



ROMÂNIA
Avocatul Poporului

Str. George Vraca nr. 8, Sector 1, București
www.avp.ro



Tel.: +40-21-312.71.01, Fax: +40-21-312.49.21, E-mail: avp@avp.ro
Tel. dispecerat: +40-21-312.71.34, E-mail: petitii@avp.ro

AVOCATUL POPORULUI
REGISTRATURĂ GENERALĂ
IEȘIRE Nr. 33707 / 10. FEB. 2025

Dear Sir, Dear Madam,

By the letter registered with the People's Advocate institution under no. 33707 of November 13, 2025/2023, the European Bureau for Conscientious Objectors (EBCO) sent a questionnaire requesting a series of information to be used in an Annual Report of your office.

This questionnaire is addressed to ministries of defense, ministries responsible for alternative civilian service, as well as national human rights institutions.

In light of the above, we present to you the position of the People's Advocate institution, as a national human rights institution, within the meaning established by the Resolution of the General Assembly of the Organization United Nations (UN) Resolution No. 48/134 of 20 December 1993, which adopted the Paris Principles:

A. Status of conscription

Question No. 1 *Is conscription into obligatory military service currently applied?*

Answer: No.

In Romania, compulsory military service is suspended starting with January 1, 2007, according to the provisions of art. 2 paragraph (1) of *Law no. 395/2005 on the suspension of compulsory military service in peacetime and the transition to voluntary military service*, with subsequent amendments and completions.

Point B is omitted (questions no. 2-8 - not applicable)

C. (Skip if not applicable) Countries without conscription

Question No. 9 *Has any legislation regarding obligatory military service (conscription) been abolished, or has it merely been suspended, meaning that it could be reimposed at any time?*

Answer:

According to the provisions of art. 2 paragraph (1) of *Law no. 395/2005 on the suspension of compulsory military service in peacetime and the transition to voluntary*

military service, with subsequent amendments and completions, starting with January 1, 2007, the performance of compulsory service is **suspended**, but according to the provisions of art. 3 of the same law - during the state of war, the state of mobilization, as well as during the state of siege, the performance of military service becomes mandatory, under the terms of the law.

Question No. 10 *Is there an ongoing registration procedure for those liable for military service? Is it possible for a conscientious objector to refuse to be registered? From what age is registration required?*

Answer:

According to the provisions of art. 2 paragraph (1), art. 3 and art. 4 paragraph (1) of *Law no. 395/2005 on the suspension of compulsory military service in peacetime and the transition to voluntary military service*, with subsequent amendments and completions, starting with January 1, 2007 - Romanian citizens, men, are required, within 6 months from the date of reaching the age of 18, to report to military centers only for military registration, recording the options regarding the manner of fulfilling military duties, in the situations provided for in art. 3 and handing over the recruitment certificate.

Question No. 11: *If suspended, are there specific provisions regarding the circumstances in which it could be reinstated and the process to be followed?*

Answer:

According to the provisions of art. 3 of *Law no. 395/2005, regarding the suspension of compulsory military service in peacetime and the transition to voluntary military service*, with subsequent amendments and additions - during the state of war, the state of mobilization, as well as during the state of siege, the performance of military service becomes mandatory, under the terms of the law.

According to the provisions of art. 7 of *Law no. 355/2009, on the regime of partial or total mobilization of the armed forces and the state of war*, with subsequent amendments and completions - The President of Romania may declare, with the prior approval of Parliament, by decree, countersigned by the Prime Minister, the mobilization or demobilization, as the case may be, of the defense forces. Only in exceptional cases, the President's decision is subsequently subject to Parliament's approval, within 5 days at most from its adoption.

According to art. 3 paragraph (5) of *Law no. 446/2006 on the preparation of the population for defense*, with subsequent amendments and completions - upon the declaration of mobilization and the state of war or the establishment of a state of siege, the performance of military service as a conscript becomes mandatory for men aged between 20 and 35, who meet the criteria for performing military service.

The recruitment-incorporation process for performing military service as conscript, under the conditions provided for in art. 3 paragraph (5) of *Law no. 446/2006*, is detailed in Section 4 - Military service for conscripts during the state of siege, mobilization and state of war, in the same law.

Question No. 12: *Would reinstatement mean that previous legislation regarding conscientious objection would remain applicable? If so, please answer sections F and G with regard to such legislation.*

Answer:

According to the provisions of art. 4 paragraph (1) of *Law no. 446/2006 on the preparation of the population for defense*, with subsequent amendments and supplements - citizens who, for religious or conscientious reasons, refuse to perform military service under arms perform alternative service.

Alternative military service was repealed by *Law no. 128/2012 amending and supplementing Law no. 446/2006 on the preparation of the population for defense*, but according to art. 4 paragraph (2) of *Law no. 446/2006* - the regulation regarding the performance of alternative service shall be adopted by law.

Consequently, compulsory military service is suspended, and alternative military service, at this time, is not regulated by organic law.

D. School system

Question No. 13: *Is attendance at any days of introduction to the armed forces or military careers or other programmes which could be seen as preparatory to military recruitment an obligatory part of the secondary education curriculum?*

Answer: No.

Question No. 14: *Do the armed forces have access to personal data of students?*

Answer:

According to the provisions of art. 48 paragraph (2) of *Law no. 446/2006 on the preparation of the population for defense*, with subsequent amendments and supplements – the Ministry of Education and Research ensures, through county school inspectorates and the school inspectorate of Bucharest, the centralized transmission to the military centers, annually, by November 1, of the nominal tables with citizens aged between 18 and 35 who attended the courses of special schools, special vocational schools and re-education centers, accompanied by the results of the examinations carried out by the medical expertise commissions of persons with disabilities for adults within the public social assistance services of the county councils and the sectors of Bucharest.

Question No. 15: *Do military institutions offer temporary programs to students aged under 18 to learn more about military careers?*

Answer:

According to the provisions of art. 15, para. (1) of the Order of the Minister of *National Defense no. M217/2019 for the approval of the conditions and recruitment criteria, as well as instructions regarding the organization and operation of the recruitment and selection system and initial professional training of candidates for the military*

profession - The recruitment process includes the presentation of the educational / professional offer of the army, the recruitment criteria, the methods of conducting recruitment and selection, admission/employment conditions, training and exercise of the military profession, at the headquarters of the structure carrying out the recruitment, through mass media, as well as by organizing and /or participating in activities to promote the military profession in the civilian and military environment.

Question No. 16: *Are military personnel involved in teaching classes at schools, on a temporary or long term basis?*

Answer: No.

E. Voluntary recruitment into military service

Question No. 17: *What incentives or measures are used by the national armed forces to encourage voluntary recruitment? (financial incentives, scholarships, career prospects, advertising, etc.)*

Answer:

According to Section 2 of *Law No. 80/1995 on the status of military personnel*, as subsequently amended and supplemented, **active military personnel have the right to:** monthly salary, equipment, food, medical assistance, medicines, free service housing, reductions or exemptions from the payment of rent, aids and other rights, paternity leave, to follow higher military or civilian education, postgraduate, doctorate or other forms of training improvement, they can be sent to study abroad, through a competition; in peacetime they have the right to paid medical leave and exemptions, to rest leave, additional rest leave; women, active military personnel, have the right to maternity leave and benefit from breaks for feeding and caring for the child, allowance for caring for a sick child, accommodation leave, leave and child-rearing allowance, paid leave for professional training of up to 15 working days; the wives of military personnel transferred in the interest of service to another garrison, who have interrupted their activity to move together with their spouses, are entitled to a monthly allowance of 50% of the monthly salary of the military personnel they followed, according to the regulations in force and in the conditions established by Government decision;

Family members of active military personnel benefit free of charge from: medical assistance and medicines, survivor's pension, as well as other rights in accordance with legal provisions; children of active military personnel, deceased during and due to service, may be transferred to military high schools or military educational institutions, according to the norms approved by the Minister of National Defense.

Military personnel transferred to the reserve or directly retired are entitled to: state military pension, medical assistance and medicines and have access to military clubs, rest homes, sanatoriums, garrison dormitories and other recreational facilities, benefiting from facilities established by order of the Minister of National Defense.

According to Section 2 of *Law No. 270/2015 on the status of voluntary reservists*, republished, **voluntary reservists benefit from the following rights and facilities:** salary

rights according to the regulations applicable to active military personnel; installation allowance granted upon signing each contract with a minimum duration of 3 years, equipment and food rights, social protection measures, medical assistance and medicines; recovery after participation in military missions, pensions and compensation, in case of disability or death, as a result of events occurring during and due to the activities carried out during the periods of preparation, concentration and mobilization, rewards provided by military regulations for active military personnel; free courses depending on the needs of military units; reimbursement of travel expenses outside the residence garrison during the call-up by military units, under the conditions established by the order of the Minister of National Defense; during the period in which they do not participate in training or missions, they benefit from a monthly allowance, in the amount of 30% of the amount representing the salary of the position in which they are employed, according to the concluded contract, to which is added the salary of the rank held.

Question No. 18: *What is the minimum age for recruitment?*

Answer:

According to the provisions of art. 3 paragraph (1) of *Law no. 446/2006 on the preparation of the population for defense*, with subsequent amendments and completions - Military service is performed by Romanian citizens, men and women, who have reached the age of 18, in the forms provided by law.

Question No. 19: *What was the total first-time military recruitment in recent years? Please disaggregate by age, gender and (if appropriate) whether as conscripts or volunteers.*

Answer:

The number of citizens recruited in recent years, on a voluntary basis, is not information freely available for publication.

Question No. 20: *What legislation governs voluntary recruitment into military service?*

Answer:

Voluntary military service is regulated by:

- *Law No. 446/2006 on the preparation of the population for defense*, with subsequent amendments and supplements;
- *Law no. 80/1995 on the status of military personnel*, with subsequent amendments and completions;
- *Law no. 384/2006 on the status of soldiers and enlisted ranks*, with subsequent amendments and additions;
- *Law No. 270/2015 on the status of voluntary reservists*, republished.

Question No. 21: *What is the duration of service initially required?*

Answer:

According to art. 32 paragraph. of *Law no. 384/2006 on the status of soldiers and enlisted ranks*, with subsequent amendments and additions, the soldiers and enlisted ranks sign an initial contract, after completing the specialized training module, lasting 4 years.

According to art. 41¹ paragraph (1) of *Law no. 80/1995 on the Status of Military Personnel*, with subsequent amendments and completions - persons who are to become military personnel sign, upon admission to an educational institution for the training of officers, military foremen or non-commissioned officers in activity, contracts with the Ministry of National Defense for a period of 8 years from their appointment to their first position, according to the norms established by order of the Minister of National Defense.

According to art. 19 of *Law no. 270 no. 270/2015 on the status of voluntary reservists*, republished, - the first contract is concluded, under the conditions provided by law, for a period of 4 years, and the following for a period of maximum 3 years, taking into account the classification as a reservist in the registration classes established by law.

Question No. 22: *What proportion of recruits sign up for a second period of the same length or longer?*

Answer:

Most active military personnel, soldiers and enlisted ranks as well as volunteer reservists extend their contracts with the Ministry of National Defense.

Question No. 23: *How many persons were called up for reserve service, and of what duration?*

Answer:

The number of people called up for reserve service is not information available for publication.

F. Application process for recognition of conscientious objectors

Question No. 24: *What process is used to decide upon applications for the recognition of conscientious objectors?*

Answer:

According to art. 4 paragraph (1) of *Law no. 446/2006 on the preparation of the population for defense*, with subsequent amendments and supplements - Citizens who, for religious or conscientious reasons, refuse to perform military service under arms perform alternative service.

Question No. 25: What information is provided to conscripts regarding the possibility of applying for recognition?

Answer: Not the case.

Question No. 26: What body is responsible for deciding upon applications?

Answer: Not the case.

Question No. 27: Who sits in the responsible body?

Answer: Not the case.

Question no. 28: *In recent years, how many applications were received? How many were successful on first consideration; how many unsuccessful applications were appealed, and with what results?*

Answer: Not the case.

Question No. 29: *Are you able to indicate on which grounds any were rejected?*

Answer: Not the case.

Question No. 30: *How can the decision be appealed?*

Answer: Not the case.

Question No. 31: *31. What are the legal provisions for those who also refuse to perform alternative service?*

Answer: Not the case.

G. Terms of alternative service

Question No. 32. *If alternative service is / would be required of conscientious objectors, under what authority are the arrangements administered?*

Answer: Not the case.

Question No. 33. *What is the duration of alternative service?*

Answer: Not the case.

Question No. 34. *To what duration of military service would the objector otherwise have been liable?*

Answer: Not the case.

Question No. 35. *What is the rate of remuneration?*

Answer: Not the case.

Question No. 36. *How does the rate of remuneration compare to that of military conscripts?*

Answer: Not the case.

Question No. 37. *Under what authority is the system administered?*

Answer: Not the case.

Question No. 38. *Where is the alternative service usually performed?*

Answer: Not the case.

Question No. 39. *Are conscientious objectors assigned to placements, or do they have a free choice?*

Answer: Not the case.

Question No. 40. *Is it possible to perform alternative service while continuing to live at one's permanent address?*

Answer: Not the case.

H. Conscientious objection during military service of conscripts/volunteers

Question No. 41. What legislation or regulations would apply to the case of a serving member of the armed forces who applied for release having developed conscientious objection?

Answer: Not the case.

Question No. 42. *What procedures are followed in the event of an application?*

Answer: Not the case.

Question No. 43. *What information is available to serving personnel about the right of conscientious objection and the means of applying for release?*

Answer: Not the case.

Question No. 44. *Have any such cases been recorded in recent years? Please give details of the number of applications, the number of acceptances.*

Answer: Not the case.

Question No. 45. *Give details, if relevant, of the grounds for any rejections.*

Answer: Not the case.

Question No. 46. *How many persons were prosecuted for desertion? Were any of these persons who had declared themselves conscientious objectors? What was the outcome, and what sentences were imposed?*

Answer: Not the case.

I. Conscientious objection after military service

Question No. 47: *What legislation or regulations would apply to the case of a reservist who applied for recognition as a conscientious objector?*

Answer: According to art. 4 paragraph (1) of *Law no. 446/2006 on the preparation of the population for defense*, with subsequent amendments and supplements - Citizens who, for religious or conscientious reasons, refuse to perform military service under arms perform alternative service.

Question No. 48: *Have any persons sought to refuse reserve service on this basis in recent years? With what results?*

Answer: Not the case.

J. Asylum for conscientious objectors

Question No. 49: *Would it be possible for you to obtain statistics on approvals/rejections of those asylum applications in your country that were citing conscientious objection?*

Answer: Personnel and Mobilization Directorate of the Ministry of National Defense does not have data on asylum applications.

K. Developments since last year

Question No. 50: *What legislative changes have happened within the last year?*

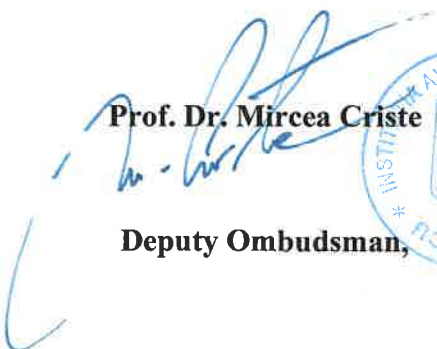
Answer: The amendment to Law No. 446/2006 on the preparation of the population for defense is currently being reviewed and approved.

Question No. 51: *Is there any legal initiative undergoing at the Parliament or any other state body which concerns the military service, the right to conscientious objection, or related issues?*

Answer: No.

Question No. 52: *Anything else that you would like to report?*

Answer: No.


Prof. Dr. Mircea Criste

Deputy Ombudsman,



Prepared by: Dr. E. Dinu, counsellor

Traducere autorizată: Andrei Plaveț, consilier

Avizat: Andreea Băicoianu, șef birou

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