

**CROATIA****Section I – Impact assessment**

I.1 Has an authority been assigned as responsible for the implementation of the Recommendation? If so, which? Yes  No

I.2 How would you assess the impact of the recommendation on the human rights of members of the armed forces in your country? Please explain your reply.  
Fully satisfactory  Adequate  Insufficient  Absent

I.3 Have specific measures for the promotion and protection of the human rights of members of armed forces been adopted after and pursuant to the adoption of the Recommendation? If so, please provide examples. Yes  No

I.4 Which obstacles, if any, have been encountered in the implementation of the Recommendation?

**Section II – Dissemination of the Recommendation**

II.1 Has an authority been assigned as responsible for the dissemination of the Recommendation? If so, which? Yes  No

II.2 Have specific events been organised to ensure the dissemination of the Recommendation? If so, please provide examples. Yes  No

II.3 Which obstacles, if any, have been encountered in the dissemination of the Recommendation?

II.4 To which authorities has the Recommendation been distributed?

II.5 Has the Recommendation been distributed to members of the armed forces? Yes  No

II.6 Has the Recommendation been translated? Yes  No

II.7 If not, is this foreseen? Yes  No

II.8 How would you assess the visibility of the Recommendation?  
Fully satisfactory  Adequate  Insufficient  Absent

## Section III – Implementation of specific provisions

### A - Right to life

A.1 Are there measures in place to ensure an independent and effective investigation into suspicious deaths or alleged violations of the right to life of a member of the armed forces? Yes  No

A.2 Are there measures in place to encourage reporting of acts inconsistent with the right to life and to protect those reporting such acts against retaliation? Yes  No

A.3 Please provide information about the legal framework of such measures and examples of the measures in place. If the reply to one or more of the questions above is “NO”, please explain why such measures are not in place and whether any measure is in preparation.

Before taking measures to provide independent and effective investigation and to encourage reporting criminal offences, constitutional provisions should be stated and which form the basis for law enforcement. The Constitution of the Republic of Croatia, in Chapter III - Protection of Human Rights and Fundamental Freedoms states the constitutional principles for their protection.

Article 14 of the Constitution of the Republic of Croatia states: "All persons in the Republic of Croatia shall enjoy rights and freedoms, regardless of race, colour, gender, language, religion, political or other conviction, national or social origin, property, birth, education, social status or other characteristics. All persons shall be equal before the law".

Article 18 of the Constitution of the Republic of Croatia states: "The right to appeal against individual legal decisions made in first-instance proceedings by courts or other authorized bodies shall be guaranteed. By way of exception, the right to appeal may be denied in cases specified by law if other legal protections are ensured."

Article 19 of the Constitution of the Republic of Croatia states: "Individual decisions of governmental agencies, the civil service and bodies vested with public authority shall be grounded in law. Judicial review of individual decisions made by governmental agencies and other bodies vested with public authority shall be guaranteed."

Article 26 of the Constitution of the Republic of Croatia states: "All citizens of the Republic of Croatia and aliens shall be equal before the courts, governmental agencies and other bodies vested with public authority."

Article 28 of the Constitution of the Republic of Croatia states: "Everyone is presumed innocent and may not be held guilty of a criminal offence until such guilt is proven by a binding court judgment."

Article 81 of the Constitution of the Republic of Croatia stipulates: "...The Croatian Parliament shall exercise civilian oversight of the armed forces and security services of the Republic of Croatia", whereas Article 93 of the Constitution of the Republic of Croatia regulates the function of the Ombudsperson: "...The Ombudsperson shall be a commissioner of the Croatian Parliament responsible for the promotion and protection of human rights and freedoms enshrined in the Constitution, laws and international legal instruments on human rights and freedoms ratified by the Republic of Croatia. Everyone may lodge a complaint to the Ombudsperson if he/she deems that his/her constitutional or legal rights have been threatened or violated as a result of any illegal or irregular act by governmental bodies and the civil service, local and regional self-governmental bodies and bodies vested with public authority. The Croatian Parliament shall elect the Ombudsperson for a term of eight years. The Ombudsperson shall be autonomous and independent in his/her work. Conditions for the election and dismissal of the Ombudsperson and his/her deputies, their authority, and the method of their work shall be regulated by law. By law, the Ombudsperson may also be vested with certain powers with regard to legal and natural persons in order to protect the fundamental constitutional rights.

The Ombudsperson and other commissioners of the Croatian Parliament responsible for the

promotion and protection of human rights and fundamental freedoms shall enjoy the same immunity as deputies in the Croatian Parliament..."

Since the Republic of Croatia does not have separate military criminal legislation or military courts, criminal proceedings against the members of the Croatian Armed Forces are conducted before the regular civilian courts. Criminal prosecution and the application of sanctions for criminal offences shall be imposed by the Ministry of the Interior, the State Attorney and courts noting that, based on Article 128 of the Defence Act (The Official Gazette of the Republic of Croatia No. 33/2002, 58/2002 and 76/2007), military and police affairs are conducted by the Military Police "... in accordance with military regulations with which criminal and offence proceedings are regulated." Main laws of the criminal legislation are Criminal Code (The Official Gazette, No.125/2011 - new) and Criminal Procedure Act (The Official Gazette No. 152/2008, 76/2009, 80/2011 and 121/2011).

B – Torture and other forms of ill-treatment

B.1 Are there measures in place to protect members of the armed forces from torture or other inhuman or degrading treatment or punishment? Yes  No

B.2 Are there specific measures in place for more vulnerable categories, such as conscripts? Yes  No

B.3 Are there measures in place to ensure an independent and effective investigation into alleged acts of torture or other ill-treatment, or when the authorities have reasonable grounds to suspect that such acts have occurred? Yes  No

B.4 Are there measures in place to encourage reporting of acts of torture or other ill-treatment and to protect those reporting such acts against retaliation? Yes  No

B.5 Please provide information about the legal framework of such measures and examples of the measures in place. If the reply to one or more of the questions above is "NO", please explain why such measures are not in place and whether any measure is in preparation.

B.1 Act on Service in the Armed Forces of the Republic of Croatia (OG 33/02), Article 29, Paragraph 2

B.3 Directive for Acting in Incident Situations and Prevention Program

B.4 Book of Regulations Regarding the Service in Armed Forces of the Republic of Croatia, Article 32

B-2 Conscripts are treated same way as Active Duty Personnel

Pertinent to the measures of the protection of the members of armed forces from torturing and other kinds of abuse, together with the aforementioned, it should be noted that the Constitution of the Republic of Croatia contains Article 23 which is stated in the part that regulates personal and political freedoms and rights and it stipulates: "No one may be subjected to any form of abuse or to medical or scientific experimentation without his or her consent. Forced and compulsory labour shall be forbidden."

It should also be taken into consideration that the Act on Service in the Armed Forces of the Republic of Croatia (The Official Gazette of the Republic of Croatia, Nos 33/2002, 58/2002, 175/2003, 136/2004, 76/2007, 88/2009 and 124/2009), regulates procedures before a Military Disciplinary Court for violation of military discipline which may comprise the abovementioned procedures. Disciplinary procedure is conducted parallel to criminal proceeding if an offence has characteristics of both criminal offence and disciplinary breach which will be discussed in detail in D- Military Discipline.

As regards special measures for the protection of endangered categories such as recruits we point out that Article 39a of the Act on Amendments to the Defence Act (The Official Gazette No. 76/2007)

stipulates that: "Croatian Parliament may pass the decision not to call up conscripts. The Government may, with the prior approval of the Supreme Commander, propose to Croatian Parliament to pass the decision on not calling up conscripts. The proposal referred to in paragraph 2 of this Article shall be drawn up by the Ministry of Defence, with the involvement of the General Staff, on the basis of defence requirements and interests of the Republic of Croatia.

Following the passage of the decision not to call up conscripts, the conscripts who desire so may by the end of the calendar year in which they turn 30 enlist for voluntary service in accordance with the regulation concerning the voluntary military service. Women may also enlist for voluntary military service and are then subject to conscription. The regulation concerning the voluntary military service shall be issued by the Minister of Defence."

Based on the abovementioned provision Croatian Parliament brought up Decision on non calling up conscripts for compulsory military service which is applicable from 1 January 2008.

Pursuant to Article 39b of the cited the Act on Amendments to the Defence Act: "In case of imminent threat or the state of war the decision not to call up conscripts shall not be applicable..."

### C – Forced or compulsory labour

C.1 Is military service compulsory? If so, please indicate whether it is possible to exact an alternative service instead of compulsory military service, and which are the differences in nature and duration of such service?

Yes

No

Reiterating Article 23 paragraph 2 of the Constitution of the Republic of Croatia in the part that stipulates personal and political freedoms and rights states: "...Forced and compulsory labour shall be forbidden" and together with the abovementioned, we wish to add that Article 38 of the Defence Act regulates the conscientious objection in the following way: "Conscientious objection is allowed to those who for religious or moral reasons are not willing to take military duties in the Armed Forces" (hereinafter: civilian service subjects). Requests for civilian service are to be submitted by recruits or reserve component members upon their registration with conscript register. Civilian service is to be regulated by a separate law..."

### D – Military Discipline

D.1 Is there a clear legal framework in place governing military discipline in accordance with paragraphs 19-21 of the Appendix to the Recommendation? If so, please indicate a reference to the relevant legal framework. If not, please explain why and whether any measure is in preparation.

Yes

No

Chapter V of the Act on Service in the Armed Forces of the Republic of Croatia regulates liabilities of the members of armed forces.

Pursuant to Article 52 of the cited Act: "For criminal offences, members of the Armed Forces are subject to the provisions of the Criminal Code and other legal acts. Criminal liability does not preclude disciplinary liability if the offence prosecuted in the criminal case also constitutes a violation of military discipline. Disciplinary proceedings are conducted irrespective of the progress of criminal proceedings."

Pursuant to Article 54 of the cited Act: "For misdemeanours, members of the Armed Forces are subject to the provisions of the general laws and regulations on misdemeanours. Misdemeanour liability does not preclude disciplinary liability if an act that is subject of misdemeanour trial is also violating military discipline. Disciplinary proceeding is conducted regardless of the misdemeanour proceeding."

Pursuant to Articles 55-85 of the cited Act disciplinary liability is regulated in detail and includes the following: general provisions on disciplinary liability, its definition and types of military discipline violations, enumeration of disciplinary breaches and disciplinary offences, persons liable for violation of military discipline, disciplinary sanctions, statute of limitations to institute and run disciplinary

proceedings, statute of limitations for the execution of disciplinary sanctions, instructions and guidelines for the work of the Military Disciplinary Courts and monitoring of the work of the Military Disciplinary Courts.

Article 55 of the cited Act regulates the term of military discipline in the following way: "Military discipline means the precise, complete and timely execution of tasks and assignments in the Armed Forces, in accordance with this Act, the ordinance referred to in Article 30 paragraph 1, subparagraph 1 hereof, other rules and regulations, the individual acts and commands of superiors, and adherence to the principles of conduct in and out of military service.

A member of the Armed Forces cannot be held disciplinary liable for an act that was not defined as a violation of military discipline before the act was committed, nor can a disciplinary sanction be imposed on him/her that was not, by a regulation, provided as a disciplinary measure or a disciplinary punishment before the act was committed."

E- Right to liberty and security

E.1 Is there a procedure prescribed by law dealing with the deprivation of liberty of members of the armed forces? Yes  No

E.2 Is it lawful to detain members of armed forces under the age of 18? Yes  No

E.2.1 If so, do detention conditions comply with the conditions set out in Paragraph 23 of the Appendix to the Recommendation? Yes  No

E.2.2 If the reply to question E.2.1 is "NO", please explain why and whether any measure is in preparation.

The Constitution of the Republic of Croatia, within provisions on personal and political freedoms and rights, in Article 22 stipulates: "Human liberty and personality shall be inviolable. No one shall be deprived of liberty, nor may such liberty be restricted, except when specified by law, upon which a court shall decide."

Just one exception can be found in Article 17 of the Constitution of the Republic of Croatia: "Individual constitutionally-guaranteed freedoms and rights may be curtailed during a state of war or any clear and present danger to the independence and unity of the Republic of Croatia or in the event of any natural disaster. Such curtailment shall be decided upon by the Croatian Parliament by a two-thirds majority of all representatives or, if the Croatian Parliament is unable to convene, by the President of the Republic. The extent of such restrictions must be adequate to the nature of the threat, and may not result in the inequality of citizens with respect to race, colour, gender, language, religion, national or social origin. Even in cases of clear and present danger to the existence of the state, no restrictions may be imposed upon the provisions of this Constitution stipulating the right to life, prohibition of torture, cruel or unusual treatment or punishment, and concerning the legal definitions of criminal offences and punishment, and the freedom of thought, conscience and religion."

In relation to the issue of having members of the Armed Forces younger than 18 years of age we point out to the Decision of the Croatian Parliament on non calling up conscripts for military service which is applicable from 1 January 2008, as well as to provisions of Articles 30-37 of the Defence Act on conscript's military service where it has not been foreseen to call up minors.

Pursuant to Article 30 of the Defence Act, recruitment commences in the calendar year when the recruits (only men) reach 18, and lasts until commencing the military service or civilian serving, or transfer to reserve component or termination of military service in compliance with the provisions of the Defence Act.

Pursuant to Article 31 of the Defence Act " ...During the service the recruits are subject to:

1. registration with conscript register (in Defence Affairs Office represented by civilian MOD bodies),

2. medical and other examinations and psychological testing conducted at civilian health institutions (authorized health institutions) for assessment of the health aptitude,  
3. recruitment, the competent recruiting boards assess the aptitude of recruits for military service based on the findings and results of prior medical and psychological examinations and determine service, i.e., branch for military servicing  
4. commencing the compulsory military or civilian serving  
5. responding to the general or individual summons and other duties set forth in this Act"  
Based on information from the Ministry of the Interior, the Defence Affairs Office registers conscripts in the year in which the conscripts turn 18. The Defence Affairs Department calls up conscripts to register by general and individual call up to come in person at the time and place stated in the call-up. The person should bring the ID card or other document from where the identification and the age of the person could be seen.  
Moreover, the provision of Article 19 of the Act on Participation of Members of the Armed Forces of the Republic of Croatia, Police, Civil Defence and Civil Servants in Peace Operations and other Activities Abroad (The Official Gazette No. 33/2002 and 92/2010) "...Conscripts of the Armed Forces of the Republic of Croatia cannot be sent to peacekeeping operations and other activities abroad."  
In accordance with the abovementioned, military service starts when the recruit turns 18, not before that, and, regularly - recruitment commences in the calendar year of the recruits' reaching 19 when he becomes the conscript. The final age for the recruit to be drafted for military service is the end of the calendar year in which he/she turns turn 30. There are no legal provisions in the Republic of Croatia that give authorizations for lowering of age of recruits in exceptional cases (e.g. in the state of emergency).

E.3 Are there any limitations or exceptions to the guarantees set out in Paragraphs 24 to 27 of the Appendix to the Recommendation possible? If so, please specify.

Yes  No

F- Right to a fair trial

F.1 In matters that qualify as criminal under the European Convention on Human Rights, do members of the armed forces enjoy procedural rights and safeguards to the same extent as in criminal proceedings against civilians, in accordance with Paragraphs 28, 30 and 31 of the Appendix to the Recommendation? If not, please explain why and whether any measure is in preparation in this area.

Yes  No

We have to reiterate that the Republic of Croatia does not have separate criminal justice nor military courts, therefore criminal proceedings against members of the Croatian Armed Forces are conducted before civilian courts. Criminal prosecution and application of sanctions for criminal offences are in the jurisdiction of the Ministry of the Interior, State Attorney and courts, with the remark that, pursuant to Article 128 of Defence Act The Official Gazette of the Republic of Croatia, No 33/2002, 58/2002 and 76/2007), military and police affairs are conducted by Military Police "...in accordance with military regulations, that is, regulations applied in criminal and offence proceedings". Basic laws of criminal legislation are the Criminal Law Act The Official Gazette No. 125/2011-new) and the Criminal Procedure Act The Official Gazette No. 152/2008, 76/2009, 80/2011 and 121/2011).  
Principle of equality before the law and non-discrimination is constitutional right stipulated in Chapter III (Protection of Human Rights and Fundamental Freedoms) of the Constitution of the Republic of Croatia, Article 14: "All persons in the Republic of Croatia shall enjoy rights and freedoms, regardless of race, colour, gender, language, religion, political or other conviction, national or social origin, property, birth, education, social status or other characteristics. All persons shall be equal before the law."  
The abovementioned is comprised by provisions of Articles 24-31 of the Constitution of the Republic of Croatia:

**Article 24**

No one may be arrested or detained without a written court order grounded in law. Such an order has to be read and presented to the person placed under arrest at the moment of said arrest. The police authorities may arrest a person without a warrant when there is reasonable suspicion that such person has perpetrated a grave criminal offence as defined by law. Such person shall be promptly informed, in understandable terms, of the reasons for arrest and of his/her rights as stipulated by law.

Any person arrested or detained shall have the right to appeal before a court, which must forthwith decide on the legality of the arrest.

**Article 25**

Any arrested and convicted person shall be accorded humane treatment, and the dignity of such individual shall be respected.

Whosoever is detained and indicted of a criminal offence shall have the right to be brought before a court within the minimum time specified by law and to be acquitted or convicted within the statutory term.

A detainee may be released on bail to defend him/herself.

Whosoever is illegally deprived of liberty or convicted shall, in compliance with law, be entitled to indemnification and a public apology.

**Article 26**

All citizens of the Republic of Croatia and aliens shall be equal before the courts, governmental agencies and other bodies vested with public authority.

**Article 27**

The legal profession, as an autonomous and independent service, shall provide everyone with legal aid in compliance with law.

**Article 28**

Everyone is presumed innocent and may not be held guilty of a criminal offence until such guilt is proven by a binding court judgment.

**Article 29**

Everyone shall be entitled have his or her rights and obligations, or suspicion or accusation of a criminal offence decided upon fairly before a legally established, independent and impartial court within a reasonable period.

In the case of suspicion or accusation of a criminal offence, the suspected, accused or indicted person shall be entitled:

– to be informed in detail and in a language he/she understands, within the shortest possible term, of the nature and grounds for the charges against him/her and the evidence incriminating him/her,

– to have adequate time and opportunity to prepare his/her defence,

– to defence counsel and unrestricted communication therewith, and to be informed of this right,

– to mount his/her own defence independently or with the assistance of a defence counsel of his/her own choice, and if he/she lacks the resources to engage such counsel, to have free counsel provided under the conditions specified by law,

– to be present at his/her trial insofar as he/she is at the disposal of the court,

– to interrogate or to arrange for interrogation of witnesses for the prosecution and to demand the attendance and questioning of defence witnesses under the same conditions which apply to witnesses for the prosecution,

– to assistance by an interpreter free of charge insofar as he/she does not understand the language used in the court.

An admission of guilt may not be coerced from a suspected, accused or indicted individual.

Evidence obtained illegally may not be admitted in court proceedings.

Criminal proceedings may only be initiated before the court at the request of an authorized

prosecutor.

**Article 30**

The sentence for a severe and particularly ignominious criminal offence may, in compliance with law, have as a consequence the loss of acquired rights or a ban on exercising, for a set period, certain rights pertaining to the conduct of specific affairs, if this is required to safeguard the legal order.

**Article 31**

No one may be punished for an act which, prior to its commission, was not defined as a punishable offence by domestic or international law, nor may such individual be sentenced to a penalty which was not then defined by law. If a less severe penalty is determined by law after the commission of said act, such penalty shall be imposed.

No one may be re-tried nor penalized in criminal prosecution for an act for which such individual has already been acquitted or sentenced by a binding court judgment in accordance with law.

F.2 Is there a clear legal framework setting out limitations or exclusions to the right to have access to a tribunal for the determination of members of the armed forces' civil rights and obligations? If any, please provide examples of such limitations or exclusions. Yes  No x

No such limitations or exceptions.

F.3 Does your country have military courts? Yes  No x

F.3.1 If so, are they separate from the chain of command? Yes  No

F.3.2 If the reply to question F.3 is "yes", are there differences in the organisation and operation of military courts, in comparison with civil courts, in particular as regards the procedural safeguards set out in Paragraphs 33 and 34 of the Appendix to the Recommendation? Yes  No

G – Right to respect for private and family life, home and correspondence

G.1 Are there measures in place to ensure that conscripts are posted near their family and home, and that posting of professional members far from their family and home is not used as a disciplinary punishment? Yes  No x

G.2 Are there measures in place to ensure that members of the armed forces posted abroad are able to maintain private contacts? Yes x  No

G.3 Are there assistance programmes in place for those accompanying the members of the armed forces posted abroad? Yes x  No

G.4 Can members of the armed forces enjoy parental leave, childcare benefits, access to nursery schools and adequate children's health and educational systems? If not, please explain why and whether any measure is in preparation. Yes x  No

As regards parental leave, child care, etc., it should be noted that the provisions of the Act on Service in the Armed Forces of the Republic of Croatia regulate service in the Armed Forces of the Republic of Croatia, ranks and the assigning of ranks, promotions and other status-related matters, and the rights and obligations of the members of the Armed Forces.

This includes working hours, vacation and leaves, relocation, sending for education, medical treatment or sick leave, salaries and other material rights, and professional training. If certain issues are not regulated by this Act they are covered by general regulations of the Republic of Croatia, therefore, in the same way as for the persons that are not members of the Armed Forces.

G.5 Where appropriate, please provide examples of good practices regarding the right of members of armed forces to respect for their private and family life, home and correspondence, in accordance with section "G" of the Appendix to the Recommendation.

H – Freedom of thought, conscience and religion

H.1 Are there measures in place to allow all members of armed forces to comply, as much as possible, with their religious obligations? If so, please provide examples. If not, please explain why and whether any measure is in preparation. Yes  No

Military chapels are established in every facility in CAF, and military chaplain is available to the soldiers of all confessions.

H.2 Do conscripts have the rights to be granted conscientious objector status? Yes  No

H.2.1 If so, is an alternative service of a civilian nature available? Yes  No

H.2.2 If not, please explain why and whether any measure is in preparation.

We remind of the previously described term: conscientious objection based on Article 38 of the Defence Act, and underline the provision of Article 92 of the same Act: "...Members of the Armed Forces shall in all situations while deployed in combat or non-combat operations abide by the principles of International Humanitarian Law on human treating the enemy soldiers and other inherent regulations in compliance with the Constitution, international agreements and the law." "Members of the Armed Forces are allowed to refuse orders compelling them to act contrary to the provisions of the Constitution and international law of war." "Members of the armed forces shall have equal rights and responsibilities regardless of their national origin, religion or sex."

H.3 Are conscientious objectors exposed to sanctions, disciplinary measures or judicial prosecutions? Yes  No

H.4 Can professional members of the armed forces leave the armed forces for reasons of conscience? If so, please explain the conditions and the procedure, and in particular whether the requests can be reviewed by an independent and impartial authority. If not, please explain why and whether any measure is in preparation. Yes  No

Military service is not compulsory, therefore an active member of the Armed Forces can quit his service anytime in accordance with the signed contract.

H.5 Are there measures in place to ensure that conscripts and members of the armed forces are informed, respectively, of the right to be granted conscientious objector status and to leave the armed forces for reasons of conscience and of the procedures available to exercise these rights? Yes  No

H.6 Where appropriate, please provide examples of good practices regarding the right of members of armed forces to freedom of thought, conscience and religion, in accordance with section "H" of the Appendix to the Recommendation.

This right is regulated by the Constitution of the Republic of Croatia.

I – Freedom of expression

I.1 Is there a clear legal framework setting out formalities, conditions and restrictions to the right to freedom of expression for the members of armed forces? Yes x  No

I.2 If so, please briefly present it, by providing in particular examples of restrictions to the right to freedom of expression.

Act on Service in the Armed Forces of the Republic of Croatia , Article 11 (I.1)

J – Right to access to relevant information

J.1 Are there measures in place to ensure that full and detailed information about recruitment in the armed forces and commitments resulting therefrom are provided to potential recruits? Yes x  No

J.2 Can former and current members of armed forces have access to their own personal data, including medical records and information regarding exposure to situations potentially hazardous to their health? Yes x  No

J.3 If so, are there restrictions to this right of access? Please provide examples, if any. Yes  No x

K – Freedom of peaceful assembly and association

K.1 Can members of the armed forces join lawfully established military associations or trade unions? If so, please indicate the conditions and eventual restrictions to this right. If not, please explain why and whether any measure to review or lift the existing restrictions or prohibitions is in preparation. Yes  No x

Act on Service in the Armed Forces of the Republic of Croatia , Article 11:

Active servicemen are not permitted to organise trade unions. Civil servants and employees may be organised in trade unions in accordance with general work-related legislation.

Active servicemen are not permitted to go on strike.

Civil servants and employees are not permitted to go on strike:

- in a state of war or in a state of immediate threat to the Republic of Croatia,

- when directly linked with the measures of readiness of civilian and military defence,

- when directly linked to the combat readiness of the Armed Forces,

- which threatens the vital functions of the Armed Forces.

K.2 Can members of the armed forces join political parties? If so, please indicate the conditions and eventual restrictions to this right. If not, please explain why and whether any measure to review or lift the existing restrictions or prohibitions is in preparation. Yes  No x

Act on Service in the Armed Forces of the Republic of Croatia , Article 11

We emphasize that the service in the Armed Forces (of military servicemen, civil servants and employees) is defined by general regulations of the Republic of Croatia, similarly as for persons who are not members of the Armed Forces unless it is otherwise regulated by separate defence laws, we state the provision of Article 129 of the Defence Act: "Civil servants and employees of the Armed Forces are forbidden to engage in political activity in military and MOD facilities; they shall not establish parties, or hold political gatherings and demonstrations.

Members of the Armed Forces are forbidden to participate in political gatherings and demonstrations and to make public statements on the situation in the Ministry of Defence or on internal relations therein, without the authorisation of the Minister of Defence or a person authorised by him/her. "

*There are special provisions of Article 11 of the Act on Service in the Armed Forces of the Republic of Croatia: "The rights guaranteed by this Act are exercised by all members of the Armed Forces under equal terms. Members of the Armed Forces serving in military establishments and units are forbidden to engage in political activity: they shall not establish parties, or hold political gatherings and demonstrations. Members of the Armed Forces are forbidden to participate in political gatherings and demonstrations, and to make public statements on the situation in the Armed Forces, or on internal relations therein, without the authorisation of the Minister of Defence or a person authorised by him/her.*

L – Right to vote and to stand for election

L.1 Are there any restrictions on the electoral rights of members of the armed forces and on membership in the armed forces during a member's candidacy or term of office? If so, please provide examples. Yes  No

*Act on Service in the Armed Forces of the Republic of Croatia , Article 11: Active servicemen are not permitted to hold membership of political parties. Active servicemen, civil servants and employees are not permitted to run for representational civilian bodies, representational bodies of local and county (regional) self-government, or for the Croatian Parliament.*

M- Right to marry

M.1 Do members of the armed forces enjoy the right to marry and to form civil partnership in the same terms as civilians? If not, please explain why and whether any measure is in preparation. Yes  No

N – Right to protection of property

N.1 Are there measures in place to ensure that the property of members of armed forces, including conscripts, if retained upon joining the armed forces, is returned at the end of military service? Yes  No

O – Accommodation

O.1 Are there measures in place to ensure adequate accommodation for members of armed forces and their families, both on the national territory and abroad? Yes  No

O.2 Where accommodation is provided in barracks, are there separate dormitories for women and men? Yes  No

P – Remuneration and pension

P.1 Do professional members of the armed forces receive remuneration giving them a decent standard of living and an adequate retirement pension? Yes  No

P.2 Are there measures in place to ensure that men and women in the armed forces are entitled to equal pay for equal work or work of equal value? If not, please explain why and whether any measure is in preparation. Yes  No

Q – Right to dignity, health protection and security at work

Q.1 Are there specific measures in place to protect the dignity at work of members of armed forces, in particular as regards the prevention of Yes  No

sexual harassment? If so, please indicate the relevant legal framework and provide examples. If not, please explain why and whether any measure is in preparation.

Act on Service in the Armed Forces of the Republic of Croatia, Article 29

Q.2 Is medical care provided during and as a result of military operations free of charge for the servicepersons? Yes  No

Q.3 Are there allowances or compensation schemes available for members of the armed forces obliged to leave the armed forces because of an injury resulting from the exercise of military duties, or in case of death in service? Yes  No

Q.4 Where appropriate, please provide examples of good practices regarding the right of members of armed forces to dignity, health protection and security at work, in accordance with section "Q" of the Appendix to the Recommendation.

Committee for Gender Equality – established on the level of MOD

Health protection – Health Law – primary and secondary insurance for all MOD/CAF members

#### R – Nutrition

R.1 Are there measures in place to ensure that members of the armed forces enjoy the right to decent and sufficient nutrition in accordance with section "R" of the Appendix to the Recommendation? Where appropriate, please provide examples of good practices. Yes  No

Meal regulation document.

#### S – Non-discrimination

S.1 Are there measures in place to ensure that members of armed forces enjoy their rights and freedoms without any discrimination, in accordance with section "S" of the Appendix to the Recommendation? Where appropriate, please provide examples of good practices. Yes  No

There is a provision of the Defence Act that states: "The Ministry of Defence establishes:

...3. Personnel Council – advisory body for personnel policy.

Within Personnel Council there is a Board for gender equality with the purpose of equal treatment and status and equal opportunities for members of both genders."

S.2 Are there any limitations to the access of women to the armed forces, or to particular types of occupational activities within the armed forces? If so, please provide examples. Yes  No

S.3 Can sexual orientation constitute a ground to prevent access to the armed forces, or for discharge? Yes  No

#### T – Persons under the age of 18 enlisted in the armed forces

T.1 Does your legislation allow the voluntary recruitment into the armed forces of persons under the age of 18? Yes  No

T.2 If so, are there measures in place to ensure the full information about the duties involved and the informed consent of these persons and of their parents or legal guardians? Yes  No

T.3 Are there special measures in place to protect the physical and psychological welfare of these persons? Yes  No

T.4 Can these persons take an active part in the hostilities? Yes  No

U – Training

U.1 Are training activities aimed at increasing the knowledge of human rights by members of armed forces in place? If so, please indicate by whom are such training activities carried out. Yes  No

U.1.1. If the reply to question U.1 is “YES”:

U.1.1.1 Is international human rights law part of the training programme? Yes  No

U.1.1.2 Are the human rights of the members of armed forces themselves part of the training programme? Yes  No

U.1.1.3 Are prevention of ill-treatment and discrimination part of the training programme? Yes  No

U.1.1.4 Is international humanitarian law, including the duties mentioned in paragraph 84 of the Appendix to the Recommendation, part of the training programme? Yes  No

U.1.2 If the reply to question U.1 is “NO”, please explain why and whether any measure is in preparation.

V – Allegations of human rights violations

V.1 Are there measures in place to ensure that members of the armed forces have the right to bring allegations of human rights violations, in particular of discrimination, harassment and bullying, before an independent body? If so, please indicate to which authorities can such allegations be brought and which is the procedure. If not, please explain why and whether any measure is in preparation. Yes  No

On the state level:

- Civil courts
- Committee for Gender Equality – established on the level of MOD
- Ombudsman

**Section IV - Follow-up**

IV.1 Which measures would you recommend to ensure that the principles set out in the Recommendation and in its Appendix are complied with in national legislation and practice?

IV.2 Should the Council of Europe continue examining periodically the implementation of this Recommendation? If so, should such examination in future concentrate on specific issues, and which specific issues would you recommend examining in that case?

IV.3 Are there any issues on which the Recommendation and its Appendix should be revised or completed? If so, please indicate them.