

Slovenia's contribution to the report on the implementation of the Human Rights Council resolution 20/2 on "Conscientious objection to military service"

In the context of our contribution, we would like to inform you of certain facts:

- In the Republic of Slovenia, the right to conscientious objection to military service is provided by the Constitution of the Republic of Slovenia, the Military Service Act (Official Gazette of the RS, Nos. 18/91, 74/95, 86/02 and 108/02) (Articles 38 - 48) and the Regulation on the Enforcement of the Conscientious Objection to the Military Service and of the Civil Alternative Service (Official Gazette of the RS, Nos. 34/96 and 97/01);
- In the Republic of Slovenia, the compulsory military service was abolished on 30 June 2004 (in reality already in 2003), therefore the right to conscientious objection to military service is no longer in use or is applied only in a negligible number of cases – on the contrary, the applications for the renunciation of right have increased;
- In the period between 2012 and 2016, the Republic of Slovenia adopted no new regulations regarding the implementation of conscientious objection to military service.

Based on the Constitution of the Republic of Slovenia, the citizens who due to religious, philosophical and humanitarian reasons refuse to perform military service shall be enabled to participate in the defence of the state in a different way. In accordance with regulations, conscientious objection to military service may be exercised by military conscripts who object to the use of weapons in all circumstances. Military conscripts may exercise the right of conscientious objection to military service at any time during military service.

The overview of the number of applications for the recognition of the right to conscientious objection by year:

Year	Number of applications
1991	240
1992	135
1993	105
1994	226
1995	264
1996	759
1997	1,038

Year	Number of applications
1998	1,937
1999	2,504
2000	2,470
2001	3,250
2002	1,976
2003	279
Total	15,183

The table clearly shows that the number of applications for the recognition of the right to conscientious objection to military service started to increase in 1996. The increase is attributed to the adoption of the Act Amending the Military Service Act in December 1995, and the adoption of the Regulation on the Enforcement of the Conscientious Objection to the Military Service and of the Civil Alternative Service in 1996 (Official Gazette of the Republic of Slovenia Nos. 34/96 and 97/01). In accordance with the provisions of both regulations, the right to conscientious objection to military

service was extended to conscripts who had already been conscripted but not yet sent to do military service. The reduction in the number of applications in 2002 can be attributed to the adoption of the Act Amending the Military Service Act which ended the implementation of individual elements of military service in peacetime.

The decision of granting the right to conscientious objection to military service in accordance with the Military Service Act is taken by the commissions appointed by the ministry competent for (public) administration. Note: The procedures of the commissions regarding conscientious objection to military service, the filing of the relevant applications, and the enforcement of this right are carried out at administrative units of the Ministry of Public Administration.

The overview of the number of applications processed and granted by individual years:

YEAR	Number of processed applications	Right to conscientious objection granted		Right to conscientious objection not granted	
		number	percentage	number	percentage
1994 *	655	333	50.8%	322	49.2%
1995	264	145	54.9%	119	45.1%
1996	589	522	88.6%	67	11.4%
1997	1,079	951	88.1%	128	11.9%
1998	1,771	1,587	89.6%	184	10.4%
1999	2,369	2,107	88.9%	262	11.1%
2000	2,618	2,444	93.4%	174	6.6%
2001	2,968	2,619	88.2%	349	11.8%
2002	2,290	1,694	74.0%	596	26.0%
Total	14,603	12,402	84.9%	2,201	15.1%

* - the total number of applications from 1991 to including 1994

By 2002, the Ministry of the Interior appointed one (1) commission for the recognition of the right to conscientious objection to military service. After 2002, another six (6) commissions were appointed, which gave the members of individual commissions a lot more time, given the large number of applications for the recognition of the right to conscientious objection to military service, for the interviews with individual applicants, and for collecting documents, based on which the right to conscientious objection to military duty was granted. The result of this was a reduction in the number of applications granted.

Between 1992 and 1997, assignments were carried out in 12 organizations with which the Ministry of the Interior concluded contracts on the implementation of alternative service. Between 1997 and 1999, assignments were carried out in 47 organizations and between 1999 and 2002, in 114 organizations. In the last year, 2003, the Ministry of Defence concluded contracts with 134 civilian organizations within which the implementation of alternative service was planned, in accordance with the provisions of the Act Amending the Military Service Act.

The overview of the number of citizens assigned to alternative service by year:

Year	Number of persons assigned
1992	7
1993	61
1994	45
1995	81
1996	178
1997	265
1998	712
1999	1,020
2000	1,801
2001	1,593
2002	1,293
2003	230
Total	7,286

In conclusion we would like to add a number of data related to the aforementioned field:

- Conscientious objection to military service can also be lodged by military conscripts who already completed compulsory military service, as defined by Article 38 of the Military Service Act (Article 38: "A conscript objecting to the use of weapons in all circumstances may exercise the right to conscientious objection to military service and complete compulsory military service without the use of weapons or may opt for alternative service. A conscript may exercise the right to conscientious objection to military service due to religious, philosophical or humanitarian reasons. The reasons due to which a conscript may exercise the right to conscientious objection must be reflected in the conscript's overall way of life and conduct. Under the conditions referred to in paragraph one and the preceding paragraph, the right to conscientious objection to military service may also be exercised by a military conscript during and after the completed military service in accordance with this Act. A citizen, to whom the right to conscientious objection to military service was approved following the completion of military service, has to undergo 30-day training for the implementation of protection and rescue tasks. The training programme for the implementation of the protection and rescue tasks referred to in the preceding paragraph shall be prescribed by the minister competent for the protection against natural and other disasters.").
- The 30-day protection and rescue training was completed by 71 military conscripts (35 military conscripts in 2001 and 36 military conscripts in 2002), while 114 military conscripts were not sent to this training – Article 47 of the Military Service Act ("A citizen to whom conscientious objection to military service was recognized after the completed military service, shall be sent by the authority competent for defence affairs, to 30-day protection and rescue training in an appropriate educational organization within five years at the latest after the provision with which conscientious objective was approved became final. Afterwards the citizen shall be erased from the military service record. The provisions of this Act, which regulate military exercises, shall apply by analogy for assignment, postponement, and the rights and obligations in force during the protection and rescue training. The time limit referred to in the preceding paragraph shall also include the time of postponement of 30-day training, which shall be applied at the request of the citizen. A citizen, who is not assigned to 30-day training within the time period set in the preceding paragraph, shall be erased from the military service record.").
- In accordance with paragraph three of Article 62a of the Military Service Act it is stated that

"compulsory military service in the reserve structure and the 30-day peacetime protection and rescue training of citizens to whom conscientious objection to military service was granted after the completed military service, shall no longer be carried out after 31 December 2010".

- Out of all military conscripts who were granted conscientious objection, a total of 544 waived this right.
- In accordance with paragraph one of Article 38 of the Military Service Act, conscientious objection to military service also includes service without weapons ("A conscript objecting to the use of weapons in all circumstances may exercise the right to conscientious objection to military service and do compulsory military service without the use of weapons or opt for alternative service."). A total of 161 military conscripts completed military service without the use of weapons.