

Macedonia

Issues

- The end of conscription in Macedonia also meant the end of conscientious objection. Macedonia does not recognise the right to conscientious objection for professional soldiers.



Military recruitment

Conscription

Also, the constitution of Macedonia still states in its Article 28: “*The defence of the Republic of Macedonia is the right and duty of every citizen. The exercise of this right and duty of citizens is regulated by law*”¹, conscription was abolished with the *Law for Change and Supplement of the Defence Law (ЗАКОН ЗА ИЗМЕНУВАЊЕ И ДОПОЛНУВАЊЕ НА ЗАКОНОТ ЗА ОДБРАНА)* in 2006². However, in theory military duty is still mandatory for all male Macedonian citizens aged 18 to 55, according to Article 3 paragraph 1 on the *Defence Law (ЗАКОН ЗА ОДБРАНА)*³. This seems to be only a specifications of the provisions in the constitution, as there is no further implementation of this duty in the law.

Professional soldiers

“Voluntary military service” is available to men and women and generally lasts three months (Article 7 paragraph 1 Defence Law).

Article 25 of the Army Service Regulation Law (ЗАКОН ЗА СЛУЖБА ВО АРМИЈАТА)⁴ specifies who can join the military. According to this article, applicants have to be citizens of the Republic of Macedonia and have to be “mature” (generally believed to mean 18 years or older).

The Macedonian military issues calls to the general public to achieve its recruitment targets, and also aims to recruit those finishing their voluntary military service of three months.

Conscientious objection

Conscientious objection for conscripts

With the amendment of the Defence Law in 2006, all provisions for conscientious objection have been deleted from the law.

Conscientious objection for professional soldiers

Macedonia does not recognise the right to conscientious objection for professional soldiers.

Article 225 of the Army Service Regulation Law sets out the possibilities for discharge from the Armed Forces. According to paragraph 9 of this article, a discharge is possible on application, and the Ministry of Defence has to decide on such an application within 1-3 months (Article 226). An appeal against the decision of the Ministry of Defence is possible.

It is clear that this does not provide for a right to conscientious objection.

1 Constitution of the Republic of Macedonia, <http://www.servat.unibe.ch/icl/mk00000.html>, accessed 22 April 2008

2 The Law for Change and Supplement of the Defence Law, Government Gazette No. 58/2006.

<http://www.morm.gov.mk/Zakon/Izmeni%20na%20Zakonot%20za%20odbrana.html> (Macedonian), accessed 22 April 2008

3 Defence Law of the Republic of Macedonia, <http://www.morm.gov.mk/zakon.htm> (Macedonian), accessed 22 April 2008

4 Army Service Regulation Law (ЗАКОН ЗА СЛУЖБА ВО АРМИЈАТА), <http://www.morm.gov.mk/zakonarm.htm> (Macedonian), accessed 22 April 2008

Draft evasion and desertion

Both, the Army Service Regulation Law and the Penal Code of Macedonia set out punishments for crimes in relation to military duties.

Article 341 of the Penal Code deals with avoiding call-up, presumably also in case of call-up of reserves. According to this article, not responding to call up can be punished with a fine, or up to one year imprisonment. If someone goes into hiding to avoid call-up, the punishment increases from 3 months to three years imprisonment, and leaving the country in order to avoid service can be punished with 1 to 5 years imprisonment.

According to article 344 of the Penal Code, being absent without leave for up to 10 days can be punished with a fine or up to 1 year imprisonment, being absent for up to 30 days can be punished with between six months and 5 years imprisonment. If someone absents him/herself by leaving the country, the punishment is from 1 to 10 years imprisonment.

Abandoning ones unit “during the execution of an important task or during an increased level of combat readiness” can be punished with 3 months to 3 years imprisonment.

No information on practice is available.