

Croatia

Republic of Croatia

SUMMARY

CRC-OP-CAC: Declaration:	Ratified.
Other treaties ratified:	CRC, GC API+II, ILO138, ILO182, ICC.
Legal minimum recruitment age: Conscripts: Volunteers:	18 16 with consent.
Government Armed Forces:	20,800 active. ¹
RECRUITMENT AND USE OF CHILD SOLDIERS: There may be voluntary recruits aged between 16 and 18 serving in government forces.	

GOVERNMENT

National Recruitment Legislation

Article 47 of the 1990 Croatian Constitution declares that: "Military service and the defence of the Republic is the duty of all capable citizens".² Conscription is regulated by the Defence Law, published in 1991 (and amended in 1993, 1996 and 2001),³ and by the Regulations on Military and Civilian Service (1997 and 2000).⁴

The Croatian Government ratified the Optional Protocol to the Convention on the Rights of the Child on 1 December 2002.⁵ The accompanying declaration reaffirmed existing procedures to ensure that under-18s are not recruited into the armed forces. It stated that the duty to register for recruitment arises in the calendar year in which a person reaches the age of 18. The process of recruitment includes registration in the military records, medical and other examinations, psychological tests and recruitment itself.

According to the declaration these preliminary procedures are used to determine whether a person is eligible for military service but according to the law, a recruit may not be sent for military service before reaching the age of 18. Eligible recruits are sent to carry out their military service after they reach the age of 18 and normally in the calendar year in which they turn 19. The declaration makes the additional statement that recruits are not part of the Armed Forces of the Republic of Croatia but that conscripts are a component of the Armed Forces of the Republic of Croatia.⁶

However in the event of "imminent threat to the independence and integrity of the Republic of Croatia or in the event of war", the president can decree the recruitment of persons who have attained the age of 16 years and require that 17-year-old recruits serve military service.⁷ The government has stated that recruitment in such circumstances does not amount to conscription and said that a proclamation by the Croatian Parliament is required before this decree can be issued.⁸

Child Recruitment

While it is clear that under-18s cannot be conscripted for military service, Croatia's initial report to the Committee on the Rights of the Child stated that applications for voluntary recruitment can be made in the year a person reaches the age of 17,⁹ and thus could include 16 year-olds. The Ministry of Foreign Affairs has stated that voluntary recruitment of under 18s is only possible with parental or guardian consent.¹⁰

Military Training and Military Schools

The Croatian government ratified the Optional Protocol to the Convention on the Rights of the Child on 1 December 2002. The accompanying declaration sets forth existing safeguards to ensure that under-18s are not conscripted for military service.¹¹ However, information was not provided on the current minimum age for volunteers and it is not clear whether under-18s who enlisted voluntarily continue to serve with the armed forces

QUESTIONS TO STATE REPRESENTATIVES

- Can the government clarify whether or not 16-year-olds may volunteer for the armed forces?
- Are there under-18s in the armed forces that joined voluntarily?
- If so does the government intend to demobilize them in line with the standards established by the Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict?

RECOMMENDATIONS

- If necessary, the government should take steps to ensure that under-18s cannot enlist voluntarily into the armed forces.
- If it has not already done so, the Government should take necessary steps to bring existing laws and regulations into line with the Optional Protocol, including abolishing the provision which allows the President to decree that 16 and 17 year-olds can serve in the armed forces during times of imminent threat to the security of the republic or war.

¹ *The Military Balance 2003-2004*, The International Institute for Strategic Studies, October 2003.

² Blaustein, AP and GH Flanz, *Constitutions of the countries of the world*, Oceana Publications, New York.

³ Official Gazette No. 49/1991.

⁴ Official Gazette No. 57/1996 and 74/1993; Horeman B and Stoljijk M, *Refusing to Bear Arms: a world survey of conscription and conscientious objection to military service*. War Resisters International, 1998.

⁵ Ratification listed on <http://www.unhchr.ch/html/menu2/6/crc/treaties/status-opac.htm>.

⁶ Website of the UN Special Representative to the Secretary-General for Children and Armed Conflict, <http://www.un.org/special-rep/children-armed-conflict>.

⁷ Initial report to the UN Committee on the Rights of the Child, UN document CRC/C/11/Add.6, 7 December 1994, www.unhchr.ch/html/menu2/6/crc/doc/past/htm.

⁸ Letter from the Ministry of Foreign Affairs to the Coalition, 16 March 2001.

⁹ Initial report to the UN Committee on the Rights of the Child, UN document CRC/C/11/Add.6, 7 December 1994, www.unhchr.ch/html/menu2/6/crc/doc/past/htm.

¹⁰ Horeman B and Stoljijk M, *Refusing to Bear Arms: a world survey of conscription and conscientious objection to military service*. War Resisters International, 1998.

¹¹ Website of the UN Special Representative to the Secretary-General for Children and Armed Conflict, <http://www.un.org/special-rep/children-armed-conflict>