborating the dynamics of work of these departments in the occasion of admission of legal persons on the list of civilian service organizers, but the possibility for a legal person to apply for admission of

a conscientious objector should be available at all times. Analysis of these applications should be done in appropriate time intervals.

### **Are NGOs involved in the process of civilian service?**

Often, the criteria for election of legal persons-organizers of civilian service, are too strict for nongovernmental organizations whose work is based on volunteerism and who cannot satisfy the technical criteria of these elections, even though they have features of legal persons which are the closest ones to the philosophy of conscientious objection and civilian service- which should have humanitarian and civilian character. Due to aforementioned possible problems which might be caused by improperly organized civilian service, we think that nongovernmental organizations should be more stimulated to participate in the organization of civilian service.

### **Can the objector choose a legal person to perform a service in and what is the procedure?**

The practice in Germany which allows this kind of choice has been very productive, because the choice made in advance with set contact satisfies the necessities of the organizer of the civilian service, as well as the affinities of the conscientious objector. Practically, that choice is solved by mutual declaration of a legal person and a conscientious objector.

### **What kind of job can an objector do in legal persons, who and on what basis decides that?**

According to the international recommendations, jobs performed by conscientious objectors must satisfy two fundamental criteria: conscientious objector can perform auxiliary jobs which cannot represent a permanent working position, and these jobs cannot be of a punitive or degrading character.

### **Is a suspension of military service or a transfer from military to civilian one possible?**

In case the legislation regarding the right to conscientious objection on national level does not recognize one of the most fundamental recommendations about possibility to declare conscientious objection before, during and after performance of military service, then transfers are possible and they should be of a technical nature:

Recommendations that suggest that all persons should be able to obtain the right to conscientious objection at any time of their life are the following:

- Resolution 1518 (2001) of the General Assembly of the Council of Europe, section 5
- The De Gucht resolution of the European Parliament, paragraphs 49
- Recommendation No. R (87)8 of the Committee of Ministers, section B paragraph 8
- Resolution 337 (1967) of the Committee of Ministers of the Council of Europe, section B paragraph 4

### **Which costs are provided by the state and which by the legal person?**

Considering the way this question is set and considering the previous presentations of principles and recommendations, it is obvious that legislations in the region are not in accordance with them. Of course, according to the international recommendations, all costs of the civilian

service are to be overtaken by the state, not by the legal person where the civilian service is organized.

### **Does the choice of civilian service have any repercussions or aggravating circumstances on the objector?**

The only restrictions for the objector before and after performance of civilian service can be regarding the use of weapons and performance of jobs which require use of violence and carrying of weapons. Any other restriction would represent a violation of human rights of this person, so it cannot be acceptable.

## **BOSNIA AND HERZEGOVINA**

### **The existing model of civilian service**

01. Is civilian service regulated by the law and if yes, by which?

Yes, in Federation BiH civilian service is regulated by the Law on civilian service, i.e. "Temporary instruction about performance of civilian service in legal persons and Federation BiH Army units". In the Republic of Srpska it is also regulated by the Defense law and by the "Regulation book about performance of military service without carrying arms and in civilian service"

02. Is civilian service existing in the practice, and since when?

Yes, in FBiH Civilian service exists since May 2004 and in the RS since December 2002.

03. How long is the civilian service comparing to the military service?

In FBiH military service lasts 4 months and civilian service 6 months, which is 1, 5 times longer, while in the RS military service lasts 4 and civilian 10, which is 2, 5 times longer.

04. Is there an obligation to inform the recruit about the choice of service to perform in the Law on civilian service?

F BiH: Obligation to inform is clearly stated in the "Temporary instruction about performance of civilian service in legal subjects and Federation BiH Army units", but in the new Defense law this obligation does not exist. However, the "Protocol about activities on informing the conscripts about the right to conscientious objection and civilian service and the right to monitor these activities", signed by the Federal Ministry of Defense and the "Campaign for conscientious objection in BiH", oblige the Federal Ministry of Defense to inform, both in written and oral, the recruits/conscripts about the ways of serving.

RS: In the Defense law of the RS and in the "Regulation book about performance of military service without carrying arms and in civilian service" there is no obligation to inform the recruits about the ways of serving.

05. Where can the civilian service be performed?

F BiH: Civilian service can be performed in humanitarian, unprofitable and organizations of general, public and nongovernmental sector and in appropriate formations/units of the Federation BiH Army without carrying arms.

RS: Military service without carrying arms can be performed in military post offices appointed by the commander of the General staff of the Republic of Srpska Army. Civilian service is per-

formed in health, general rescue organizations, organizations for rehabilitations of disabled persons and other organizations of public interest.

06. Does the objector perform his service in the place he comes from?

Yes, he does if there is an organization or institution where civilian service can be performed in this place or in the nearest place in order to reduce costs of civilian service.

07. What are the criteria for admission of legal persons in the organization of civilian service?

F BiH: They must be humanitarian, unprofitable and of general interest. First of all, these organizations must be the beneficiaries of budgets and perform scientific, educational, cultural, sport, social, health, sanitary or humanitarian work and must be on the territory of Federation BiH. They cannot be founded to gain profit.

RS: They must be health, general rescue organizations, organizations for rehabilitations of disabled persons and other organizations of public interest.

08. What does the application for legal person look like? (job description, duties, requirement for personal profile)

F BiH: Application named "Application of legal person to be inserted on the list of organizers for civilian service" contains: name of organization, residence, court register, branches (offices of legal persons), and jobs to be performed by civilian servants, professional qualifications and possibilities for legal persons to enable necessary conditions.

RS: There is no application.

09. Is the application of organization for admission of objectors updated- how long is it valid for? Is it resubmitted for each call-up term?

F BiH: So far the applications did not get updated. The Ministry of defense advertises public call for selection of legal persons where civilian service will be performed at least once a year.

RS: This issue is not defined in the "Regulation book about performance of military service without carrying arms and in civilian service".

10. Is the right to register the objectors in the service applied for only once, or it has to be done for each class individually? Is the application reevaluated for status of legal person, how often and by whom?

F BiH: It is not defined whether it is necessary to apply again for each call-up. If the commission for control of civilian service of the Federal Ministry of defense, the Federal Ministry of justice, legal person and civil service bodies, before or after admission of objectors to civilian service, establishes that there are no conditions to perform civilian service, then this legal person or civil service body will be erased from the list of legal persons where civilian service can be performed and the contract on mutual rights and obligations will be broken.

RS: This issue is not defined in the "Regulation book about performance of military service without carrying arms and in civilian service".

11. Who is responsible for the selection of legal persons, how often and on what basis?

F BiH: the selection is made by the Commission assigned by the Minister of defense after public call at least once a year, base on criteria set by the "Temporary instruction about performance of civilian service in legal persons and Federation BiH Army units".

RS: This issue is not defined in the "Regulation book about performance of military service without carrying arms and in civilian service".

12. Are the NGOs included in the process of civilian service?

F BiH: Yes, they are. Civilian service can be performed in NGOs that have existed for at least three years and that deal with: promotion and protection of human rights, protection of health and environment, promotion of living, children's care and disabled persons care, social protection, development of civil society and culture. NGOs must own working space, at least three permanent employees, a program implemented in local community and clear financial affairs. Legal person and civil service body where civilian service is performed are obliged to ensure conditions for performance and supervision of civilian service in a way that performance of civilian servants does not jeopardize existing working places and does not impede or disable employment of unemployed persons.

RS: Yes, they are, even though it is not clearly stated in the "Regulation book about performance of military service without carrying arms and in civilian service", but considering the generality of criteria (organizations of general interest), we come to conclusion that NGOs are not deprived from this possibility.

13. What other organisations are included in the civilian service, (number): government institutions, medical, charity, NGOs, cultural, sport, religious etc.?

F BiH: There are 72 legal persons involved in the process of civilian service, among which 21 medical institutions, 2 humanitarian organizations, 38 social institutions, 3 organizations of public interest, and Administrations for defense and departments.

RS: 1 medical, 1 social institution, 2 humanitarian (NGO) organizations and 2 organizations of general interest.

14. Who appoints objectors and into which legal subjects?

F BiH: According to the "Temporary instruction about performance of civilian service in legal persons and Federation BiH Army units" the Commission for civilian service appoints objectors. Based on the Collective review of necessities of legal persons for admission of civilian servants, the Commission creates the Plan of appointments of civilian servants at least 75 day before appointment.

RS: Appointment to civilian service is done by authorized sector of the Ministry of defense according to the "Regulation book about performance of military service without carrying arms and in civilian service".

15. Can the objector choose the legal person where he would like to serve and what is the procedure?

Conscientious objector cannot choose the organization where he wants to perform civilian service according to legal and sub-legal norms that are in effect in both entities.

16. What jobs within the legal persons can the civilian servant do and who decides about this and on what basis?

F BiH: Jobs done by civilian servants are determined by his profession and education which are stated in the application. Civilian servant is obliged to perform set duties and set commands which are in accordance to normative and legal act of legal person and to nature of unit jobs defined for performance of civilian service. Unfortunately, there is no legal act that limits the legal person to demand for conscientious objector for paid work, i.e. conscientious objector can occupy someone's potential working place.

RS: Conscientious objector can perform jobs suitable for his skills and specialist's training. An

authorized sector of the Ministry of defense brings decision about this question.

17. How will the objector contact the legal person?

F BiH: Before the beginning of the service there is no direct communication between legal person and civilian servant. Conscientious objector comes to legal person after he has received the civilian service letter sent by the Commission for civilian service at least 15 days before the service begins. All of this is defined in the document "Temporary instruction about performance of civilian service in legal persons and Federation BiH Army units".

RS: There is no direct contact before the service begins. The Ministry of defense sends letter 45 days before the service starts, with marked date of response and name of civilian institution with address.

18. Do legal persons have any trainings/education on rights and commitments of objectors and legal subjects during the performance of civilian service before arrival of objector?

F BiH: Legal person is obliged to inform the servant, at the beginning of the service, about legal person's activities, duties to be performed, their rights and obligations while performing the civilian service, regulations and services within the legal person; training/education regarding the rights and obligations of conscientious objector and legal person before the service commence, are not legally prescribed nor demanded.

RS: No, this issue is not defined in the "Regulation book about performance of military service without carrying arms and in civilian service". This kind of education is neither demanded nor predicted. Of course, every legal subject may organize an education for conscientious objector if necessary.

19. Who monitors the civilian service?

F BiH: Legal person, i.e. body where the civilian service is performed appoints the people which will supervise the work of civilian servants. The civilian servant, who is irresponsible towards his duties and disrespectful of discipline during the period of performance of civilian service, is sent to confirmation of fulfillment of conditions for civilian service. The confirmation is performed on suggestion of legal person in a way and according to the procedure set for recognition of the right to civilian service. Legal person where a servant perform civilian service informs the Commission for civilian service about negligent attitude and violation of discipline during the period of performance of civilian service and about the reasons for re-confirmation of further performance of civilian service. The procedure is executed by the Commission for civilian service.

RS: According to the "Regulation book about performance of military service without carrying arms and in civilian service", the supervision over civilian service is done by the Ministry of defense and organization /institution must appoint a person to supervise the work in civilian service.

20. Is the system of report existent and what is it?

F BiH: Yes, there are forms to be filled out by legal person, Commission for civilian service and the Federal Ministry of defense.

RS: There are authorized departments within the Ministry of defense and authorized person within the organization which perform monitoring and control, but in the "Regulation book about performance of military service without carrying arms and in civilian service" there is no defined system of reporting.

21. What types of sanctions are existant in case that the duties are not being fulfilled by the objectors?

F BiH: Legal person where civilian servant performs his civilian service informs the Commission for civilian service about negligent attitude and violation of discipline during the period of performance of civilian service and about reasons for re-confirmation of further performance of civilian service. The civilian service for a recruit/conscript who does not fulfill conditions for civilian service, is interrupted and he is sent to military service.

RS: In the "Regulation book about performance of military service without carrying arms and in civilian service" it is stated that in case of violations of relations towards the service and violation of discipline during the period of performance of civilian service, the recruit is responsible according to regulations that regulate this issue.

22. Is there a civilian booklet and what does it comprise of?

No, there is no military booklet where it stands that the recruit is serving civilian service.

23. What is the basis for requesting the transfer from one legal person to another and to whom is the application submitted?

F BiH: The transfer is possible based on the demand submitted by the legal person in case the objector does not fulfill his duties, or based on objector's demand in case he considers that his professional skills do not correspond to necessities of legal person. The demand is submitted to the Commission for civilian service.

RS: This issue is not defined in the "Regulation book about performance of military service without carrying arms and in civilian service"

24. On what basis and how can the legal person demand the transfer of the objector or ask for a new one/s?

F BiH: A legal person can make such demand based on its necessities and it submits it to the Commission for civilian service.

RS: This issue is not defined in the "Regulation book about performance of military service without carrying arms and in civilian service".

25. Is the suspension of military or the transfer from military to civilian service or vice versa, or transfer from one legal person to another possible?

F BiH: While this concrete regulation of the document "Temporary instruction about performance of civilian service in legal persons and Federation BiH Army units" was in effect, the following was valid: suspension of military service is possible for a recruit who obtained the status of civilian servant during the performance of military service. This status is approved by the Commission for civilian service. The Commission brings decision which confirms: the date of suspension of military service, in which legal person will the person continue the civilian service and converted time for performance of civilian service with exact date of release. The commission for civilian service brings decision about transfer of civilian servant during performance of civilian service on suggestion of the Federal Ministry of defense by the right of supervision.

Transfers can be:

- From one to another unit of FBiH Army appointed for performance of military service
- From FBiH Army unit to legal person
- From one to another legal person
- From a legal person to FBiH Army unit appointed for performance of civilian service

This regulation was abolished after the new Defense law was brought in May 2004, so persons do not have the right to declare conscientious objection 7 days after receipt of recruitment letter.

RS: According to regulation book, only the transfer from civilian to military service is possible and this decision is confirmed by the Ministry of Defense of the RS, but only in the case conscientious objector gives up his right. Other details are not stated in the "Regulation book about performance of military service without carrying arms and in civilian service".

26. Can the objector withdraw from the civilian service and how?

F BiH: Yes, by submitting the demand for suspension of the status of conscientious objector, after which he gets appointed to military service. If a civilian servant decides to withdraw from the civilian service, he must sign a written statement about his decision. The manager of legal person, i.e. commandant of FBiH Army unit where civilian servant performs his service or a servant himself, is obliged to deliver this statement right away to the defense department and to the Commission for civilian service for further procedure.

RS: Yes, in case he does not want to serve civilian service, he must submit the demand to the Ministry of defense where he states that he does not want to carry arms, and the Ministry of defense sends him to serve military service which cannot be shorter than 6 months.

27. Can the civilian service be postponed, on what basis and for how long?

Yes, based on same norms that are valid for military servant.

28. In what cases can the civilian service be suspended?

Suspension of civilian service is possible for reasons established by the Law and also if a person is considered incapable or temporarily incapable for military- civilian service.

29. Is there a money compensation for civilian servant and what is the amount?

There is monthly money compensation in amount of 30 KM, travel and food expenses.

30. What expenses of the civilian service are provided by the state, and what by the legal person?

F BiH: expenses are established by an agreement between legal person and the Ministry of defense, so that legal person provides for food, travel expenses, monthly compensation, lodging, and the Ministry of defense covers health and social insurance.

RS: Organization/institution where the civilian service is performed is obliged to provide for free lodging, food, paychecks equal to soldier's one.

31. Does the choice of civilian service bear any consequences or aggravating circumstances for objector?

After obtaining the status of conscientious objector, civilian servant cannot obtain the license to carry weapons nor perform security jobs which require weapons carrying.

32. Is there a possibility of early discharge or shorter lasting civilian service?

Yes, if the Minister of defense brings decision about earlier discharge of a soldier then the same rule is valid for a civilian servant.

33. Is there a possibility of leave and for how long?

F BiH: civilian servant has the right of absence for 9 days, which he can use during or at the end of performance of civilian service.

RS: Yes, during the period of performance of civilian service conscientious objector has the

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same rights and obligations like the soldier, which means that he also has the right to leave. It is not clearly defined by the "Regulation book about performance of military service without carrying arms and in civilian service" how long it can last.

34. Who makes the decisions about granting the leave?

F BiH: Extraordinary leave is allowed by the manager of legal person where civilian servant performs his service based on credible documents.

RS: Even thou this issue is not clearly defined in "Regulation book about performance of military service without carrying arms and in civilian service", an authorized department of the Ministry of defense brings decision about the leave.

35. What are the objector's responsibilities after the completion of civilian service?

F BiH: The civilian servant is assigned to civilian protection.

RS: A conscientious objectors who has finished his civilian service gets assigned to reserve structures or to the civilian protection and other duties that do not include arms carrying.

36. Are there any persons in legal person who are included in the process of civilian serving, who are they and what is their role?

F BiH: Yes, the manager of the legal person responsible for admission and assignment of civilian servants, supervision, control and reporting about the process of performance of civilian service in that legal person.

RS: There is a responsible person within the organization/institution who supervises the work and controls it.

37. Are there people in state institutions who are included in the process of serving the civilian service, who are they and what is their role? What institution appoints them?

F BiH: Yes there are, and these persons are delegated by the following commissions: Commission for supervision of performance of civilian service which supervises the process of civilian service (Federal Ministry of Defense), Commission for civilian service (Federal Ministry of Justice).

RS: Yes, it is the authorized body of the Ministry of defense in the way defined by the "Regulation book about performance of military service without carrying arms and in civilian service".

## **SERBIA AND MONTENEGRO**

### **The existing model of civilian service**

01. Is civilian service regulated by the law and if yes, by which?

It is regulated by the Act of changes and supplements of Act about performance of military duty (national bulletin SCG 26.08.2003) and the Direction of the Ministry of defense about the performance of the service. (Military bulletin from November 3, 2003).

02. Is civilian service existent in the practice, and since when?

Yes, it is existent from 22.12.2003.

03. How long is the civilian service comparing to the military service?

Civilian service lasts 13 comparing to 9 months of military service.

04. Is there an obligation to inform the recruit about the choice of service to perform in the Law on civilian service?

There is not a clear legal duty to inform the recruits about their right to conscientious objection, whereas in the Act about serving military duty, gram article 10 paragraph 2, is stated:

“Authorized military department is responsible to deliver, alongside the recruitment letter, the information about the right of civilians to conscientious objection and legal solutions for its realization to the conscripts.”

In practice, this gram article of the Act is not respected and there are many cases of being misinformed by the authorized institutions.

05. Where can the civilian service be performed?

According to the Act, civilian service is performed in health, humanitarian, social, general aid and other institutions of public interest. Gram article 27 paragraph 2 of the Act about performance of military duty states: “Recruit from the gram article 26a of this act, who is serving civilian service, is directed to serve the military duty in health, first aid organizations, organizations for rehabilitation of disabled people and other organizations and institutes that deal with the activities of general public interest, which are appointed by the ministry of defense, in the recruit’s place of residence according to the regulation.

06. Does the objector perform his service in the place he comes from?

According to the Act gram article 27 passage 2 and the Directive gram article 5 paragraphs 2 and 3, civilian service is performed in the objector’s place of residence according to the regulation. If in the objector’s place of residence there is not a particular organization, then the service is performed in the nearest place to the objector’s place of residence, where such an organization exists.

07. What are the criteria for admission of legal subjects in the organization of civilian service?

This question is regulated by gram article 27 paragraphs 2 and 4 of the Act about performance of military duty and by gram article 5 paragraph 1 of the Directive, by which is regulated that Institutions (legal persons) are determined by the minister of defense and that institutions or organizations sign the agreement with the Ministry of defense by which the mutual rights and obligations are regulated. Apart the institution’s or organization’s (health, first aid organizations and organizations for rehabilitation of disabled people and other organizations and institutions that deal with the activities of general interest) work description, there are no clear criteria for the acceptance of legal persons.

08. What does the application for legal subject look like (job description, duties, demand for profile)

Clear and publicly published application is non-existent. The institution sends the requirement to the Ministry of defense with the description of jobs and professional profiles required along with the opinion of civilian ministry, which is responsible for institution’s (legal persons’) work region.

09. Is the application of organization for recruitment of objectors updated- how long is it valid for? Is it resubmitted for each call-up term?

It is updated for the new institutions, but there is no deadline by which the update is obligatory,

it is not resubmitted for the each term.

10. Is the right to register the objectors in the service applied for only once, or it has to be done for each class individually? Is the application reevaluated for status of legal person, how often and by whom?

There is no reevaluation and it is applied for only once, as long as the institution is not willing to change their application.

11. Who is responsible for the selection of legal persons, how often and on what basis?

This question is regulated by the gram article 27 paragraphs 2 and 4 of the Act about performance of military duty and by the gram article 5 paragraph 1 of the Directive, by which is regulated that the institutions and organizations (legal persons) are determined by the Minister of defense.

12. Are the NGOs included in the process of civilian service?

There are no criteria for including the NGOs, there is only a wide description of the organizations' work (gram article 27 paragraph 2 of the directive, according to this paragraph the conclusion can be drawn that all organizations with the activities of the general interest, regardless their legal status, can be included in the process of civilian service). Until now, the organizations included are Alliances of paraplegics and quadriplegics, Society of Red Cross and Association of monasteries Hilandar. Mentioned organizations have the status of NGOs. In general, the NGOs are not included in the process of civilian service.

13. What other organizations are included in the civilian service, (number): government institutions, medical, charity, NGOs, cultural, sport, religious etc.?

Civilian service is performed in legal persons on the territory of Republic of Serbia: Centers for social work-121, Centers for accommodation of elderly within the centre for social work-7, Centers for old and retired people-7, Gerontology centres-24, Health institutions-180, Institutions for social care-13, Institutions for accommodating the mentally disabled people, invalids and psychologically handicapped-13, Other institutions and organisations-4; on the territory of Republic of Montenegro: Health institutions-18, Educational institutions-primary schools-152, Special centers within the primary schools, institutions, centers and homes-16, Educational institutions-preschool institutions-18, General first aid organisations-2.

14. Who appoints objectors and into which legal subjects?

Appointment to the civilian service is done by the Commission for civilian service within the military sector in the each council in Serbia and Montenegro.

15. Can the objector choose the legal person where he would like to serve and what is the procedure?

There is no legal requirement to respect the choice of the institution; however, in practice this is possible by gaining and submitting the invitation letter from the institution that does not have to be respected.

16. What jobs within the legal persons can the civilian servant do and who decides about this and on what basis?

According to the directive of Ministry of defense, the objectors work duties have to be appropriate to his level of education, interests and choice.

17. How will the objector contact the legal person?

On the day they start the civilian service, according to the regulation, there is no earlier contact.

18. Do legal subjects have any trainings/education on rights and commitments of objectors and legal subjects during the performance of civilian service before arrival of objector?

No.

19. Who monitors the civilian service?

Monitoring is done by the responsible person in the institution (person responsible for process of civilian service or the director of the institution, i.e. legal representative).

20. Is the system of report existent and what is it?

Yes, once a month the reports about the recruits' work are sent to the competent military sector.

21. What types of sanctions are existent in case that the duties are not being fulfilled by the objectors?

This regulation is regulated by the gram article 27b of the Act that states:

"Serving the military duty in the civilian service or service without carrying weapons will be suspended for the soldier who, during the service, executes the activity that contradicts the reasons for which he has been sent into this service (fight, use of cold or fire arms, violent behavior etc.); also in the case of not fulfilling his work duties. This person that served the civilian service will be directed to serve the military duty in the military unit from the gram article 27 passage 1 of this regulation, and person who served his service without the weapons will be sent to serve the military duty with the weapons in the sense of gram article 22 passage 1 of this directive. Decision about suspension of military duty in the civilian service or service without carrying weapons for the soldier from the paragraph 1 of this gram article is determined by the military sector that appointed this soldier to serve the military duty."

22. Is there a civilian booklet and what does it comprise of?

Yes there is and it contains where and how was the civilian service performed.

23. What is the basis for requesting the transfer from one legal person to another and to whom is the application submitted?

There is no legal basis, but it possible to demand the transfer in care of violations of rights. In practice, transfer is not possible.

24. On what basis and how can the legal person demand the transfer of the objector or ask for a new one/s?

This issue is not regulated by the Act about performance of military duty or by the Direction of the Ministry of defense.

This is no case in practice that the transfer is being demanded by the institution or organization where civilian service is being performed.

25. Is the suspension of military or the transfer from military to civilian service or vice versa, or transfer from one legal person to another possible?

Article 26, paragraph 4 of the Act regulate this issue and it states:

“The demand for performance of military service can be submitted by the soldier serving military duty before the expiration of first third of the military service. Authorized military officer forwards this demand to the sector within 48 hours.”

Article 5 of the Directions of the Ministry of defense, line 15 paragraph 2 states:

“If the soldier serving military service in the Army before the expiration of one third of military service submits the demand to perform military service in civilian service, the time spent in performance of military service in the Army is included in the time he has to spend performing civilian service.”

26. Can the objector withdraw from the civilian service and how?

The objector can withdraw, but the time spent in civilian service is not included the military service.

27. Can the civilian service be postponed, on what basis and for how long?

Yes, on the basis of the same normes that are valid for the military servant. The decision is made by the competent military sector.

Regulation about serving the military duty gram article 35 states:

“Serving the military term can be postponed on the recruit’s demand:

- 1) if he returned to the country from abroad because of the serving of military duty, but he is not capable to provide for his family until the day his military service is supposed to commence;
- 2) if there is no one else capable to provide for his family, but it is necessary to perform the agricultural labour;
- 3) if he is accepted to work on the temporary basis, but because he is directed to serve the military duty he is not able to work at the times that were determined for him;
- 4) if he started to work as a beginning employee – until the end of training period
- 5) if in his family there are only individuals who are in need of every day care and help from other person.

Along with the application for ceassation of serving the military duty, the recruit has to submit the particular proofs (assurance, acknowledgement etc.)”

Gram articles of the law in the Yugoslavian army that relate to cessation of military duty:

Gram article 301.

“The recruits who are considered capable or partly capable for military service when they turn 21 are directed to serve the military duty.

The recruit attending the University, or other school is directed to serve the military duty when he finishes the university or any other school; however, the latest day to accomplish this is the end of November of the calendar year when the recruit will turn 27.

Gram article 308.

“Serving of military duty is postponed on the request of recruit:

- 1) for the recruit on the compalsory military service who, according to the regulations for the protection of his family, gains the characteristic features of the person responsible to feed his family if by the directing him to serve the military service his family would experience difficult material status- until those last, but the latest until the end of November of the calendar year when the recruit will turn 27.
- 2) for the half, or the most of recruits who are the members of one family if their number is odd, if one or more members of that family are directed or they are already serving the military duty- until that member of family, or other half of family do not accomplish the military duty or they are not, for some other reasons, dismissed from the army, but the latest until the end of November

of the calendar year when the recruits turns 27.”

3) if, due to the death or illness in family or due to the natural disasters, the recruit's family would be in a difficult position by directing him to serve the military duty-until those reasons are present, but the longest is one year. On the demand of recruit, due to approved familial or other reasons, the serving of military duty can be postponed for up to one year. Exceptionally from the regulation passage 4 of this gram article, the recruit- first-class sportists or members of national representation, the recruit-first-class artist or the recruit-first-class scientist can be given the opportunity of postponing the serving of his military duty on the demand of the competent federal minister, but the latest until the end of November of the calendar year when the recruit will turn 27”.

28. In what cases can the civilian service be suspended?

Regulation about suspension of military duty:

Gram article 27b.

“Serving the military duty in civilian service or service without the weapons will cease for the servant who, during the serving the duty, commits an act that is against the reasons for which he has been sent to serve in this duty (fight, use of cold or fire arms, violent behaviour etc.). Also in the case of not fulfilling his work obligations. This person will be transferred from the civilian to the military service from the gram article 27 paragraph 1 of this regulation. Person who served his duty without the weapons will be transferred to serve with weapons according to the gram article 22 paragraph 1 of this regulation.

The person responsible for making the decision of ceasing the military duty within the civilian service or service without the weapons for the recruit from paragraph 1 of this gram article is brought by the military sector that directed this recruit to serve the military duty in the first place.

Gram articles of the Yugoslavian army's law about cessation:

Gram article 309.

“Serving the military service is suspended:

1) for the recruit who was, during the service of military duty, proclaimed temporarily incapable for military service;

2) for the recruit who was, during the service of military duty, found guilty by the court and sent to the juvenile prison or a sentence without a parole - until the sentence is served or he is released on parole

3) vojniku protiv koga je u toku služenja vojnog roka pokrenut krivični postupak zbog krivičnog dela učinjenog pre stupanja na služenje vojnog roka, za koje se goni po službenoj dužnosti -ako

je za to delo predviđena kazna zatvora preko tri godine.

3) for the recruit against whom, during the service of military duty, the criminal procedure is initiated because of the act committed before the start of his military service, and for what he is being prosecuted by the in line of duty- if the punishment of three years in prison has been set for that act.

4) for the recruit who was accepted to the military academy, military school, police academy, high school or college of internal businesses lasting at least one year, from the day the unit has received the notice of the start of his education.

Exceptionally from the regulation of paragraph 1.2 of this gram article, serving of the military duty will not be suspended for the recruit who is sentenced by court decision to juvenile prison up to two years or on prison sentence without parole for up to two years, and who has less than six months left until the completion of his military service.”

Gram article 310.

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“The serving of military service can be, on the recruit’s demand, ceased due to the reasons of death or illness in family or due to natural disaster, in case his family would be brought up to a difficulty due to the recruits absence during the existence of those reasons, but no longer than one year.

Serving the military duty can be ceased for the recruit sportist for his preparation and involvement in the representation of Yugoslavia on the world’s or European competitions or Olympic games; for the recruit-first-class artist- for his preparation and involvement in the world’s or European artistic manifestations; for the recruit- scientific explorer- for his professional and exploring work of particular significance.

Demand for the ceassation of serving the military duty from the passage 2 of this gram article is submitted to the federal minister, and that ceassation can last up to one year.”

The decision of ceassation is brought by the military sector.

29. Is there a money compensation for civilian servant and what is the amount?

Yes, there is money compensation in amount of 308 din a month (4, 5 euros) and travel expenses.

30. What expenses of the civilian service are provided by the state and what by the legal person?

All expenses are provided by the state, even thou expenses of compensation and travel ones are always late.

31. Does the choice of civilian service bear any consequences or aggravating circumstances for objector?

There are no consequences or aggravating circumstances.

32. Is there a possibility of early discharge or shorter lasting civilian service?

Shorter lasting civilian service is possible based on the decision of the President of SCG.

33. Is there a possibility of leave and for how long?

Objectors has the right to regular leave of 15 days and a rewarding leave of 30 days for special devotion to performance of jobs that are assigned to him. However, in extraordinary cases, objector has the right to 7 days leave. These cases are: marriage, child birth, private business, exams and death of close member of the family.

34. Who makes the decisions about granting the leave?

Decision about granting the leave is brought by the manager of the institution which is obliged to inform the military sector in regular monthly report.

35. What are the objector’s responsibilities after the completion of civilian service?

Conscientious objector gets appointed, after completion of civilian service, to military sectors that do not require arm carrying.

36. Are there any persons in legal person who are included in the process of civilian serving, who are they and what is their role?

The person in charge in the institution, if there is such a person, is included in the process of civilian service, and if there is not, then the director of the institution.

37. Are there people in state institutions who are included in the process of serving the civilian service, who are they and what is their role? What institution appoints them?

There are 52 commissions for civilian service within military sectors in each municipality in SCg and they are appointed by the Minister of defense.

## **Croatia**

### **The existing model of civilian service**

01. Is civilian service regulated by the law and if yes, by which?

In the Republic of Croatia, the civilian service is regulated by the Law on civilian service.

02. Is civilian service existing in the practice, and since when?

Civilian service began to be practiced in 1997-98 and before that it used to be performed within military barracks without carrying arms.

03. How long is the civilian service comparing to the military service?

Civilian service lasts 8 months, while military service lasts 6 months.

04. Is there an obligation to inform the recruit about the choice of service to perform in the Law on civilian service?

In article 5 of the Law on civilian service there is an obligation for defense offices during registration into military evidences to inform the conscript about the right to conscientious objection.

05. Where can the civilian service be performed?

Civilian service can be performed within legal persons which perform scientific, educational, cultural, sport social, health, sanitary or humanitarian work in the Republic of Croatia, and in civil bodies and bodies of local and regional autonomous units (in further text: legal persons and bodies). Civilian service can also be performed in associations which have been working for at least three years on promotion and protection of human rights, health protection and improvement of quality living, disabled persons care, children's care, environment protection and sustainable development, social care, youth work, democratization and development of civil society and culture.

06. Does the objector perform his service in the place he comes from?

While sending the objector to perform the civilian service, the nearest place to his hometown is always considered. If the civilian service is being performed in a place more than 80 km away from the residence of objector, then he has the right for free lodging.

07. What are the criteria for admission of legal persons in the organization of civilian service?

Legal persons must fulfill the criteria set by the Regulation book about appointing legal persons where civilian service is to be performed in the Republic of Croatia (National bulletin 84/04).

08. What does the application for legal person look like? (job description, duties, requirement for personal profile)

There is no special application for insertion on the list of institutions. Legal person must send



the demand to be put on the list.

09. Is the application of organization for recruitment of objectors updated- how long is it valid for? Is it resubmitted for each call-up term?

An institution remains on the list until it decides to be erased from it or until the Commission erases it for breaking the Law. The list is updated constantly.

10. Is the right to register the objectors in the service applied for only once, or it has to be done for each class individually? Is the application reevaluated for status of legal person, how often and by whom?

As there is no precise period of departure for civilian servants as there is for military ones, conscientious objectors are being sent practically every day to perform civilian service and therefore there is not legislative regulation which would define that the institution should apply for each class.

11. Who is responsible for the selection of legal persons, how often and on what basis?

Selection of legal person is done by the Commission for civilian service based on the confirmation whether the legal persons fulfill the criteria. The selection is done constantly, depending on received requests for inclusion on the list.

12. Are the NGOs included in the process of civilian service?

Civilian service can also be performed in nongovernmental institutions.

13. What other organisations are included in the civilian service, (number): government institutions, medical, charity, NGOs, cultural, sport, religious etc.?

Educational (14), civil institutions (12), medical (17), humanitarian (12), cultural (14) and other

14. Who appoints objectors and into which legal persons?

The Commission for civilian service appoints conscientious objectors to perform civilian service.

15. Can the objector choose the legal person where he would like to serve in and what is the procedure? Conscientious objector can express his wish about the place he wants to perform his

service in, but the Commission is not obliged to respect it. However, the Commission usually accepts the objector's wishes.

16. What jobs within the legal persons can the civilian servant do and who decides about this and on what basis?

The commission appoints the institution on the basis of professional skills of the objector. In the institution a person in charge of conscientious objectors is the one who distributes the work (it is usually the director of the institution)

17. How will the objector contact the legal person?

Conscientious objector receives a call -up which contains the date and place of the civilian service.

18. Do legal subjects have any trainings/education on rights and commitments of objectors and legal subjects during the performance of civilian service before arrival of objector?

Before the admission of conscientious objectors, institutions do not go through any education about rights and commitments of the conscientious objector or a legal person during the period of performance of civilian service.

19. Who monitors the civilian service?

The Commission for civilian service monitors the civilian service, but due to a great number of demands, there is no monitoring for the time being. Also, there is a person within the institution that monitors the work of conscientious objectors.

20. Is the system of report existent and what is it?

There is no a permanent system of report, but data of the Commission are public.

21. What types of sanctions are existant in case that the duties are not being fulfilled by the objectors?

In case the duties are not being fulfilled by the objectors, there is a fine, and in case of unjustified continuous absence for more than 30 days – the sanction is deprivation of the right for civilian service.

22. Is there a civilian booklet and what does it comprise of?

There is a civilian booklet which serves as identification and proof about performed civilian service.

23. What is the basis for requesting the transfer from one legal person to another and to whom is the application submitted?

Basis to obtain the transfer are stated in the Law on civilian service. It is necessary to submit the demand with stated reasons to the Commission for civilian service.

24. On what basis and how can the legal person demand the transfer of the objector or ask for a new one/s?

Legal person obtains transfer and admission of new objectors by submitting the demand to the Commission for civilian service.

25. Is the suspension of military or the transfer from military to civilian service or vice versa, or transfer from one legal person to another possible?

The transfer from military to civilian service is possible and vice versa based on the submitted demand.

26. Can the objector withdraw from the civilian service and how?

Conscientious objectors can withdraw from the civilian service if he submits the demand for withdrawal and informs the Commission for civilian service about his withdrawal from conscientious objection.

27. Can the civilian service be postponed, on what basis and for how long?

Civilian service can be postponed based on the demand of the recruit for one year at most, but until June 30 of the calendar year in which he turns 27:

1. if in the common household there is no other member capable to work, and it is indispens-

able to perform urgent works which cannot be done without causing damages to the household without his presence

2. if he got employed as a beginning employee – until the training period is over
3. if in the common household there are only members that require his or other people's help for everyday needs
4. if from the same household two or more members are sent to perform military or civilian service, i.e. if one of them is already performing military or civilian service- until one of them completes the service
5. if the wedding date is set- at most 3 months

On a personal demand of the conscript or on the demand of the Croatian Olympic Committee, i.e. correspondent national sport union, the civilian service can be postponed for a year at most, but until

June 30 of the calendar year in which he turns 27 so that he might participate on the Olympic and Mediterranean games, Universals, world and European championships, world and European cups, international youth competitions (European Youth Olympic Festivals- EYOF, world youth games –WYG, Youth games Alps- Adriatic), official international competitions and national championships.

28. In what cases can the civilian service be suspended?

Performance of civilian service is suspended for:

1. civilian servant who is considered incapable or temporary incapable for civilian service by the authorized body
2. civilian servant sentenced by legal court sentence to serve time in juvenile prison or to prison without parole, until sentence is served or until release on parole
3. civilian servant sentenced by legal court sentence to serve time in prison without parole longer than six months, until the sentence is served or until release on parole.
4. civilian servant against who the criminal charges are being brought for a criminal act prosecuted in line of duty, if for such an act a prison sentence longer than three years is predicted
5. civilian servant who self-willedly and unjustifiably leaves the civilian service continuously for more than 10 and less than 30 days.

29. Is there a money compensation for civilian servant and what is the amount?

There is no money compensation for civilian servant.

30. What expenses of the civilian service are provided by the state, and what by the legal person?

During the performance of civilian service, a civilian servant has the right to have a protective clothing and insured lodging if he performs the civilian service in a place more than 80 km distant from his town. During the entire period of civilian service, civilian servants have the right to health care, health insurance and rights in case of accidents, illness or deterioration of illness during the performance of civilian service according to regulations which regulate these rights for persons who perform military service in Armed forces of the Republic of Croatia. Civilian servants, during the period of civilian service, have the rights of employees, social care, employment, pension and disability insurance and other rights that military servants have. All these expenses are provided by the state.

31. Does the choice of civilian service bear any consequences or aggravating circumstances

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for objector?

After acceptance of conscientious objection and approval of civilian service, the objector bears no consequences, for he can renounce on the right to conscientious objection and he can be sent to military service, i.e. transferred to reserve structures and receive call-ups for military trainings.

32. Is there a possibility of early discharge or shorter lasting civilian service?

There is a possibility of earlier discharge on request of the President of the Republic of Croatia.

33. Is there a possibility of leave and for how long?

During the civilian service, a civil servant has the right to 15 days long leave. For extraordinary devotion to performance of assigned duties, there is a possibility for civilian servant to be granted a rewarding 5 to 10 days long leave.

Civilian servant has the right to extraordinary 5 days long leave in the following cases:

1. marriage
2. child birth
3. exams
4. death of a close family member.

34. Who makes the decisions about granting the leave?

The decision about the leave is brought by the authorized person within the legal person or by the chief of the body which monitors the work of objector. The Commission for civilian service is informed about all leaves.

35. What are the objector's responsibilities after the completion of civilian service?

Members of reserve structure (in further text: civilian reservist) are assigned to civilian protection and participate in different types of civilian duties, but in case of natural disasters, war or other forms of direct danger, they perform jobs which are assigned to them by authorized bodies for civilian protection and defense.

Civilian reservist can spend at most 2 months a year in performance of civilian service.

36. Are there any persons in legal person who are included in the process of civilian serving, who are they and what is their role?

In every institution there is a person in charge of conscientious objectors. This person directs them on the jobs, approves leaves and receives their complaints about violations of their rights.

37. Are there people in state institutions who are included in the process of serving the civilian service, who are they and what is their role? What institution appoints them?

There is a commission for civilian service which deals with claims for civilian service and transfers and which directs the objectors onto the civilian service, proposes the list of institution etc. Also, the Minister of health and social care signs the regulation books and expends the list of institutions and selects the members of committee and their deputies.

## **MACEDONIA**

### **The existing model of civilian service**

01. Is civilian service regulated by the law and if yes, by which?

By the Defense Law 2001.

02. Is civilian service existent in the practice, and since when?

Since January class 2003.

03. How long is the civilian service comparing to the military service?

Civilian service lasts 10 comparing to 6 months of military service.

04. Is there an obligation to inform the recruit about the choice of service to perform in the Law on civilian service?

No, there is not.

05. Where can civilian service take place?

In public and medical institutions, humanitarian organizations and fire brigade establishments.

06. Does the objector serve in the place he comes from?

Usually he does, although there are exceptions.

07. What are criteria for recruiting legal persons in the organization of civilian service?

They should be public or medical institutions, humanitarian organizations or fire brigade establishments.

08. What does the application for legal person look like? (job description, duties, requirement for personal profile)

The scheme is non-existent, the application is handed to the Ministry of defense with the explanation of need, i.e. work duties that objector will be assigned to.

09. Is the application of organization for recruitment of objectors updated- how long is it valid for? Is it resubmitted for each call-up term?

It is updated when necessary. The Ministry of Defense directs the letter to the organizations already existent on the list before each class. It is updated every time some other organization gets included.

10. Is the right to register the objectors in the service applied for only once, or it has to be done for each class individually? Is the application reevaluated for status of legal person, how often and by whom?

In practice, it has to be applied for each objector individually, with the job description.

11. Who is responsible for the selection of legal persons, how often and on what basis?

The Ministry of defense is responsible for the selection, depending on demand of organizations. Criteria that are accessible are: that they are public or medical institutions, humanitarian organizations or fire brigade establishments

12. Are the NGOs included in the process of civilian service?

Yes, two NGOs.

13. What other organizations are included in the civilian service, (number): government institutions, medical, charity, NGOs, cultural, sport, religious etc.?

- Ten different medical institutions
- Three social security centers
- 19 territorial fire brigades.
- Two humanitarian NGOs
- Seven public institutions of different type (old people's homes, centers for rehabilitation...)

14. Who appoints objectors and into which legal persons?

Department of civilian defense and critical management (Ministry of defense).

15. Can the objector choose the legal person where he would like to serve and what is the procedure?

No.

16. What jobs within the legal persons can the civilian servant do and who decides about this and on what basis?

The organizational management where the objector is placed is responsible for deciding what jobs the objector will do.

17. How will the objector contact the legal person?

There is no direct communication between the legal person and the civilian servant before the start of his service, but the objector starts to communicate with the legal person on the basis of being called by the local Defense department for civilian service.

18. Do legal subjects have any trainings/education on rights and commitments of objectors and legal subjects during the performance of civilian service before arrival of objector?

No.

19. Who monitors the civilian service?

Legal person, i.e. the body where the civilian service takes place appoints a person for supervising the work of civilian servant. According to the Defense law, the control is also done by the Ministry of defense. In practice, Ministry of defense (local sector of defense) controls the institution and not the objectors individually.

20. Is the system of report existent and what is it?

Relations are within the organizations- Ministry of defense.

21. What types of sanctions are existent in case that the duties are not being fulfilled by the objectors?

It is absolutely not defined by the law.

22. Is there a civilian booklet and what does it comprise of?

No, there is only a military booklet in which the person who is serving the civilian service is registered.

23. What is the basis for requesting the transfer from one legal person to another and to whom is the application submitted?

The application is submitted to the local sector of defense.

According to the request of legal person in case that the objector is not fulfilling his obligations, or according to the request of objector who considers that his professional abilities cannot satisfy the needs of legal person.

24. On what basis and how can the legal person demand the transfer of the objector or ask for a new one/s?

On the basis of needs of legal person via Request submitted to the local sector of defense, which then gets forwarded to the Sector of civilian defense and critical management.

25. Is the suspension of military or the transfer from military to civilian service or vice versa, or transfer from one legal person to another possible?

Legally- yes.

26. Can the objector withdraw from the civilian service and how?

Only if he requests the transfer to military base.

27. Can the civilian service be postponed, on what basis and for how long?

Yes, according to the same norms that is applied to all military servants.

28. In what cases can the civilian service be suspended?

Suspension of civilian service is possible for the reasons established by the Law and if they are considered incapable i.e. temporarily incapable for military-civilian service.

29. Is there a money compensation for civilian servant and what is the amount?

Yes, the monthly money compensation amounts to approximately 700 mkd, compensation for food-45 mkd and travel expenses- 900 mkd.

30. What expenses of the civilian service are provided by the state and what by the legal person?

All expenses are provided by the state.

31. Does the choice of civilian service bear any consequences or aggravating circumstances for objector?

There are no legal barriers according to any basis.

32. Is there a possibility of early discharge or shorter lasting civilian service?

The possibilities are the same as for a regular conscript (change of law, ministry's decision)

33. Is there a possibility of absence and for how long?

Yes, the civilian servant has the right of regular leave lasting up to ten days that can be used during the performance of civilian service.

34. Is there rewarding and extraordinary leave and on what basis can it be obtained?

Yes, civilian servant has a right to ordinary leave as well.

35. Who makes the decisions about granting the absence?

Ordinary leave is granted by the management of the legal person where the civilian servant is serving.

36. What are the objector's responsibilities after the completion of civilian service?

He gets assigned to the civilian protection.

37. Are there any persons in legal person who are included in the process of civilian serving, who are they and what is their role?

Yes, people responsible for acceptance and appointment of civilian servants, supervision, control and reporting about the performance of civilian service in that legal person.

38. Are there people in state institutions who are included in the process of serving the civilian service, who are they and what is their role? What institution appoints them?

Yes, people from the Ministry of defense- sector of civilian defense and critical management. All of these people have specific responsibilities toward the civilian service.



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