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FSC.EMI/99/12

13 April 2012

ENGLISH only

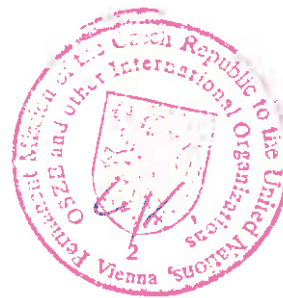
No: 1149/2012

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 Decision 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 13, 2012



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
2011**

Section I: Inter-State elements

1. Account of measures to prevent and combat terrorism

1.1 To which agreements and arrangements (universal, regional, subregional 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).

The Council of Europe set up the Committee of Experts on Terrorism (CODEXTER) which replaced the GMT (the Multidisciplinary Group on International Action against Terrorism) in 2003 and is still active and coordinates the implementation of activities in the priority areas. This work has resulted in several international instruments and publications. One of the key conclusions is also a general agreement on strengthening cooperation and exchange of best practice in the “Bringing Terrorists to Justice” initiative – a successful prosecution and conviction of perpetrators of acts of terrorism, protection and support for victims of terrorism and protection of police officers and officials involved in the fight against terrorism.

The Czech Republic still remains outside the group of states that have successfully implemented a counter-terrorism convention CETS 196. This situation was caused by the previous absence of criminal liability of legal persons in the Czech legal system; without such liability, the Czech Republic was not able to fulfill the convention. However, the Act on Corporate Criminal Liability (418/2011 Coll.) has been adopted to complement existing criminal law. The Act entered into force on 1 January 2012 (see below) enabling the Czech Republic to take steps towards the Council of Europe Convention on the Prevention of Terrorism CETS 196.

Bilateral Agreements

Treaties of the law enforcement cooperation, which include the aspect of the fight against terrorism, and entered into force

Albania

1. Police cooperation – intergovernmental agreement, Prague 27. IV. 2009

Belgium

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

Bulgaria

3. Intergovernmental Agreement; Date and place of signature: Brussels, 30. XI. 2009

Europol

4. Cooperation Agreement; Date and place of signature: Prague, 5. III. 2002;
5. Amendment – exchange of notes (The Hague – 13. II. 2002; Prague – 5. III. 2002).

France

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

Chile

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

Croatia

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

Italy

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

Kazakhstan

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

Kyrgyzstan

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

Cyprus

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

Lithuania

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

Latvia

14. Agreement between the Government of the Czech Republic and the Government of the Republic of Latvia on Co-operation in Combating Terrorism, Illicit Trafficking in Narcotic Drugs and Psychotropic Substances and Organised Crime; Date and place of signature: Prague, 14. XI. 2000

Hungary

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

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

Macedonia (FYROM)

17. Agreement between the Government of the Czech Republic and the Government of the Republic of Macedonia on Cooperation in the Fight against Crime, Date and place of signature: Prague 9. II. 2010

Moldova

18. Agreement between the Government of the Czech Republic and the Government of the Republic of Moldova on cooperation in combating organized crime, illicit trafficking in narcotic drugs and psychotropic substances, terrorism as well as other kinds of crime, Date and place of signature: Prague 7. VIII. 2003

The Netherlands

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

Poland

20. 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.

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

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

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

Austria

24. Intergovernmental Agreement; 21. VI. 1988

25. Police cooperation and amendment to Second amending protocol to CoE MLA Convention – treaty, Vienna 14. VII. 2005

26. Cross-border police cooperation centre – intergovernmental agreement, Mikulov 6. IX. 2007

Romania

27. Agreement between the Czech Republic and Romania on cooperation in combating organized crime, illicit trafficking in narcotic drugs, psychotropic substances and precursors, terrorism, as well as other serious crime; Date and place of signature: Prague, 13. XI. 2001

Russian Federation

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

Slovakia

29. 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)

30. Agreement between the Czech Republic and the Slovak Republic on cooperation in combating crime, during protection of public order and state borders protection, No.26/2005 Coll.; Date and place of signature: Bratislava 27. I. 2004

31. MoI cooperation - intergovernmental agreement, Bratislava 13. I. 2010

Slovenia

32. Agreement between the Government of the Czech Republic and the Government of the Republic of Latvia on Suppression of Illicit Trafficking in Narcotic Drugs and Psychotropic Substances and Organised Crime and Combating Terrorism; Date and place of signature: Ljubljana, 22. V. 1998

Serbia

33. Agreement between the Government of the Czech Republic and the Government of the Republic of Serbia on Police Cooperation in the Fight against Crime, Date and place of signature: Prague 17. XII. 2010

Germany

34. Intergovernmental Agreement; Date and place of signature: Prague, 13. IX. 1991
35. Intergovernmental Agreement about the police co-operation and security co-operation in the border area; Date and place of signature: Berlin, 19. IX. 2000
36. 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)

Switzerland

37. Police cooperation – treaty; Date and place of signature: Prague 31. V. 2005

Tunisia

38. 29. Agreement about the co-operation between MoI's; Prague, 10. V. 1999

Turkey

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

Ukraine

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

Uzbekistan

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

United Kingdom

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

United States of America

43. Police cooperation – intergovernmental agreement, Prague 12. XI. 2008

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, which replaced previous National Action Plans. Its text goes along with the EU Action Plan on the Fight against Terrorism, as well as with the EU Counterterrorism Strategy.

As a general rule, international conventions may be applied directly, having precedence over domestic laws, if their provisions are capable of being applied this way (e.g. MLA provisions).

As a document of strategic importance, the Strategy to Fight Terrorism for the period 2010 to 2012 was prepared by MoI and approved by Government Resolution No. 221 of 22 March 2011. Following the Strategy, the Government of the Czech Republic approved in its Resolution No. 826 of 16 November 2010 a list of Current Priorities in the Fight Against Terrorism for the period 2010 to 2012, the contents of which determine tasks and deadlines for their fulfillment. Evaluation of these tasks will take place in 2012.

New piece of legislation - Act on Corporate Criminal Liability - has been adopted to complement existing criminal law. This Act (418/2011 Coll.) entered into force on 1 January 2012. It applies to all forms of legal persons (including churches, foundations and business companies) with the exception of the State and regional and municipal authorities. The main purpose of the Act is to implement various international treaties that require corporate liability for offences stipulated therein (such as terrorism, corruption etc.). The law enables criminal judge to impose fines and other sanctions (including dissolution) on legal persons.

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).

The fight against terrorism must be comprehensive, including both traditional police methods and legislative, social, technical as well as foreign policy and military measures. One of these measures was creation of the National Focal Point for Terrorism as a specialised department within the Unit for Combating Organised Crime. It is a specialised central communication, information and analytical department of the Police of the Czech Republic, dealing with relevant information on terrorism and persons suspected of being linked to terrorists or terrorist organisations. Principal goals include gathering and analysing relevant information, monitoring and evaluating the threat of terrorism, preventing and minimizing its impact and cooperating not only with various partners and institutions abroad, but also with the citizens of the Czech Republic, allowing them to effectively participate in law enforcement activities.

There are three intelligence services in the Czech Republic:

- Security Information Service

The Security Information Service is an intelligence service active within the Czech Republic. It is responsible for acquiring, collecting and evaluating information of major impact on the security of the country, protection of its constitutional setup and economic interests. As an institution, the service is strictly apolitical and does not have any repressive powers – therefore it cannot detain, arrest or interrogate.

- Office for Foreign Relations and Information

The Office for Foreign Relations and Information is an intelligence service of the Czech Republic. Its main goal, effort and mission is to provide foreign intelligence vital for the security and protection of foreign policy interests and economic policy interests of the Czech Republic. Its work comprises gathering and assessment of intelligence which is not available through standard means and activities and which meets the following criteria: 1) it is of foreign origin (though they may be acquired in the territory of the Czech Republic); 2) it relates to the issues we were tasked by the Government to pursue; 3) it is unknown to the particular customer and is usually obtained through intelligence means.

- Military Intelligence Service

Military Intelligence carries out counterintelligence and intelligence tasks within the scope and interests of the Army of the Czech Republic. This intelligence service gathers information from its own intelligence sources including bilateral and multilateral cooperation. Military Intelligence also secures intelligence protection of the Czech and allied contingents in missions abroad.

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;

In April 2011, ministers of the interior discussed EC proposal for a Directive on the use of Passenger Name Record data for protection against terrorist offences and serious crime (the so-called European PNR)

- Travel document security;
- Container and supply chain security;
- Security of radioactive sources;
- Aviation security;

Czech security forces continue to focus on the issues of aviation security, especially with regard to, *inter alia*, air cargo, misusing of laser pointers to dazzle and distract pilots, gathering and sharing information on persons with links to terrorist organizations or persons who are known for their radical beliefs and who reside in the Czech Republic. There are also efforts to amend the Act No. 310/2006 Coll. on the Management of safety material, the provisions of which should regulate the sale, acquisition and possession of laser pointers. In the regulatory area we are revising all national programs dealing with aviation security.

- Use of the Internet and other information networks for terrorist purposes;

In 2011, the MoI prepared the National Cyber Security Strategy for the period 2011 to 2015 and Action Plan to outline our commitment to fight cyber terrorism. Both documents were approved by Government Resolution No. 564 of 20 July 2011. MoI has also launched internet portal dedicated to cyber security. In October 2011, however, the authority responsible for cyber security in the Czech Republic changed.

According to Government Resolution No. 278 of 19 October 2011, the National Security Authority (NSA) became the coordinator of cyber security issues in the Czech Republic. The Government has also established the Council for cyber security and approved the creation of the National Center for Cyber Security as part of the NSA.

- Legal co-operation including extradition;
- Co-operation with third countries;

The MoI also co-operates on assistance programs with third countries (countries of the former Soviet Union, the Western Balkans, South Caucasus and the Middle East) and contributes to the stability of internal political situation in these countries, thus indirectly to better security situation in the EU. This co-operation focuses on the area of education and training of police forces in the area of the fight against terrorism and organized crime.

- 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.

The stationing of the Czech Armed Forces on the territory of other states is regulated by (where applicable):

- the provisions of the Agreement between the Parties to the North Atlantic Treaty regarding the status of their armed forces, done in London on June 19, 1951 and ratified by the Czech Republic in 2000;
- the provisions of the Agreement among the States Parties to the North Atlantic Treaty and the Other States participating in the Partnership for Peace regarding the status of their armed forces, and its additional protocol, done in Brussels on June 19, 1995 and ratified by the Czech Republic in 1996.

Operations abroad are a key priority of the Czech Republic/Ministry of Defence (MoD). Our contribution to operations is based on commitments stemming from membership in international organisations (NATO, EU and UN).

Strategic documents which serve as a basis for our contribution to operations abroad are the Security Strategy (2011) and Military Strategy (2008).

The Czech Republic's strategy for operations abroad is based on sharing security interests with other member states of NATO and EU. We believe that potential security threats can be faced only on the basis of international cooperation.

Political mandate specifying Contribution of the Czech Republic to operations abroad in 2011 (and also for 2012 with outlook to 2013) was approved by the Parliament of the Czech Republic in the end of 2010.

In 2011, the deployment of the Armed Forces of the Czech Republic in missions abroad reached within its mandate up to 1220 personnel. The Czech Republic contributed its forces primarily to operations in Afghanistan (ISAF) and in the Balkans (KFOR, ALTHEA). Furthermore, the Czech Republic dispatched military personnel to the EU anti-piracy mission NAVFOR ATALANTA and to the mission of the Multinational Forces and Observers in Sinai. The Czech Republic also sent military observers into the Democratic Republic of Congo, Afghanistan and Kosovo. As of 1st January 2012, the total number of Czech military personnel in operations abroad was 630.

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.

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 the global security situation. The nature of the security environment is such that the defence and protection of the state's citizens and territory does not end at the borders of the Czech Republic. Security interests often need to be defended far beyond the borders of allied states. The Czech Republic's security policy is governed not only by its own specific interests, but also by solidarity with its allies in NATO and the EU.

The Czech Republic prefers the active avoidance of armed conflicts and preventive diplomacy. If a crisis or armed conflict arises, it strives to reach a solution by political and diplomatic means. If these fail, the Czech Republic may — in accordance with its constitutional order, laws, and the principles of the UN Charter, and within the framework of its commitments to and solidarity with its allies — use force to protect its vital and, if necessary, its strategic interests.

The defence policy is an integral part of the security policy of the Czech Republic. The fundamental framework for formulation and implementation of the defence policy is given by the Constitution of the Czech Republic, the Constitutional Act No. 110/1998 on Security of the Czech Republic, as amended, and by other associated Acts. The principles of and the basis for the defence policy are specified in the Security Strategy of the Czech Republic (2011) and the Military Strategy of the Czech Republic (2008). Furthermore, the Czech Republic formulates its defence policy on the basis of its foreign security priorities and its membership in the North Atlantic Treaty Organization (NATO), the European Union (EU), United Nations (UN) and Organization for Security and Cooperation in Europe (OSCE). The defence policy of the Czech Republic takes primarily into account fundamental NATO, EU, UN and OSCE policies.

The defence policy of the Czech Republic is based on a comprehensive approach to the national defence concerning its external and internal as well as military and non-military aspects. The present international security environment, its of multifaceted nature and unpredictability of security threats require close international defence cooperation. Therefore, membership in NATO and collective defence pursuant to Article 5 the Washington Treaty constitutes the fundamental pillar of the Czech defence. Furthermore, the Czech Republic actively participates in the EU Common Foreign and Security Policy. The UN and OSCE membership together with effective bilateral and multilateral cooperation play an important role in the formulation and implementation of the Czech defence policy.

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.

Arms control and non-proliferation belong to one of priorities of the Czech foreign policy. It strives to actively prevent armed conflicts through preventive diplomacy with emphasis on multilateral cooperation. Should a crisis or armed conflict arise, the Czech Republic seeks timely resolution by diplomatic means whenever possible.

The Czech Republic is party to the following international Treaties and Conventions in the field of arms control, disarmament, confidence and security building measures and export control regimes:

- Biological Weapons Convention;
- Convention on the Prohibition of the Development, Production, Stockpiling and Use of Chemical Weapons and on Their Destruction
- Non-Proliferation of Nuclear Weapons
- Comprehensive Nuclear-Test-Ban Treaty
- Anti-Personnel Landmine Convention
- Convention on Cluster Munition
- United Nations Programme of Action to Prevent, Combat and Eradicate the Illicit Trade in Small Arms and Light Weapons in All Its Aspects and the Implementation of the International Instrument to Enable States to Identify and Trace in a Timely and Reliable Manner, Illicit Small Arms and Light Weapons
- Treaty on Conventional Armed Forces in Europe
- Vienna Document
- Open Skies Treaty
- Zangger Committee
- Nuclear Suppliers Group
- Australia Group
- Missile Technology Control
- Hague Code of Conduct
- The Wassenaar Arrangement on Export Controls for Conventional Arms and Dual Use Goods and Technologies

The Czech Republic in 2011 implemented all commitments stemming from all above given international agreements. Their implementation is regularly reported to the pertinent organizations. Information exchange is taking place where agreed.

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.

Law on prohibition of cluster munitions was adopted on 21 June 2011 (no. 213/2011 of the Collection of Laws) to implement the Convention on Cluster Munitions. The Convention as well as the Law enters into force for the Czech Republic on 1 March 2012.

The Czech Republic in 2011 implemented all commitments stemming from international agreements on arms control, disarmament and confidence- and security-building measures in Europe. The Czech Republic:

- organized and conducted (according to Conventional Forces in Europe Treaty) one inspection abroad,

- received in the Czech Republic one foreign inspection team,
- took part in five allied inspection teams abroad,
- took part in works to extend the international involvement in verification activity by organizing multinational inspection teams (with the participation of four inspectors from four countries);
- under the Vienna Document of 1999 organized one evaluation visit and one inspection of specified area and received one inspection of specified area;
- took part in nine visits to air bases and other military facilities and in shows of new types of weapons;
- took part in four evaluation visits and five inspections as a part of foreign teams;
- participated as an assistant in two inspections conducted in accordance with Article IV of the Dayton Peace Agreement;
- under Treaty on Open Skies, received one observation flights and conducted two join observation flights;
- took part in one observation flights of other states.

The Czech Republic in 2011 provided financial contribution to:

- International Trust Fund for Demining and Mine Victims Assistance which includes mine clearance activities on project Lugovi in Municipality Lopare, Bosnia and Herzegovina and rehabilitation treatment of children – victims of conflict from Gaza;
- Georgia Explosive Remnants of War and Medical Rehabilitation Trust Fund Project;
- NATO NRC Pilot Project on Counter-Narcotics Training of Afghan and Central Asia Personnel;
- Moldova III TF on pesticides and chemicals disposal;
- Georgia Professional Development Programme TF;
- PfP Trust Fund on Explosive Remnants of War Clearance and Medical Rehabilitation Support to Georgia;
- Afghan National Army TF;
- Law and Order TF (LOTFA) OSN in Afghanistan.

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?

The Government of the Czech Republic and all local and regional government bodies are responsible for safeguarding, within their respective areas of competence, the security of the population, the defence of the country's sovereignty and territorial integrity, and the preservation of the prerequisites for the democratic rule of law. A comprehensive, functioning and dynamically developing security system provides the institutional means to attain these aims.

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 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 that has the lead in defence planning, being responsible for defining long-term goals and objectives. The Economic Division has overall responsibility for administration of both the medium-term planning and budgeting.

Defence planning is a set of processes designed to develop and sustain adequate military capabilities to fulfil 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 long- to short-term planning documents, with the Military Strategy of the Czech Republic (2008) and the Long-term Vision of the Ministry of Defence (2008) at the top level. Principles and goals expressed in these strategic documents are then operationalized at lower levels. Minister's Guidance is regularly issued every year to steer medium-term planning. A Medium-term Plan then provides major input for yearly plans and budgeting process.

In May 2011, the Government approved the White Paper on Defence which presents conclusions of strategic defence review started in late summer 2010.

The defence planning process is at transition phase in order to be reset in accordance with the Minister's Directive on Defence Planning Procedures which was approved and put in force in May 2010. Actually, the major task of this transition phase is to develop a new Medium-term Plan for the 2013-2017 planning period. This plan is due by the end of April 2012 and will serve as the White Paper initial implementation plan. In order to allow the timely development of this medium-term plan, ad hoc organizational arrangements have been set. As part of it, the First Deputy Minister temporarily assumed the overall control of the medium-term planning process. The transition phase will be carefully examined and, if necessary, the Minister's Directive on Defence Planning Procedures will be amended.

State Budget of the Czech Republic for the year 2012 was approved by the Czech Parliament and published in the Act No. 455/2011 Coll., State Budget of the Czech Republic for the year 2012. The total amount of the State Budget expenditures is CZK 1,189,700,778 thousand, with the 2012/2011 year-to-year index being 1.01.

The 2012 MoD Budget Chapter amounts to CZK 43,474,417 thousand with the 2012/2011 index being 0.99.

The military expenditures, as defined by the Vienna Document 2011 based on the UN methodology, represent the amount of CZK 43,318,919 thousand for the fiscal year 2012.

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 and 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.

To safeguard its security interests, the Czech Republic creates and develops a comprehensive, hierarchically organised security system which is a combination of the political (domestic and foreign), military, internal security, population protection, economic, financial, legislative, legal and social levels. The primary basis of this system is to express legislatively the competence and mutual links of the individual components (legislative, executive, juridical, local and regional government, legal entities and individuals) and their links outside the security system, to establish their duties. The security system provides an institutional framework/tool for the creation and implementation of the Czech Republic's security policy.

The structure of the security system includes the President of the Republic, the Parliament of the Czech Republic, the Government, the State Security Council and its working bodies, central, regional and municipal authorities, the armed forces, armed security corps, intelligence services, and rescue and emergency services. As the supreme executive authority, the Government is responsible for the management and operational capability of the entire security system.

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 routine 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 and Interpol. The Police of the Czech Republic implement 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, with the Police acting under instructions of public prosecutors and supervision by courts.

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?

Analysis of the security environment in which the Czech Republic finds itself can identify specific threats to national security. As a responsible member of international organisations, the Czech Republic also numbers among relevant security threats those which have no direct impact on its own security, but do threaten its allies:

- Terrorism;
- Proliferation of weapons of mass destruction and their means of delivery;
- Cyber attacks;
- Instability and regional conflicts in and around the Euro-Atlantic area;
- Negative aspects of international migration;
- Organised crime and corruption;
- Threats to the operation of critical infrastructure;
- Interruptions to supplies of strategic raw materials or energy;
- Disasters of natural and anthropogenic provenance and other emergencies.

Functions in Support of the Czech National and NATO Collective Defence:

The Czech Republic shares its security and defence interests with other NATO member states. The Ministry of Defence is responsible for national defence and coordination of its preparation. The Czech Armed Forces plan, prepare and implement defence of their territory within the framework of NATO collective defence and in accordance with Article 5 of the Washington Treaty.

Defence operations can be either of a high or low intensity, and may be conducted inside or outside the Czech territory at various distances from its border. High intensity operations are conducted with use of maximum military forces and equipment deployed by NATO allies, whereas low intensity operations can be carried out with a smaller amount of NATO capacities. Decisions on the character and intensity of retaliation against an armed attack on one or more allies are made by NATO member states in compliance with the Alliance's principles and procedures.

Defence can be conducted in two basic modes depending on the situation: In an armed conflict where the sovereignty and territorial integrity of the Czech Republic are endangered, while defending either its own territory or the territory of nearby allies, the state of war is declared. In terms of its organizational structure and command & control arrangements, the Ministry of Defence is transformed to a wartime organization. The Czech Republic transfers its forces and equipment earmarked in NATO defence planning under the authority of the designated bodies of the Alliance. The General Staff of the Czech Armed Forces retains the command authority over those forces which have not been moved under the allied command. The Czech Armed Forces support their own units deployed in operations while engaging in preparatory activities for defending the Czech territory and receiving military support from NATO allies. Military bodies assume the responsibility for running air traffic control within the Czech Republic airspace.

The Czech Republic does not have to necessarily declare a state of war for the defence of a remote territory of an allied state. In such an event, forces and equipment earmarked in NATO defence planning are transferred under the authority of the designated NATO bodies. The Czech Armed Forces support their own units deployed in operations, continue in conducting activities in their peacetime establishment and implement the planned preliminary measures to prepare for elevated alert levels. Situations of low intensity threats against the Czech territory can be dealt with by the armed forces either by themselves or with NATO support.

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 lack 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?

People are regarded as the top value and key factor for attaining the required capabilities of the armed forces and other organizations in the area of responsibility of the Czech Republic's MoD. The highest priority is given to recruitment, education, and training of high-quality military and civilian personnel. The Ministry of Defence must be viewed as a responsible, reliable and attractive employer capable of successful competition in the labour market.

This is not an easy task. According to the 2007 document Transformation of the Czech Ministry of Defence Sector, the total number of personnel planned for the end of 2010 was supposed to be 36,800 (26,200 soldiers, 8,800 civilian employees, and 1,800 trainees). In reality, as of 1 January 2011, the MoD sector recorded 21,309 soldiers, 8,011 civilians and 937 trainees). The reason why the target cannot be achieved lies in insufficient budget allocations. In the future, this factor will also be reinforced by other negative trends such as demographics.

The number of people in the age category that is most suitable for recruitment for the armed forces (18 to 25 years of age) will diminish during the next ten years. At the same time, those who entered the military in the 1990s will terminate their active service. Hence, it is going to be a challenge to keep a positive balance between growth and attrition and to prevent the armed forces from ageing.

A consequence of the ageing trend and its further deepening can lead to higher expenses in health care, preventive rehabilitation and salaries. This is also a reason why past debts accumulated in the field of building the fundamental rank categories of troops and non-commissioned officers, the system of personnel career management, salary policy and other issues must be solved as soon as possible. The system and processes of personnel management must be adjusted to requirements for the development of the Czech Armed Forces. Specifically, the number of senior officers and generals must be adjusted to the size and missions of the armed forces.

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 and approved in 2010.

In 2011, the personnel policy of the Ministry of Defence was based on the White Paper on Defence authorised by the Resolution of the Government of the Czech Republic No. 369 dated May 18, 2011, and Directive of the Minister of Defence for planning MoD development in 2009–2014. Prioritisation of personnel management goals remained unchanged in 2011.

The key emphasis in personnel management in 2011 was attached to human resources development, developing amendments to legislation regulating service relationship of career soldiers, the introduction of a transparent and effective career management system by 2014, and a policy-based management of the Information System on Service and Personnel and coordination of its development. By 2014, the objective will be to achieve the distribution of military rank corps as follows: commissioned officers 15-20 %, senior non-commissioned officers 30-35 %, junior non-commissioned officers and enlisted personnel at least 50 %.

Draft amendment to the Act No. 221/1999 Coll., on Career Soldiers, was developed in 2011 to address the lack of clarity in the Act's current wording and implement certain saving measures.

Academic and field training provided to MoD personnel in 2011 focused on academic and field training activities enabling the MoD personnel to meet qualification requirements. A new 2012-2018 MoD Personnel Academic Training Concept was developed in 2011, reflecting on the reduced funding allocated for personnel training.

A personnel web service was launched, to provide access to a service career overview as well as information in the field of personnel management, welfare, remuneration and academic training. There are plans for future to establish a system for military professionals related to the service relationship of service personnel.

Service personnel and their families receive a comprehensive support as a part of the project called "Impact of foreign deployments on soldier's personality and their families" covering the predeployment, to deployment, and post-deployment stage.

At the end of 2011, a new collective agreement was sealed between the Ministry of Defence, represented by the Minister of Defence, and union organisations active in the MoD department. The agreement reflects the MoD saving measures stemming from the reduced budgetary framework and accommodates the unions' requirements as much as possible.

The target for 2011 was to get enlisted 543 new military professionals. The total of 216 persons were enlisted as a part of direct recruitment, mostly to fill junior NCO posts, others were recruited as students into 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 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 fulfil these conditions stipulated by Section 13 of the abovementioned Act:

- 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 fit;
- not be deprived of legal capacity;
- ask for admission to Police of the Czech Republic in writing;
- be not a member of political party or movement;
- have no business or trade nor place on board of directors of businesses;
- 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.

Rights of military personnel are basically the same as of other civilians, save for a few exceptions done by

- Constitutional Law 2/1993 Coll. – Charter of Fundamental Rights and Freedoms, art. 27 sais i.a. that members of the armed forces do not have the right to strike.
- Other rights are restricted by the Law on professional soldiers (221/1999 Coll.) in part III §44 -47. These involve rights of assembly and association, right to freely express religion or faith and economic rights.

The Law on professional soldiers (221/1999 Coll.) also set down the deviations from the ordinary labour law pertinent to the special nature of military service.

Military personnel may file complaints and petitions through the chain of command up to the Minister of Defence and the President. In case of serious breach of human rights a complaint may be handled directly to the Inspector General for Human Rights of the MoD. Military personnel may enjoy the protection of Civil Administrative Law including Administrative justice system the same way as other civilians. Any decision in first instance may be appealed

(incl. disciplinary measures) based on the provisions of the Law 221/1999 Coll. and other laws.

The system of remunerating soldiers supports their vertical and horizontal career movements in the structure of the armed forces. This measure shall guarantee their individual as well as professional growth and also provides flexibility to react to changing needs and requirements. In line with the Czech Government's statement of policy, the Ministry of Defence strives to preserve the income level of the personnel of the Czech Armed Forces.

Soldiers who terminated their active service under exactly specified conditions are entitled for military retirement allowance. Retirement allowance serves as a motivational stimulus for joining the armed forces and encouraging individual growth and longevity of active duty. At the same time, this is an instrument to ensure an appropriate social standard after entering civilian life and an expression of social compensation for being restrained on individual rights and freedoms during their active duty.

More attention is paid to programmes that support families of those personnel who are deployed on operations outside Czech territory, develop infrastructure in military garrisons, improve working conditions at worksites, provide medical care for war veterans and military pensioners, and run recreational sport and cultural activities. A comprehensive psychological service and chaplaincy are important attributes of such care for personnel.

The soldiers are financially compensated for their duty to be stationed in locations as required by the armed forces, such as for housing and commute associated expenses if separated from their families. Upon request, the Ministry of Defence provides paid lodging to soldiers.

War veterans, especially those who were directly engaged in international military operations, risked their life in perilous locations. As an expression of gratitude and respect from society, they have been granted social and other benefits ensuring a dignified life. In addition, other entities of the public administration are involved, to a large extent, in care for war veterans.

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?

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. Moreover, outside of prescribed compulsory structure of IHL training, twice a year there is conducted an advanced IHL course for interested military and civilian personnel of the Czech Armed Forces. It is performed in cooperation with Czech Red Cross society.

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.

Department of International Law of the Ministry of Defence is responsible for coordination of dissemination activities of IHL and human rights law within Czech armed forces.

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?

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 (see also II 2.3). 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?

The process of ensuring defence of the Czech Republic complies with active legal documents, primarily the Constitution of the Czech Republic; Constitutional Act 110/1998, On Security of the Czech Republic; Act 219/1999, On the armed forces of the Czech Republic; Act 221/1999, On Professional Soldiers; Act 222/1999, On Arrangements for Defence of the Czech Republic; Act 585/2004, On Conscription and its Ensuring (Conscription Act).

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.

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 224 183 218
Fax: 00420 224 182 877
E-mail: obp@mzv.cz

Additional text pertaining to women, peace and security

The issue of equal opportunities of women and men has been coordinated since 2001 in the Ministry of Defence (MoD) and the Armed Forces of the Czech Republic (ACR) by the MoD Personnel Division as the Gender Focal Point. The essential bylaw for promoting the principle of gender equality is the Order of the Minister of Defence of the Czech Republic (MoD Order). An integral part of the bylaw are tasks related to raising public awareness (education, training, publicity), quantitative gender analyses development, monitoring, developing legal prerequisites as well as tasks conceiving cooperation with other authorities and organisations.

I. Prevention (education/ training/ publicity)

1. Measures to increase armed forces personnel understanding of the special needs and contributions of women in conflict.

2. Measures to address the violation of the rights of women and girls, in line with international standards.

Education and training of military school students is provided for by “Organisational and Methodical Instructions for Military Schools”, which specify the tasks and measures resulting from the “Training Concept for MoD and Czech Armed Forces Personnel, Design and Development of Military Education for 2006-2011”. The issue of equal opportunities has been firmly integrated in the education of students at the University of Defence in Brno. The education is pursued within specialised subjects and mandatory topics: Rudiments of Law (2 hours), Labour and Social Security Law (4 hours), Social Policy and Labour Market (2 hours), Corporate and military sociology, sociology of military profession (12 hours), Sociological Aspects of Undesirable Social Phenomena (4 hours), Ethics of Human Resource Management (2 hours), Philosophy and Political Science (2 hours).

The Director and the Methodologist of the Military Secondary School and MoD Vocational School in Moravská Třebová with the help of the legal adviser are in charge of organising the education of students on prevention of undesirable social phenomena. Students of the four-year course are lectured on the subject throughout the course. For the first time, they are presented with the topic in their first year, attending an introductory briefing “Studying a Military School”. An in-depth education in the area of gender equality is provided as part of the subject “Civic Education”; specifically within the topic “Rudiments of Social Psychology and Sociology” in the sections “Social Status and Roles”, “Problems of Contemporary Society” and “Principles of Gender Equality in Society and within the Czech Armed Forces”. Students attended a discussion event within their History class on “Woman in the Islamic World” and “Feminist Movements at the Turn of the 19th and 20th Centuries”. Students of the fourth year, i.e. before the end of studies, participated in a session with the school directorate on employment of women in the Czech Armed Forces.

The Training Command – Military Academy Institute of Development performed a two-hour lecture on racial discrimination, sexual harassment, equal opportunities of men and women as part of a predeployment training. The cultural differences of each country with regard to behaviour towards women are covered in a dedicated lecture given to every deployment.

Training of employees and staff in a service relation within the MoD and ACR was based on “Specialized Regulation for Conducting Military and Professional Training for components of the Czech Armed Forces in the Training Period 2011” and “Programme for Command and Operational Training in the Training Period 2011”. Within their training programme, each organisational component and military unit was presented with this topic at least once (minimum 1 hour). This is the way the gender issue is presented to almost every employee or servicemember in service relationship. Based on the requirement of the senior officers of military units and installations, the Gender Focal Point has organized 20 lectures.

A lecture on “Equal Opportunities of Men and Women and Gender Perspective” by the permanent delegate of the NATO Committee on Gender Perspectives (NCGP) focused on tasks of the MoD and the Czech Armed Forces resulting from their international obligations.

In cooperation with the Psychological Institute and Sociological Institute of the Academy of Sciences of the Czech Republic, the MoD Personnel Division organised a lecture series on “Current status of prevention of harassment at work and in job training – mobbing, bossing and sexual harassment” (case studies) for decision-making and policy-making employees. A three-hour lecture was attended by more than 200 professional staff.

Selected members of the Military Police who are in charge of activities in the area of personnel management took part in an e-learning course “Test of Equal Opportunities of Men and Women” and a follow-up discussion as a part of their professional development.

During 2011, the Czech media were constantly monitoring the situation of women in the armed forces, both at national and regional level. The MoD Public Diplomacy Department deposited more than 80 pages of printed press reports and records by various media dealing with this topic.

For various media, the MoD Press Service arranged interviews with female soldiers, the main subject being an experience of a military pilot and experience of soldiers deployed in foreign operations.

The “A-Report” magazine, published by the MoD Public Diplomacy Department, presented articles dealing with medical evacuation, medical aspects of humanitarian aid and articles related to the termination of Czech deployment for KFOR, including a comparison of the work of military and civil nurses, ratio of men and women in this profession, specific aspects of deployment in Islamic environment and family issues with regard to the deployment of women in foreign operations.

II. Participation

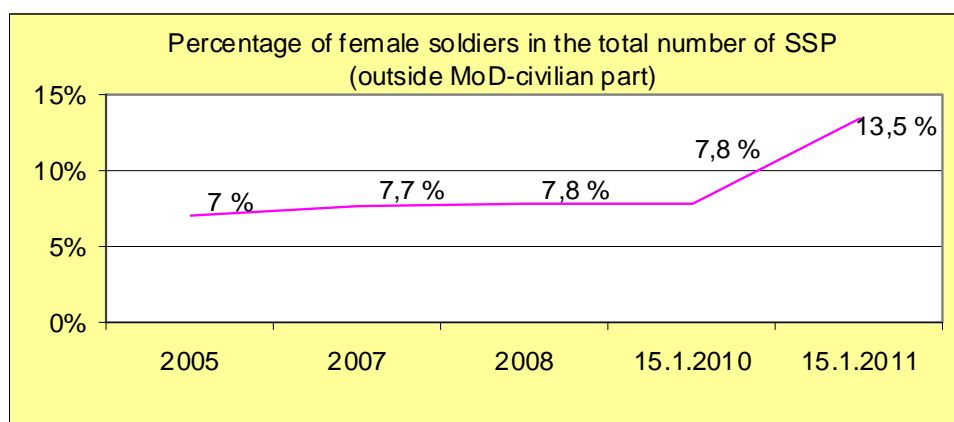
1. Measures to increase the number of women in general and in decision-making positions in the armed forces and the ministry of defence.

- a) Percentage of women at senior positions or performing highly-specialized working duties at MoD (civilian part) over 10 years – selected years – at December 31st.

Year	Deputy MoD %	Division/ Dep. Director %	Head of Section %	Other Specialized Employees %
2001	25.0	0.0	4.8	31.6
2003	16.7	1.8	10.5	52.1
2005	16.7	3.3	15.6	50.0
2007	0.0	4.3	8.0	36.6
2009	0.0	5.8	8.3	37.9
2010	0.0	6.9	15.8	40.5
2011	0.0	19.0	17.65	40.0

No temporary exceptional measure is expected to be passed as per article 3 MoD Order¹. If we compare the results from the previous years with 2011, a conclusion can be made that the number of women in these positions has been naturally increasing. A significant increase in the number of women in 2011 is evident in case of Division/ Department Director as well as Head of Section. With regard to the specificity of defence-related jobs and continuous changes in organisation and basing, the proportion of women at specialised positions at MoD in the long term is favourable. Numbers of (male/female) candidates for senior positions are not monitored.

- b) Percentage of female soldiers at senior systemized positions (SSP) within the armed forces (as on January 15, 2011, the ratio of female soldiers compared with the total number of professional soldiers was 13.6%)



- c) Numbers of women according to rank – trend – selected ranks

Rank	Jan 15, 2011	Jan 15, 2010	Jan 15, 2009	year 2007	year 2006
Colonel	3	1	1	1	0

¹ “The senior employees in charge are monitoring the measures laid down with respect to equal opportunities of men and women from the conceptual, regulatory and decision-making point of view. They shall make sure every obstacle that (would) impede equal working conditions, especially regarding access to education, professional training, promotions and equal remuneration, is eliminated. For this purpose, they are entitled, in compliance with their scope of authority, to prescribe and implement measures (as temporary exceptional measures) in order to remove possible disadvantages in the gender ratio.”

Lieutenant-Colonel	44	21	19	16	13
Major	109	79	71	59	53
Captain	242	244	231	201	193
First lieutenant	314	314	304	300	282
Lieutenant	226	232	234	235	196

d) Implementation of regular quantitative gender analysis

The MoD Personnel Division has developed quantitative gender analyses since 2002. Their results are submitted to the Deputy Minister of Defence for Personnel. These analyses include recommendations for accepting or rejecting additional measures in order to effectively promote and secure equal treatment of men and women employed or in a service relation.

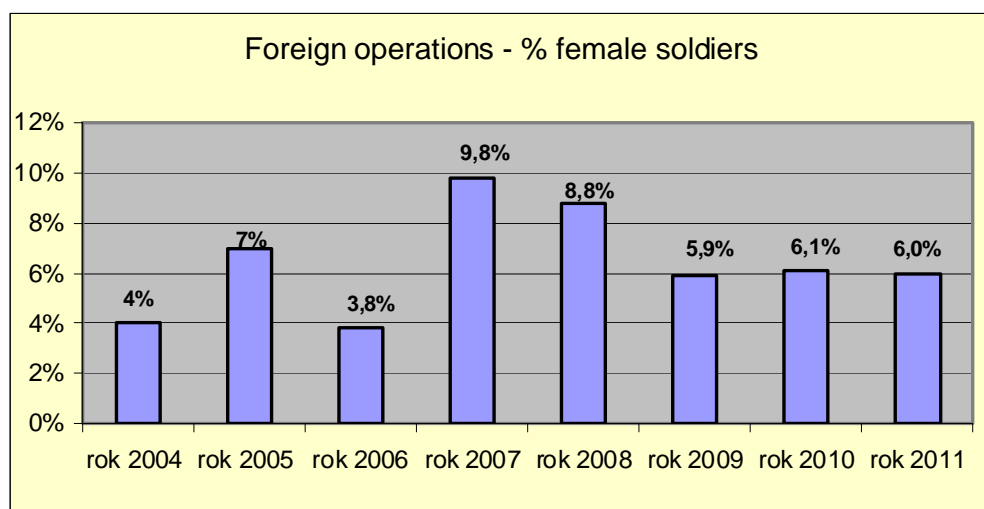
Brief summary of latest results (selection):

- The ratio of female soldiers in the total number of professional soldiers shows that the Armed Forces of the Czech Republic have been open to women in the long term (the ratio of female soldiers as part of the total number of professionals has risen despite ongoing restrictive personal measures).
- The increasing number of female soldiers is apparent within senior systemized positions (SSP) at the MoD as well as within the Czech Armed Forces; regarding employed women, the percentage of women at SSP has risen, especially at the MoD (the percentage of women at the position of Division or Department Director and Head of Section).
- The number of women ranked Colonel, Lieutenant-Colonel and Major has risen.
- The number of women without high-school leaving exam is decreasing; on the other hand, the number of women with a university degree is on the rise.
- If we regard the ratio of women and men enrolled in studies compared to the number of female/ male candidates as well as the ratio of women in the recruiting process compared to the number of female candidates, it is evident that there is no discrimination; regarding the successful enrolment for studies or service recruitment, the results of women and men are almost the same.
- The ration of women deployed in foreign operations has slightly increased year-to-year.
- The difference in average salary of women and men is minimal in comparison with previous years (386 CZK).
- Parental leave (PL) is used by female as well as male soldiers – the number of male and female soldiers without any current service assignment due to PL has been increasing.

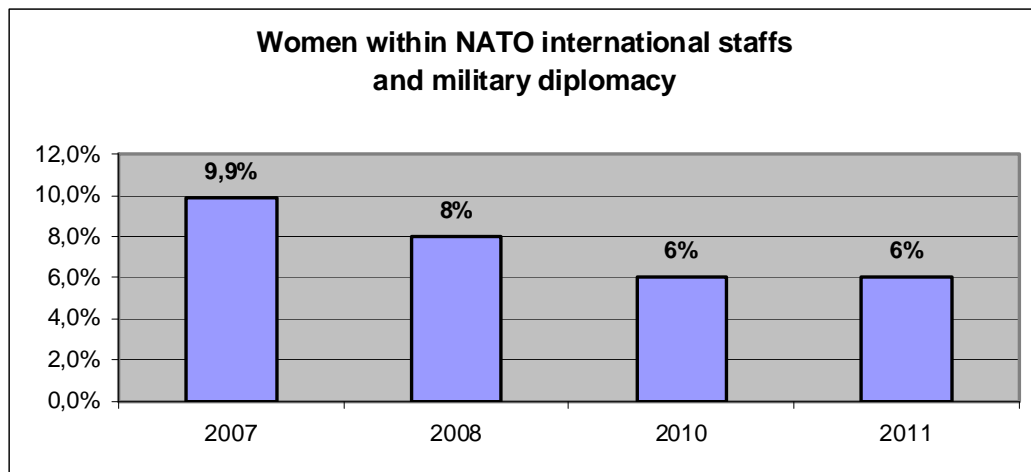
2. Measures to increase the number of women in peacekeeping forces.

With respect to the role of foreign operations:

- The Czech Armed Forces has fulfilled the tasks mandated by the UN Security Council under international command of the specific mission (foreign operation);
- The participation of the Czech Armed Forces in post-conflict arrangements is limited by the mandate for each operation (for example, providing security stability and monitoring);
- The tasks of respecting the international humanitarian rights and protection of women and girls from violence are universally valid for every foreign operation;
- With regard to ensuring the protection of women and girls, the Czech Armed Forces are limited by the mandate and the current legislation (moreover, it does not have adequate logistic and financial resources), however, it has cooperated with some organizations as well as taken part in various projects;
- Female soldiers have been deployed to foreign operations mostly as members of a assigned unit and their presence over the years has always to be viewed within the operational tasks performed by the Czech Armed Forces contingents in the respective calendar year. The nature of the tasks performed by members of the Czech Armed Forces contingents has changed over time year and, similarly, the practical employment of female soldiers. This may include, for example, the need to deploy specific professions, which are, even in the Czech Republic, practiced – for various objective reasons – exclusively by male soldiers.



Observer missions	Men	Women	Total
<i>Mission de l'Organisation des Nations Unies pour la stabilisation en République Démocratique du Congo (MONUSCO)</i>	3	0	3
<i>United Nations Assistance Mission in Afghanistan (UNAMA)</i>	1	0	1
<i>United Nations Interim Administration Mission in Kosovo (UNMIK)</i>	1	0	1



III. Protection

1. Increased access to justice for women whose rights are violated

Data provided by officials under the Minister of Defence show that within their authority, no complaint regarding this problem has been filed during 2011. Neither the Inspection of the Defence Minister, nor the Chief Inspector for Human Rights, as appropriate, dealt with any complaint related to sexual harassment.

The Inspectorate of the Czech Armed Forces Chief of Defence (CHOD) has conducted a questionnaire survey at a selected military unit focusing on sexually motivated conduct during service duty activities, or possibly on any form of sexual discrimination at workplaces. The survey was performed using anonymous structured questionnaires monitoring the occurrence of sexual discrimination at workplaces, and was concluded by a personal interview with female respondents. The results imply that the majority of respondents are generally satisfied with the conduct of their male colleagues at work. Two women stated they had been faced with conduct suggesting sexual harassment (vulgar jokes, intimate physical contact and sexual gestures). Both of them stated that it did not involve sexual harassment by their current colleagues or superiors. The remaining respondents have been faced with some form of misconduct; however, they did not regard that conduct a type of sexual harassment.

None of the women has considered submitting an accusation related to sexual harassment at workplace, nor do they know anybody who has.

IV. Other information

The Armed Forces of the Czech Republic are represented in the NATO Committee on Gender Perspectives (NCGP). The Czech permanent delegate (Major Magdalena Dvořáková) is involved throughout the year in the NCGP workings and participates in all Committee activities. Following the NCGP recommendation, she suggested to the Czech Armed Forces Chief of Defence (CHOD), in cooperation with the Gender Focal Point, to create a working group that would, within the MoD, develop a “defence action plan”. This document should include assignments for the Czech Armed Forces arising from international obligations, or UN SC Resolution 1325, on Women, Peace and Security, as well as UN SC Resolution 1820, on Sexual Violence in Armed Conflicts.