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

Penzingerstrasse 11-13 **ENGLISH only**  
A-1140 Vienna  
tel.: +431 899 58 140, fax: +431 894 57 98  
email: czechmission.vienna@aon.at  
email: mission.vienna@embassy.mzv.cz  
www.mzv.cz/mission.vienna

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NOTE VERBALE

The Permanent Mission of the Czech Republic to the United Nations, OSCE and other International Organisations in Vienna presents its compliments to all Missions and Delegations to the OSCE in Vienna and the Conflict Prevention Centre and has the honour to transmit herewith in accordance with the Decision 2/09 of the Forum for Security Cooperation the reply of the Czech Republic to the Questionnaire on the Code of Conduct on Politico – Military Aspects of Security.

The Permanent Mission of the Czech Republic to the United Nations, OSCE and other International Organisations 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 12, 2017



To: the Missions and Delegations of the participating States to the OSCE  
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  
2016**

**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 a 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 a 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).
- Convention on the Suppression of Unlawful Acts Relating to International Civil Aviation (Beijing, 10 September 2010, not in force yet, however, the Czech Republic has deposited its instrument of ratification on 2 July 2013)

- Protocol Supplementary to the Convention for the Suppression of Unlawful Seizure of Aircraft (Beijing, 10 September 2010, not in force yet, however, the Czech Republic has deposited its instrument of ratification on 2 July 2013).

## **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 prepares to ratify the Council of Europe Convention on the Prevention of Terrorism CETS 196. The delay 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. The Czech Republic signed the Convention CETS 196 as well as the regarding Additional Protocol to the Council of Europe Convention on the Prevention of Terrorism on 15 November 2016. Their ratification is currently on the way.

## **Bilateral Agreements**

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

### **Albania**

1. Agreement between the Government of the Czech Republic and the Council of Ministers of the Republic of Albania on Cooperation in Combating Crime, (Prague, 27 April 2009)

### **Belgium**

2. Agreement between the Government of the Czech Republic and the Government of the Kingdom of Belgium on Police Cooperation (Brussels, 27 November 2008)

### **Bosnia and Herzegovina**

3. Agreement between the Czech Republic and Bosnia and Herzegovina on Cooperation in the Fight against Crime, in Particular Terrorism, Illicit Trafficking in Narcotic Drugs and Psychotropic Substances and Organized Crime (Sarajevo, 12 September 2013)

### **Bulgaria**

4. Agreement between the Government of the Czech Republic and the Government of the Republic of Bulgaria on Cooperation in the Fight Against Crime and Protection of Public Order and Security (Brussels, 30 November 2009)

### **France**

5. Agreement between the Government of the Czech Republic and the Government of the French Republic on Cooperation in the Field of Police, Public Order and Public Administration, (Prague, 2 April 1997)

#### **Chile**

6. Agreement between the Government of the Czech Republic and the Government of the Republic of Chile on cooperation in Combating International Terrorism, International Organized Crime and Illicit Trafficking in Narcotic Drugs and Psychotropic Substances as well as Radioactive Substances (Santiago, 23 September 1996)

#### **Croatia**

7. Agreement between the Government of the Czech Republic and the Government of the Republic of Croatia on Cooperation in the Fight against Organized Crime, Illicit Trafficking in Narcotic Drugs and Psychotropic Substances, Terrorism as well as other Kinds of Serious Crime (Prague, 30 November 1999)

#### **Italy**

8. Agreement between the Government of the Czech Republic and the Government of the Italian Republic on Cooperation in the Fight against Terrorism, Organized Crime and Illicit Trafficking in Narcotic Drugs and Psychotropic Substances (Prague, 22 March 1999)

#### **Israel**

9. Agreement between the Czech Republic and the State of Israel on Cooperation in the Fight against Crime (Jerusalem, 7 October 2013)

#### **Kazakhstan**

10. Agreement between the Government of the Czech Republic and the Government of the Republic of Kazakhstan on Cooperation in the Fight against Organized Crime, Illicit Trafficking in Narcotic Drugs and Psychotropic Substances, Terrorism as well as other Kinds of Serious Crime (Almaty, 9 April 1998)

#### **Kyrgyzstan**

11. Agreement between the Government of the Czech Republic and the Government of the Republic of Kyrgyzstan on Cooperation in the Fight against Organized Crime, Illicit Trafficking in Narcotic Drugs and Psychotropic Substances and Precursors, Terrorism as well as other Kinds of Serious Crime (Bishkek, 8 April 1998)

#### **Cyprus**

12. Agreement for Cooperation between the Ministry of Interior of the Czech and Slovak Federal Republic and the Ministry of Interior of the Republic of Cyprus (Prague, 7 December 1992)

#### **Lithuania**

13. Agreement on Cooperation between the Ministry of Interior of the Czech Republic and the Ministry of Interior of the Republic of Lithuania (Vilnius, 29 March 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 (Prague, 14 November 2000)

#### **Hungary**

15. Agreement between the Government of the Czech Republic and the Government of Hungarian Republic on Cooperation in the Fight against Terrorism, Suppress of Illicit Trafficking in Narcotic Drugs and Psychotropic Substances as well as Organized Crime, (Prague, 16 February 1996)

#### **Macedonia (FYROM)**

16. Agreement between the Government of the Czech Republic and the Government of

the Republic of Macedonia on Cooperation in the Fight against Crime (Prague, 9 February 2010)

#### **Moldova**

17. 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 (Prague 7 August 2003)

#### **Montenegro**

18. Agreement between the Czech Republic and Montenegro on Cooperation in the Fight against Crime (Podgorica, 22 June 2012)

#### **Poland**

19. Agreement between the Czech Republic and the Republic of Poland on Cooperation in the Fight against Crime, Protection of Public Order and Cooperation in the Border Areas (Warsaw, 21 June 2006)

#### **Austria**

20. Agreement between the Czech Republic and the Republic of Austria on Police Cooperation and on the Second Amendment to European Convention on Mutual Assistance on Criminal Matters (Vienna, 14 July 2005), as amended in 2016

#### **Romania**

21. 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 (Prague, 13 November 2001)

#### **Russian Federation**

22. Agreement between the Czech Republic and the Russian Federation on Cooperation in the Field of Fight against Crime (Prague, 8 December 2011)

#### **Slovakia**

23. Agreement between the Czech Republic and the Slovak Republic on Cooperation in Combating Crime, Protection of Public Order and State Borders Protection (Bratislava 27 January 2004) as amended in 2014

#### **Slovenia**

24. 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 (Ljubljana, 22 May 1998)

#### **Serbia**

25. Agreement between the Government of the Czech Republic and the Government of the Republic of Serbia on Police Cooperation in the Fight against Crime (Prague, 17 December 2010)

#### **Germany**

26. Agreement between the Czech Republic and the Federal Republic of Germany on Police Cooperation and on Amendment of the Agreement between the Czech Republic and the Federal Republic of Germany on Amendments to European Convention on Mutual Assistance in Criminal Matters of 20 April 1959 and on Facilitation of its Application of 2 February 2000 (Prague, 28 April 2015)

#### **Switzerland**

27. Agreement between the Czech Republic and the Swiss Confederation on Police Cooperation in the Fight against Crime (Prague, 31 May 2005)

#### **Tunisia**

28. Agreement on Cooperation between the Ministry of Interior of the Czech Republic and the Ministry of Interior of the Republic of Tunisia (Prague, 10 May 1999)

**Turkey**

29. Agreement between the Ministry of Interior of the Czech Republic and the Ministry of Interior of the Republic of Turkey on Cooperation in Combating the International Illicit Trafficking in Narcotic Drugs and Psychotropic Substances, International Terrorism and Organized Crime (Ankara, 17 January. 1997)

**Ukraine**

30. Agreement between the Government of the Czech Republic and the Government of Ukraine on Cooperation in the Fight against Organized Crime, Terrorism and Illicit Trafficking in Narcotic Drugs and Psychotropic Substances (Kiev, 30 June 1997)

**Uzbekistan**

31. Agreement between the Government of the Czech Republic and the Government of the Republic of Uzbekistan on Cooperation in the Fight against Crime (Tashkent, 17 June 1998)

**United States of America**

32. Agreement between the Government of the Czech Republic and the Government of the United States of America on Enhancing Cooperation in Preventing and Combating Serious Crime, (Prague 12 November 2008)

**1.2 What national legislation has been adopted in your State to implement the abovementioned agreements and arrangements?**

The Czech Republic has no special anti-terrorism act. 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 its first National Action Plan to Combat Terrorism in 2002 (Government Decree No. 385 of 10 April 2002). At present, the Strategy of the Czech Republic for the Fight against Terrorism from 2013 onward (Government Decree No. 252 of 20 March 2013) which replaced previous strategies and action plans, is the Czech Republic's valid counter-terrorism document. 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).

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 (National Center for Combating Organised Crime, 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 National Center 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 meet 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 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 Ministry of Defence 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.

There are no paramilitary forces in the Czech Republic.

**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;

**Criminalisation:** FT is criminalised under Penal Code (Act No 40/2009 Coll.) as any support or preparation of a terrorist attack or to a terrorist or any member of a terrorist organization in whatever way: financial, material or other. Both natural and legal persons are punishable for such criminal offences.

**Prevention:** the AML/CFT Act (Act No 253/2008 Coll., as amended, latest amendments entered into force on 1 January 2017) provides for an effective AML/CFT system which includes obliged (reporting) entities, obligation of identification and customer due diligence, reporting (of suspicious transactions) and record keeping, supervision and adequate, effective and dissuasive sanctions. Moreover, the FAU (Czech FIU) also stays in constant contact with the obliged (reporting) entities and other stakeholders while it provides explanations of legal obligations, guidance, typologies and other feedback to reporting entities and other forms of awareness raising. Recently the Czech FAU has also presented a set of targeted redflags related to ISIL financing and FTF.

FT definition under AML/CFT Act reads as follows:

*„Financing of terrorism shall mean:*



*a) gathering or providing financial or other assets knowing that such assets will be, in full or in part, used to commit a crime of terror<sup>12</sup>), terrorist attack<sup>13</sup>), or a criminal activity intending to facilitate or support such crime<sup>14</sup>), or to support an individual or a group of individuals planning such crime, or*

*b) acting with the intention to remunerate or compensate a person who has committed an act of terror, terrorist attack, or a crime intended to facilitate or support such crime<sup>14</sup>), or to an individual close to such person as defined by the Criminal Code<sup>15</sup>); or collecting assets to pay such remuneration or compensation.*

*(3) For the purpose of this Act, activities set forth in para. 1 or 2 may, fully or partially, take place in the territory of the Czech Republic or, fully or partially, outside the territory of the Czech Republic.“*

**Restrictive measures:** the Czech Republic has also a comprehensive Sanctions Act (Act No 69/2006 Coll.). It sets out conditions for a thorough implementation of intl sanctions imposed by UNSCRs or by EU legal measures. All terrorist assets shall be frozen and confiscated. Also when it comes to intl sanctions the Czech Republic realises the importance of all awareness raising efforts and the FAU as the main coordinating authority provides education, explanation etc.

Moreover, there is unique cross reference between the Sanctions Act and the AML/CFT Act:  
*„A transaction shall always be perceived as suspicious, should:*

*a) the customer or the beneficial owner be a person against whom the Czech Republic has imposed international sanctions under the Act on Implementation of International Sanctions,*

*b) the goods or services involved in the transaction fall in the category against which the Czech Republic has imposed international sanctions under the Act on Implementation of International Sanctions, or*

*c) the customer refuses to reveal identification data of the person they are representing or to undergo the due diligence process.“*

— Border controls;

In 2015, ministers of the interior of the EU member States approved a draft Directive on the use of Passenger Name Record data for protection against terrorist offences and serious crime (the so-called European PNR). The Czech Republic is in the initial stages of its implementation.

— 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 the Czech authorities 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 Cyber security strategy of the Czech Republic for the 2011 – 2015 period 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.

According to Government Resolution No. 781 of 19 October 2011, the National Security Authority (NSA CZE) became the body responsible for cyber security and the national authority in this field. For this purpose NSA CZE has established a specialized department, the National Cyber Security Centre (NCSC) and the Czech governmental CERT (GovCERT.CZ) for immediate response to cyber security incidents that operates under the NCSC. The NCSC, as well as GovCERT.CZ actively cooperate with other bodies, on both national and international level to prevent cyber attacks, to propose and adopt measures for incident solving and against ongoing attacks. The Resolution No. 781 of 19 October 2011 has also established the Cyber Security Council (CSC) as the body advising the Prime Minister on cyber security matters and the Government Resolution No. 364 of 23 May 2012 adopted the Cyber Security Strategy of the Czech Republic for the period of 2012 to 2015 and the Action Plan.

With the approaching expiration of this Strategy and Action plan and having fulfilled all main objectives and tasks, the brand new National Cyber Security Strategy of the Czech Republic for the period from 2015 to 2020 was adopted on 16 February 2015. The current strategy follows up on the previous cyber security strategy and constitutes a fundamental conceptual document of the Czech Government for the given field, reflecting always changing threats originating in the dynamically evolving cyberspace, including terrorist use of internet and the phenomenon of cyberterrorism.

— 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.**

- *Legal base (international law, national law, freely negotiated agreement);*
- *Type of agreement (bilateral, multilateral);*
- *Decision-making process in case of deployment of troops;*
- *Military activity in international operations (UN/ NATO/ EU/ coalitions).*

The stationing of the Armed Forces of the Czech Republic (ACR) 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.

The participation in international crisis management is an integral part of the Czech Republic's security policy and also an additional way, how to share international burden in this respect while strengthening the national defence capability.

Strategic documents which serve as a basis for our contribution to international operations are the Security Strategy (2015) and the Defence Strategy (2017).

The legal provision necessary for foreign deployment of ACR is covered by the Constitution of the Czech Republic (Constitutional Act No. 1/1993 of the Collection of Laws), Art. 39 and 43.

Deployment of ACR and national assets outside the Czech Republic's territory requires an approval by the Parliament. As an exception, e.g. in case of urgency, the Government can decide on such a deployment for up to 60 days in case of 1) fulfilment of international treaty obligations concerning collective defense; 2) participation at consensual peace operations authorized by international organization to which the Czech Republic is a member; 3) participation at natural disaster, industrial or ecologic incidents rescue operations.

## **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.**

- *Doctrine, strategy, legislation and institutional measures (legally and politically binding commitments to indivisibility of security and their implementation);*
- *National practice of dealing with and countering threats and challenges to indivisibility of security;*

- *Actual contribution to the international efforts aiming at insurance of indivisibility of security (international burden sharing).*

The fundamental framework for formulation and implementation of the **security and 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 other associated Acts.

The principal document of the Czech Republic's security policy serving as a frame of reference for related strategies and policy is the Security Strategy of the Czech Republic. The Defence Strategy of the Czech Republic is based on the principles, security interests and values formulated in the Security Strategy of the Czech Republic.

The overall purpose of the **Czech defence policy** is to protect the security of the Czech Republic, and contribute to the security of the Euro-Atlantic area by maintaining and developing multilateral security and defence institutions. The Czech Republic ensures the defence of its sovereignty and territorial integrity within the framework of North Atlantic Treaty Organization (NATO) collective defence in accordance with Article 5 of the North Atlantic Treaty. This, together with its support to the development of the European Union (EU) military capabilities and the deepening of cooperation with partner countries, constitutes the basic guarantees and principles for safeguarding its defence and strengthening national security. The United Nations (UN) and the Organization for Security and Co-operation in Europe (OSCE) memberships play an important role in the formulation and implementation of the Czech defence policy as well.

**The defence policy** of the Czech Republic is based on a comprehensive approach to the national military and non-military capabilities and on concerting its external and internal aspects. It reflects basic security policy premises, such as conflict prevention and peaceful conflict resolution primarily through non-violent diplomatic means and collective approach to security. The present international security environment, its multifaceted nature and the unpredictability of security threats require a close international defence co-operation.

A number of new editions of strategic security and defence policy were promulgated in the last two years:

- Security Strategy of the Czech Republic* reflects deterioration of the security environment, especially as a result of violation of sovereignty and territorial integrity of the Ukraine by the Russian Federation in 2014

[http://www.mzv.cz/file/1483514/Security\\_Strategy\\_CZ\\_2015.pdf](http://www.mzv.cz/file/1483514/Security_Strategy_CZ_2015.pdf)

- National Cyber Security Strategy of the Czech Republic for the period from 2015 to 2020* addresses current needs and challenges of cyber security.
- The Long Term Perspective for Defence 2030* represents the framework for fulfilling the political and military ambitions of the Czech Republic. It serves as a guideline for defence planning, particularly in developing five-year medium term plans.

[http://www.army.cz/images/id\\_8001\\_9000/8503/THE\\_LONG\\_TERM\\_PERSPECTIVE\\_FOR\\_DEFENCE\\_2030.pdf](http://www.army.cz/images/id_8001_9000/8503/THE_LONG_TERM_PERSPECTIVE_FOR_DEFENCE_2030.pdf)

- The Czech Armed Forces Development Concept* is based on security interests and principles to ensure the defence of the Czech Republic formulated in international agreements, legislation, national Security Strategy, Defence Strategy and The Long Term Perspective for Defence 2030. Concept is a basic document defining requirements for the

Czech Armed Forces capability development to defend the Czech Republic and sets out the strategy of their achievement in the context of collective defence.

The Government of the Czech Republic has undertaken to gradually increase the defence budget in order to reach 1.4% GDP by 2020. At the same time, in accordance with the conclusions of the NATO summit in Wales in 2014, the Czech Republic will strive to increase defence expenditures closer to the 2 % of GDP in the next 10 years and to spend at least 20 % of defence budget to purchase or upgrade major types of armament and equipment.

**Doctrine** of the Armed Forces of the Czech Republic (ACR Doctrine) generally formulates the current approach of the Czech Republic towards meeting the ACR's fundamental role – defence of the Czech Republic, state sovereignty and territorial integrity; fulfilment of commitments of the Czech Republic as a NATO member.

### **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.**

- *Specific internal regulations (institutions, guidelines and principles) in implementation of arms control, disarmament and confidence-and security-building measures;*
- *National pertinent activities and participation in the corresponding international arrangements (negotiated agreements, international workshops, deployment of troops, military exercises, international operations. Etc.);*
- *Promotion of security enhancement measures (implementation, modernization, universalization of international treaties and etc.), provision of support and assistance.*

The Czech Republic considers arms control, including disarmament and confidence-and security-building as one of the key elements of the European security. It makes an effort 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 aware of the ever greater danger posed by growing instability in Northern Africa, the Sahel and the Middle East, and is prepared to participate, jointly with its allies, in mitigating this danger. The Czech Republic supports the broadest possible involvement of states in arms control and disarmament regimes.

The Czech Republic as a party to the below given international Treaties and Conventions in the field of arms control, disarmament, confidence and security building measures and export control regimes, implemented in its national legislation:

- Biological Weapons Convention, implemented by Act No. 281/2002 of the Collection of Laws;
- Convention on the Prohibition of the Development, Production, Stockpiling and Use of Chemical Weapons and on Their Destruction, implemented by Act. No. 19/1997 of the Collection of Laws;
- Non-Proliferation of Nuclear Weapons, implemented by Act No. č. 18/1997 of the Collection of Laws;
- Comprehensive Nuclear-Test-Ban Treaty;
- Anti-Personnel Landmine Convention, implemented by Act No. 305/1999 of the Collection of Laws;
- Convention on Cluster Munitions, implemented by Act No. 213/2011 of the Collection of Laws;

- Convention on Certain Conventional Weapons, implemented by Communication from MFA No. 21/1999 of the Collection of Laws and by Communication from MFA 115/2006 of the Collection of Laws;
- 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, implemented by Collection of Laws and by Communication from MFA 94/2003 of the Collection of Laws;
- Vienna Document, implemented by internal regulation of the Ministry of Defense;
- Global Exchange of Military Informations implemented by internal regulation of the Ministry of Defense;
- Open Skies Treaty implemented by Communication from MFA 38/2008 of the Collection of Laws;
- International Control Regimes on dual use goods implemented by Council Regulation (EC) No 428/2009 and by Act. No 594/2004 of the Collection of Laws (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);
- Arms Trade Treaty, implemented by Communication from MFA 36/2015 of the Collection of Laws
- Protocol against the Illicit Manufacturing of and Trafficking in Firearms, their Parts and Components and Ammunition (Firearms Protocol), implemented by Act No. 76/2013 of the Collection of Laws

The Czech Republic in 2016 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 and when 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 (Act 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.

The Czech Republic according to the **Treaty on Conventional Armed Forces in Europe**:

- organized and conducted one multinational inspection abroad (with participation of four inspectors from four countries);

- organized one multinational training inspection (with participation of ten inspectors from eight countries);
- took part in two allied inspection teams abroad;

according to the **Vienna Document**:

- received two inspections;
- organized one evaluation visit and two inspections of specified area (with participation of five inspectors from five countries);
- took part in thirty six visits to air bases and other military facilities and in show of new types of weapons;
- took part in four inspections as a part of foreign teams;
- participated as a guest OSCE observer in one inspection conducted in accordance with Article IV of the Dayton Peace Agreement;

under **Treaty on Open Skies**:

- received one observation flight and conducted two joint observation flight;

## **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 role of the executive, including the head of state and/or government, as well as key governmental security and defence advisory bodies;*
- *Institutions and procedures ensuring democratic oversight and public scrutiny;*
- *Checks and balances and chain of command in relation to democratic accountability and transparency;*
- *Relationship between defence policy and the military posture;*
- *Planning and accounting processes in the defence sector;*
- *Figures on the defence budget and expenditures;*
- *Restructuring, modernization and privatization programmes in the defence sector.*

#### **Definition of defence planning**

Defence planning is a set of processes designed to develop and maintain military capabilities to fulfil the task of national defence. It is a consistent, policy-based, organizationally managed and objective-driven activity taking account of external developments, international defence commitments, security development trends, progress made and available resources.

Planning objectives cover the work and activities of the MoD and the ACR. They are the same for planning and budgeting, conduct of financial operations and accounting. Each objective has a manager with a decision-making authority. At the end of the process a plan is produced, which serves as an input for follow-on processes, including budgeting and the acquisition process.

#### **Steps of the defence planning process**

National defence planning is a one-year process with 4 steps:

1. Political guidance: a single Ministerial Guidance that sets the broader strategic objectives is produced;
2. Defining requirements: strategic objectives are broken down into more concrete tasks and sub-tasks;
3. Implementation: objectives and associated tasks and sub-tasks are implemented through Medium-Term Plans;
4. Review: a Defence Review Report is produced.

#### **Defence planning institutions and their changes**

The foundation of 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, in particular its Defence Planning Committee, as the Government's working and coordination body. The MoD plays a crucial role in the overall management of defence planning and in the coordination of measures



ensuring national defence readiness. Within the MoD, it is the Deputy Minister for Defence Policy and Strategy who is responsible for defence planning. The Defence Policy and Strategy Division are responsible for the formulation of strategic objectives, reviewing their implementation and conducting the medium-term planning process.

### **Defence planning documents**

The Order of the Minister of Defence No. 66/2012 outlines the basic conceptual, planning and review documents. The first is the Long-Term Perspective for Defence, a conceptual document, which covers the next 15 years and is updated every 4 years. It identifies long-term requirements based on future trends analysis (security environment, technology, etc.) in order to fulfil, in the long-term planning horizon, the political-military ambitions laid out in the *2012 Defence Strategy*. It creates a framework within which other MoD conceptual documents are developed. The current *Long Term Perspective for Defence 2030* was approved by the Government in June 2015.

As a follow-on to the *Long Term Perspective for Defence*, a classified document called the *Concept of the Czech Armed Forces Development* is prepared. This document covers the next 10 years and is also updated every 4 years. It identifies concrete requirements specific to the ACR. The current *Concept of the Armed Forces Development 2025* was approved by the Government in December 2015. It takes into consideration the increased risk of threats from the Eastern and Southern directions.

On an annual basis, the Minister of Defence approves an update of the Ministerial Planning Guidance. This Guidance reflects both the *Long Term Perspective for Defence* and the *Concept for the Development of the Czech Armed Forces*. It sets the strategic planning objectives for the following 6 years, i.e. for the medium-term planning horizon.

As the next step, the managers responsible for the fulfilment of strategic objectives are asked to provide and/or to update the description and criteria for the evaluation of all lower-level objectives. The strategic and lower-level objectives are then compiled into an overview document, which serves as a reference for both the planning and budgeting process.

Once all lower-level objectives are set, the Medium-Term Plan is produced. The Medium Term Plan specifies the tasks and measures to fulfil the objectives. These tasks and measures are balanced, backed up by adequate resources (human, material, financial), and serve as the input for the drafting of Annual Plans and budgets and other partial plans.

The implementation of all objectives is reviewed annually. At the end of the year-long planning cycle a classified and comprehensive Defence Review Report is put together. It is approved by the Minister of Defence and endorsed by the Government.

### **Figures on the defence budget and expenditures**

The Czech Republic State Budget for the year 2017 was approved by the Czech Parliament and published in the Act No. 457/2016 Coll., State Budget of the Czech Republic for the year 2017. The total amount of the State Budget expenditures is CZK 1,309,272,037 thousand, index 2016/2015 is 1,04. The 2017 MoD Budget Chapter amounts to CZK 52,535,044 thousand, index 2017/2016 is 1,09. The military expenditures, defined by the Vienna

Document based on the UN methodology, represent the amount of CZK 52,453,647 thousand for the fiscal year 2017.

### **Restructuring, modernization and privatization programmes in the defence sector**

Czech Government endorsed key conceptual document “*Concept of the Czech Armed Forces Development 2025*”, in December 2015, with aim to outline the scope and achievability of previously identified capabilities needed to meet the required politico-military ambitions of the Czech Republic up to 2025. The implementation of the Concept will be accomplished in two major steps. The first, by 2020, will focus on recruiting personnel for Land, Air and the Active Reserve, modernization and procurement of new equipment (utility HELOs, Mobile Air Defence Radar) and supplementation of operational reserves (ammunition, etc.). The second step, by 2025, will further focus on modernization (i.e. replacement of BMP-2, modernization of military airport infrastructure).

ACR will be developed as well balanced, with the focus on two specialization areas – Chemical Biological Radiological Nuclear and JISR/ISTAR. Main effort will be on the improvement of the interoperability, deployability and sustainability of forces and assets (in accordance with NATO and EU standards), as well as protection of deployed forces, rationalisation of command structures, and preparation of forces and assets for operational deployments. Focus will be placed on the provision of conditions for host nation support in the Czech national territory in the context of developments in the security environment. The Czech Republic has a single set of forces for NATO, EU, UN or OSCE operations and respects the principle of modularity.

#### **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?**

- *Doctrine, strategy, national legal framework of decision-making process (security policy guidelines and procedures);*
- *Enhancement of institutional crisis management capacity, contribution to prevention of conflicts, peace-building, peace-enforcement, post-conflict stabilization and development;*
- *Adherence to pertinent international obligations, initiation or promotion of advanced global and regional security undertakings;*
- *National traditions and/or sub-regional security co-operation;*
- *Multilateral co-operation, indivisible security, international transparency, and arms control;*
- *Contribution to international peace and constabulary missions.*

The structure of the security system includes namely the President of the Republic, the Parliament of the Czech Republic, the Government, the National Security Council and its working bodies, central government authorities, regional and municipal offices, the armed forces, armed security corps, intelligence services, and rescue and emergency services. The overall responsibility for the security of the state and for the management and operational capability of the entire security system lies with the Government as the supreme body of the executive power.

The Security Strategy of the Czech Republic aims to establish a systematic and coordinated framework for the promotion of the Czech Republic's security interests, to contribute to the efficient use of individual multilateral, bilateral and national tools, and to provide guidance for the allocation of appropriate resources for the purposes of the security and defence policy. The Security Strategy of the Czech Republic presents the basic values, interests, approaches, ambitions and tools that underlie the process of safeguarding the Czech Republic's security:

- The "Principles of the Security Policy of the Czech Republic" formulate the principles on which the Czech Republic's security policy is based.
- The "Security Interests of the Czech Republic" define the Czech Republic's vital, strategic and other important interests.
- The "Security Environment" identifies the most important trends, factors and specific threats existing in the security environment in which the Czech Republic protects and promotes its interests.
- The "Strategy for Promoting the Security Interests of the Czech Republic" defines the approaches to the protection of the Czech Republic's security interests and specifies the multilateral and national tools available for promoting them, including a short description of the Czech Republic's security system.

In multinational operations abroad, the ACR cooperate with allied armed forces on the basis of international treaties and commitments. Outside the territory of the Czech Republic, the Armed Forces shall be deployed in the framework of a broader effort by the international community and in accordance with the principles of international law. The Armed Forces are capable of participating in peace enforcement, peace support or peacekeeping operations and post-conflict stabilisation and reconstruction missions. In addition, the personnel of the ACR may also perform tasks as part of humanitarian missions, rescue and evacuation efforts and take part in additional civilian operations and observer missions led by international organisations.

The Czech Republic continued to contribute military forces in 2016 primarily to operations in Afghanistan (RSM), in the Balkans (Kosovo Forces - KFOR, European Forces - EUFOR ALTHEA) and in Air Policing (NATO) over Iceland. The Czech Republic has been engaged in the EU Training Mission in Mali (EUTM), EU counter-piracy mission NAVFOR ATALANTA, EU mission NAVFOR MED SOPHIA in Mediterranean Sea, mission of the Multinational Force and Observers in Sinai and UN missions UNDOF (United Nations Disengagement Observer Force) and MINUSMA (United Nations Multidimensional Integrated Stabilization Mission in Mali). Recently we have joined operation Inherent Resolve in Iraq as our contribution to the global coalition against Daesh. Our military experts are deployed as observers in UN peacekeeping missions to the Democratic Republic of Congo, the Central African Republic, Afghanistan and Kosovo. The Czech Republic continued to assign units to the NATO Response Force (NRF), to EU Battle Groups (EU BGs) and to the UN (United Nations Peacekeeping Capability Readiness System, UNPCRS) in the given period. Political mandate defining contribution of the Czech Republic to operations abroad in 2017-2018 with outlook to 2019 was issued in 2016.

Additionally, some conditions for international security and stability can be achieved by harmonising military's aims and methods with civil actors (i.e. police). In present complex environment, involving military and police elements is one of several functional approaches – particularly since military and civilian contingents vary in capability, doctrine, procedures, and understanding of humanitarian and security issues. In 2015 there were police officers and

supplementary police units that were deployed in civilian missions to Afghanistan (EUPOL), Kosovo (EULEX), Georgia (EUMM) and Ukraine (OSCE SMMU). This involvement is part of the country's concerted and integrated contribution to international stability and a functional example of Civil-Military Cooperation (CIMIC).

## **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?**

- *Constitutionally established procedures for ensuring civilian control and democratic oversight;*
- *Cross-departmental co-ordination and public scrutiny beyond the State;*
- *Special information about civilian control and reforms in the police;*
- *Structure, oversight, reform, and privacy protection in relation to civilian/domestic intelligence services;*
- *Special information regarding the basis structure of the armed security sector;*
- *Special information about civilian control and reforms on paramilitary and/or internal security force;*
- *Trends towards privatization in the security sector/PMSCs.*

### **Military forces**

The Czech Republic strictly applies the principles of civilian and democratic control over the armed forces, as stipulated in the Constitution of the Czech Republic and other legal documents functionally distributed among the individual pillars of state authority. The division of the decision-making responsibility and authority between the civilian and military components is respected. Defence issues, including ways of using finances allocated from public sources for building national defence and also the position of the armed forces in the society, concern all the citizens. In this regard information openness on the part of the Ministry of Defence and armed forces is supported.

### **Intelligence services**

The Act on the Intelligence Services of the Czech Republic (Act No. 153/1994 of the Collection of Laws), the Act on the Security Information Service (civilian counter-intelligence, Act No. 154/1994 of the Collection of Laws) and the Act on Military Intelligence (Act. No. 289/2005 of the Collection of Laws) 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 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 intelligence services are also subject to the control of the Supreme Audit Office in the matters related to the management of state property and resources. In accordance with the new amendment to the Act on the Intelligence Services of the Czech Republic, those services may be also subject to the other control stipulated by the special Act with the consent of the director of such intelligence service.

### **Trends towards privatization in the security sector/PMSCs**

1. *What are your States' international engagements that seek to promote standards of good governance and good practise for PMSCs?*

The Czech Republic supports the Montreux Document since its release. The communication of support effectuated on 14 November 2013.

The Czech Republic is a strong supporter of the Montreux Document and better regulation of the PMSC engagement. In this respect in 2015 the Czech Republic joined the Group of Friends of the Chair of the Montreux Document Forum and for two years (from 2015 to 2016) has taken the lead and representation in Forum's Eastern European Group.

2. *Information on the policy, legislation, and regulations relevant for PMSCs that operate domestically and internationally, and how PMSCs are registered, licensed and monitored.*

In 2015 the Ministry of Interior with interested stakeholders such as Ministry of Foreign Affairs and Ministry of Defence prepared a new and comprehensive Act on Security Services. Aim of this Act is to regulate business of "regular" security companies, such as providing security or guarding services but as well private military and security companies falling under definition of the Montreux Document. In 2015 the proposed Act was approved by the Government of the Czech Republic and in 2016 was extensively discussed in the Committees of the Parliament of the Czech Republic. It is expected that in 2017 the Act could be approved and further promulgated.

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

- *Further procedures, institutions and best practices at the executive and legislative levels (beyond 2.1).*

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?**

- *National and international threat assessment/information on respective adaptations to a changing international security environment;*
- *Foreign defence vs. internal security (assistance) missions of the armed forces; including subsidiary policing and public order missions;*

- *Additional information on the status and missions of paramilitary and security forces and their respective assignment to internal security missions and/or international peace and constabulary missions;*
- *Specific information on paramilitary and/or security forces; or explanation why precisely you do not maintain such forces; or: information how you otherwise define these forces according to the tradition of your national security 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:

- Weakening of the cooperative security mechanism and of political and international legal commitments in the area of security;
- Instability and regional conflicts in and around the Euro-Atlantic area;
- Terrorism;
- Proliferation of weapons of mass destruction and their means of delivery;
- Cyber attacks;
- Negative aspects of international migration;
- Extremism and growth of interethnic and social tensions;
- Organised crime, namely serious economic and financial crime, corruption, human trafficking and drug-related crime;
- Threats to the operation of critical infrastructure;
- Interruptions of supplies of strategic raw materials or energy;
- Disasters of natural and anthropogenic origin and other emergencies.

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 ACR plan, prepare and implement defence of their territory within the framework of NATO collective defence and in accordance with Article 5 of the North Atlantic Treaty.

**Roles and missions of Armed Forces** as defined by the Act on Armed Forces of the Czech Republic (Act No. 219/1999 of the Collection of Laws.):

- 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.

**Czech Republic possesses neither Other Forces, nor paramilitary units; however there are specific units like Castle Guard and Reserve Forces.**

**The Castle Guard** is an element of the Czech Republic Armed Forces. Its primary mission is to guard presidential residences/sites, temporary presidential residencies and to provide security to presidential guests. It organizes and co-ordinates military parades of honour, especially during visits of foreign governments' official representatives.

**The Active Reserve Forces** is a part of Reserve Forces Armed Forces of the Czech Republic. The active reserve forces is established in compliance with the Act No. 585/2004 Coll., on liability to conscription service and its ensuring (Defence Act). Members of active reserve forces are organized in 22 units. The typical tasks of active reservists in peacetime are natural disaster relief and guarding the sites important for national defence if security situation deteriorates.

The training of Reserve forces is organized and conducted by the Regional Military Commands (Reg MCs) in compliance with the Act No. 585/2004 of the Collection of Laws, on National Service (National Service Act). The training of Infantry Troops is organized in a three-year training cycle. Each Company passes annually a one-week training, which is organized by the Reg MCs Directors. The typical tasks of active reservists in peacetime are natural disaster relief and guarding the sites important for national defence if security situation deteriorates.

### **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?**

- *Information regarding reform programmes and eventual professionalization of the armed forces (if applicable) and respective legal framework related to the suspension of conscription;*
- *Additional specific information regarding compulsory national service beyond the armed forces and/or voluntary military service in non-conventional armed institutions;*
- *Policy and legislation (if applicable) on employment of civil servants and employees with civilian background in defence ministerial structures; including special provisions regarding equal job opportunities for women;*
- *Special information regarding the contracting/outsourcing of private military and security services and respective legal status of such personnel.*

**National defence is a civic duty** and a moral obligation at the same time. The legal duty of citizens to defend their homeland has not ceased despite the transformation of the Armed Forces of the Czech Republic into an all-volunteer force. The Government strengthens the citizens' awareness of personal responsibility for national defence. In the context of intertwining internal and external security threats, preparation of citizens for national defence calls for a combination of military and civilian approaches. This is the guiding principle for the development and integration of crisis response planning measures and means.

**Mobilisation** is one of the mechanisms for transition from peacetime to a state of war. The Czech Republic prepares for mobilisation mainly through conceptual measures and it maintains only the necessary and minimum level of supplies in line with the principle of deferred requirement. The scope, content and schedule of measures to prepare and implement mobilisation reflect the development of the security situation.

**The Active Reserve Force** is an effective instrument for citizens to fulfil their right to participate in ensuring the defence of the Czech Republic in peacetime. It is also a means for the Armed Forces of the Czech Republic to reach out to the public. In a period when the Czech Republic is not facing a direct threat to its security, ACR will continue to function with peacetime military capabilities and personnel strength. In a crisis situation, before attaining wartime force structure, the peacetime structure must be able to strengthen its forces. The crucial role for augmenting personnel to the required manning levels will be played by an Active Reserve. Active Reserve personnel strength depends on the specific requirement to increase low peacetime manning levels and for manning priority build-up and formed units, but it will not exceed 5,000 reservists.

**Personnel Policy** of the MoD draws on the Long-term Perspective for Defence 2030 from July 2015, which draws on the Security Strategy of the Czech Republic endorsed by the Government of the Czech Republic in February 2015. The main objectives of the current personnel policy are described in the Ministerial Directive on Activity and Development Planning for the 2017 – 2021 period, specified for 2016, and in accordance with the mid-term plan for the 2016 – 2020 period.

Following the Amendment of the Act No. 221/1999 Coll., on Career Soldiers, which became effective on 1 July 2015, legal regulations were issued on/to

- Define a list of activities for individual military ranks;
- Service tariffs and special allowance for military professionals;
- Procedure for service appraisal of military professionals and its perspectives;
- Define the amount of recruitment allowance, qualification allowance, the amount of and awarding procedure for per diem and allowances in the event of call-up for service relation and reassignment;
- Define categories of communes in which service is performed and coefficients to calculate service allowance;
- Define the list of special specialties and activities necessary for the performance of missions of the ACR and the Military Police, and to define the amount of the stabilisation allowance;
- The conditions of provision of medical services by military providers;
- Define the procedure to determine the amount of pain and suffering allowance and the compensation for permanent injury.

The internal regulations of the MoD have been recently amended especially the domains of service authorities' competence in personnel management, course of service of military professionals, registry of military professionals and civilian employees and procedure to perform tasks of prevention of high-risk behaviour of persons in the MoD. In 2016 new internal regulations will be issued to set up systemized positions and to develop and systemize organisational components of the MoD.



Based on the implementation of the Act No. 234/2014 Coll., on Civil Service, the great majority of the present employees of the MoD performing activity and meeting the conditions stipulated in this Act were one by one admitted to the service. To implement the provisions in the respective Act, a total of 13 service-related regulations have been issued.

In July 2015 the Minister of Defence adopted the Action Plan of the MoD on Implementation of the United Nations Security Council Resolution 1325, on Women, Peace and Security.

In 2016, major changes occurred in defence legislation. The following legislation became effective at 1 July 2016:

- Act No. 45/2016 Coll., on Reservists' Service, which regulates the legal status of reservists, the course of active duty military service the reservists are called up for, their demands associated with the performance of active duty military service, terms and conditions for assignment and discharge from the active reserve component and terms and conditions of financial support by employers of reservists assigned to the active reserve component.
- The Act No. 47/2016 Coll., which amends the Act No. 585/2004 Coll., on Defence Obligation and its Ensuring (the Defence Act). The Act also newly defines active duty military service and newly defines terms and conditions for calling up into service relationship of military professionals. The Act also regulates voluntary acceptance of defence obligation during the state of national emergency and the state of war, but also in peacetime. That possibility is newly granted to foreign nationals as well. Further, it regulates training of reservists for the performance of the armed forces' missions, terms and conditions for service on operational deployments, the domain of the draft procedure and the cessation of conscription liability.

## **Military forces**

The primary task of the Armed Forces is to prepare for the defence of the Czech Republic and to defend it against external attack. This involves activities related to the defence of: a) the Czech Republic's territory; b) the Czech Republic's airspace and c) critical defence infrastructure.

The ACR are capable of conducting missions autonomously as well as in cooperation with Allies, including drawing on host nation support on Allies' territories and providing host nation support on its own territory.

The ACR may support national civilian authorities on the state's territory in the framework of the **Integrated Rescue System** (IRS), particularly in the consequence management of large-scale natural disasters and industrial or environmental incidents. In cases when the internal security and security of citizens are under serious threat, the Ministry of Defence may assign forces and assets in order to support and reinforce the Police of the Czech Republic (PCR).

To that effect, forces are assigned to the extent necessary and subject to their availability. In principle, the entirety of the ACR, including the Armed Forces' Active Reserve

Political-military ambitions for the development of the ACR provide the political guidance for the Armed Forces in terms of their development and fulfilment of legal obligations, the commitments to Allies and possible additional tasks. The development of the Czech Armed Forces' capabilities follows the conclusions of the 2011 White Paper on Defence and is determined by qualitative and quantitative criteria.

## **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 professional 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;
- when soldier in mandatory reserve refuses to perform emergency military service for conscientious or religious objection.

Act No. 221/1999 of the Collection of Laws on Career Soldiers, governs the service of professional soldiers.

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

- *National provisions regarding exemptions from compulsory military service (if applicable);*
- *Deferral of (compulsory) military service;*
- *Criteria of exclusion and (as distinct from) exemption from military service;*
- *National provisions regarding conscientious objection and/or alternative civilian national service (if applicable);*
- *Criteria of exclusion and (as distinct from) exemption from military service;*

- *Alternative ways of serving compulsory military service (as distinct from alternative civilian service);*
- *Criteria of alternative (civilian) service;*
- *Procedures for applying for alternative service;*
- *Length of alternative service;*
- *Types of alternative service.*

Not applicable

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

- *Rights of military and security forces personnel;*
- *Limitation and/or restrictions on rights; - 11*
- *Legal and administrative procedures protecting those rights;*
- *Establishment of policies to prevent and address cases of sexual harassment and sexual discrimination of forces personnel;*
- *Rights to submit complaints, applications, requests, petitions, remonstrance;*
- *Rights to appeal disciplinary punishments and/or measures;*
- *Ombudspersons;*
- *Appeals to courts of law;*
- *Social protection, benefits, and/or pay package;*
- *Professional working conditions and gender-sensitive environment;*
- *Special duties of armed forces personnel;*
- *Specific disciplinary issues and the duty to obey;*
- *Service personnel's representatives and/or associations and/or labour unions;*
- *Special provisions for ranks and conscripts;*
- *Establishment of ethical standards for internal conduct;*
- *Policy and reform of human resource management;*

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 competent commander. 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 Act No. 2/1993 of the Collection of Laws – Charter of Fundamental Rights and Freedoms, art. 27 says i.a. that members of the armed forces do not have the right to strike.
- Other rights are restricted by the Act No. 221/1999 of the Collection of Laws, on Career Soldiers, in part III §44 -47. These involve rights of assembly and association, right to freely express religion or faith and economic rights.

At present, **the human rights authorities in the MoD** (meaning the Ministry and the Armed Forces), comprise SID (meaning the Supervision and Inspection Division), headed by the Deputy for SID, DIM (meaning the Department of Inspection of the Minister headed by the Director of the IMD, MIHRP (meaning the Main Inspector for the Human Rights Protection) and the First Unit focused on inspection of human rights protection.

In their respective purviews and assigned scope of responsibilities, the following MoD functionaries and components are also involved in human rights protection: state secretary in the sphere of equal opportunities and protection of ethnic minorities, director of personnel support directorate in the sphere of socially pathological phenomena, medical service, humane service, psychological service, chaplaincy, Military Police and commanders, chiefs and directors at all echelons of command.

DIM is the supreme and independent MoD inspection authority responsible for senior level management, coordination and performance of internal inspection in the purview of the Ministry of Defence.

The Director of DIM is responsible for setting policy and coordinating development of internal inspection system except for the cases when the responsibility is vested with other authorities by a special regulation; processing claims submitted by Minister; processing or arranging for processing petitions in the sense of provisions under Sect. 7 the Act No. 85/1990 Sb.; processing complaints addressed to the DIM or conveying them for processing by relevant authorities and for cooperation with external inspection bodies, the Ombudsman, crime investigation, prosecution and judicial authorities and the NSA;

MIHRP represents the MoD in the Czech Governmental Council for Human Rights as a permanent council member. MIHRP coordinates protection of human rights performed by MoD components and proposes recommendations for its implementation, develops the MoD HRP concept and is responsible for coordinating implementation of relevant international conventions on human rights and fundamental freedoms as a part of the Czech law, plus adopted rulings of international authorities according to those conventions into the MoD Department; evaluating legal regulations and MoD bylaws in the sphere of human rights, cooperation with human rights authorities (Governmental Commissioner for Human Rights, Governmental Commissioner for representing the Czech Republic before the European Court for Human Rights, and the Ombudsman) on behalf and for the MoD Department; provisions for and supporting the activities by external inspection authorities in its purview; collaboration with additional governmental and nongovernmental organisations engaging in protection of human rights; and policy related and analytic activities in the sphere of human rights protection. Furthermore, the responsibilities of MIHRP include advisory, specialist and education activities on human rights, performance of inspections and inquiries concerning petitions and claims regarding the application of human rights, including inspections in locations with restriction of personal freedom in the MoD Department (prisons of military units, psychiatric wards of military hospitals with controlled access, police cells); claims by service personnel concerning violation of human rights, which the service personnel may address to the MIHRP outside the mandatory chain of command procedure. MIHRP runs contact e-mail boxes for reception of claims, and receives claims submitted via telephone.

Until 2015, the First Unit of IMD headed by MIHRP was responsible for inspection over the protection of human rights in the MoD Department, service law and labour law relations, disciplinary law, military medical support and education system; processing (or possibly arranging for processing) of petitions, claims and inquiries in the sphere of human rights protection in the purview of the MoD Department and development of documents as a part of processing claims by service personnel concerning violation of human rights, which the service personnel may address to the Main Inspector for the Protection of Human Rights

outside the mandatory chain of command procedure. The section is also involved in the workings of the committees of the Czech Governmental Council for Human Rights, setting the policy for controlling socially undesirable phenomena, crime prevention and definition of priorities in the sphere of equal opportunities, ethnic and other minorities. This Unit had been gradually quite dissolving during the year 2015. Some partial competences regarding only Labour code relations were transferred to a new Unit for Control of Labor Relations, which is subordinated to the State Secretary whereas the competences in the protection of human rights expired without compensation. Any new organizational unit for human rights protection has not been established.

Employees (in relation by the Labour Code) can address their complaints and petitions to all appropriate personnel, but soldiers must respect and complain with all rules, i. e. address their complaints and petitions to their superiors, with the exception of the complaints to serious breach of their human rights. In this case, soldiers can address their complaints directly to the Main Inspector for the Protection of Human Rights. According to article 18 of the Basic Order of the Armed forces, they can write to the Main Inspector for the Protection of Human Rights also to his electronic address and communicate about the topics on human rights anonymously.

The state employees can complain just to the State Secretary at the MoD.

The right for the judicial protection is not restricted in any way for all the staff including soldiers. All the employees and the soldiers can also complain to “The Public Defender of Rights”.

No fundamental changes in the protection of human rights were realized at the MoD in 2016. We developed cooperation with DCAF and ICOAF and focused on the human rights education at the MoD. During this time the first draft of an integrated conception of human rights protection at the MoD was prepared.

#### **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?**

- *Changing strategic environment and possible challenges to the implementation and application of IHL;*
- *Establishment of a Code of Conduct to prevent and address cases of sexual exploitation or sexual abuse of civilians by forces personnel;*
- *Collaboration with civil society in the promotion and training of IHL;*
- *Trained legal advisors and experts assigned to the ministry of defence and military commands;*
- *Pre-deployment and refresher training, including on human and cultural rights and gender issues on violence against women, counselling in trauma situation, in - 12*
- *particular relating to sexual violence for personnel deployed in peace and constabulary missions;*
- *IHL training to non-military and non-statutory forces.*

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 of Training Command – Military Academy in Vyškov. 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 ACR. This course 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 placed importancy to the education of officers. This is essential with respect to the fact that IHL imposes special obligations on commanders. With this regard a handbook on IHL prepared specifically for the needs of 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 and Master's curriculum.

The compendium of IHL (basic information and text of applicable international treaties) is widely available to every member of the ACR via Ministry of Defence intranet web page. Further information can be obtained, for instance at Czech Red Cross Society web page. Occasionally, there are published thematically oriented articles and updates on IHL in Ministry of Defence's review A-Report.

In 2015 the Ministry of Defence prepared an updated version of Frédéric de Mulinen Handbook on International Humanitarian Law for Armed Forces which is widely used by military personnel, commanders and instructors of IHL training. During 2016 this re-edited version was finalised and prepared for publication in 2017. In 2016 the Ministry of Defence also started to prepare a new publication containing the main IHL treaties and basic information about customary law and direct participation in hostilities. The aim of this publication containing IHL basic documents is further assist with IHL education and dissemination. This publication is expected to be published in 2017.

In 2016 the Ministry of Defence prepared number of specialized educational and training activities related to IHL. In March 2016 a specialized seminar on rules of international law applicable to detention was held for the members of the Czech military police. In April 2016 during the Czech presidency of the Visegrad Group a specialized workshop for military legal advisers was held by the General Staff of the Czech Republic. Participants were military legal advisers from Visegrad Group Countries, as well as selected partners. Finally, in October 2016 the Ministry of Defence prepared a specialized legal seminar for newly recruited military legal advisers.

#### **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?**

- *Specific reference to individual legal liability, including as applicable to superior and subordinate personnel, and relevant provisions under international penal law;*

- *General information on international humanitarian as well as international human rights and penal law (beyond 4.1).*

Accountability for individual actions of ACR personnel under national and international is incorporated into Czech laws and regulations. ACR personnel are periodically informed of this fact in the course of their training and preparation (see answer to 4.1).

Obligations of ACR personnel are stated in Article 48 of Act on Career Soldiers (Act No. 221/1999 of the Collection of Laws), as subsequently amended. In paragraph 2 letter f) of this Article a soldier is obliged, inter alia, to follow legal regulations, war and humanitarian international law, international treaties and superiors' commands during the service. Subsequent paragraph 2 of this Article requests a soldier to refuse a performance of a superior's command, if such a performance would constitute a criminal offence.

According to Article 49 of Act on Career Soldiers (Act No. 221/1999 of the Collection of Laws), as subsequently amended, commanders are responsible for familiarizing soldiers under their command with their incumbent duties and obligations. Furthermore, commanders are requested to maintain discipline, control soldiers behaviour and to commence a proper disciplinary action against a soldier in case of his misconduct. If a soldier commits a crime and a commander knew about it or should have known then commander is legally responsible for reporting this behaviour to competent authorities. In case of commander's failure to prevent, repress or report acts of his subordinates that amounts to war crimes, crimes against humanity, genocide or other acts enumerated in Section 418 of the the Criminal Code (Act No. 40/2009 Collection of Laws), a commander may be held criminally responsible according to doctrine of Superior Responsibility.

Criminal offences related to the breach of international humanitarian law and crimes against humanity and peace are included in Chapter XIII of the Criminal Code (Act No. 40/2009 of the Collection of Laws), as subsequently amended.

#### **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?**

- *Constitutional prescriptions and safeguards regulating (and restricting) the armed forces deployment for internal security missions;*
- *Special prescriptions regarding the protection of and proportionality of use of force against individuals and groups involved in legal public manifestations and protests;*
- *Constitutional and legal provisions protecting national minorities;*
- *Gender and cultural rights training, including in preparation of personnel deployed in peace and constabulary missions;*
- *Protection of cultural and religious rights of service personnel.*

Art. 9 of Act on Armed Forces of the Czech Republic (Act No. 219/1999 of the Collection of Laws), 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?**

- *Constitutional and legal restrictions of the exercise of civil rights and fundamental freedoms by service personnel;*
- *Rights and freedoms of service personnel to participate in lawful demonstrations and other political gatherings;*
- *Constitutional provisions and legal incentives to safeguard the political neutrality of the military command and the armed forces as an institution.*

Human rights of soldiers are embodied in Constitutional Act No. 2/1993 of the Collection of Laws, Charter of Fundamental Rights and Freedoms (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 (Act No. 219/1999 of the Collection of Laws), as subsequently amended, which represents such enacted law. Art. 4 of this Act prohibits any political activity in armed forces. Such prohibition is further specified in Art. 45 of Act on Career Soldiers (Act No. 221/1999 of the Collection of Laws), 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?**

- *Regular review of strategic and doctrinal documents, rules of engagement and operation plans;*
- *Provision of legal advisors on various aspects of international law.*

The process of ensuring that defence policy and doctrine of the Czech Republic are consistent with international law is based on compliance of these documents with applicable law, primarily the Constitution of the Czech Republic; Constitutional Act No. 110/1998 of the Collection of Laws, On Security of the Czech Republic; Act No. 219/1999 of the Collection of Laws, On the Armed Forces of the Czech Republic; Act No. 221/1999 of the Collection of Laws, On Career Soldiers; Act No. 222/1999 of the Collection of Laws, On Arrangements for Defence of the Czech Republic; Act No. 585/2004 of the Collection of Laws, on National Service (National Service Act).

The Constitution of the Czech Republic (Constitutional Act No. 1/1993 of the Collection of Laws), 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 international treaties to which the Czech Republic is a Party 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?**

- *PR strategy;*
- *Tasks/range of activity;*
- *Contact place/contact person (answering of letters, calls, etc.);*
- *Public access to information and documents related to the armed forces;*
- *Public access to parliamentary debates;*
- *Exhibitions/shows/ demonstration of new weapons and equipment;*
- *Possibilities to visit the troops (events, open door days);*
- *Engagement in public schools;*
- *Seminaries, workshops, presentation;*
- *Press releases/press conferences and public discussions;*
- *Publications (journals, newspapers, annual reviews)/CD-ROM/TV/radio/Internet (websites);*
- *Public access to information and promotion of general awareness on the Code of Conduct beyond the politico-military establishment.*

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](http://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?**

- *Specific information regarding the public availability of national replies to the Questionnaire;*
- *Specific information regarding national progress made in the implementation process of the Code’s provisions;*
- *Further information regarding national initiatives to promotion of the Code of Conduct either domestically or internationally, including beyond the OSCE.*

See III/1.1

#### **1.3 How does your State ensure public access to information related to your State’s armed forces?**

- *Constitutional and legal basis safeguarding and regulating public access to (including the restriction of) information;*
- *Special provisions on secrecy and classification of security and defence related data, data protection and information security;*
- *Special provisions regulating to the protection of privacy;*
- *Institutions involved and best practices of public relations management;*
- *Debates and open hearings in parliament;*
- *Official governmental statements in parliament;*
- *Publication of the defence budget, including on procurement;*

- *Open doors days, e.g., at military garrisons;*
- *Militia army;*
- *Press releases through the department of information/public relations department;*
- *Departmental websites and multiple-used of the Internet to disseminate information;*
- *Proactive use of press and information offices at both the MoD and defence staff;*
- *Armed forces media centre;*
- *Military periodicals;*
- *Dissemination of information through multimedia;*
- *Joint seminars held with non-governmental, academic, and research communities;*
- *Special information regarding international transparency;*
- *Harmonization of public relations strategies with defence allies and partner countries.*

Every citizen can take advantage of the Freedom of Information Act (Act No. 106/1999 of the Collection of Laws) 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](http://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.

The MoD Internal Communication Portal web service entered routine operation in 2012. All MoD personnel are able to access the portal for legal regulations, bylaws and documents relating to the course of their service (working) relationship. The portal publishes selection procedures to fill vacant posts. The portal's discussion forum enables sharing and discussing observations and experiences in relation to service (work) in the MoD Department. The forum is used as a feedback to inform decisions of MoD senior officials. A vacancy search service is being prepared for users of the portal as well as a career modelling tool within the career management system limits.

## **2. Contact information**

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

- *Ministry, section, as well as postal address, e-mail, and phone of contact person in charge;*
- *Additional information regarding the point of contact at the national mission to the OSCE;*
- *Additional information on how the national reply to the Questionnaire has been prepared.*

Ministry of Foreign Affairs, Security Policy Department, OSCE Unit.

Tel.: 00420 224 182 806

Fax: 00420 224 182 877

E-mail: [obp@mzv.cz](mailto:obp@mzv.cz)

## **Additional text pertaining to women, peace and security**

### **Introduction – Institutional Framework**

The issue of equality of women and men falls under the remit of the Ministry of Defence (MoD) State Secretary. The agenda is the responsibility of the Coordinator for equality of women and men (hereinafter the Coordinator).

The current measures adopted by the MoD to promote the principle of equality of women and men are the following:

- Internal regulation (Order of the Minister of Defence) “Promotion of equality of men and women in the MoD” (a key policy document);
- “Priorities and procedures of the MoD in promoting the principle of equal opportunities for men and women” – a working document which reflects specific tasks for each calendar year;
- Service manual Pers-51-1 “Equal Treatment of Men and Women” serves as reference to all civilian employees and service personnel;
- “Defence Ministry Action Plan to Implement UN Security Council Resolution 1325, on Women, Peace and Security” which declares the MoD’s effort to fulfil the commitments under this Resolution and informs the wider expert community and interest organisations about measures adopted in order to fulfil the principles of the Resolution.

In January earlier this year the Government of the Czech Republic approved the “Action Plan of the Czech Republic to Implement UN Security Council Resolution 1325 (2000), on Women, Peace and Security and the related Resolutions for 2017 – 2020”. The MoD actively participated, throughout 2016, in the preparation of this National Action Plan since it is one of direct implementing vehicles of the agenda Women, Peace and Security. Tasks concerning the MoD are divided into 7 areas – the equal representation of women and men in decision-making positions, balancing work and family life, education and trainings, international cooperation, women’s dignity and integrity, current challenges, and institutional safeguards. Three female representatives of the MoD are also members of the working group which has been formed at the Ministry of Foreign Affairs of the Czech Republic (coordinating the Women, Peace and Security agenda).

### **I. PREVENTION** (*education/training/publicity*)

Education of civilian employees and service personnel within the MoD took place in accordance with the internal regulation on the promotion of the principle of equality of women and men, the expert regulation on the realisation of specialised military trainings in the MoD organisational units, the program of command and operational trainings, but also in accordance with the internal regulation on primary prevention of risk behaviour in the personnel of the MoD (the topic of gender equality has been included in these documents). For each organisational/military unit, the issue was included at least once in the extent of at least 1 hour into the agenda of trainings in the evaluated time period. It is a long-term practice where the cooperation between male and female employees in leadership positions and the MoD State Secretary Division, more specifically the Coordinator, plays an important role. In many cases, she offered methodological assistance to the instructors, mostly the members (methodologists) of committees for prevention of risk behaviour of the individual units and

facilities. For new male and female employees, a MoD seminar on the prevention of risk behaviour was organised which included a lecture focusing on the promotion of the principle of gender equality in the MoD (75 persons were trained). The current information concerning the issue of gender equality was presented by the Coordinator also within the Methodological day of the head inspector for human rights protection in the MoD. For senior leading employees and civilian employees, the Coordinator organised, in cooperation with the Office of the Ombudsman, the fifteenth lectures series focusing on “Current problems in equal treatment of men and women: equality does not mean sameness”. 126 persons attended the lecture.

The issue of gender non-discrimination is permanently included into the education of students of the University of Defence as well as the Military Secondary School and College. In the Training Command – Military Academy, education in the field of human rights is part of career courses (NCO course, basic Warrant Officer course, higher Warrant Officer course, basic Officer course, Junior Officer course). Other educational activities are, for all types of trainings for soldiers of both genders, part of ethical seminars led by members of the Military Chaplaincy and military psychologists of the Czech Armed Forces, the Legal Service, and lecturers of the core subjects at the Military Academy – Training Command, Professional Training Branch.

In the predeployment preparation, the issue of equal opportunities and sexual harassment is one of many areas of specialised preparation and is included in the plan of trainings of each of the deployments. At the same time, above all the location of the operational deployment is always taken into account, with respect to traditions and religious beliefs of the local communities. The Training Command – Military Academy also prepares civilian employees of all the agencies in the NATO organisational structure. The preparatory module, which includes the promotion of gender equality, the implementation of the UN Security Council Resolution 1325 on Women, Peace and Security in Operations led by NATO is included in the program “Course for NATO civilian employees before deployment in missions” which takes place four times a year. The principles of gender equality are included also in modules on cultural awareness, medical training, negotiations and crisis management. The information and knowledge gained in the theoretical part of the course are practiced and deepened in the practical lessons taking place under specific scenario-based field training exercises. The issue of gender is taught in English (70 persons have been trained).

As part of a specialised course, CIMIC (Civil-Military Cooperation) male and female specialists go through a training course on the issues of equal opportunities of females and males “Gender makes sense” organised by the CIMIC Centre of Excellence.

In the course of the past year, the media have paid lasting attention to the issue of women in the Armed Forces both on the national as well as the regional level. The topic of women working in the Armed Forces was mentioned in the media in many contexts. Throughout 2016, several dozen stories, coverages and articles on television, on the radio and in the press, to mention a very small selection of the most interesting ones:

- the shooting of a television documentary of several episodes entitled “Yes, sir!” (stories of female soldiers),
- the exhibition “Women in the battlefield and in the rear” – an exhibition dedicated to female heroism (vernissage in front of the General Staff of the Czech Armed Forces on 18 Aug 2016),
- interview with the only female chaplain of the Czech Armed Forces, who will deploy with paratroopers in a mission in Afghanistan,

- a story dedicated to the most challenging competition of paratroopers on the only NATO obstacle course in Žatec in which not only male but also female paratroopers have achieved great success.
- an interview with a Czech Armed Forces female helicopter pilot, “We have to handle the same things as men”,
- a TV interview with a female paratrooper and pilot of the Czech Armed Forces,
- a coverage dedicated to the 1<sup>st</sup> Volume of the Race to support UN Security Council Resolution 1325 – on Women, Peace and Security, “She Runs, He Runs, We Run” (April 2016). Registration for the race was officially launched on the International Women’s Day with the attendance of Czech athletes Kateřina Neumannová and Eva Samková. General Petr Pavel, Chairman of the NATO Military Committee, also supported the event by personal attendance.

([http://www.nato.int/cps/en/natohq/news\\_130406.htm?selectedLocale=en](http://www.nato.int/cps/en/natohq/news_130406.htm?selectedLocale=en)).

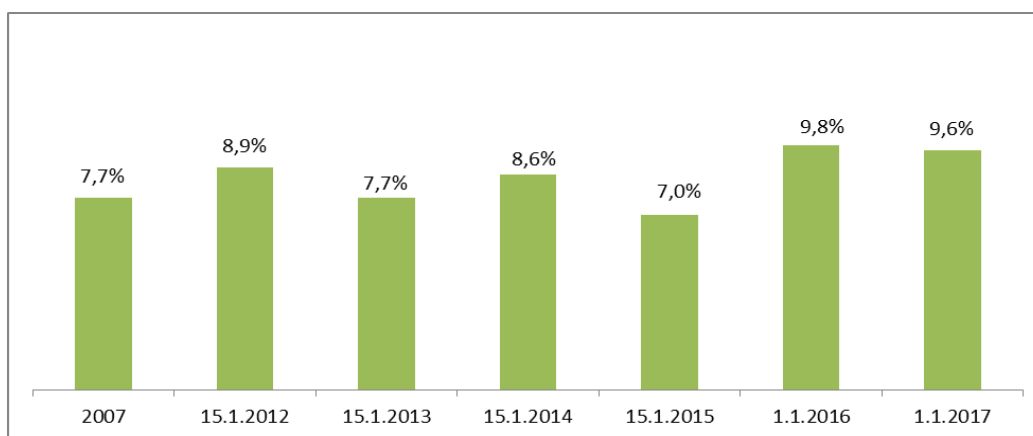
## **II. PARTICIPATION**

### ***1. Decision-making positions***

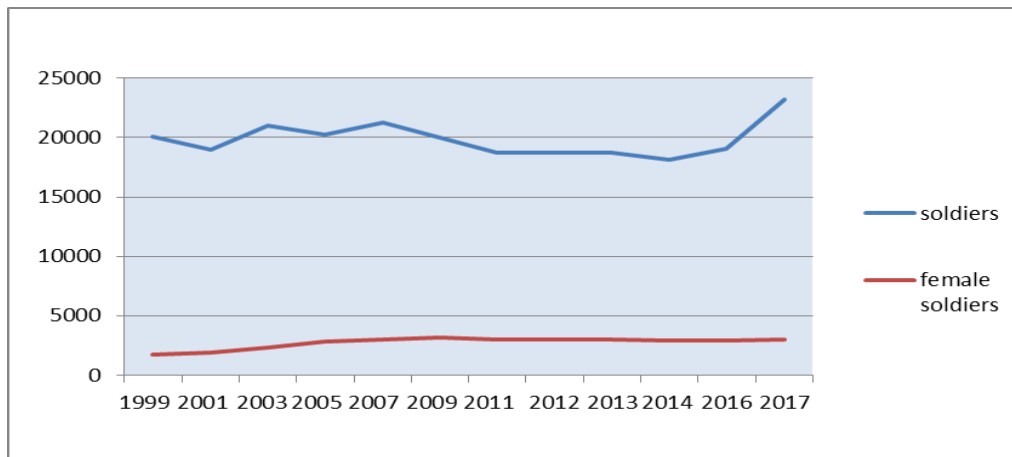
- a) Percentage of women in senior positions or performing highly specialised working duties at the Ministry of Defence – at December 31 – central authority (selected years):**

<b>Year</b>	<b>Deputy MoD %</b>	<b>Division/ Dpt. Director %</b>	<b>Section Head %</b>	<b>Other Specialists %</b>
<b>2001</b>	25.0	0.0	4.8	31.6
<b>2005</b>	16.7	3.3	15.6	50.0
<b>2009</b>	0.0	5.8	8.3	37.9
<b>2015</b>	12.5	16.1	15.0	39.0
<b>2016</b>	12.5	16.1	16.0	39.2

- b) Percentage of female soldiers in senior systemized positions within the armed forces at 1 January 2017 (total percentage of female soldiers accounting for 11%):**



- c) Development in the number of female and male soldiers expressed in a line chart:**



**d) Rank overview – age:**

Rank	At 1 Jan 2017	Average age	At 1 Jan 2016 (for comparison)
73 Colonel	4	53	4
72 Lieutenant-Colonel	70	43	69
71 Major	179	41	153
64 Captain	293	38	288
63 First Lieutenant	389	35	379
62 Lieutenant	210	34	189
53 Senior Warrant Officer	61	44	61
52 Warrant Officer	298	42	298
43 Master Sergeant	463	40	463
42 Sergeant First Class	367	38	352
41 Staff Sergeant	92	36	104
18 Sergeant	154	37	171
17 Corporal	124	32	121
12 Private First Class	38	31	42
7 Master Sergeant – trainee	9	27	6
6 Sergeant First Class – trainee	24	25	27
5 Staff Sergeant – trainee	20	24	24
4 Sergeant – trainee	29	23	26
3 Corporal – trainee	39	22	35
2 Private First Class – trainee	55	22	47

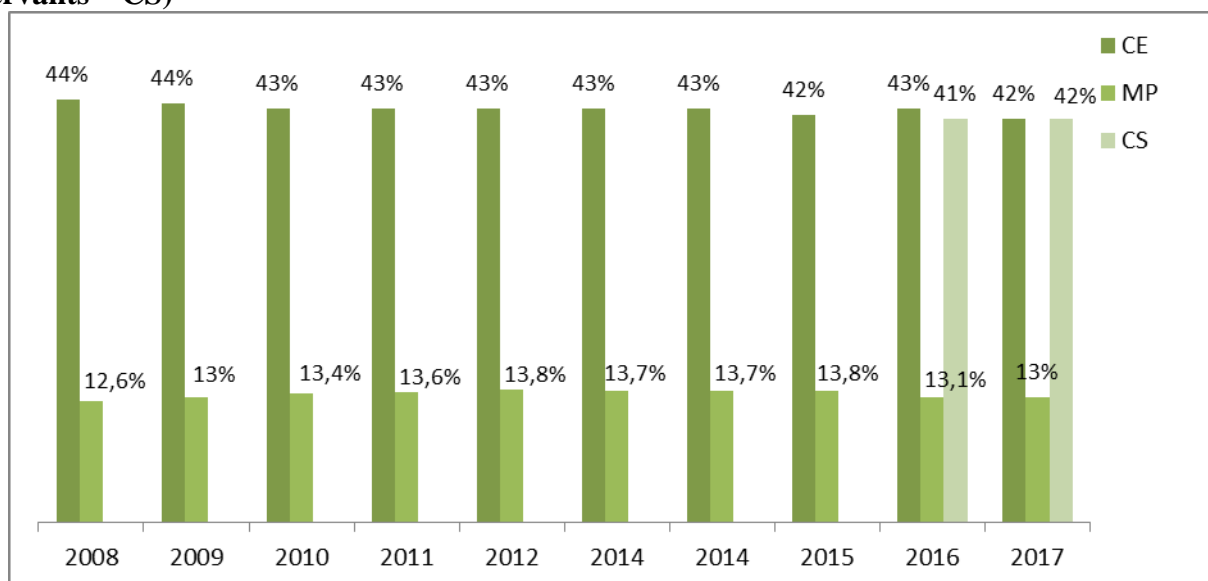
1 Private – trainee	34	28	15
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#### e) Introduction of a regular analysis of data on women and men

Statistical data concerning natural persons divided by the category of gender have been collected since as early as 2002. Data are collected on: the numbers of men and women (in service relationship as well as in employment), in senior systemised positions, in basic commander positions, in the ranks of Lieutenant and higher and Chief Warrant Officer and lower; the duration of the service relationship of women and men; the education of women and men; the fulfilment/non-fulfilment of qualification criteria and the required education of women and men in a service relationship; the numbers of students in military schools; the ratio of women and men (in categories: applicant, candidate, accepted) as part of the selection of personnel – recruitment into the Czech Armed Forces; numbers of women and men in the NATO and EU structures and in foreign operations; the age of women and men in systemised positions and in leading systemised positions; numbers of women and men on maternity leave and parent leave; in military specialities; in wage categories and grades; and also the average paid out wage component of both females and males per person/month in the MoD. A quantitative gender analysis, including a developmental comparison, is regularly made based on these statistical data (the analysis is made available at: <http://www.army.cz/informacni-servis/povinne-informace/1-rovne-prilezitosti/rovne-prilezitosti-muzu-a-zen-54018/>).

The MoD State Secretary receives the outcomes of the analysis, and on the basis of the results, proposes (or does not propose) the adoption of further measures aimed at rectification and elimination of shortfalls. In 2016, no such measure needed to be proposed.

#### Representation of women (civilian employees – CE, military professionals – MP, civil servants – CS)



### III. PROTECTION

The body in charge of inspection was first and foremost the MoD Supervision and Inspection Division and the Chief Inspector of Human Rights Protection, a position established within the Division. Protection of human rights is one of the principal areas of



activity on the MoD Supervision and Inspection Division's agenda. In the evaluated time period, the MoD Supervision and Inspection Division received no complaints regarding unequal treatment based on gender. There were also no shortcomings uncovered concerning this issue in the inspection activity. The MoD Supervision and Inspection Division runs an anonymous mailbox: [ombudsman@army.cz](mailto:ombudsman@army.cz).

The MoD performs a long-term and periodical Survey on sexual harassment. The last data come from 2015 where a sociological survey entitled "*Analysis of potential occurrence of socially pathological conduct and risky behaviour in Czech Armed Forces environment*" took place. 1615 persons participated, 29% of which were women. The results of this sociological survey included a part on sexual harassment and domestic violence which appeared in the evaluation material for 2015.

Monitoring of potential inadequate behaviour at the University of Defence has been performed periodically in the form of a survey among male and female students since the winter semester of the academic year 2013/2014, then in 2014/2015 and 2015/2016. The respondents were male and female students of master's and undergraduate degrees studying at one of the faculties of the University of Defence – the Faculty of Economics and Management, the Faculty of Military Technology, and the Faculty of Military Leadership. A similar monitoring took place also in 2016 where the respondents were students of the 2<sup>nd</sup> year of a master's follow-up study at the Faculty of Military Leadership and the Faculty of Military Technology. The results of these surveys confirmed that sexual harassment is experienced very rarely in the environment of the University of Defence.

#### **IV. ADDITIONAL INFORMATION**

**Cooperation** with other bodies and organisations:

The long-term cooperation of the permanent delegate of the Czech Armed Forces (hereinafter the CAF) in the NATO Committee for Gender Perspectives (hereinafter the Committee) continued. This cooperation consisted particularly in contributing to drafting specialist documents and sharing experience with the topic at hand. The delegate also took part in a conference of the Committee entitled "NATO and the Partner States – Support of Military Leadership and Responsibility for the Realisation of Gender Perspectives" (Brussels, April 2016). An exhibition of photos of women in uniforms and the launch of a publication dedicated to the 40<sup>th</sup> anniversary of the Committee were a part of the conference. The permanent delegate of the CAF took part in this activity and provided a number of photos of female members of the CAF.

Further also continued the cooperation of the Coordinator with selected Ministries, associations and representatives of the academia as part of membership in advisory bodies of the Government Council for gender equality (Committee for the institutional safeguard of equality of women and men, Committee for the prevention of domestic violence). Cooperation with ombudsman institutions for the armed forces also continued successfully. As part of this cooperation, the representatives of the MoD took part in an international

conference (Amsterdam, October 2016) focusing on the activities of ombudsmen in foreign missions.

Based on a request made by the association “Jagello 2000 – Association for Euro-Atlantic Cooperation”, the MoD took part in the preparation of the project “Let’s give women space – 21st century armed forces”. An international conference should be organised as part of the project, focusing on “the Position of women in the NATO Armed Forces”. The conference should be preceded by a research focusing on women in the CAF, the conditions of their service, motivation and difficulties connected with service in the CAF, but should also reflect upon the situation in other NATO Armed Forces so that in some aspects of service, it compares to the development of the situation in the Czech Armed Forces with other Armed Forces. The project should be funded from the European Social Fund – Operational Program Employment.