

Slovenia

Issues

- The right to conscientious objection is not recognised in times of war.
- It is unclear whether Slovenia recognises the right to conscientious objection for professional soldiers.



Military recruitment

Conscription

According to Article 123 of the constitution, “*participation in the national defence is compulsory for citizens within the limits and in the manner provided by law*”¹.

Slovenia suspended conscription in 2003, nine months earlier than originally planned². Conscription is only suspended in peacetime³. It seems that male Slovenian citizens still are automatically registered for military duty, according to the Military Duty Act, and a “*familiarisation briefing*” is supposed to give information on military duties in peacetime and in the immediate threat of war. In addition, such a familiarisation briefing includes information on the possibility of voluntary training in the SAF, joining the contract reserve component, and of a career path in the SAF. According to the report of the Ministry of Defence, in 2005 “*out of a total 12,720 candidates born in 1987, 10,353, or 81.4 percent showed up for the familiarisation briefing; the rest of them were notified by mail*”⁴.

Professional soldiers

Slovenia expects to have a professional force of up to 8,500 men by 2010⁵. As part of its recruitment efforts, the Slovenian Armed Forces offer a three-month voluntary military service for men and women, which is available since January 2004⁶.

Conscientious objection

Conscientious objection for conscripts

Article 46 of the constitution of the Republic of Slovenia guarantees the right to conscientious objection. It reads: “*Conscientious objection shall be permissible in cases provided by law where this does not limit the rights and freedoms of others.*”⁷

Article 123 paragraph 2 of the constitution says: “*Citizens who for their religious, philosophical or humanitarian convictions are not willing to perform military duties, must be given the opportunity to participate in the national defence in some other manner.*”⁸

As conscription is presently suspended, the right to conscientious objection for conscripts is only relevant in case conscription would again be enforced.

1 Constitution of the Republic of Slovenia, <http://www.varuh-rs.si/index.php?id=113&L=6#c824>, accessed 28 April 2008

2 Slovenia Abolishes the Draft, Transitions Online, 16 September 2003, <http://tinyurl.com/5zbloy>, accessed 28 April 2008

3 Government Communication Office: GOVERNMENT SESSION: New Regulations for the Professionalisation of the Armed Forces, 28.06.2002, <http://tinyurl.com/5k7z2s>, accessed 28 April 2008

4 Ministry of Defence: Annual Report of the MoD for 2005, http://www.mors.si/fileadmin/mors/pdf/dokumenti/annual_report_2005.pdf, accessed 28 April 2008

5 Slovenia Abolishes the Draft, Transitions Online, 16 September 2003, <http://tinyurl.com/5zbloy>, accessed 28 April 2008

6 Draft Abolished after 12 Years, Slovenia News, 14 October 2003, <http://www.sloneews.sta.si/index.php?id=1261&s=56>, accessed 28 April 2008

7 Constitution of the Republic of Slovenia, <http://www.varuh-rs.si/index.php?id=113&L=6#c824>, accessed 28 April 2008

8 Constitution of the Republic of Slovenia, <http://www.varuh-rs.si/index.php?id=113&L=6#c824>, accessed 28 April 2008

The right to conscientious objection was legally recognised since Slovenia became an independent country in 1992. Since 1995 the length of substitute service was in fact the same as military service (7 months). Slovenia was thus one of the few European countries where substitute service and military service had the same duration. Slovenian CO legislation was liberal in other respects as well, as there were no time limits for submitting CO applications and applications could be made by both serving conscripts and reservists⁹. However, there are no separate legal provisions on the right to conscientious objection in wartime¹⁰.

Conscientious objection for professional soldiers

It is not clear if there are legal provisions for conscientious objection for professional soldiers. The constitution does not limit the right to conscientious objection to conscripts only. A study published by the Council of Europe in 2001 suggests that professional soldiers may apply for CO status¹¹. No further information is available and it remains unclear if there is an application procedure for professional soldiers who wish to be discharged from the armed forces for reasons of conscientious objection.

When conscription was enforced, the right to conscientious objection was legally regulated by the Military Service Act. This law actually only applied to conscripts so it provides no legal basis for the recognition of the right to conscientious objection for professional soldiers.

The rules for leaving the Armed Forces prematurely are presently not known.

Draft evasion and desertion

No information available.

9 The Right to Conscientious Objection in Europe, Quaker Council for European Affairs, 2005, <http://wri-irg.org/co/rtba/slovenia.htm>, accessed 28 April 2008

10 War Resisters' International: Refusing to bear arms. Country report Slovenia, 1998, <http://wri-irg.org/co/rtba/archive/slovenia.htm>, accessed 28 April 2008

11 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 (<http://assembly.coe.int/Main.asp?link=http://assembly.coe.int/Documents/WorkingDocs/doc01/EDOC8809.htm>). The report states, referring to the recognition of the right to conscientious objection for permanent members of the armed forces, "*Following Slovenia's example, this possibility should be extended to permanent members of the armed forces*". This conclusion is based on information provided by the Slovenian government. As the text of the government response is not publicly available, it is not known which information was exactly submitted, and if the conclusion in the report may result from a misinterpretation of the information provided by the Slovenian government.