



PERMANENT MISSION
OF THE SLOVAK REPUBLIC TO THE
INTERNATIONAL ORGANIZATIONS IN VIENNA

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VERBAL NOTE

The Permanent Mission of the Slovak Republic to the International Organizations in Vienna presents its compliments to all Permanent Missions and Delegations to the OSCE and to the Conflict Prevention Centre and has the honour to convey the Slovak Republic's response to the Questionnaire on the Code of Conduct on Politico–Military Aspects of Security.

The Permanent Mission of the Slovak Republic to the International Organizations in Vienna avails itself of this opportunity to renew to all Permanent Missions and Delegations of participating states to the OSCE and to the Conflict Prevention Centre the assurances of its highest consideration.

Vienna, 14 April 2010



To
All Permanent Missions/Delegations to the OSCE
The Conflict Prevention Centre

Vienna

QUESTIONNAIRE ON THE CODE OF CONDUCT ON POLITICO-MILITARY ASPECTS OF SECURITY*

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 Government of the Slovak Republic co-operates fully in combating threats of terrorist activities through implementation of all the United Nations Conventions and Protocols related to terrorism to which the Slovak Republic is a party. These include:

- *Convention on Offences and Certain Other Acts Committed on Board Aircraft (Tokyo, 14. 9. 1963);*
- *Convention for the Suppression of Unlawful Seizure of Aircraft (The Hague, 16. 12. 1970);*
- *Convention for the Suppression of Unlawful Acts against the Safety of Civil Aviation (Montreal, 23. 9. 1971);*
- *Convention on the Prevention and Punishment of Crimes against Internationally Protected Persons, including Diplomatic Agents (New York, 14. 12. 1973);*
- *International Convention against the Taking of Hostages (New York, 17. 12. 1979);*
- *Convention on the Physical Protection of Nuclear Material (Vienna, 3. 3. 1980);*
- *Protocol on the Suppression of Unlawful Acts of Violence at Airports Serving International Civil Aviation (Montreal, 24. 2. 1988);*
- *Convention for the Suppression of Unlawful Acts against the Safety of Maritime Navigation (Rome, 10. 3. 1988);*
- *Protocol for the Suppression of Unlawful Acts against the Safety of Fixed Platforms Located on the Continental Shelf (Rome, 10. 3. 1988);*
- *Convention on the Marking of Plastic Explosives for the Purpose of Detection (Montreal, 1. 3. 1991);*
- *International Convention for the Suppression of Terrorist Bombings (New York, 15. 12. 1997);*
- *International Convention for the Suppression of the Financing of Terrorism (New York, 9. 12. 1999);*
- *United Nations Convention against Transnational Organized Crime (New York, 15. 11. 2000);*
- *Protocol against the Smuggling of Migrants by Land, Sea and Air, supplementing the United Nations Convention against Transnational Organized Crime (New York, 15. 11. 2000);*
- *Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime (New York, 15. 11. 2000);*
- *Protocol against the Illicit Manufacturing of and Trafficking in Firearms, Their Parts and Components and Ammunition, supplementing the United Nations Convention against Transnational Organized Crime (New York, 31. 5. 2001);*
- *International Convention for the Suppression of Acts of Nuclear Terrorism (New York, 13. 4. 2005);*
- *Notice of the Ministry of Foreign Affairs of the Slovak Republic on the signing of Council of Europe convention on laundering, search, seizure and confiscation of the proceeds from crime and on the financing of terrorism.*

* Participating States are encouraged to highlight major changes or updates in their replies to the questionnaire, as appropriate

Accession to and participation in other multilateral and bilateral agreements or measures undertaken to prevent and combat terrorist activities:

- *European Convention on Extradition (Paris, 13 December 1957);*
- *European Convention on Mutual Assistance in Criminal Matters (Strasbourg, 20 April 1959);*
- *European Convention on the Transfer of Proceedings in Criminal Matters (Strasbourg, 15 May 1972);*
- *Additional Protocol to the European Convention on Extradition (Strasbourg, 15 October 1975);*
- *European Convention on the Suppression of Terrorism (Strasbourg, 27 January 1977);*
- *Additional Protocol to the European Convention on Mutual Assistance in Criminal Matters (Strasbourg, 17 March 1978);*
- *Second Additional Protocol to the European Convention on Extradition (Strasbourg, 17 March 1978);*
- *Convention on the Transfer of Sentenced Persons (Strasbourg, 21 March 1983);*
- *Convention on Laundering, Search, Seizure and Confiscation of the Proceeds from Crime (Strasbourg, 8 November 1990);*
- *Council Regulation (EC) 2580/2001 (freezing of funds and economic resources of certain persons, groups and entities with a view to combating terrorism, with certain exemptions, ban on financial services with certain exemptions), last amended by Council Decision 2006/379/EC (list of targeted persons groups and entities) and Council Decision 2006/1008/EC (supplement to the list of targeted persons, groups and entities);*
- *Second Additional Protocol to the European Convention on Mutual Assistance in Criminal Matters (Strasbourg, 8 November, 2001);*
- *Council Common Position 2001/930/CFSP of 27 December 2001 on combating terrorism;*
- *Council Common Position 2001/931/CFSP of 27 December 2001 on the application of specific measures to combat terrorism;*
- *Council Common Position 2002/402/CFSP of 27 May 2002 (Measures against Usama bin Laden, Al Qaida and Taliban, embargo on arms and related material, embargo on certain services, freezing of funds and economic resources;*
- *Council Regulation (EC) 881/2002 of 27 May 2002 (Freezing of funds and economic resources of certain persons and entities associated with Usama bin Laden, Al Quaida and Taliban, embargo on certain services) last amended by Commission Regulation (EC) 14/2007 (74th amendment, list of targeted persons, groups and entities);*
- *Council Common Position 2003/140/CFSP of 27 February 2003 (Exemptions);*
- *Agreement on Co-operation between the Slovak Republic and the European Police Office (Bratislava, 13 June 2003);*
- *Protocol Amending the European Convention on the Suppression of Terrorism (Strasbourg, 15 May 2003 – not in force);*
- *Council of Europe Convention on the Prevention of Terrorism (Strasbourg, 16 May 2005, Ratification: 29 January 2007);*
- *Council Common Position 2007/448/CFSP of 28 June 2007;*
- *Council Common Position 2008/959/CFSP of 16 December 2008 amending Common Position 2008/586 /CFSP updating Common Position 2001/931/CFSP on the application of specific measures to combat terrorism;*
- *Council Decision 2008/615/JHA of 23 June 2008 on the stepping up of cross-border cooperation, particularly in combating terrorism and cross-border crime - Official Journal L 210 , 06/08/2008 P. 0001 – 0011*
- *Council Decision 2008/616/JHA of 23 June 2008 on the implementation of Decision 2008/615/JHA on the stepping up of cross-border cooperation, particularly in combating terrorism and cross-border crime - Official Journal L 210 , 06/08/2008 P. 0012 - 0072*
- *Council Common Position 2009/67/CFSP of 26 January 2009 updating Common Position 2001/931/CFSP on the application of specific measures to combat terrorism and repealing Common Position 2008/586/CFSP;*
- *Council Common Position 2009/468/CFSP of 15 June 2009 updating Common Position 2001/931/CFSP on the application of specific measures to combat terrorism and repealing Common Position 2009/67/CFSP.*

The Government of the Slovak Republic has concluded the following bilateral agreements on co-operation in the fight against terrorism, trafficking in narcotics and other organised criminal activities.

- 1. Agreement between the Government of the Slovak Republic and the Government of **Belgium** on Police Co-operation (Brussels, 29 June 2000);*
- 2. Agreement between the Government of the Slovak Republic and the Government of **Bulgaria** on Police Co-operation (Sofia, 4 November 1999);*
- 3. Agreement between the Government of the Slovak Republic and the Government of the Republic of **France** on Co-operation related to the Interior (Bratislava, 7 May 1998);*
- 4. Agreement between the Government of the Slovak Republic and the Government of the Republic of **Latvia** on co-operation in the Fight against Terrorism, Illicit Trafficking in Drugs and other Organised Crime (Riga, 24 May 1999);*
- 5. Agreement between the Slovak Republic and **Hungary** on Co-operation in the Fight against Terrorism, Illicit Trafficking in Narcotics and other Organised Crime (Bratislava, 2. October 2006);*
- 6. Agreement between the Government of the Slovak Republic and the Government of **Malta** on Co-operation in the Fight against Organised Crime (Bratislava, 16 May 2000);*
- 7. Agreement between the Government of the Czech and Slovak Federal Republic and the Government of the Federal Republic of **Germany** on Co-operation in the Fight against Organised Crime (Prague, 13 September 1991);*
- 8. Agreement between the Government of the Slovak Republic and the Government of **Slovenia** on Co-operation in the Fight against Terrorism, Illicit Trafficking in Narcotic and Psychotropic Substances and Precursors and Organised Crime (Bratislava, 14 September 1994);*
- 9. Agreement between the Government of the Slovak Republic and the Government of the Kingdom of **Spain** on Co-operation in the Fight against Organised Crime (Bratislava, 3 March 1999);*
- 10. Agreement between the Government of the Slovak Republic and the Cabinet of **Ukraine** on Co-operation in the Fight against Organised Crime (Bratislava, 5 December 2000);*
- 11. Agreement between the Government of the Czech and Slovak Federal Republic and the Government of the **United Kingdom of Great Britain and Northern Ireland** on Co-operation in the Fight against Terrorism, Trafficking in Narcotics and Organised Crime and General Aspects of Security Practice (Prague, 23 July 1990);*
- 12. Agreement between the Government of the Slovak Republic and the Government of the Republic of **Turkey** on Co-operation in the Fight against International Terrorism, Illicit Trafficking in Drugs and other Organised Crime (Ankara, 6 June 1996);*
- 13. Agreement between the Government of the Slovak Republic and the Government of **Turkmenistan** on Co-operation in the Fight against International Terrorism, Illicit Trafficking in Narcotics and other Organised Crime (Moscow, 8 August 1996);*
- 14. Agreement between the Government of the Slovak Republic and the Government of the Republic of **Croatia** on the Co-operation in Combating Organized Crime (Bratislava, 30 November 2000);*
- 15. Agreement between the Government of the Slovak Republic and the Government of the Republic of **Italy** on Co-operation in Combating Terrorism, Organized Crime and Illicit Trafficking in Narcotic Drugs and Psychotropic Substances (Bratislava, 19 April 2002);*
- 16. Agreement between the Government of the Slovak Republic and the Government of **Belarus** on Co-operation in the Fight against Terrorism, Illicit Drug Trafficking and other Organized Crime Activities (Bratislava, 14 November 2001);*
- 17. Agreement between the Government of the Slovak Republic and the Government of **Romania** on Co-operation in Combating Organized Crime, Illicit Trafficking in Narcotic Drugs, Psychotropic Substances and Precursors, Terrorism, as well as other Serious Crime (Bucharest, 16 October 2003);*
- 18. Agreement between the Government of the Slovak Republic and the Government of the Arab Republic of **Egypt** on Co-operation in the Field of Fighting Crime (Cairo, 20 January 2004);*
- 19. Agreement between the Slovak Republic and the **Czech Republic** on Co-operation in Combating Organised Crime, on the Protection of the Public Order and on the Protection of the State Border (Bratislava, 27 January 2004);*
- 20. Agreement between the Government of the Slovak Republic and the Government of the Republic of Cyprus on Co-operation in Combating Organised Crime, Terrorism, Illicit Trafficking in Narcotic Drugs and Psychotropic Substances as well as other Types of Crime (Bratislava, 26 February 2004);*
- 21. Agreement between the Slovak Republic and the **Austria** on Police Co-operation (Vienna, 13 February 2004);*
- 22. Agreement between the Slovak Republic and the Republic of **Poland** on Co-operation in Combating Crime and on Co-operation on the Border Area (Warsaw, 23 March 2004);*

23. *Agreement between the Government of the Slovak Republic and the Council of Ministers of **Serbia and Montenegro** on co-operation in the field of defence (Beograd, 24 Nov. 2005);*
24. *Agreement between the Government of the Slovak Republic and the Government of the Republic of **Moldova** on Cooperation in the Fight against Organised Crime (Chişinău, 16 September 2007);*
25. *Agreement between the Government of the Slovak Republic and the Government of the Republic of **Kazakhstan** on Cooperation in Combating Organised Crime, Terrorism, Illicit Trafficking in Narcotic Drugs, Psychotropic Substances and their Precursors as well as other Types of Crime (Bratislava, 21. November 2007);*
26. *Agreement between the Government of the Slovak Republic and the Government of the Republic of **Serbia** on Cooperation in Combating Crime (Bratislava, 16. November 2007);*
27. *Agreement between the Government of the Slovak Republic and the Government of the Republic of **Moldova** on Cooperation in the Fight against Organised Crime (Chisinau, 20. June 2007);*
28. *Council Common Position 2007/871/CFSP (updates list of targeted persons, groups and entities);*
29. *Council Regulation 2006/1461/EC (amendment of the list of competent authorities);*
30. *Council Regulation 2006/1791/EC (amendment of the list of competent authorities-enlargement);*
31. *Council Decision 2006/868/EC (updates list of targeted persons, groups and entities);*
32. *Agreement between the Government of the Slovak republic and the Government of the Republic of **Lithuania** on co-operation in detecting, investigating and preventing criminal offences (Bratislava, 10.6.2008);*
33. *Agreement between the Slovak Republic and the **United States of America** on enhancing cooperation in preventing and combating crime (Washington 8. 10. 2008);*
34. *Notice of the Ministry of Foreign Affairs of the Slovak Republic on the signing of Agreement between the Government of the Slovak Republic and the Government of the Republic **Kazakhstan** on Cooperation in Combating Organised Crime, Terrorism, Ilicit Trafficking in Narcotic Drugs, Psychotropic Substances and Their Persursors as well as Other Types Of Crime;*
35. *Notice of the Ministry of Foreign Affairs of the Slovak Republic on the signing of Agreement between the Government of the Slovak Republic and the Government of the **United Staes of America** for the Exchange of Screening Information Concerning Known or Suspected Terrorists;*
36. *Act No. 297/2008 Coll on the Protection from the Legalisation of Receipts from the Criminal Activity and on the Protection from the Financing of the Terrorism and Amending Other Acts.*

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

- *Penal Code No. 300/2005 Coll. as amended;*
- *Code of Criminal Procedure No. 301/2005 Coll. as amended;*
- *Act No. 171/1993 Coll. on Police Force as amended;*
- *Act No. 46/1993 Coll. on Slovak Intelligence Service as amended;*
- *Act No. 198/1994 Coll. on Military Intelligence as amended;*
- *Act No. 57/1998 Coll. on Railway Police as amended;*
- *Act No. 179/1998 Coll. on Trading with Military Material as amended;*
- *Act No. 256/1998 Coll. on Witness Protection as amended;*
- *Act No. 297/2008 on Money laundering protection from criminal activity and on terrorism financing as amended by the Act No. 445/2008);*
- *Banking Act No. 483/2001 Coll. amending certain other acts;*
- *Act No. 21/2007 Coll. on goods and technologies of dual use. as amended;*
- *Constitutional Act No. 227/2002 Coll. on State Security during Wartime, Hostilities, Martial Law, and State of Emergency as amended;*
- *Act No. 319/2002 Coll. on Defence of the Slovak Republic as amended;*
- *Act No. 321/2002 Coll. on Armed Forces of the Slovak Republic as amended;*
- *Sanction Act No. 460/2002 Coll. on Carrying out International Sanctions Maintaining International Peace and*

Security as amended by the Act No. 127/2005 Coll.;

- *Act No. 331/2005 Coll. on state administration bodies respecting drugs precursors;*
- *Act No. 477/2003 Coll. on the Protection of the State Border;*
- *Act no. 458/2003 Coll. on the Establishment of the Special Court and the Special Prosecutor's office as amended by the Act No. 267/2004;*
- *Customs Act of the Slovak Republic No. 199/2004 Coll. as amended;*
- *Act No. 403/2004 Coll. on the European Arrest Warrant as amended by the Act No. 342/2007“;*
- *Act No. 143/1998 on the Civil Aviation as amended;*
- *Act No. 541/2004 Coll. on the Peaceful Using of the Nuclear Energy as amended;*
- *Act No. 652/2004 Coll. on State Administration Authorities in the Customs;*
- *Governmental Decree No. 397/2005 Coll. as amended which promulgates international sanctions to secure international peace and security;*
- *Governmental Decree No. 397/2005 Coll. which promulgates international sanctions to secure international peace and security and its amendments depending on the update of the relevant Council Common Position;*
- *Act No.: 218/2007 Coll. on Biological Weapons Ban as amended;*
- *Act No. 576/2009 Coll. amending the Act Nb. 300/2005 Coll. Penal Code and the Act Nb. 301/2005 Coll. Rule on Criminal Procedure;*
- *Act No. 297/2008 Coll. On the Protection from the Legalisation of receipts from the Criminal Activity and on the Protection from the financing of the Terrorism and on changes and amendments of certain acts (full implementation of the Directive 2005/60/EC of the European Parliament and of the Council of 26 October 2005 on the prevention of the use of the financial system for the purpose of money laundering and terrorist financing);*
- *Act No. 747/2004 Coll. On Supervision of the Financial Market and on changes and amendments of certain acts as amended;*
- *Act No. 483/2001 Coll. On banks and on changes and the amendment of certain acts as amended;*
- *Act No. 566/2001 Coll. On securities and investment services as amended;*
- *Act. No. 594/2003 Coll. On collective investment as amended;*
- *Act. No. 291/2009 Coll. On the Establishment of the Specialised Criminal Court and on amending other acts*
- *Act No. 492/2009 Coll. On payment services and on changes and amendments of certain acts;*
- *Act No. 8/2008 Coll. On insurance and on changes and amendments of certain acts as amended.*

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?

Slovak republic does not posses any paramilitary or security forces.

Roles and missions of armed forces in preventing and combating terrorism are defined in the Constitutional Act on State security in wartime, during hostilities, martial law and state of emergency (No. 227/2002 Coll. as amended), the Act on the Control of state in crisis situations except for wartime and during a state hostilities (No. 387/2002 Coll.) and the Act on the Armed Forces of the Slovak Republic (No. 321/2002 Coll.).

According to Article 4, paragraph 1 of the Constitutional Act No. 227/2002 Coll. the President of the Slovak Republic may, upon the proposal of the Government of the Slovak Republic, proclaim a State of Emergency, if a terrorist attack has been carried out or there is an imminent threat of a terrorism attack.

According to the Article 4 paragraph 4 lit. d) of the Act on the Armed Forces of the Slovak Republic, the Armed Forces of the Slovak Republic may be used in the fight against terrorism.

The missions and roles of the armed forces in combating terrorism are based on basic security documents, such as the Security Strategy of the Slovak Republic and the Military Strategy of the Slovak Republic, and the applicable legal acts (No. 387/2002 Coll. as amended by the Act No. 515/2003, No. 227/2002 Coll. and No. 321/2002 Coll. as amended, etc.).

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

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

The Department on Criminal Terrorism was established within the Ministry of Interior. Its aim is to receive, collect and analyse information on any activities in this field. The Government of the Slovak Republic has approved special List of Preventive Measures for the Fight against Terrorism. The Slovak Republic is a member of INTERPOL. The Slovak Republic became a full member of the Europol on September 1st, 2004.

Actual monitoring of the bank institutions in the territory of the Slovak Republic proved that the sanctioned subjects are not their clients.

By the adoption of the Act No. 458/2003 a Special law-court and the Office of special prosecution were established.

In the EU the vast majority of financial sanctions against terrorists or terrorist organizations are adopted by aquis communautaire directly applicable and binding in all EU Member States. Act No. 460/2002 Coll. as amended by Act 127/2005 Coll. enables adoption of national measures related to EU legislation imposing financial sanctions against terrorists (particularly supervisory measures and enforcement measures in case of violation of the EU law) by the respective Slovak governmental institutions (Ministry of Finance in cooperation with the Ministry of Foreign Affairs). The aforementioned legislation provides simultaneously the mandate for the Slovak government to implement on national level financial sanctions against terrorists or terrorist groups if such measures are not adopted by a directly applicable EU legislation (e.g. sanctions against persons which are resident in the territory of the EU). National sanctions against individual terrorists and terrorist groups pursuant to Council Common Position 2001/931/CFSP were declared by the Decree of the Slovak Government No. 397/2005 Coll. as amended by the Decree No. 488/2007 Coll. “.

Customs Criminal Office in 2009 in this area particularly monitored and controlled activities in relation to import, export and transit of military equipment, weapons, ammunition, explosives, nuclear, radioactive and other dangerous materials, as well as dual-use goods. A significant part of these activities were focused on compliance with control measures based on UN Security Council resolutions, such as actions over Iran’s nuclear program etc. In addition, the Customs Criminal Office performed the tasks resulting from the updated National Action Plan to combat terrorism, particularly in the form of operational cooperation with other involved state authorities in this area.

From 29th June 2009 passports with two biometric data have been edited.

From 1st September 2010 the new act that will replace the actual Act Nb. 403/2004 Coll. on the European Arrest Warrant will come into force.

Department for the Fight against Terrorism (hereinafter OBT) of Counter-Organised Crime Police Presidium consists of two departments: the terrorism centre and the operational department. It has scope throughout Slovakia and Branch Offices in Central and Eastern Slovakia.

The basic tasks of OBT are the prevention and repression (or prosecution) of terrorist acts. The basic legislation enabling meeting of these challenges consists of: the Constitution, the Criminal Law No. 300/2005, Act No. 171/1993 of Police Force. and generally binding standards and international agreements signed by Slovak Republic. Crimes linked to terrorism are contained in § 297 - Establishment, plotting and supporting of terrorist group, in § 313 and § 314 - Terror and § 419, - Terrorism of the Criminal Law No. 300/2005.

Act No. 171/1993 of the Police Force allows OBT to carry out criminal-intelligence operations as phone tapping, call monitoring, working with informants etc. OBT performs operative-tracking operations for the prevention, banning, detection and documentation of crime and detection of offenders. The focus of its activities is to analyze and use of information obtained from intelligence and other state authorities of the Slovak Republic, as well as Europol, Interpol and international organizations.

The national bureau of Interpol and Europol national unit in the office of international police cooperation of the Police Corps Presidium, meeting in working groups as the Police Working Group on Terrorism (PWGT), Working Group on Terrorism (WGT), Office of the Counter-Terrorism Coordinator (COTER) and the EU Council are one of the main focal points for the collection, analysis and evaluation of relevant knowledge related to terrorism.

First comprehensive program document in combating terrorism was the National Action Plan against terrorism (hereinafter „NAP“), approved by the Slovak Government Resolution No. 369/2005. It contained the necessary measures to increase national security - its territory and population. For meeting the multiple challenges of developments in international arena, and regarding the political movements and attitudes of supra-national authorities on this issue the need to revise the NAP emerged. This resulted in a revised NAPs (REV 1). Tasks have been designed and evaluated at the same time to reconsider the content of the material. The result of such analysis is revised NAP (REV 2), which establishes a broad platform to address the fight against terrorism at the legislative, institutional and executive, which was approved by Slovak Government Resolution No. 854 of 03 October 2007. NAP (REV 2) subject is restricted to the classification level confidential. NAP (REV 2) contains the list of tasks and measures of identifying the sponsor and the dates of their fulfillment. NAP (REV 2) defined the subjects responsible for carrying out the tasks set out therein. Department of Counter-terrorism office to fight organized crime of the Presidium of the Police Force has been designated as the authority responsible for primary processing of this comprehensive document on the fight against terrorism in the Slovak Republic. It was responsible for updating and evaluating the performance of all the previous National Action Plans to combat terrorism.

Ministry of Foreign Affairs of the Slovak Republic (MFA) meets on crisis management, including terrorist threats, the role of the Act no. 387/2002 on State management in crisis situations outside the time of war and hostilities, as amended, and other tasks under the Act no. 575/2001 on the organization and activities of government organizations, government departments, the National Action Plan against Terrorism (REV-2) and other generally binding legal regulations, as well as the tasks arising from Slovakia's membership in international organizations and bodies.

2. Stationing of armed forces on foreign territory

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

The Slovak Republic does not have its armed forces permanently stationed in any other participating State. Each deployment of the Armed Forces of the Slovak Republic must be in accordance with the Constitution of the Slovak Republic (the National Council and the Government must give consent for deployment of the national armed forces outside the territory of the Slovak Republic and approves the presence of the foreign armed forces on the territory of the Slovak Republic according to Art. 86, letters k), l), respective Art. 119, letter p)).

The Government of the Slovak Republic decides unanimously on dispatching the armed forces outside the Slovak Republic for the purpose of humanitarian aid, military exercises or peace observer missions. It also grants the consent to the presence of foreign armed forces on the territory of the Slovak Republic for the purpose of humanitarian aid, military exercises or peace observer missions as well as consent to passing of the territory of the Slovak Republic by foreign armed forces.

The Government of the Slovak Republic also decides on the deployment of the armed forces outside of the territory of the Slovak Republic in cases where obligations from international treaties on joint defence against assault are to be fulfilled, for a period not exceeding 60 days. The Government shall immediately notify the National Council of the Slovak Republic about the decision. In addition to that case, the National Council of the Slovak Republic grants consent with any sending of armed forces outside of the territory of the Slovak Republic and approval the presence of foreign armed forces on the territory of the Slovak Republic.

At present, the Armed Forces of the Slovak Republic participate in missions of the international crisis management under the UN command (UNFICYP in Cyprus, UNTSO in the Middle East, NATO (KFOR in Kosovo, ISAF in Afghanistan, NATO HQ in Sarajevo) and EU (ALTHEA in Bosnia and Herzegovina). The Slovak Republic has acceded to the Agreement between the Parties to the North Atlantic Treaty regarding the status of their forces (NATO SOFA), which came into force for the Slovak Republic on 13th October 2004 and the Protocol on the status on the international military headquarters set up pursuant to the North Atlantic Treaty which came into force the same day.

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

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

The Slovak Republic participating in the arms control agreements, such as Conventional Forces in Europe (CFE), Vienna Document, Open Skies Treaty e.t.c, implements all the obligations set forth in the aforementioned documents. In this view our country carries out annually a number of inspections and evaluations missions in other states' territories as well as provides the foreseen military information to all OSCE member states. In addition to this, Slovak Republic receives inspection and evaluation missions and corresponds to the actions that have been agreed upon by the Organization.

Regarding the competences of the Slovak Police, in a multidimensional matter, our country, responds to its obligations stemming from the signing of trans-national bilateral cooperation agreements with neighbouring countries and from its participation in international and regional Organizations.

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.

The Slovak Republic contributes to the enforcement of stability, security and cooperation among the participating States of OSCE aiming to eliminate the tensions in the concerned areas. Slovak Republic, as a participating State of the OSCE, attributes special importance to the role that OSCE is called to play in the international security environment, participating in the majority of its initiatives with a view to enhance OSCE strength and utilize its possibilities towards crisis prevention and management. Motivated by the fundamental need to promote and ensure the confidence and security in the OSCE area, our country steadily supports the initiatives of the Organization implementing a number of confidence and security building measures in the arms control field.

All competent enforcement authorities of our country are in direct and constant cooperation with each other as well as with the respective authorities of the countries from which the imported or transferred weapons come in order to prevent and suppress cases of illegal trafficking of weapons from country to country.

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 National Council of the Slovak Republic adopts laws in the field of security and defence and also adopts the act on state budget for the particular year containing a chapter for the sector managed by the defence ministry, submitted by the Prime Minister of the Slovak Republic every year. Within the meaning of the Act on the Structure of Government Operations and the Structure of Central State Administration (No. 575/2001 Coll. as amended), ministries and other central state administration bodies – within the scope of their authority operations – are also accountable for the defence tasks and for introducing the prerequisites to implement the requirements relating to preparations for defence and protection. The performance of these tasks is funded from their respective

state budget chapters. The National Council of the Slovak Republic has established the Defence and Security Committee (Act on Parliamentary Law of the National Council No. 350/1996 Coll. as amended), which plays an initiating and audit role. Its audit role is played with regard to the sectors headed by the ministry of defence, the ministry of interior (section of security), the Administration of State Material Reserves and the National Security Office. The Security Council of the Slovak Republic established by the Act No. 110/2004 Coll. on the Operation of the Security Council of the Slovak Republic in the Peace- time is government's consultative body of concerning security, defence and military issues.

The Security Planning system is based on the Constitution of the Slovak Republic, the Constitutional Act on State security in wartime, during hostilities, martial law and state of emergency No. 227/2002 Coll. and other legal acts as amended (Act on Defence of The Slovak Republic No. 319/2002 Coll. as amended, Act on the Armed Forces of the Slovak Republic No. 321/2002 Coll. as amended, Act on state service of professional soldiers of Armed Forces of the Slovak Republic and on amendment of some acts No. 346/2005 Coll.).

State budget is the elemental part of the public administration budget and insures the funding of general function of state for the particular year. Chapter of the state budget, which is managed by the Ministry of Defence, is created on the basis of program budgeting with regard to the Act on Budget Rules of the Public Administration (No. 523/2004 Coll. as amended). Program budgeting is effective and transparent tool for public expenditures. It informs how effective state budget is used and where are all its sources heading to.

Program budgeting is based on Program planning which is the main and crucial element in evolving the defence expenditures. It includes programmes, subprogrammes and other sources, which help to fulfill all tasks that are important for the defence of the Slovak Republic. Defence expenditure is divided into two department programs (Defence, Defence development) and two additional programs (Economy mobilisation, Additional development in protecting inhabitants against chemical weapons).

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

The Slovak Republic does not have its armed forces permanently stationed in any other Participating States. Each deployment of the Armed Forces of the Slovak Republic must be in accordance with the Constitution of the Slovak Republic (the National Council and the Government must give consent for deployment of the national armed forces outside the territory of the Slovak Republic and approves the presence of the foreign armed forces on the territory of the Slovak Republic according to Art. 86, letters k), l), respective Art. 119, letter p)).

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?

The National Council of the Slovak Republic, the President of the Slovak Republic, the Government of the Slovak Republic and its bodies share the assignments and responsibility in the field of defence and security of the Slovak Republic.

The democratic political control of the armed forces is exercised by a distribution of responsibilities and control power to various constitutionally established authorities.

Military

In accordance with the Act on the Armed Forces of the Slovak Republic (No. 321/2002 Coll. as amended), the Act on Defence of the Slovak Republic (No. 319/2002 Coll. as amended) and the Act on Compulsory Service (No. 570/2005 Coll.), the armed forces are tasked with protection of liberty, independence, sovereignty and territorial integrity of the state, assistance in prevention and rehabilitation of large-scale natural disasters, catastrophes and accidents threatening the human lives or the property. In addition the Armed Forces of the Slovak Republic contribute to international security by participating in multilateral operations (UN, OSCE, NATO, EU).

Security forces

Private Security Services function in accordance with the Act No. 473/2005 on Private Security.

Internal security forces

The Slovak Republic has no special internal security forces.

Intelligence services

There are two intelligence services in the Slovak Republic, the Slovak Intelligence Service (SIS) and the Military Intelligence (MI). Both are governed by special laws, both are overseen by special committees of the National Council.

The Slovak Intelligence Service acts in accordance with the Act on Intelligence Service (No. 46/1993 as amended by later regulations) and is controlled by the Government and National Council.

The oversight of the Slovak Intelligence Service is carried out by the Special Committee for the Oversight of the SIS, composed of coalition and opposition MPs. Members of the Committee have the right to inspect facilities of the intelligence services and right to request certain information from the directors of the services.

Concerning the legal regulations related to the Military Intelligence, the Act on Military Intelligence (No. 198/1994 Coll. as amended) defines the Military Intelligence, its mission, roles, general rules and principles of parliamentary control and oversight.

The Military Intelligence is a special service within the Ministry of Defence of the Slovak Republic, which fulfils tasks of defence intelligence security of the Slovak Republic in a scope of this Act.

The Military Intelligence is composed of Military Intelligence Service and Military Defensive Intelligence, which is as a matter of fact Military Counterintelligence.

Military Intelligence Service and Military Defensive Intelligence are two independent services with separate directors.

Military Intelligence Service and Military Defensive Intelligence are subordinated to the Minister of Defence, who is also responsible for their functioning. He appoints and dismisses Directors of Military Intelligence Service and Military Defensive Intelligence.

The Government of the Slovak Republic determines the overall numbers of the Military Intelligence that – following a proposal of the Minister – approves the Statute of the Military Intelligence regulating details of focus and structure of the Military Intelligence.

The National Council of the Slovak Republic elects and oversees the operation of the Military Intelligence through Special Control Committee for the Control of Activities of the Military Intelligence. This body consists of coalitions' as well as oppositions' Members of Parliament.

Police

The Police Corps is subordinated to the Ministry of Interior and is also subject to the supervision by the National Council and the Government. Tasks and organisation, obligations and the rights of the Police Corps, and the means they may lawfully use, are defined in the Police Corps Act (No. 171/1993 Coll. as amended).

The Municipal Police (Act No. 564/1991 Coll. as amended) is established and supervised by the Municipal Council.

By adopting the Governmental Ordinance No. 943/2000 Coll. conditions have been created for establishing a police unit to be used abroad of up to 50 men before December 31, 2002.

Since April 1st, 2001 departments of the Border and Alien Police of regional directorates of the Police Force are subordinated to the Office of Border and Alien Police with an objective to improve co-ordination, management, personal element, material and technical equipment.

Since January 1st, 2001 the National Office of EUROPOL has been institutionalised.

Customs Administration

The Customs Administration is subordinated to the Ministry of Finance of the Slovak Republic and it is supervised by the National Council and Government. The organization, tasks and legal means used by customs officials are defined in the National Law No. 652/2004 Coll. on the State Administration Authorities in the Customs and about the amendment and complementing the other acts, as amended.

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

The President of the Slovak Republic is the commander-in-chief of armed forces, declares war, following a decision of the National Council of the Slovak Republic in the case of the assault on the Slovak Republic or if it follows from its obligations from international treaties on common defence against assault, and concludes the peace. Following a proposal of the Government of the Slovak Republic, the President may order mobilisation of armed forces, declare a state of war or declare the state of emergency and their termination. The President appoints and promotes generals. The National Council of the Slovak Republic may also take vote of no confidence of an individual member of the Government (including the Minister of Defence), in such case the President of the Slovak Republic shall recall the member of Government.

The National Council has a special Committee for Defence and Security Issues. The Government is charged with the management and implementation of defence policy. It decides the size of the Armed Forces in accordance with the security needs and in accordance with international agreements that are binding for the Slovak Republic. Its special body is the Security Council chaired by the Prime Minister. The Ministry of Defence (MOD) implements Defence Policy according to guidelines and decisions of the Government and develops concepts and plans for the armed forces.

The Government of the Slovak Republic is the supreme body of executive power. For the execution of its function, the Government of the Slovak Republic is responsible to the National Council of the Slovak Republic, which may pass a note of non-confidence to the former at any time. To fulfill specific assignments in that field, a special body – the Security Council – chaired by the Prime Minister has been established first time by the The Constitutional Act No. 227/2002 Coll. on State security in wartime, during state hostilities, martial law and state of emergency. The Government of the Slovak Republic is accountable for the defence policy management and implementation. The Security Council serves as an advisory body to the Government and its main tasks are to take part in the formation and implementation of security system of the Slovak Republic, the fulfilment of the international obligations, evaluation of the security situation in the Slovak Republic, preparation of the proposals for the maintenance of security of the Slovak Republic, for the prevention of crisis situations, and proposals for the solution of current crisis situations. In the year of 2004 Act No. 110/2004 Coll. on Operation of the Security Council of the Slovak Republic in the peacetime was adopted.

The Ministry of Defence of the Slovak Republic is the central state administration body to control the defence of the Slovak Republic, to build up, control and audit the Armed Forces of the Slovak Republic, to co-ordinate the functioning of state administration bodies, local government bodies and other legal entities in the preparation for the defence of the Slovak Republic, to co-ordinate the defence planning, to assure the inviolability of the airspace of the Slovak airspace, to co-ordinate the military and the civil air traffic, to control military intelligence, and civil service.

General Staff of the Armed Forces of the Slovak Republic manages the operations of the armed forces, provides for co-ordination of operations and assignments of the individual types of troops and the respective military facilities. The Chief of the General Staff who commands the troops of the armed forces heads the General Staff. He is subordinate to the Minister and accounts to the latter for the execution of his office. The Chief of the General Staff is appointed and removed by the President of the Slovak Republic following a proposal of the Minister.

The authorities elected in democratic elections control the Armed Forces of the Slovak Republic. Roles of military and security forces are outlined below, but do not possess any paramilitary forces:

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?

Military

In accordance with the Act on the Armed Forces of the Slovak Republic (No. 321/2002 Coll. as amended), the Act on Defence of the Slovak Republic (No. 319/2002 Coll. as amended) and the Act on Compulsory Service (No. 570/2005 Coll.), the armed forces are tasked with protection of liberty, independence, sovereignty and territorial integrity of the state, assistance in prevention and rehabilitation of large-scale natural disasters, catastrophes and

accidents threatening the human lives or the property. In addition the Armed Forces of the Slovak Republic contribute to international security by participating in multilateral operations (UN, OSCE, NATO, EU).

The authorities elected in democratic elections control the Armed Forces of the Slovak Republic.

Paramilitary

The Slovak Republic has no paramilitary forces.

Security forces

Private Security Services function in accordance with the Act No. 473/2005 on Private Security.

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?

From 1 January 2006 the Armed Forces of the Slovak Republic are fully professionalized and in peace time they are created by professional soldiers and reservists called up for a specialized preparation performance. In time of war, state of war, emergency and crisis the Armed Forces are created in addition to the mentioned soldiers also by the reservists called up for an extraordinary service performance.

The state service of professional soldiers and legal relations in its performance (beginning, change and termination of State Service of professional soldiers) are adjusted by the Act No. 346/2005 Coll. on State Service of Professional Soldiers of the Armed Forces of the Slovak Republic and on Amendment and Supplement of Some Acts – in effect from 1 September 2005.

A documentation of registered citizens who gave a statement on rejecting the extraordinary service and a documentation of registered citizens obliged to conduct the alternative service in time of war and state of war is kept by territorial military administrations; they will also secure a call-up of registered citizens for the alternative service performance in time of war and state of war to employers who are fulfilling tasks related to securing defence and security of the State and civilian protection of population.

The present concept of construction of the Armed Forces of the Slovak Republic (hereinafter referred to as “AF SR”) assumes their full professionalisation at the time of peace on the basis of a voluntary contractual relation between the citizen and state. The liability for enlistment laid down by the Constitution remains preserved, but the compulsory recruitment is carried out only in the event of a threat to the state’s safety or of the state of war.

*Act No. 346/2005 Coll. on the state service of professional soldiers of the Armed Forces of the Slovak Republic and on amendments to certain acts as amended (hereinafter referred to as “Act on the State Service”) regulates the performance of military service in the Armed Forces of the Slovak Republic. In § 13, it lays down that **it is possible to admit to state service a citizen, who applied for the admission to state service in writing and reached the age of 18 years.** The applicant must meet the following conditions: the age of minimum 18 years and maximum 30 years (for the rank corps, non-commissioned officers and officers), or 25 years (if during the preparatory state service, he will study at a military university), at least secondary technical education without passing a school leaving examination, the citizenship of the Slovak Republic or a state that is a member state of the European Union or a member of an international organisation ensuring the common defence against attack, in which the Slovak Republic is a member, the permanent residence in the Slovak Republic, the command of the state language, irreproachability, reliability, health condition, mental competence and physical sturdiness; on the date of admission to the armed forces, the candidate must not be a member of a political party or political movement.*

The fulfilment of the conditions necessary in relation to the nature of the activities to be performed by professional soldier in the state service is verified by means of selection procedure. Selection procedure is announced by the staff office in the press, possibly in other mass communication means available to the public, at least three weeks prior to its commencement, stating the name of function, type of state service, conditions for admission etc.

The first part of selection procedure begins at the recruitment centre, which is situated in each regional town of the Slovak Republic. Here, the candidate will obtain all necessary information on the admission to the professional service in the Armed Forces of the Slovak Republic, professional advisory services and assistance in making the decision on the career of professional soldier. Basic information is provided also by phone at 0800 11 24 11 and at the Internet site www.profesionalnaarmada.sk. The selection procedure continues in the Centre of Personnel Selection (dislocated in Nitra and Košice). On the basis of the results of the selection procedure, the staff

office shall send, within ten days following the date of selection procedure completion, a written notice of the fulfilment/non-fulfilment of conditions for the admission to state service.

In connection with taking the selection procedure, the candidate will fill in and deliver to the recruitment centre a personal questionnaire, curriculum vitae, documents on the achieved education, confirmations from the previous employers on the practice credit or from the employment bureau, work appraisal from the last employer, certificate of citizenship, transcription of the Penal Register, birth certificate. The respective recruitment centre will contact the candidate and invite him to a personal interview. During the interview, the candidate will submit his identity card, and also the personal identification card (military book) provided that he has completed military service and the medical documentation from his attending physician. Directly in the recruitment centre, he shall fill in the application for admission to state service (the obligation for at least 3 years and maximum 6 years), the declarations on oath related to the fulfilment of conditions for admission to state service and the declaration related to the protection of personal data.

In the event that the candidate meets the preliminary conditions, the centre of personnel selection will invite him to tests of physical sturdiness (the disciplines are focused on the physical perseverance and performance – always three various disciplines), psychodiagnostic assessment, assessment of health competence for the performance of professional soldier state service and personal interview and personal advisory services with the aim to specify a suitable state service function. After the successful passing of the selection procedure and execution of the order of admission to state service, the recruitment centre will deliver a determination sheet, with the sheet the candidate will report himself in the specified military unit on a specified day. The service relation comes into existence on the date of accession to a military unit, by signing a personal order and the oath. In the event that the citizen fulfilled the conditions of admission to state service (and there is a suitable function for him), pursuant to § 17 of the Act on the State Service he is admitted to the preparatory state service. Preparation is carried out in the function of

- a) expectant, if he is trained for the rank corps and non-commissioned officers corps,
- b) cadet, if he is trained for the rank corps of officers.

During the preparatory state service, a professional soldier takes a basic training lasting from four to nine weeks. The professional soldier, who is trained for the rank corps of officers, studies during the preparatory state service also at a military university (if he has not achieved university education) or an officer's course for university graduates (if he has achieved university education at a university different from the military university). After successfully completing the preparatory state service, the professional soldier is admitted to temporary state service, which he performs during the period specified in the Act on the State Service.

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

An extent of conscription duty, national registration, recruitment, health fitness examination, reserves of the Armed Forces of the Slovak Republic and a call-up, discharging and exemption from an extraordinary service performance in crisis situation are adjusted by the Act No. 570/2005 Coll. on Conscription Duty and on Amendment and Supplement of Some Acts – in effect from 1 January 2006 and Act No. 518/2007 Coll. on Liability for Military Service amending the Act 570/2005 Coll.

According to the Constitution of the Slovak Republic, Art. 25 Para 2 „no person can be forced to exercise military service if this is in contradiction with his conscience or religious belief“. Based on a change of the Conscription Duty extent from 1 January 2006 and in accordance with Article 18 Para 2 letter b) and Article 25 Para 2 of the Constitution of the Slovak Republic, in time of war and state of war an alternative service may be conducted instead of the extraordinary service. It is adjusted by the Act No. 569/2005 Coll. on Alternative Service in Time of War and State of War. A registered citizen is obliged to conduct the alternative service if he rejects conducting the extraordinary service in state of security in line with Article 25 Para 2 of the Constitution of the Slovak Republic through a statement in writing that the extraordinary service performance contravenes his conscience or religion.

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

The international treaties and agreements ratified by the Slovak Republic, the Constitution of the Slovak Republic, the Act on state service of professional soldiers of Armed Forces of the Slovak Republic and on amendment of some acts (No. 346/2005 Coll.), the Act on Defence of the Slovak Republic (No.319/2002 Coll.), the Act on Compulsory Service (No. 570/2005 Coll.), the Act on Social Support of Policemen and Soldiers (No. 328/2002 Coll. as amended), and others ensure that all military personnel is treated fairly and equally in legal and administrative matters. All military personnel enjoy its constitutional and legal rights during military service, however some rights are limited. The petition right and the right of free assembly are limited when necessary for accomplishing the military mission. The professional military personnel cannot participate in political parties, however they have right to vote. The military personnel cannot establish the trade unions and have not the right to go on strike.

The rights of all military personnel are protected by the military justice system consisting of Military Courts and Military Prosecution, which form a part of the Slovak independent judicial system.

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

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

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

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?

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?

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

The Slovak Republic is party to all core international agreements in the field of international humanitarian law and the law of war, respectively law of armed conflict. Instructions on international humanitarian law and other international rules, conventions and commitments governing armed conflict are the integral part of training programmes for all military personnel. The MOD has effective training and education programs on international humanitarian law. Military personnel is trained in International Law of Armed Conflict with the emphasis on Geneva and Hague Conventions, peaceful settlement of international conflicts, sanctions against war crimes and crimes against humanity, protection of property and others. The international humanitarian law is a part of basic education and training in the military courses of various levels, in the Academy of the Armed Forces. There are special international humanitarian law courses with participation of international lecturers. Troops being prepared for international peacekeeping operations within the UN, NATO and EU are specifically trained on international humanitarian law. The Minister of Defence and the President of the International Committee of the Red Cross have signed the Agreement between the Ministry of Defence and the International Committee of the Red Cross on co-operation in promoting of international humanitarian law.

The Geneva Convention and additional protocols in the last Slovak version, videotape with training film on the Law of Armed Conflict and manual for commanders about "ius bellum", Law Concerning the Conduct of Hostilities (Collection of Hague Conventions and some other International Instruments), Handbook on the Law of War for Armed Forces, The Law of Armed Conflict – Teaching File for Instructors and manuals for soldiers participating in military operations outside the territory of the Slovak Republic were distributed to the Armed Forces of the Slovak Republic.

The Ministry of Defence in cooperation with the International Committee of the Red Cross has carried out a specialized course of “Ius Bellum” for military personnel. Some personnel from General Staff, command of the Air Force and command of Land Forces is taking part in the specialized course “Ius Bellum” in the International Institute of Humanitarian law in San Remo yearly.

Regulations of the Ministry of Defence of the Slovak Republic regarding the Protection of Cultural Property in the Event of Armed Conflict were approved and entered into force in 2006. This document implements the principles of the Convention for the Protection of Cultural Property in the Event of Armed Conflict (The Hague, 14 May 1954) and the Second Protocol to the Hague Convention of 1954 for the Protection of Cultural Property in the Event of Armed Conflict (the Hague, 26 March 1999) under conditions of Armed Forces of the Slovak Republic. The other document, the Regulations of the Ministry of Defence of the Slovak Republic regarding the training in the area of the law of the armed conflict are also the basis for personnel training.

The Slovak Committee for international humanitarian law performs as a consultative interdepartmental body for minister of Foreign Affairs of the Slovak Republic. Activities of the committee are concentrated on propagation of the international humanitarian law and law of armed conflict's ideas and principles. The members of the committee give lectures for the students of the universities and high schools and help as well as support activists of non-governmental humanitarian organizations.

Within the framework of criminal law recodification in the Slovak Republic, new criminal codes were adopted – Act No. 300/2005 Coll. Criminal Code as amended (hereinafter referred to as “Criminal Code”) and Act No. 301/2005 Coll. Code of Criminal Procedure as amended (hereinafter referred to as “Code of Criminal Procedure”), which came into effect on 1 January 2006. Chapter Twelve of the Criminal Code (§ 417 to 435) lays down criminal offences against peace, criminal offences against humanity and war criminal offences.

Basic principles of criminal liability are laid down in § 15 – 18 of the Criminal Code. In compliance with § 435 paragraph 3 of the Criminal Code, a military commander shall be also criminally responsible for the criminal offences provided in Chapter XII of the special part of the Criminal Code, if the offence was committed by armed forces under his effective command and control as a result of his or her failure to exercise control over such forces, if he knew or should have known on the basis of circumstances at that time that the armed forces were committing or were going to commit such criminal offences, and he did not take all necessary and reasonable measures within his power to prevent or repress the commission or failed to report the case to competent authorities for investigation and prosecution. The superior who issues an order shall be responsible for a criminal offence committed on the basis of such order as the offender. The Act on State Service in § 117 (Professional Discipline) paragraph 4 lays down that if a professional soldier thinks that a military order, command, directive or instruction of his commander is in conflict with a generally binding legal regulation, he is obliged to alert the commander to it. If the commander insists on the fulfillment the military order, command, directive or instruction, he must confirm it to the professional soldier in writing and the professional soldier shall be obliged to fulfil it. This section further lays down in paragraph 5 that a professional soldier is obliged to refuse to fulfil a military order, command, directive or instruction of his commander, if by the fulfillment he would commit a criminal act. He shall notify this fact without delay to the nearest superior of the commander, who has issued the military order, command, directive or instruction. A member of the armed forces shall be criminally liable if he was aware or could have been aware immediately after receiving an order that the order was obviously and clearly illegal and a criminal offence would be committed by fulfilling the order. If the soldier was aware that by fulfilling the order a criminal offence was committed, he should have warned his superior in order to not be criminally liable.

The Slovak Republic is bound by the Convention on the Non-Applicability of Statutory Limitations to War Crimes and Crimes Against Humanity, signed in New York on 26 November 1968 (for the Slovak Republic signed on 26 November 1968, ratified on 13 August 1970, Regulation No. 53/1974 Coll.). Pursuant to § 88 of the Criminal Code, the expiry of the limitation period shall not result in the extinction of the punishability for criminal offences set out in Chapter Twelve of the Special Part of the Act, except for criminal offence of supporting and promoting groups leading to the suppression of fundamental rights and freedoms pursuant to § 421 and § 422, the criminal offence of defamation of a nation, race and conviction pursuant to § 423 and the criminal offence of incitement to national, racial or ethnic hatred pursuant to § 424.

Pursuant to the provision of § 431 paragraph 1 to 2 of the Criminal Code (War Atrocities), any person, who in wartime violates the rules of international law by inhuman treatment of vulnerable civilian population, refugees, wounded persons, members of the armed forces who have laid down their arms, or prisoners of war, shall be liable to a term of imprisonment of four to ten years. The same sentence shall be imposed on any person, who in wartime violates the rules of international law by failing to take effective measures for the protection of persons, who are in

need of such help, in particular children, women, wounded or old persons, or who prevents such measures being taken or by impending or blocking civil protection organisations of an enemy, of a neutral or other state in the fulfilment of their humanitarian tasks.

Fundamental rights and freedoms as well as human and civil rights are governed by national law, in particular by the Constitution of the Slovak Republic. The Constitution stipulates that the obligations/duties can be imposed by law or on the basis of law, within its limitations and in maintaining of the fundamental rights and freedoms, by international treaties which directly confers rights and imposes duties on natural persons or legal persons, or by a regulation of the Government.

Act No. 321/2002 Coll. the Armed Forces of the Slovak Republic as amended defines the composition, role and use of the armed forces, armed forces command, control, status and roles of different authorities from the President of the Republic, over the Government to the commanders of individual components of the Armed Forces. In accordance with the Act on Defence of the Slovak Republic (No. 319/2002 Coll. as amended) and the Act on Compulsory Service (No. 570/2005 Coll.), the Armed Forces are tasked with protection of liberty, independence, sovereignty and territorial integrity of the state, assistance in prevention and rehabilitation of large-scale natural disasters, catastrophes and accidents threatening the human lives or the property.

The legal system of the Slovak Republic guarantees the protection of rights and interests protected by law to all without the difference of sex, nationality, colour of skin and citizenship.

The international treaties and agreements ratified by the Slovak Republic, the Constitution of the Slovak Republic, the Act No. 346/2005 Coll. on state service of professional soldiers of Armed Forces of the Slovak Republic and on amendment of some acts (hereinafter referred to as „Act on the state service“), the Act No.319/2002 Coll. on Defence of the Slovak Republic as amended, the Act No. 570/2005 Coll. on Compulsory Service as amended, the Act No. 328/2002 Coll. on Social Support of Policemen and Soldiers as amended, and others ensure that all military personnel is treated fairly and equally in legal and administrative matters. All military personnel enjoy its constitutional and legal rights during military service, however some rights are limited.

The petition right and the right of free assembly are limited when necessary for accomplishing the military mission. The professional military personnel cannot participate in political parties, however they have right to vote. The military personnel cannot establish the trade unions and have not the right to go on strike.

Act on the state service stipulates legal relations at the performance of state service of professional soldiers, conditions of admission to state service, the origin of service relationship. According to this Act the professional soldier, in connection with the performance of state service, must not be persecuted or otherwise affected for the fact that he lodges a complaint, brings an action or proposal for commencement of prosecution against the manager of the staff office, the commander or another professional soldier. This Act ensures the principle of equal treatment and prohibition of discrimination. While applying Article 54 of the Constitution that the law may restrict the civil rights of the armed forces and armed corps, restricts certain constitutional rights of professional soldiers (the right to petition is limited to individual applications, proposals and complaints; there is prohibition of membership in a political party or political movement, active participation in meetings of political parties and movements, prohibition of association in trade unions).

The Act defines the rights of professional soldiers, such as right for the conditions necessary for the regular performance of state service, the financial particulars in the state service according to this Act, the particulars in kind, protection of health at the performance of state service, the protection of human dignity in service contacts and in personal contacts with the manager of the staff office or the commander and the other professional soldiers, an adequate spiritual care and participation in religious activities, if it is not in contradiction with the needs of Armed Forces and the performance of state service. Professional discipline is determined as the obligation to observe the Constitution of the Slovak Republic, constitutional acts, acts, further generally binding legal regulations, military oath, the Ethical Code of professional soldier, service regulations, military commands, directives, orders and instructions of managers of staff offices and commanders. Commanders issue oral or written military orders, which commit the professional soldier to act according to them or to abstain from an action. The military order must not be issued in contradiction with the Constitution of the Slovak Republic, constitutional acts, acts, further generally binding legal regulations, service regulations, military oath and the Ethical Code of professional soldier.

The Slovak Republic included in its legal order the institute of ombudsman – public defender of rights,

whose position and activity are regulated by the Constitution of the Slovak Republic in article 151a and Act No. 564/2001 Coll. on the public defender of rights as amended. The public defender of rights is an independent body of the Slovak Republic that within the scope and in the way laid down by law protects basic rights and freedoms of natural persons and legal entities in proceedings before state administration bodies and other public power bodies, if their operation, decision-making or inactivity is in conflict with the legal order. In the cases laid down by law, the public defender of rights may take part in the exercise of liability of persons operating in public power bodies, if the persons violated a basic right or freedom of natural persons and legal entities.

Everybody who presumes that his basic rights or freedoms have been violated can turn to the public defender of rights. The public defender of rights may, in the matters of compliance with legal regulations pursuant to article 125 paragraph 1 of the Constitution of the Slovak Republic, if their further application can threaten the basic rights or freedoms, or the human rights and basic freedoms resulting from an international treaty, which was ratified by the Slovak Republic and which was declared in a way laid down by law, file a suggestion for starting proceedings before the Constitutional Court of the Slovak Republic.

The democratic political control over the Armed Forces in the Slovak Republic is exercised by a distribution of responsibilities and control power to various constitutionally established authorities. The National Council of the Slovak Republic (hereinafter referred to as "Parliament"), the President of the Slovak Republic, the Government of the Slovak Republic (hereinafter referred to as "Government") and its bodies share the assignments and responsibility in the field of defence and security of the Slovak Republic. In the field of state defence the Parliament makes decisions on basic issues of state defence and security, approves basic state defence and security concepts, fundamental strategic documents (Defence Strategy, Security Strategy), development programmes and plans in the field of state defence and security (submitted by the Government). The Parliament conducts supervision over fulfillment of state defence and security tasks as well. The Parliament has a special Committee for Defence and Security Issues. The Government approves state security system concepts and state defence system concepts, submits to the Parliament proposals of fundamental state defence concepts and proposals of principal strategic state defence and security documents, which must be in accordance with international agreements that are binding for the Slovak Republic. The Ministry of Defence implements defence policy according to guidelines and decisions of the Government and develops concepts and plans for the Armed Forces. Respect of international law and international treaties is condition sine qua non for Slovak national legislation. As the Party to Vienna Convention on the Law of Treaties, signed at Vienna on 23 May 1969 ensures compliance with commitments and obligations under international treaties including implementation into national law.

Gender related information

Slovakia strongly supports full implementation of the UNSC Resolution No. 1325 (2000) on women, peace and security that represents a concrete tool for promotion and protection of the rights of women in conflict and post-conflict situations. Active and equal participation of women in peace and security processes, including in peace and reconciliation efforts, represents the best tool of prevention of sexual exploitation, abuse and all other forms of violence against women. Women's empowerment can play a critical role in peace-building processes.

As far as Slovakia's own implementation of this Resolution is concerned, the long-term reform plan of the Slovak Armed Forces called "Model 2015" addresses also the gender issues and refers specifically to the UNSC Resolution No. 1325. Its implementation has already led to a moderate increase of the number of female officers (currently representing the figure of 7.5%) in all kinds of army units, including among the Slovak troops deployed in the UN, NATO and EU missions. Women in the Slovak Armed Forces undergo the same training as men and pre-deployment training of our peacekeepers includes also special gender training with particular emphasis on the promotion of gender equality and prevention of sexual crimes.

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?

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?

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

Under the Constitution, the Act on Free Access to Information No. 211/2000 Coll. and other laws as amended, all citizens have the right to receive information on activities of the armed forces unless this information is restricted under the Act No. 215/2004 Coll. on Protection of Classified Information or under other special laws for national security reasons. The MOD has a concept of media policy for enhancement of transparency of the activities of the Armed Forces to the public. The MOD has conducted surveys of public opinion concerning public relations to the Armed Forces. Survey results are accessed to public through media. The MOD public relations and information service provides the public with comprehensive information on national security policy and activities of the Armed Forces. There are regular press conferences, radio and television interviews, seminars, open days in garrisons, exhibitions and presentations, meetings with NGOs, periodicals and publications, brochures, audio-visual materials and helpline. The MOD has its own web site (www.mod.gov.sk) with basic facts on the armed forces.

There are authorities responsible for contacts with the public at every command level.

The MOD issues the yearbook „Ministry of Defence of the Slovak Republic“ with comprehensive information on military and political issues, organisational structure of the Ministry of Defence as well as the Armed Forces, defence planning and resources management, armaments modernization, international cooperation activities of the Slovak Armed Forces in operations of the international crisis management, military education system, cultural and sports activities, as well as the social system for the military personnel. The MOD public relations and information service issues a yearbook „Budget in figures, Facts and graphs“ with comprehensive issues about the transparency of the exploitation of the state budget financial resources.

2. Contact information

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

This Questionnaire on the Code of Conduct on politico-military aspects of security was prepared in cooperation with Ministry of Interior, Ministry of Defence, Ministry of Finance and National Council of the Slovak Republic. The national point of contact is the Ministry of Foreign Affairs.