

Croatia – 4th Universal Periodic Review

NGO Submission on Behalf of the Center for Economic Education

April 2025

The Center for Economic Education (CEE) / Centar za ekonomsko obrazovanje (CEO) is a Croatian non-governmental and non-profit organization founded on November 11, 2022 to promote free markets and civil liberties through education, public policy, research and activism.

This submission concerns plans by the Croatian government to reintroduce compulsory military service and its implications on freedom of conscience and equality before the law.

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This submission by the Center for Economic Education concerns plans by the Croatian government to reintroduce compulsory military service and its implications on freedom of conscience and equality before the law.

Summary of Status Quo

Universal male conscription was suspended in 2008 by act of Parliamentⁱ. Since early 2024, the Prime Minister and Minister of Defense have been announcing the reintroduction of compulsory military service, with the latter stating in April 2025 that the Croatian Armed Forces were fully prepared for its reintroduction pending parliamentary approvalⁱⁱ, which is expected by July 15ⁱⁱⁱ.

Details released by the Ministry of Defense show that the new policy would require all men to undergo a period of basic military training in the Croatian Armed Forces upon completion of their (post-)secondary education, with an exception for conscientious objectors, who would be required to perform alternative civilian service. The participation of women would remain voluntary, as it has been for both men and women since 2008.

Upon completion of their service, recruits would be offered a professional contract; those who decline would be moved to the Assigned Reserve. Under current law, assigned reservists may be required to serve in the armed forces for up to 30 days per calendar year for military training and exercises.

Although the government has not yet published its legislative proposal, statements released by the Minister of Defense and other high-ranking officials and legislators have prompted the CEE to organize a petition^{iv} citing, among other things, concerns of potential discrimination^v.

Discrimination of Conscientious Objectors

Normative Framework

- **Universal Declaration of Human Rights**
 - Article 7: All are equal before the law and are entitled without any discrimination to equal protection of the law. All are entitled to equal protection against any discrimination in violation of this Declaration and against any incitement to such discrimination.
 - Article 18: Everyone has the right to freedom of thought, conscience and religion; this right includes freedom to change his religion or belief, and freedom, either alone or in community with others and in public or private, to manifest his religion or belief in teaching, practice, worship and observance.

- **International Covenant on Civil and Political Rights**
 - Article 18: Everyone shall have the right to freedom of thought, conscience and religion. This right shall include freedom to have or to adopt a religion or belief of his choice, and freedom, either individually or in community with others and in public or private, to manifest his religion or belief in worship, observance, practice and teaching.
 - Article 26: All persons are equal before the law and are entitled without any discrimination to the equal protection of the law. In this respect, the law shall prohibit any discrimination and guarantee to all persons equal and effective protection against discrimination on any ground such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status.
- **European Convention on Human Rights**
 - Article 9:
 1. Everyone has the right to freedom of thought, conscience and religion; this right includes freedom to change his religion or belief and freedom, either alone or in community with others and in public or private, to manifest his religion or belief, in worship, teaching practice and observance.
 2. Freedom to manifest one's religion or beliefs shall be subject only to such limitations as are prescribed by law and are necessary in a democratic society in the interests of public safety, for the protection of public order, health or morals, or for the protection of the rights and freedoms of others.

Government Proposals

The Ministry of Defence has insisted that it would respect the right of conscientious objectors to refuse military service on the grounds of their religious or moral beliefs, who would be required to perform alternative civilian service.

However, the Minister of Defence has also stated the length of alternative civilian service would be twice as long as military service^{vi,vii} and that civilian service would be “demotivated”^{viii}.

In his latest remarks^{ix}, the Minister stated compulsory military service would be “motivated” by monetary compensation for recruits as well as non-pecuniary benefits such as being granted preference in government employment and having their military service counted towards retirement benefits, implying conscientious objectors would be denied such compensation and benefits.

Additionally, the Minister has stated^x that in the case of a general mobilization during wartime, the government could compel conscientious objectors to build bunkers and dig trenches on the frontline while under fire.

Notes and Recommendations

The CEE expresses concern that the conditions of alternative civilian service might be of a punitive nature and violate the rights of conscientious objectors.

The Human Rights Committee has repeatedly stated that alternative service must not be of a punitive nature^{xi}, with factors used in such a determination including, among others, the duration of service, the requirement to perform such services outside the places of permanent residence, the receipt of low salaries etc. The HRC has also expressed concern that alternative service of two and 1.75 times the length of military service may be “punitive^{xii}”.

The European Court of Human Rights has held that an alternative to military service must be of a genuinely civilian nature and not deterrent or punitive in character, referring to the findings of the European Committee of Social Rights which has repeatedly held that the duration of alternative service must not exceed 1.5 times the duration of military service. Furthermore, the CEE finds it exceedingly difficult to find how an obligation to dig trenches on the frontline could be construed as having a genuinely civilian nature, being outside the military sphere and not under military command^{xiii}.

The CEE makes the following recommendation to the State Party: “Take measures to ensure that alternatives to military service are not punitive or discriminatory in terms of their nature or duration”.

The CEE recommends the following question be addressed by the State Party:

- **Please indicate which steps the State Party will take to ensure freedom of conscience is respected in case of a general mobilization.**
- **Please indicate which steps the State Party will take to ensure alternative civilian service is not punitive with respect to duration, pecuniary and non-pecuniary compensation.**

Discrimination on the Basis of Sex

Normative Framework

- **Universal Declaration of Human Rights**
 - Article 7: All are equal before the law and are entitled without any discrimination to equal protection of the law. All are entitled to equal

protection against any discrimination in violation of this Declaration and against any incitement to such discrimination.

- **International Covenant on Civil and Political Rights**

- Article 26: All persons are equal before the law and are entitled without any discrimination to the equal protection of the law. In this respect, the law shall prohibit any discrimination and guarantee to all persons equal and effective protection against discrimination on any ground such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status.

- **European Convention on Human Rights**

- Article 4:
 1. No one shall be held in slavery or servitude.
 2. No one shall be required to perform forced or compulsory labour.
 3. For the purpose of this article the term "forced or compulsory labour" shall not include:
 - a) any work required to be done in the ordinary course of detention imposed according to the provisions of Article 5 of this Convention or during conditional release from such detention;
 - b) any service of a military character or, in case of conscientious objectors in countries where they are recognised, service exacted instead of compulsory military service;
 - c) any service exacted in case of an emergency or calamity threatening the life or wellbeing of the community;
 - d) any work or service which forms part of normal civic obligations.
- Article 14: The enjoyment of the rights and freedoms set forth in this Convention shall be secured without discrimination on any ground such as sex, race, colour, language, religion, political or other opinion, national or social origin, association with a national minority, property, birth or other status

- **Constitution of Croatia^{xiv}**

- Article 14:
 1. All persons in the Republic of Croatia shall enjoy rights and freedoms, regardless of race, colour, gender, language, religion, political or other opinion, national or social origin, property, birth, education, social status or other status.
 2. All persons shall be equal before the law.
- Article 47:

1. Military service and defence of the Republic of Croatia shall be the duty of every capable citizen of the Republic of Croatia.

Government Proposals

The Ministry of Defence has consistently stated that compulsory military service will be required only of men, while women will retain the option to voluntarily serve.

Notes and Recommendations

The CEE notes that both men and women currently serve in the Croatian Armed Forces as voluntary recruits, reservists and professional soldiers indicating that members of both sexes are capable of performing military service and defence of the Republic of Croatia.

Furthermore, the constitutional provision concerning military service makes no reference to sex. As such, the CEE considers a legal obligation to perform military service based on a citizen's sex to be incompatible with equality before the law and anti-discrimination principles as enshrined in the normative framework.

The CEE finds that legally requiring men – and only men to perform compulsory military service not only plainly discriminates men by limiting their liberty and imposing obligations on them, but also disparages the contribution of women in military service and defence.

This not only promotes harmful and outdated stereotypes, but enshrines them in national law, sending a message of clear preference that men should serve the national defence while women, if they so wish, can volunteer – meaning their contribution is superfluous.

The current Defence Law prescribes universal male conscription and compulsory military service, but the calling-up of new recruits has been suspended since 2008 by act of Parliament. As such, the CEE submitted a request to the Constitutional Court of the Republic of Croatia in 2022 challenging the constitutionality of the Defence Law on grounds that it discriminates citizens based on their sex and violates the right to equality before the law. The challenge is still under review by the Constitutional Court.

In its submission to the Constitutional Court on January 1, 2023 regarding the CEE's challenge, the Ministry of Defence stated that it was of the opinion that the constitutional provisions regarding equality of the sexes “could not be interpreted outside of a specific social context, defined goals, and the real factors essential for achieving those goals within a particular sphere of life”. **The CEE is alarmed by the Ministry’s statement, as such an opinion could be, and in fact in certain countries is, used to justify discriminatory practices such as male guardianship, denying women the right to vote, hold public office, enter employment etc.**

The CEE expresses concern that compulsory military service based on the grounds of a citizen's sex is incompatible with the right to equality before the law.

The CEE makes the following recommendation to the State Party: “Take measures to ensure that military service, compulsory or otherwise, respects the equality of citizens before the law with regards to their sex”.

The CEE recommends the following question be addressed by the State Party: Please indicate which steps the State Party will take to ensure equality before the law is upheld in the matter of compulsory military service.

ⁱ https://narodne-novine.nn.hr/clanci/sluzbeni/2007_10_105_3065.html

ⁱⁱ <https://n1info.hr/vijesti/anusic-sve-je-spremno-za-vojni-rok/>

ⁱⁱⁱ <https://www.index.hr/vijesti/clanak/anusic-sve-je-spremno-za-vojni-rok/2650789.aspx>

^{iv} <https://www.barrons.com/news/thousands-in-croatia-sign-petition-against-proposed-military-draft-663d7337>

^v <https://vojnirok.hr/peticija/>

^{vi} <https://www.morh.hr/potpredsjednik-vlade-republike-hrvatske-i-ministar-obrane-ivan-anusic-za-vecernji-list/>

^{vii} <https://www.morh.hr/ivan-anusic-potpredsjednik-hrvatske-vlade-i-ministar-obrane-za-hrvatski-vojnog-mladice-cemo-demotivirati-na-priziv-savjesti-krecemo-od-1-1-985736>

^{viii} <https://www.24sata.hr/news/anusic-o-uvodenju-vojnog-roka-mladice-cemo-demotivirati-na-priziv-savjesti-krecemo-od-1-1-985736>

^{ix} <https://www.mirovina.hr/novosti/vlada-opet-uvodi-obvezni-vojni-rok-trajat-ce-dva-mjeseca-i-racunati-se-u-staz/>

^x <https://medjimurski.hr/odgovorite-nam-u-anketi-jeste-li-za-da-ukoliko-dode-do-opce-mobilizacije-da-nema-izlaska-iz-hrvatske-ni-priziva-savjest/>

^{xi} CCPR/CO/80/LTU, para. 17.

CCPR/C/RUS/CO/6, para. 23.

^{xii} Maille v. France, communication No. 689/1996, Views adopted on 10 July 2000;

Vernier v. France, communication No. 690/1996, Views adopted on 10 July 2000; and

Nicolas v. France, communication No. 691/1996, Views adopted on 10 July 2000.

^{xiii} HRC, Jeong et al. v. Republic of Korea

^{xiv}

https://www.usud.hr/sites/default/files/dokumenti/The_consolidated_text_of_the_Constitution_of_the_Republic_of_Croatia_as_of_15_January_2014.pdf