



QUAKER COUNCIL FOR EUROPEAN AFFAIRS

The Right to Conscientious Objection in Europe: A Review of the Current Situation

Country Report: SLOVAKIA

Conscription

Conscription is enshrined in Article 15 of the 1992 Constitution and is further regulated by Law 331/1992.

Since 1 January 2004, the length of military service is 6 months. In some cases, military service may be shortened. This so-called "compensatory service" is available for conscripts having children or being the sole breadwinner.

All men between the ages of 18 and 30 are liable for military service. Reservist duties apply up to the age of 55.

The Slovakian government has decided to phase out conscription by 2006. The last conscripts will probably be drafted in 2005.¹ The transformation process into professional armed forces in order to comply with NATO standards has been going on for several years. Parallel to this process, military service was shortened from 12 to 9 months in 2000 and to 6 months in 2004.

Statistics

The armed forces comprise 22,000 troops, including 3,500 conscripts (2004). Every year, approx. 45,000 young men reach conscription age.

Conscientious objection

Legal basis

The right to conscientious objection is enshrined in Article 25 of the 1992 Constitution, according to which "No one shall be forced to perform military service if it is contrary to his or her conscience or religion". Further regulations are laid down in the 1995 Civilian Service Act (207/1995).

Scope

Both religious and non-religious grounds for conscientious objection are legally recognized. According to the Civilian Service Act, citizens may refuse military service on the basis of a declaration stating that it is contrary to his conscience or religion.²

Time limits

There is a strict time limit for submitting CO applications. Applications must be made within 30 days of the conscription board's decision on fitness for military service (Article 2.2). Applications that are not submitted within this time limit are not taken into consideration. Applications can thus not be made by serving conscripts or reservists.

There are no legal provisions for the right to conscientious objection for professional soldiers.³

¹ Radio Slowakei, Bratislava, 4 December 2003. Professionalization of the Armed Forces of the Slovak Republic, www.mod.gov.sk (Ministry of Defence), March 2004.

² United Nations Human Rights Committee: Consideration of reports submitted by states parties under Article 40 of the Covenant, State Report Slovakia (CCPR/C/SVK/2003/2), 6 August 2002.

³ Exercise of the right of conscientious objection to military service in Council of Europe member states, Report Committee on Legal Affairs and Human Rights, Doc. 8809 (Revised), 4 May 2001.

Procedure

Applications must be made to the local conscription committee (Ministry of Defence), which makes a decision.

Substitute service

The length of substitute service is nine months. This is one and a half times the length of military service.⁴

Substitute service is administered by the Ministry of Defence. According to the Slovakian government, substitute service can be performed in state and municipal organisations in the areas of health care, social service and environmental protection, but also with non-governmental organisations and religious organisations.⁵

Practice

There are no detailed figures available about the number of CO applications.

The number of applications was believed to be relatively low, but reportedly increased after the reduction of the length of substitute service in 2000. It appears that there is a shortage of workplaces where substitute service can be performed. According to a media report of September 2002, 6,000 COs were waiting for assignment to substitute service.⁶

Since the introduction of time limits in 1995, there have been several cases of COs who have continued to refuse military service after their CO applications were rejected because they had not been submitted in time. They were usually convicted for refusal to perform military service under Article 269 of the Criminal Code. Some COs were sentenced to 12 to 18 months' imprisonment.⁷

Since 1997 there have been no known cases of COs being imprisoned after not submitting their application within the time limit.

⁴ The length of substitute service was reduced in 2000. Before 2000, substitute service lasted twice as long as military service.

⁵ United Nations Human Rights Committee: Consideration of reports submitted by states parties under Article 40 of the Covenant, Summary Record of the 2108th meeting (CCPR/C/SR.2108), 25 July 2003.

⁶ 'Slovak Parliament changes law on alternative military service', SITA News Agency, 21 May 2003 (BBC Monitoring Service).

⁷ Amnesty International: Conscientious objector Milan Kobilka - a possible prisoner of conscience (EUR 72/01/00).