

## **REFERENCE GUIDE ON THE QUESTIONNAIRE ON THE OSCE CODE OF CONDUCT ON POLITICO-MILITARY ASPECTS OF SECURITY**

This document contains an indicative list of references, which aims at providing useful information for participating States replying to the Questionnaire on the OSCE Code of Conduct on Politico-Military Aspects of Security. The references correspond directly to the indicated questions in the questionnaire which are shown in bold:

### **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?**

- Additional information to attachment.

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

- Laws (articles of penal code) and/or other national normative provisions, criminalizing offences from or otherwise implementing the agreements mentioned in Annex;
- Other legislative or policy developments not related to question 1.1;
- The development of new national action plans or strategies relating to terrorism.

##### **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?**

- Police forces (duties, rights, tasks);
- Security forces (duties, rights, tasks);
- Paramilitary forces (duties, rights, tasks);
- Military forces (duties, rights, tasks, training) and defence strategy/doctrine;
- Infrastructure (centres, etc.);

- State ministries/units (duties, rights, tasks) and their co-operation;
- Use of armed forces/security and police for internal and external missions relating to counter terrorism.

**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:**

- Any specific changes in national legislation or policy, strategy development;
- Implementation of relevant international standards in this field (Moneyval, FATF, etc.);
- Changes in institutional arrangements;
- Activities of State central bank in the field of CFT and AML;
- Establishment or efforts of national financial investigation/information units;
- Measures to strengthen the effective regulation of not for profits (to prevent misuse for terrorist purposes);
- Measures related to asset confiscation, proceeds of crime, witness protection, etc.;
- Awareness raising with relevant trade bodies (international money transfer services, etc.);
- International co-operation/technical assistance activities;
- Financial resources of terrorism.

**Border controls:**

- Any specific changes in national legislation or policy, development of strategy (border management, risk analysis. etc.);
- Implementation of relevant international standards in this field;
- Changes in institutional arrangements;
- Use of new technology (for example, x-ray, body scanning) for non-intrusive travellers and/or luggage checks;
- Awareness raising with relevant trade bodies (international airlines, etc.);
- International co-operation/technical assistance activities;

- Border security, residence permits (including immigrations, foreigners and refugees issues);
- Air security, maritime security;
- Real time access to Interpol's databases at border control;
- Use of the advantages offered by electronic travel documents at border control (e.g., through chip/electronic validation via the ICAO Public Key Directory (PKD), biometric verification, single-window approach, watchlists, etc.).

**Travel document security:**

- Any specific changes in national legislation or policy, development of a strategy for national identity management;
- Implementation of relevant international (e.g., ICAO/EU) standards in this field;
- Changes in institutional arrangements;
- Introduction of electronic passport (ePassport) and/or national ID card systems;
- Participation in the ICAO Public Key Directory (PKD);
- Use of new biometric (face, fingerprint, iris, etc.) technology;
- Reporting of lost and stolen travel documents to Interpol's Database on Lost and Stolen Travel Documents (SLTD);
- Awareness raising and dissemination of information to national authorities on detecting forged travel documents;
- Awareness raising with relevant trade bodies (private airports, etc.);
- International co-operation/technical assistance activities.

**Container and supply chain security:**

- Any specific changes in national legislation or policy (e.g., integrated control procedures, advance cargo information requirements, etc.);
- Strategy development (customs modernization, risk management, co-ordinated border management, integrated approach to supply chain security);
- Implementation of relevant international standards in this field (e.g., WCO, ICAO, IMO, WTO, etc.);

- Changes in institutional arrangements (e.g., inter-agency co-operation, specialized units);
- Use of modern technology in inspection equipment, in particular non-intrusive systems (e.g., x ray) to better search containers, other cargos and crafts;
- Use of information and communication technology;
- Awareness raising and co-operation with relevant trade bodies (shippers, forwarders, consignees, carriers, brokers, etc.);
- Implementation of an authorized economic operator (AEO) programme;
- International co-operation/technical assistance activities.

**Security of radioactive sources:**

- Any specific changes in national legislation or policy;
- Implementation of relevant international standards, for example, compliance with IAEA regulations;
- Changes in institutional arrangements;
- Strategy development;
- Measures to prevent the illegal storage, circulation or use of CBRN weapons and related materials;
- Measures to regulate laboratories and other premises involved in the production, storage or use of the above;
- Awareness raising with relevant trade bodies (laboratories, regulatory bodies, etc.);
- International co-operation/technical assistance activities (for example, participation in NATO CBRN training).

**Use of the Internet and other information networks for terrorist purposes:**

- Any specific changes in national legislation or policy (especially such, aimed at a comprehensive approach to cyber security);
- Implementation of relevant international standards in this field;
- Changes in institutional arrangements and response capabilities;
- Development of a national cyber/Internet security strategy;

- Awareness raising with civil society organizations, religious, cultural, ethnic, minority or age groups/audiences to highlight the potential risks of exploitation and radicalization via the Internet;
- Measures taken against incitement, dissemination of terrorist propaganda, violent radical views through the Internet;
- International co-operation/technical assistance activities (e.g., Europol “Check the Web” programme);
- Co-operation with academic, civil and private sector on cyber security.

**Legal co-operation including extradition:**

- Existence of laws on extradition and mutual legal assistance (MLA) and/or any specific changes in national legislation or policy in this regard;
- Implementation of relevant international standards in this field (Council of Europe, Europol, Interpol, etc.);
- Changes in institutional arrangements;
- Information on any bi-lateral agreements on extradition and/or MLA not already covered elsewhere;
- Additional assurance measures in place relating to human rights concerns (for example, as a result of European Court for Human Rights or other rulings);
- International co-operation/technical assistance activities.

**Safe havens and shelter to terrorists and terrorist organizations:**

- Any specific changes in national legislation, policy or administrative arrangements;
- Implementation of relevant international standards in this field;
- Cases where the extradition of people wanted on terrorism charges in another State has not taken place, due to circumstances beyond the State’s control, with indication of the reasons;
- Correlation of asylum and extradition in terrorism cases (is refugee status revoked when crimes, such as terrorism, committed by the refugee prior to asylum application, become known to the authorities?);
- Application of the obligatory principle *aut dedere aut judicare* (extradite or prosecute) in relation to terrorist suspects (examples of prosecution in your jurisdiction of a suspected terrorist who received refugee status, if he/she was not extradited);

- Existence and activities in the territory of the State of organizations and entities prescribed in other States as terrorist or extremist. International co-operation with such States with regard to these entities;
- Technical assistance activities.

Prevention of violent extremism and radicalization that lead to terrorism:

- Any specific changes in national legislation or policy;
- Changes in institutional arrangements;
- Strategy development, including on community level;
- Efforts by State, local and civil society actors to work with specific ethnic, racial or religious, etc., minorities or communities in order to: increase dialogue; reduce or counter tensions; provide early identification of potential conflict; reduce discrimination; strengthen tolerance and resilience of communities, address grievances;
- Measures in relation to the reform of educational curricula (for example, in the teaching of history or religions);
- International co-operation/technical assistance activities.

Public-private partnerships (PPPs) in countering terrorism:

- National experience with PPPs in countering terrorism (areas and forms of partnerships, possibly institutionalized);
- Experience with PPPs in countering terrorism in a transnational context;
- Inclusion of outreach activities and partnerships with the private sector (e.g., civil society, media and business community) in national counter-terrorism strategy/policy;
- Relevant legislative or regulatory provisions, directly or indirectly relevant for PPPs in security matters.

Critical energy infrastructure protection from terrorist attack:

- Existence or development of a national strategy/policy for identifying and protecting critical energy infrastructure;
- Implementation of physical and cyber security measures and standards;
- Institutional arrangement (e.g., specialized agency, inter-agency co-operation);
- Awareness-raising and co-operation with the private sector, including public-private partnerships;

- International/cross border co-operation and technical assistance activities.

## **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 agreements (bilateral, multilateral);
- Decision-making process in case of deployment of troops;
- Military activity in international operations (UN/ NATO/ EU/ coalitions).

## **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).

### **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, deployments 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.

## **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.

#### **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 subregional security co-operation;
- Multilateral co-operation, indivisible security, international transparency, and arms control;
- Contribution to international peace and constabulary missions.

### **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 basic structure of the armed security sector;
- Special information about civilian control and reforms on paramilitary and/or internal security force;
- Trends towards the privatization in the security sector/PMSCs.

**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).

**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 don't maintain such forces; or: information how you otherwise define these forces according to the tradition of your national security framework.

**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.

**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.

**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;

- 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;

#### **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;
- Special legal advisors and experts assigned to the ministry of defence and military command;
- Special and refresher training, including on human and cultural rights and gender issues on violence against women, counselling in trauma situation, in

particular relating to sexual violence for personnel deployed in peace and constabulary missions;

- IHL training to non-military and non-statutory forces.

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

- 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).

**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.

**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.

**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.

### **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;
- Seminars, 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.

##### **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.

**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.

**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.

## ATTACHMENT – LIST OF INTERNATIONAL AGREEMENTS AND ARRANGEMENTS

Please indicate if your State is party to the following universal and regional legal instruments relevant to preventing and combating terrorism and related co-operation in criminal matters. If your State is not a party to a treaty, but considers becoming a party, kindly indicate at which stage is such consideration (e.g., undergoing inter-ministerial co-ordination, approved by government and sent to parliament, approved by parliament and awaiting enactment by president, etc.)

	<b>Name of the treaty</b>	Party by: ratification <b>P(R)</b> , accession <b>P(a)</b> , succession <b>P(s)</b> , acceptance <b>P(A)</b> , approval <b>P(AA)</b> , or <b>Not party</b>	Law and date of ratification, accession, succession, acceptance, or approval
<b>Universal legal instruments</b>			
1.	Convention on Offences and Certain Other Acts Committed on Board Aircraft (1963)		
2.	Convention for the Suppression of Unlawful Seizure of Aircraft (1970)		
3.	Convention for the Suppression of Unlawful Acts against the Safety of Civil Aviation (1971)		
4.	Convention on the Prevention and Punishment of Crimes Against Internationally Protected Persons (1973)		
5.	International Convention against the Taking of Hostages (1979)		
6.	Convention on the Physical Protection of Nuclear Material (1979)		



7.	Protocol for the Suppression of Unlawful Acts of Violence at Airports Serving International Civil Aviation, supplementary to the Convention for the Suppression of Unlawful Acts against the Safety of Civil Aviation (1988)		
8.	Convention for the Suppression of Unlawful Acts against the Safety of Maritime Navigation (1988)		
9.	Protocol for the Suppression of Unlawful Acts Against the Safety of Fixed Platforms Located on the Continental Shelf (1988)		
10.	Convention on the Marking of Plastic Explosives for the Purpose of Detection (1991 )		
11.	International Convention for the Suppression of Terrorist Bombings (1997)		
12.	International Convention for the Suppression of the Financing of Terrorism (1999)		
13.	International Convention for the Suppression of Acts of Nuclear Terrorism (2005)		
14.	Amendment to the Convention on the Physical Protection of Nuclear Material (2005)		
15.	Protocol to the Convention for the Suppression of Unlawful Acts against the Safety of Maritime Navigation (2005)		
16.	Protocol to the Protocol for the Suppression of Unlawful Acts against the Safety of Fixed Platforms Located on the Continental Shelf (2005)		
17.	Convention on the Suppression of Unlawful Acts Relating to International Civil Aviation (2010)		
18.	Protocol Supplementary to the Convention for the Suppression of Unlawful Seizure of Aircraft (2010)		
19.	The United Nations Convention Against Transnational Organized Crime (2000)		
<b>The Council of Europe legal instruments</b>			
20.	European Convention on the Suppression of Terrorism (1977) CETS No: 090		

21.	Protocol amending the European Convention on the Suppression of Terrorism (2003) CETS No: 190		
22.	Council of Europe Convention on the Prevention of Terrorism (2005) CETS No: 196		
23.	Council of Europe Convention on Laundering, Search, Seizure and Confiscation of the Proceeds from Crime and on the Financing of Terrorism (2005) CETS No: 198		
24.	European Convention on Extradition (1957) CETS No: 024		
25.	Additional Protocol to the European Convention on Extradition (1975) CETS No: 086		
26.	Second Additional Protocol to the European Convention on Extradition (1978) CETS No: 098		
27.	European Convention on Mutual Legal Assistance in Criminal Matters (1959) CETS No: 030		
28.	Additional Protocol to the European Convention on Mutual Legal Assistance in Criminal Matters (1978) CETS No: 099		
29.	Second Additional Protocol to the European Convention on Mutual Legal Assistance in Criminal Matters (2001) CETS No: 182		
30.	European Convention on the Transfer of Proceedings in Criminal Matters (1972) CETS No: 073		
31.	Convention on Laundering, Search, Seizure and Confiscation of the Proceeds from Crime (1990) CETS No: 141		
32.	Convention on Cybercrime (2001) CETS No: 185		

Please list below any **other regional, subregional or bi-lateral agreements or arrangements** relevant to preventing and combating terrorism and related co-operation in criminal matters, to which your country is a party.


