



# Conscience and Peace Tax International

Internacional de Conciencia e Impuestos para la Paz

NGO in Special Consultative Status with the Economic and Social Council of the UN

International non-profit organization (Belgium 15.075/96)

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**UPR SUBMISSION**

**SERBIA**

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## Executive summary:

**CPTI (Conscience and Peace Tax International) is concerned that the provisions concerning conscientious objection to military service in Serbia remain short of the established international standards, particularly as expounded in General Comment 22 of the Human Rights Committee and in Resolution 1998/77 and subsequent resolutions of the Commission on Human Rights and that to some extent measures introduced in the 2005 revision of the Decree on Military Service move the provisions farther from best practice.**

## **Particular aspects of concern are:**

**that the relevant arrangements are not under civilian control**

**that there is a very narrow time limit for application**

**that applications are not accepted without interview**

**that applications may be automatically rejected on irrelevant grounds**

**that the duration of alternative service is disproportionate**

**that the former possibility of performing alternative service in non-governmental organisations has been removed**

**CPTI is also disturbed that conscientious objectors who left the country in order to avoid participation in the wars of the early 1990's remain liable for military service on their return.**

**Much information used in the preparation of this submission has been drawn from the June 2008 update by Lucas Guttenberg of the a report on Serbia produced by the Quaker Council for European Affairs in “The Right to Conscientious Objection in Europe”, which may be found at <http://quaker.org/qcea/coreport/SERBIA2008.pdf>.**

## Arrangements not under civilian control

1. Applications for recognition as a conscientious objector must be addressed to the district military administration. They are decided upon by a Commission responsible to the Ministry of Defence. The Decree of 28<sup>th</sup> January 2005 reversed the rule that the Chair of the Panel must be one of the civilian members, stipulating instead that the Chair must be one of the two representatives of the local army recruitment centre. Appeals against the decision of the Commission are decided on by the headquarters of the army district.

2. Likewise, the arrangements for the performance by conscientious objectors of alternative service in civilian establishments are administered and overseen by the Ministry of Defence.

Very narrow time limit for application

3. The Decree of 28<sup>th</sup> January 2005 shortened to eight days from the receipt of call-up papers the period in which an application to be recognised as a conscientious objector must be lodged, accompanied by a motivation and details of the alternative service placement sought

Applications are not accepted without interview

4. The Decree of 28<sup>th</sup> January 2005 reinstated the requirement that all applicants for recognition as conscientious objectors must justify their application in a personal interview before the Commission.

Applications may be automatically rejected on irrelevant grounds

5. Such grounds notoriously include the exclusion of anyone who has ever held a firearms licence, even for sport or hunting. A conviction within the preceding three years will also lead to the automatic rejection of an application. This apparently does not need to have been handed down for a serious criminal offence; one application was rejected on the grounds that the applicant had been found guilty of the misdemeanour of having an unmuzzled dog in a public place.

The duration of alternative service is disproportionate

6. The standard length of military service is six months, of civilian alternative service for conscientious objectors nine months. This discrepancy would appear to be punitive.

No possibility of performing alternative service in non-governmental organisations

7. Under the 2003 Decree, non-governmental organisations were permitted to apply to be accepted as offering alternative service placements for conscientious objectors. The Decree of 28<sup>th</sup> January 2005 stated however that all alternative service placements must be in state-funded institutions. This has restricted the number and range of alternative service places available, an aspect of particular concern given that the regulations put the onus on the applicant to identify his own placement at the time of application.

Continuing liability to military service of Serbs abroad

8. It has been estimated that some 150,000 men of military age who left Serbia in the 1990's rather than be conscripted into the then Yugoslav National Army are still living abroad. Many of these men are conscientious objectors who had no opportunity under the military recruitment legislation then applying to declare themselves. A series of amnesties have been declared and it is believed that such men are no longer at risk of prosecution for evasion or desertion. However they remain liable to perform military service, without any opportunity to make retrospective application for recognition as conscientious objectors and the border service have access to details of outstanding military liabilities.

9. A raising under the Milosevic government of the maximum call-up age from 27 to 35 was widely believed to be targeted at this diaspora; this measure has not been repealed. There is therefore a risk that on any occasion a member of this diaspora attempts to enter Serbia he may be arrested at the border and handed over to the military authorities in order to enforce military service requirements.