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*Permanent Mission of the Czech Republic
to the United Nations, OSCE and other
International Organizations
in Vienna*

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NOTE VERBALE

The Permanent Mission of the Czech Republic to the United Nations, OSCE, and other International Organisation in Vienna presents its compliments to all Missions and Delegations to the OSCE in Vienna and to the Conflict Prevention Centre and, in accordance with the decisions 4/03 and 2/09 of the Forum for Security Co-operation, has the honour to transmit herewith the reply of the Czech Republic to the Questionnaire on the Code of Conduct on Political-Military aspects of Security.

The Permanent Mission of the Czech Republic to the United Nations, OSCE, and other International Organisation in Vienna avails itself of this opportunity to renew to all Missions and Delegations to the OSCE and to the Conflict Prevention Centre the assurances of its highest consideration.

Vienna, April 1, 2010



To: all OSCE Delegations and Missions
the Conflict Prevention Centre

V i e n n a

**Information Exchange on the OSCE Code of Conduct
on Politico-Military Aspects of Security
Czech Republic
2009**

ENGLISH only

Section I: Inter-State elements

1. Account of measures to prevent and combat terrorism

1.1 To which agreements and arrangements (universal, regional, sub-regional and bilateral) related to preventing and combating terrorism is your State a party?

The Czech Republic is state party to all five United Nations conventions on terrorism deposited with the Secretary-General and all (8) multilateral conventions deposited with other depositaries.

The Czech Republic is state party to the following international instruments related to the fight against terrorism:

- Convention on Offences and Certain Other Acts Committed on Board Aircraft (Tokyo, 14 September 1963);
- Convention for the Suppression of Unlawful Seizure of Aircraft (The Hague, 16 December 1970);
- Convention for the Suppression of Unlawful Acts against the Safety of Civil Aviation (Montreal, 23 September 1971);
- Convention on the Prevention and Punishment of Crimes against Internationally Protected Persons, including Diplomatic Agents (New York, 14 December 1973);
- International Convention Against the Taking of Hostages (New York, 17 December 1979);
- Convention of the Physical Protection of Nuclear Materials (Vienna, 3 March 1980);
- Protocol for the Suppression of Unlawful Acts of Violence at Airport Serving International Civil Aviation, supplementary to the Convention for the Suppression of Unlawful Acts against the Safety of Civil Aviation (Montreal, 24 February 1988);
- Convention for the Suppression of Unlawful Acts against the Safety of Maritime Navigation (Rome, 1988);
- Protocol for the Suppression of Unlawful Acts against the Safety of Fixed Platforms Located on the Continental Shelf (Rome, 1988);
- Convention on the Marking of Plastic Explosives for the Purpose of Detection (Montreal, 1 March 1991);
- International Convention for the Suppression of Terrorist Bombings (New York, 15 December 1997);
- International Convention for the Suppression of the Financing of Terrorism (New York, 9 December 1999);
- International Convention for the Suppression of Acts of Nuclear Terrorism (New York, 13 April 2005).

Council of Europe

The Czech Republic is a party to the 1977 European Convention on the Suppression of Terrorism. It has actively contributed to the process of amending the Convention. In November 2007 the Czech Republic also signed the Additional protocol of the respective Convention (CETS 190).

(b) Accession to and participation in other multilateral and bilateral agreements or measures undertaken to prevent and combat terrorist activities;

Bilateral Agreements:

Treaties of the law enforcement cooperation, which include the aspect of the fight against terrorism

Belgium

1. Police Cooperation – memorandum, exchange of letters between the ministers (November 1997 – February 1998);

Bulgaria

2. Intergovernmental Agreement; Date and place of signature: Sofia, 17. III. 1999

Europol

3. Cooperation Agreement; Date and place of signature: Prague, 5. III. 2002;

4. Amendment – exchange of notes (The Hague – 13. II. 2002; Prague – 5. III. 2002).

France

5. Intergovernmental Agreement; Date and place of signature: Prague, 2. IV. 1997

Chile

6. Intergovernmental Agreement; Date and place of signature: Santiago, 23. IX. 1996

Croatia

7. Intergovernmental Agreement; Date and place of signature: Prague, 30. XI. 1999

Italy

8. Intergovernmental Agreement; Date and place of signature: Prague, 22. III. 1999

Kazakhstan

9. Intergovernmental Agreement; Date and place of signature: Almaty, 9. IV. 1998

Kyrgyzstan

10. Intergovernmental Agreement; Date and place of signature: Biskhek, 8. IV. 1998

Cyprus

11. Agreement about the co-operation between MoI's; Date and place of signature: Prague, 7. XII. 1992

Lithuania

12. Agreement about the co-operation between MoI's; Date and place of signature: Vilnius, 29. III. 1996

Latvia

13. Intergovernmental Agreement; Date and place of signature: Prague, 14. XI. 2000

Hungary

14. Accord about the co-operation between MoI's; Date and place of signature: Budapest, 11. XI. 1991

15. Intergovernmental Agreement; Date and place of signature: Prague, 16. II. 1996

The Netherlands

16. MoU between MoI's; Date and place of signature: Prague, 5. 10. 1993

Poland

17. Agreement about the cooperation in regard to the fight against criminal activities, protection of the public order and cooperation in the border areas, 2. VIII. 2007.

18. Agreement about the co-operation between MoI's; Date and place of signature: Prague, 5. IX. 1991

19. Protocol about the co-operation between MoI's; Date and place of signature: Warsaw, 12. IV. 1995;

20. Accord about the change of the annex to the abovementioned Protocol (12. IV. 1995).

Austria

21. Intergovernmental Agreement; 21. VI. 1988

Romania

22. Intergovernmental Agreement; Date and place of signature: Prague, 13. XI. 2001

Russian Federation

23. Agreement about the co-operation between MoI's; Date and place of signature: Prague, 21. IV. 1997

Slovakia

24. Agreement about the co-operation and mutual assistance between MoI's; 20. XI. 1992 (with three additional protocols: Bratislava, 21. XI. 1994; Bratislava, 17. III. 1995; Date and place of signature: Bratislava, 18. XI. 1994)

Slovenia

25. Intergovernmental Agreement; Date and place of signature: Ljubljana, 22. V. 1998

Germany

26. Intergovernmental Agreement; Date and place of signature: Prague, 13. IX. 1991

27. Intergovernmental Agreement about the police co-operation in the border area; Date and place of signature: Berlin, 19. IX. 2000

28. Agreement about the co-operation between MoI of the Czech Republic and the MoI of the Free State Bavaria;

Date and place of signature: Munich, 26. II. 1991 (with additional protocol – exchange of letters: 14. X. 1993 and 11. XI. 1993)

Tunisia

29. Agreement about the co-operation between MoI's; Date and place of signature: Prague, 10. V. 1999

Turkey

30. Agreement about the co-operation between MoI's; Date and place of signature: Ankara, 17. I. 1997

Ukraine

31. Intergovernmental Agreement; Date and place of signature: Kiev, 30. VI. 1997 (with additional Protocol, Date and place of signature: Kiev, 5. XI. 1999)

Uzbekistan

32. Intergovernmental Agreement; Date and place of signature: Tashkent, 17. VI. 1998

United Kingdom

33. Intergovernmental Agreement; Date and place of signature: Prague, 23. VII. 1990

1.2 What national legislation has been adopted in your State to implement the above-mentioned agreements and arrangements?

The Czech Republic has no special anti-terrorism legislation. Terrorism related offences are covered by different sections of the Criminal Code (Act No. 40/2009). The new Criminal Code meets all requirements of the above-mentioned treaties and it also complies e.g. with the requirements of the EU Council Framework Decision 2002/475/JHA on combating terrorism. Currently, terrorism related the following provisions of the Criminal Code cover offences: Section 310 (subversion of the Republic), Section 311 (terrorist attack), Section 312 (terror), Section 272 (public danger), Section 291 (endangering the safety of aircraft and civil vessels), Section 292 (hijacking an aircraft to a foreign country), etc. Other relevant provisions involve sabotage (Sections 314), participation in an organized criminal group (Section 361), endangering of public utilities (Section 276), taking hostages (Section 174), extortion (Section 175), unauthorized acquisition or possession of arms (Section 279), unauthorized production and possession of radioactive material and highly dangerous substances (Section 281), spreading of alarming information (Section 357), etc. The protection of witnesses and victims of criminal offences (including terrorist attacks) is covered by the Code of Criminal Procedure

(Act No. 141/1961, as amended). The Czech republic has also two special acts: Act on a special protection of witness and other persons in connection with criminal proceedings (Act No. 137/2001), and Act on a financial assistance to victims of crime.

Information on national efforts to prevent and combat terrorism, including appropriate information on legislation beyond United Nations conventions and protocols (e.g., pertaining to financing of terrorist groups):

The Government of the Czech Republic approved the National Action Plan to Combat Terrorism (Government Decree No. 385 of 10 April 2002). The National Action Plan to Combat Terrorism was up-dated in 2003, in 2004, in 2005 and in 2008. In February 2010 the Government of the Czech Republic approved new Strategy on Fight against Terrorism for the years 2010 – 2012.

Its text goes along with the EU Action Plan on the Fight against Terrorism, as well as with the EU Counterterrorism Strategy.

1.3 What are the roles and missions of military, paramilitary and security forces and the police in preventing and combating terrorism in your State?

In the territory of the Czech Republic: the Armed Forces may assist the Police in guarding important places and institutions. The agenda of the fight against terrorism in the Czech Republic falls especially within the competence of the Ministry of Interior, the Police of the Czech Republic and the intelligence services of the Czech Republic. Certain functions and activities in this field require the co-operation of the Ministry of Defence, Ministry of Health and the Ministry of Foreign Affairs. In fact, all the ministries, many other central state authorities, as well as regional authorities, private companies and in fact every resident, can play some role in the counterterrorism activities in the Czech Republic. The Ministry of Interior coordinates crisis management activities in response to terrorist acts and similar incidents seriously endangering critical infrastructure, civilian population and their property, and the public order. The Ministry of Foreign Affairs coordinates the government's response to emergencies abroad that could affect the Czech Republic's interests. The Police of the Czech Republic units involved in the fight against terrorism are subordinated to the Office of the Criminal Police and Investigation Service (Organised Crime Unit, General Crime Department etc.), Deputy Police President for Uniformed Police (Protection Service), Deputy Police President responsible for international co-operation (International Police Cooperation Department – Interpol Prague) and the Office of the Police President (Rapid Response Unit). There are three intelligence services in the Czech Republic:

- Security Information Service
- Office for Foreign Relations and Information
- Military Intelligence Service

1.4 Provide any additional relevant information on national efforts to prevent and combat terrorism, e.g., those pertaining *inter alia* to:

- Financing of terrorism;
- Border controls;
- Travel document security;
- Container and supply chain security;
- Security of radioactive sources;
- Use of the Internet and other information networks for terrorist purposes;
- Legal co-operation including extradition;
- Safe havens and shelter to terrorists and terrorist organizations.

Intelligence services contribute to national effort as follows:

- Collect intelligence related to any plans and activities constituting a military threat to the Czech Republic;
- Collect data on foreign intelligence services in the field of defence;
- Collect intelligence on plans and activities aimed against the Czech Republic's defence;
- Collect intelligence on activities endangering classified information related to the Czech Republic's defence;
- Collect intelligence related to any plans and activities posing a terrorism and extremism threat to the Czech Republic in the field of the Defence Department authority.

2. Stationing of armed forces on foreign territory

2.1 Provide information on stationing of your States armed forces on the territory of other participating States in accordance with freely negotiated agreements as well as in accordance with international law.

In 2009, deployment of the Armed Forces of the Czech Republic averaged 975 land force personnel, of which 865 were land forces in NATO-led operations, and 110 in non-NATO operations.

- The Czech Republic has maintained its military presence in the Western Balkans region having for most of the year approximately 410 personnel in the field. Contribution to KFOR continued within Multinational Task Force-Centre and included a reserve company of 106 personnel, which was deployed for a period from May 29 to July 9 2009.
- In Afghanistan, the Czech Republic contributed to both ISAF and Enduring Freedom operations. In the framework of ISAF, the mandate was up to 480 members of Czech Armed Forces with the emphasis put on the Czech PRT in Logar, manned with up to 275 soldiers. Up to 70 persons were stationed at the Kabul International Airport. The contingent had leading role in the CBRN area, Air Mentoring Team (10 persons) provided training as a follow up to the 12 helicopters that the Czech Republic had donated to the Afghan National Army. There were also other experts assigned to ISAF and KAIA HQ. A contingent of up to 63 personnel, assisting the NLD-led Task Force in Uruzgan province, terminated its mission at the end of March 2009. Furthermore, towards the end of 2009 the Czech Republic also started preparation for deployment of three Helicopters Mi-171, together with a staff of up to 110 persons, to be stationed at Sharana base in Paktika province.
- The Czech Republic also contributed up to 100 personnel to Operation Enduring Freedom.
- The Czech Republic concluded its contribution to the stability of Iraq at the end of February 2009, where we provided three military instructors for NTM-I in Baghdad.
- At the end of the first quarter of 2009, the Czech Republic also terminated the commitment of two officers to EUFOR TCHAD/RCA operation in Chad and Central African Republic.
- During the period from May 1 to August 31 2009 the Czech Republic participated in NATO Air Policing Operation in the Baltic States by providing 4 JAS 39 Gripen Fighters including a contingent of up to 75 persons.
- During November 2009 the Czech Republic delegated three staff officers to the mission of the Multinational Forces and Observers in Sinai.

- In addition, up to 10 military observers were serving in UN peacekeeping missions in Georgia, Democratic Republic of Congo, Kosovo and Afghanistan.

3. Implementation of other international commitments related to the Code of Conduct

3.1 Provide information on how your State ensures that commitments in the field of arms control, disarmament and confidence- and security building as an element of indivisible security are implemented in good faith.

See II/1.2 below

3.2 Provide information on how your State pursues arms control, disarmament and confidence- and security-building measures with a view to enhancing security and stability in the OSCE area.

In accordance with Czech law, promulgated treaties, to the ratification of which the Parliament has given its consent and by which the Czech Republic is bound, form a part of the legal order; if a treaty provides something other than that which a statute provides, the treaty shall apply. Where necessary the provisions are implemented by special laws. In other cases the provisions are self-executing in the Czech Republic.

The Criminal Code of the Czech Republic (no. 40/2009 of the Collection of Laws) includes paragraph no. 280, called “Development, production and possession of prohibited means of combat”. This provision determines that it is a crime to develop, produce, import, export, store or accumulate weapons or means of combat prohibited by law or international treaty, or to dispose of these weapons or means of combat in any other way. This provision further determines possible punishment for such a crime – imprisonment for a term of two years up to eight years.

Section II: Intra-State elements

1. National planning and decision-making process

1.1 What is the national planning and decision-making process in determining/approving military posture and defence expenditures in your State?

(a) The military posture

In general, the basis for the defence planning system is laid down in national legislation. The key institutions of defence planning include the Parliament (at the supreme level), the Government and the National Security Council as the Government’s working and co-ordination body. The Ministry of Defence (MoD) plays a crucial role in overall management of defence planning and in co-ordination of measures ensuring the state’s readiness for defence. Within the MoD it is the Defence Policy and Strategy Division who has the lead in defence planning, being responsible for defining strategic goals and objectives. Since the beginning of 2010, the MoD’s Economic Division has assumed overall responsibility for conducting both the medium-term and yearly planning. Formerly, the Chief of Defence was responsible for medium-term planning.

Defence planning is a set of processes designed to develop and sustain military capabilities adequate to fulfilling the tasks of national and collective defence and other security tasks

resulting from national legislation and the membership in international organizations, particularly NATO, EU, UN and OSCE.

The result of the defence planning process is a set of strategic and conceptual documents, particularly the Military Strategy of the Czech Republic (2008) and the Long-term Vision of the Ministry of Defence (2008). Minister's Guidance is regularly issued to steer medium-term planning. A Medium-term Development Plan provides major input for yearly budgeting process. Currently, the Medium-term Plan for the period 2010-2014 is in force.

In 2009, the work within the MoD continued to adapt the defence planning system so that it reflects changes adopted in the new NATO defence planning process. The aim is to make the national defence planning system also more responsive to requirements arising from deployed operations. Requirement for the most effective and efficient use of available resources is a prerequisite for all the planning.

(b) Defence expenditures

According to Act No. 487/2009 Coll., on the Czech Republic State Budget for the year 2010 (approved by the Czech Parliament), the funds allocated to the MoD are in the amount of CZK 48,867.060 million. The military expenditures, as defined by the Vienna Document 1999 based on the UN methodology, represent the amount of CZK 48,794.435 million for the fiscal year 2010. The total amount of the National Budget expenditures is CZK 1,184,919.350 million, index 2010/2009 is 1,028 %.

1.2 How does your State ensure that its military capabilities take into account the legitimate security concerns of other States as well as the need to contribute to international security and stability?

The Czech Republic's security policy is based on the principle of the indivisibility of security. The Czech Republic's security is inseparable from security in the Euro-Atlantic area and from global security. Therefore, one of the country's long-term interests is to maintain the effective role of the UN and to promote unity in the Euro-Atlantic area. The Czech Republic cannot be indifferent to the fate of other nations, countries, and regions; it is ready to contribute, within its capacities, to the international community's efforts to address security problems and mitigate their consequences.

2. Existing structures and processes

2.1 What are the constitutionally established procedures for ensuring democratic political control of military, paramilitary and internal security forces, intelligence services and the police?

Military forces

Effective democratic political control of the Armed Forces (as well as their intelligence services) is primarily ensured by the Parliament, in particular the Committee on Defence and Security of the Chamber of Deputies (lower chamber of the Parliament) and the Committee on Foreign, Defence and Security Policy of the Senate (upper chamber of the Parliament).

Intelligence services

The Act on the Intelligence Services of the Czech Republic (Act No. 153/1994), the Act on the Security Information Service (civilian counter-intelligence, Act No. 154/1994) and the Act on Military Intelligence (Act. No. 289/2005) constitute a legal framework for the activities of

intelligence services in the Czech Republic. The intelligence services of the Czech Republic (namely the Office for Foreign Relations and Information, the Security Information Service, the Military Intelligence) fall within the responsibility of the Government. The Intelligence Activity Committee represents a permanent body of the National Security Council for the management, coordination and control of the intelligence activities. The intelligence services are also subject to the control of the Parliament through its Subcommittee for Intelligence Services and two permanently established commissions - the Permanent Commission for the Control of the Military Intelligence and the Permanent Commission for the Control of the Security Information Office.

The most recent Government decrees, regarding the area of the intelligence services are:

- On coordination of activities of the intelligence services of the Czech Republic during evaluation of the information, important for the security of the Czech Republic, with special regard to the fight against terrorism (Governments Decree on 13th September 2006, No. 1060);
- On authorising of the members of the Government with a coordination and information functions toward some central state administration bodies that are not directed by member of the Government and toward Security Information Service (Governments Decree on 13th September 2006, No. 1068).

Police of the Czech Republic

The primary legislation governing the Police of the Czech Republic is the Act on the Police of the Czech Republic (Act No. 273/2008). The act authorizes the Government of the Czech Republic to call up soldiers and officers of the Penitentiary Service of the Czech Republic and the Customs Directorate to act in the capacity of the Police in specified situations relating to public order and security to the extent defined by law. It enables the Police of the Czech Republic to co-operate with international organisations and with the police authorities and security forces of other states. The above-mentioned Act aligns the rules for police work with the EU police legislation. It regulates the handling of personal data processed by the police and provides for bilateral co-operation with Europol. The Police of the Czech Republic make other organisational, staffing and technical arrangements in the context of co-operation with the above-mentioned institutions and cross-border police co-operation with compliance with the Convention implementing the Schengen Agreement. The role of the Police of the Czech Republic in criminal proceedings is governed by the Code of Criminal Procedure (Act No. 141/1961, as amended). The Code defines the responsibilities of each law enforcement authority in detecting and investigating crimes and in punishing the offenders.

2.2 How is the fulfilment of these procedures ensured, and which constitutionally established authorities/institutions are responsible for exercising these procedures?

Political control is exercised through the parliamentary mechanism for approving the state budget, including the defence budget. In order to investigate a matter of public concern, the Chamber of Deputies may establish an investigating commission at the request of at least one fifth of Deputies.

2.3 What are the roles and missions of military, paramilitary and security forces, and how does your State control that such forces act solely within the constitutional framework?

Roles and missions of Armed Forces as defined by the Law on Armed Forces (219/1999 Coll.):

- a) To make ready and to defend the Czech Republic against external attack.
- b) To perform the tasks arising from international obligations of the Czech Republic concerning collective (self-) defence.
- c) Safeguarding of premises important for state defence.
- d) To perform the tasks of the Police (only in case the Police resources are not sufficient to reach internal order and security and only for period of necessity).
- e) To perform salvage operations during disasters or calamities or other significant situations jeopardizing lives, health, high asset values or environment or to remove the disaster effects.
- f) To remove other imminent danger by military engineering.
- g) To arrange for air transportation of state agents; medical and other air service.
- h) To ensure transportation services according to the Government resolutions.
- i) To provide for cultural, educational, sport and other social events.
- j) To perform humanitarian tasks of civil defence.

Internal security forces

The Penitentiary Service of the Czech Republic operates strictly within its field of competence defined by the Constitution and by Act No. 555/1992 on the Penitentiary Service and Court Guards, as amended. The responsibility of the Penitentiary Service is to ensure the execution of detention and prison sentences, and to maintain order and security in the exercise of judicial powers and court administration and in the work of the prosecuting attorneys' offices and the Ministry of Justice. The Penitentiary Service of the Czech Republic comprises the Penitentiary Service Headquarters, detention facilities, prisons and the Penitentiary Service Training Institute. The Penitentiary Service operates in the territory of the Czech Republic, unless provided otherwise by special legislation or by an international treaty, which is binding on the Czech Republic and the ratification of which was approved by the Parliament of the Czech Republic. The Penitentiary Service collaborates with the armed security structures of the Czech Republic, with other government authorities, municipal authorities, as well as with similar institutions abroad. In cases of emergency, where the Penitentiary Service is unable to ensure order and security in detention facilities and prisons by its own means, the above law authorizes it to request the assistance of the Police of the Czech Republic. Penitentiary Service officers may be ordered by the government to fulfil the tasks of the Police of the Czech Republic for a necessary period of time, if the Police of the Czech Republic lacks sufficient means and forces to ensure internal order and security. In such case, Penitentiary Service officers have the same powers and duties as Police of the Czech Republic officers. The Penitentiary Service has some other tasks defined by special legislation, e.g. Act No. 169/1999 regulating the execution of prison sentences and amending some related acts, as amended, Act No. 293/1993 regulating the execution of detention, as amended, Section 9 of Act No. 240/2000 regulating crisis management and amending some other acts (Crisis Act), as amended.

3. Procedures related to different forces personnel

3.1 What kind of procedures for recruitment and call-up of personnel for service in your military, paramilitary and internal security forces does your State have?

Military forces

In connection with the end of the general conscription system and introduction of fully professional armed forces on 1 January 2005, Acts No. 218/1999 (*National Service Act*) and No. 220/1999 (*Compulsory Service or Alternative Service and Military Exercises and the Status of Reserve Soldiers*) have been repealed and, concurrently, Act No. 585/2004 on national service and its securing (*National Service Act*) has been adopted.

The Act No. 272/2009 Coll., which amended the Act on Career Soldiers, entered into force on August 27, 2009. The amendment newly regulates the domain of recruiting citizens into military service, specifics of service abroad, management of matters pertaining to service contracts and compensation of surviving relatives. The amendment newly regulates the military rank system and the career soldier military ranks. It newly introduces the enlisted and junior NCO ranks with relevant military ranks and abolishes the rank of Staff Sergeant, Warrant Officer 1 and 2nd Lieutenant from January 1, 2011. Following the amendment of Act on Career Soldiers, the related laws and regulations were also amended. MoD internal regulations were subsequently drafted to be approved in 2010.

In 2010, reorganisation in the MoD Department will continue to adapt the structure of units and components in line with the decisions adopted by the minister in 2009. The difference will be redressed between the actual and authorised personnel strength to support efficient conduct of all ACR operations including those stemming from international commitments of the Czech Republic. Efforts will continue to develop and deliver a new career management system for career soldiers.

In connection with the reduction of the personnel strength of the MoD Department, recruitment of new personnel was temporarily suspended in mid 2009. Despite that measure, the recruitment plan was fulfilled in 2009. The recruitment is expected to be restored in 2010, in particular to fill the most junior rank corps slots and to attract quality personnel for studies at military schools.

The basic rules of the National Service Act are:

Duration of national service

The national service obligation starts on the day following the citizen's 18th birthday and terminates on the day of his/her 60th birthday. The citizen fulfils the obligation in time of national emergency or in time of war.

Voluntary national service

In time of national emergency or in time of war, a citizen who is not subject to the national service obligation, and a citizen of a nation participating in the defence systems of international organizations of which the Czech Republic is a member, can voluntarily perform his/her national service, on the basis of a written application, starting from the day following his/her 18th birthday.

Voluntary performance of the national service

In situations other than national emergency or time of war, a citizen or a soldier in mandatory reserve can voluntarily perform national service if he/she applies in writing for admission as a regular soldier.

In situations other than national emergency or time of war, a citizen or a soldier in mandatory reserve can voluntarily perform national service if he/she applies for inclusion into the active reserve. This is possible from the day following his/her 18th birthday.

The active reserve contract is concluded for the period of 3 years.

The national service terminates:

- on the effective date of the decision issued after completion of the recruitment procedure saying that the citizen is not fit for active military service,
- on the effective date of the decision issued in the revision procedure saying that the citizen is not fit for active military service,
- on the effective date of the decision which deprived the citizen or the soldier of legal capacity or limited his/her legal capacity, or
- on the day the citizen or the soldier loses citizenship of the Czech Republic.

Act No.221/1999, on Regular Soldiers, governs the service of regular soldiers.

Police of the Czech Republic

The Act On The Service Of Members Of Security Services (Act No.361/2003) apply generally to members of all security services, i.e. the Police of the Czech Republic, the Fire Rescue Service of the Czech Republic, Customs Directorate, the Penitentiary Service, Security Information Service and Office for Foreign Relations and Information. Conditions for the admission of police officers are set by the Police Headquarters, Personnel and Training Department.

The police officer, member of the Police of the Czech Republic, must:

- be a citizen of the Czech Republic;
- be older than 18 years of age;
- have no previous criminal record;
- have the required qualifications;
- be physically and mentally healthy;
- successfully pass the admission examination.

3.2 What kind of exemptions or alternatives to military service does your State have?

Not applicable.

3.3 What are the legal and administrative procedures to protect the rights of all forces personnel as well as conscripts?

The status of Armed Forces personnel is governed by a package of laws, brought into force in 1999. The Criminal Code of the Czech Republic does not make difference between the Armed Forces personnel and civilian population. However, in case a member of the Armed Forces breaches disciplinary rules, he is liable to disciplinary sanctions imposed by his superior. The Criminal Code of the Czech Republic also defines "Military Criminal Acts" in Section XII.

4. Implementation of other political norms, principles, decisions and international humanitarian law

4.1 How does your State ensure that International Humanitarian Law and Law of War are made widely available, e.g., through military training programmes and regulations?

4.2 What has been done to ensure that armed forces personnel are aware of being individually accountable under national and international law for their actions?

System of military preparation in the Czech Republic consists of career training of an individual, regular daily training of individuals or units and ad-hoc training, be it specialised

courses for individuals or pre-deployment training of particular units. IHL is included in the current general training programs.

In result, it is guaranteed that every individual military professional meets IHL since the very beginning of his or her career, during regular annual training, whenever he or she wants to step up in the rank chart and before any deployment to a real operation.

As a necessary complement to the training, there is an education of officers. It is especially important with respect to the fact that international humanitarian law imposes special obligations on commanders. With this regard a handbook on IHL for commanders has been issued in December 2007. In the Czech Republic, military academic education is centralized within the Defence University located in Brno. This institution provides appropriate education, including mandatory lectures of IHL to all future commanders and members of their staffs. There is a significant amount of these lectures both in Bachelor's curriculum and Master's curriculum.

4.3 How does your State ensure that armed forces are not used to limit the peaceful and lawful exercise of human and civil rights by persons as individuals or as representatives of groups nor to deprive them of national, religious, cultural, linguistic or ethnic identity?

Art. 9 of Act on Armed Forces of the Czech Republic No. 219/1999 Coll., as subsequently amended, expressly states which are tasks of the armed forces e.g. preparation for defence of the Czech Republic, tasks arising from international obligations, guarding of premises important for defence of the state etc. According to strict limitation set forth in this article, armed forces cannot perform other tasks. Moreover Art. 12 expressly states, that activity of armed forces are under control of constitutional authorities or authorities to which such control is entrusted by especial act (Art. 12), thus in case of transgression of competences it is upon civilian authorities to act accordingly. Special safeguard is placed in Art. 11 of the above-mentioned act in relation to prohibited actions of armed forces. Expressly it is forbidden direct intervention of armed forces against participants of a strike held in protection of their rights and entitled economical and social interests of employees.

4.4 What has been done to provide for the individual service member's exercise of his or her civil rights and how does your State ensure that the country's armed forces are politically neutral?

Human rights of soldiers are embodied in Human Rights Charter No. 2/1993 Coll., (which is applicable for every person under jurisdiction of the Czech Republic and is part of Czech constitutional legal order). Limits of basic rights and freedoms may be imposed only by enacted law and based on conditions set forth in Human Rights Charter. As military personnel represents a special group whose rights may be limited for fulfilling their tasks, it is Act on Armed Forces of the Czech Republic No. 219/1999 Coll., as subsequently amended, which represents such enacted law. It's Art. 4 prohibit any political activity in armed forces. Such prohibition is further specified in Art. 45 of Act on professional soldiers No. 221/1999 Coll., as subsequently amended, and it forbids members of the armed forces to be members of any political parties or movements.

4.5 How does your State ensure that its defence policy and doctrine are consistent with international law?

Constitution of the Czech Republic No. 1/1993 Coll., as subsequently amended, is based on premise that the Czech Republic observes its obligations arising from international law (Art. 1 par. 2). This article doesn't make a difference between obligations arising from international treaties and international customs. Thus any defence policy and doctrine has to be implemented and created in accordance with ratified international treaties and applicable customs. From institutional point of view the consistency of defence policy and doctrine with international law is ensured on different levels. E.g. by existence of Board for Defence Planning and Board for coordination of foreign security policy under Security Council of State, which was established according to Art. 9 of the Constitution of the Czech Republic, Security Council of State have been created. These Boards has been established for coordination of security issues, preparation of proposals for its provisions; or e.g. government on an ad hoc basis approves delegation and their mandate for their participation on international negotiations.

Section III: Public access and contact information

1. Public access

1.1 How is the public informed about the provisions of the Code of Conduct?

Generally the public has access to information pertaining to the Armed Forces and its activities in ways mentioned in III/1.3 below. Specifically there are e.g. regularly issued articles related to Code on Conduct in military periodical "Czech Military Review", which is published also in digital form on the Ministry of Defence web page: www.army.cz. It is worthy to mention that Ministry of Defence is preparing to devote more space specifically to Code of Conduct related issues on this web page.

1.2 What additional information related to the Code of Conduct, e.g., replies to the Questionnaire on the Code of Conduct, is made publicly available in your State?

See III/1.1

1.3 How does your State ensure public access to information related to your State's armed forces?

Every citizen can take advantage of The Freedom of Information Act No. 106/1999 Coll. according to which every state institute has duty to provide any information requested by any citizen.

Czech Republic ensures public access to information related to military also through public web page of the Ministry of Defence: www.army.cz.

Furthermore the MOD Media and Public Communication Department provides the public with comprehensive information on national security policy and activities of the Armed Forces.

Valuable source of information are also Ministry of Defence periodicals like A-report or Armed Forces Review.

2. Contact information

2.1 Provide information on the national point of contact for the implementation of the Code of Conduct.

Ministry of Foreign Affairs, Security Policy Department, OSCE Unit.
Tel.: 00420 224 182 806
Fax: 00420 224 182 877
E-mail: obp@mzv.cz