



European
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OF EUROPE

CONSEIL
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21/08/2012

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EUROPEAN SOCIAL CHARTER OF 1961

REPLIES TO SUPPLEMENTARY QUESTIONS

6th National Report on the implementation of
the European Social Charter of 1961

submitted by

THE GOVERNMENT OF CROATIA

(Article 1§2
for the period 01/01/2007 – 31/12/2010)

Report registered by the Secretariat on 27 July 2012

CYCLE XX-1 (2012)



REPUBLIC OF CROATIA

MINISTRY OF LABOUR AND PENSION SYSTEM

CLASS: 910-04/11-01/43

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Zagreb, 27 July 2012

COUNCIL OF EUROPE

Directorate General

Human Rights and Rule of Law

Attn: Mr Régis Brillat, Head of Department

F-67075 Strasbourg Cedex

FRANCE

Subject: Answers to questions of the European Committee of Social Rights
- *response, is submitted*

Dear Mr Brillat,

Enclosed please find the answers to questions of the European Committee of Social Rights regarding the Sixth Report of the Republic of Croatia on Measures Taken for the Application of the Adopted Provisions of the European Social Charter (Articles 1 and 9) and the Provisions of the 1988 Additional Protocol (Article 1) for the period January 2007 - December 2010, that you specified in your letter No. ESC 170 HK/CT:

Article 1§2 (prohibition of discrimination in employment/forced labour/right to earn one's living in an occupation freely entered upon):

- *Question: What is the length of, if any, compulsory minimum period of service required of those serving in the professional armed forces?*

For active officers and non-commissioned officers in professional armed forces, the service is not time limited, and they are admitted to the service for indefinite time period.

Admission for indefinite time period means service either until retirement or any other form of decommissioning by the force of law, except in cases where the termination was initiated by them.

Since 2005, active duty soldiers have been admitted to active military service exclusively under a contract for the period of three years, after which a new contract could be concluded for the next five year period, and totally they could remain in the service for the period of eight years.

It should be noted that the Croatian armed forces still have a certain number of soldiers who were admitted to active military service before 2005, mostly during the Croatian War of Independence, and who have now been received to service for an indefinite time.

The length of the contractual services is provided by the Act on Service in the Armed Forces (Official Gazette, 33/02, 58/22, 175/03, 136/04, 76/07, 88/09 and 124/09), in the following article:

Article 22

A person may be admitted to active military service as an active soldier, if other than general and special conditions of Article 19 and 20 of this Act meets also the following additional conditions:

1. that has successfully completed specialized training in military service,
2. has at least primary school,
3. is not older than 27 years.

People trained for professional soldiers in accordance with the Provisions of the Defence Act are given advantage for admission.

The person referred to in paragraph 1 of this Article, signs a contract for a period of three years and starts the service on the date specified by the contract.

The contract defines salary, probation, one-time amount of money as a reward for the successful fulfilment of the contract and other rights and obligations in connection with the service.

No later than 90 days before the expiry of the contract under paragraph 3 of this Article, an active soldier can sign a second contract for active military service in the status of active duty soldier for a period of five years.

- *Question: Are there circumstances, such as specialised training or specific operational requirements, which entail a different compulsory minimum term of service in the professional armed forces and under what conditions may the persons concerned leave the service before the expiry of this term?*

Each first contract in the armed forces is signed for a three year period regardless of the service or specialization. During the initial six month probation period, which consists of specialist military training and training based on conduct of duties, the professional soldier may, for any reason, terminate the contract and give a seven day notice before quitting.

Cadets, a military scholarship recipient and active military personnel (officers, non-commissioned officers and soldiers) have to sign a contract stating their obligations and remain in service after graduation, which generally lasts twice as long as the school before referral to the Education.

In the Act on Service in the Armed Forces (Official Gazette, 33/02, 58/22, 175/03, 136/04, 76/07, 88/09 and 124/09), this obligation is laid down in the following two articles:

Obligation to provide service after graduation

Article 186

Cadet and high school, academy and university military scholarship recipient are required to perform service in a double period of schooling and scholarships.

Active military personnel, officials and employees sent to school are required to perform service in the double training period, unless otherwise is specified.

Notwithstanding, the provisions of paragraph 1 this Article, a cadet who was educated for the pilot is obliged to perform the service for at least 10 years after graduation, unless otherwise is specified.

Article 187

Active military personnel, officials and employees referred to vocational training - specialization after the completion of specialized service are required to perform the service in a double period of specialization, unless otherwise is specified.

Under the terms of specialization in this Act is meant the scientific training, training in the Command Staff and senior military schools and training abroad for the needs of the Armed Forces.

Before the start of school candidates therefore undertake to stay in service and, in principle, these agreements determine indemnity obligation of if leaves the service before the established deadline.

For cadets, in addition to the contract, this obligation is prescribed also by the Act and the following Article:

Article 184

Cadets, active military personnel, officials, employees and military scholarship recipient who were trained for manning the armed forces after graduation shall be allocated to an appropriate place.

The person referred to in paragraph 1 of this Article, who is responsible for not completing the education or if after completing the education does not come into service in the Armed Forces has to reimburse the costs of schooling and the suffered damage.

Persons whose service is interrupted due to the objective circumstances, usually due to the changes in health status required for military service, are not subject to reimbursement for expenses and damages done.

We hope that the above answers will help you clarify the mentioned issues.

Yours sincerely,



SECRETARIAT GENERAL

**DIRECTORATE GENERAL
HUMAN RIGHTS AND RULE OF LAW**

DIRECTORATE OF HUMAN RIGHTS

*HEAD OF THE DEPARTMENT
OF THE EUROPEAN SOCIAL CHARTER
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EXECUTIVE SECRETARY
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ESC 170
HK/CT

Ms Gordana Dragičević
Ministry of Labour and Pension System -
Ulica grada Vukovara 78,
10 000 Zagreb
Croatia

Strasbourg, 14 June 2012

Dear Ms Dragičević,

The European Committee of Social Rights is currently examining the States' reports on the European Social Charter with respect to the thematic group on "employment, training and equal opportunities" and has instructed me to forward to you the enclosed questions.

The Committee would be grateful if you could reply to these questions before 27 July 2012 in order to allow the information to be taken into account in Conclusions 2012.

Yours sincerely,

Régis Brillat



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EUROPEAN COMMITTEE OF SOCIAL RIGHTS

COMITE EUROPEEN DES DROITS SOCIAUX

14 June 2012

Questions addressed to Croatia

Article 1§2 (prohibition of discrimination in employment/ forced labour/ right to earn one's living in an occupation freely entered upon):

- *What is the length of, if any, compulsory minimum period of service required of those serving in the professional armed forces?*
- *Are there circumstances, such as specialised training or specific operational requirements, which entail a different compulsory minimum term of service in the professional armed forces and under what conditions may the persons concerned leave the service before the expiry of this term?*