



**Convention on the  
Rights of the Child**

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**COMMITTEE ON THE RIGHTS OF THE CHILD**

**CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES  
UNDER ARTICLE 8 (1) OF THE OPTIONAL PROTOCOL TO THE  
CONVENTION ON THE RIGHTS OF THE CHILD ON THE  
INVOLVEMENT OF CHILDREN IN ARMED CONFLICT**

**Initial reports of States parties due in 2004**

**CZECH REPUBLIC\***

[30 June 2005]

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\* This report has not been edited before being submitted for translation.

## Introduction

1. The Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict (hereinafter referred to as the “Protocol”) was adopted in New York on 25 May 2000. The Protocol was signed on behalf of the Czech Republic in New York on 6 September 2000 and approved by the Parliament of the Czech Republic in accordance with Article 39, paragraph 4 of the Constitution of the Czech Republic (Constitutional Act No. 1/1993, the Constitution of the Czech Republic, as amended by subsequent constitutional legislation) as an international treaty on human rights and fundamental freedoms in terms of Article 10 of the Constitution. Following ratification by the President of the Czech Republic, the instrument of ratification was deposited with the Secretary General of the United Nations, the Protocol’s depositary, on 30 November 2001. The Protocol was promulgated by notice No. 45/2003 in the Journal of International Treaties (*“Sbírka mezinárodních smluv”*). In accordance with its Article 10, paragraph 1, the Protocol entered into force, i.a. for the Czech Republic, on 12 February 2002. This report is submitted pursuant to Article 8, paragraph 1 of the Protocol. In accordance with Article 3, paragraph 2 of the Protocol, the Czech Republic deposited a binding declaration upon ratification stating that the minimum age for voluntary recruitment into its national armed forces is 18 years. This age limit is prescribed by the Military Obligation Act.<sup>1</sup>

2. The Constitution of the Czech Republic establishes the primacy of promulgated international treaties, the ratification of which has been approved by the Parliament and which are binding on the Czech Republic. The Protocol is an international treaty in terms of Article 10 of the Constitution; accordingly, it is part of the national legislation. This means that the Protocol is directly binding and takes precedence over national laws.

## Article 1

3. The Czech Republic’s legislation does not explicitly define hostilities and persons taking part in them. Czech jurisprudence generally uses these terms in the meaning they have in international public law, or derives the meanings from military terminology. The duty of members of the armed forces to take direct part in hostilities arises from the tasks assigned to the armed forces under the Armed Forces Act,<sup>2</sup> from the military oath of allegiance and the Basic Code of the armed forces.<sup>3</sup>

4. Members of the armed forces must be over 18 years old. This age-limit cannot be lowered in any crisis situations (see paragraph 6). According to ordinary court rulings, members of the armed forces in a combat situation are expected to do everything in their power to oppose the enemy in accordance with their military duty. Again, the terms are defined only for the purposes of the branches of law that use them.<sup>4</sup> The meaning of “combat”, as derived from military terminology, is the principal form of activity of the armed forces, aimed to destroy the enemy or to take him prisoner and to occupy important areas. “Combat activity” means organized use of forces and means to fulfil the assigned combat tasks.

5. The legislation regulating enlistment in the armed forces and security corps does not permit enlistment, compulsory or voluntary, of persons under 18 years of age. It was in force at the time of the Czech Republic's accession to the Protocol; accordingly, no special legislative measures were necessary for the application of Article 1.
6. Decisions to declare the state of emergency, state of national danger or the state of war depend on the intensity and nature of the threat<sup>5</sup> and size of the threatened area. The state of emergency or national danger may concern a specific area or the whole country, while the state of war always concerns the whole country.
7. The state of emergency is declared in the event of natural disasters, environmental or industrial accidents or similar contingencies.
8. The state of national danger is declared in the event of an imminent threat to the country's sovereignty, territorial integrity or democratic system. The threat may be internal, not related to national defence, or external, of military nature.
9. The state of war is declared if the Czech Republic is under attack, or required to fulfil its collective defence commitments.
10. The state of emergency is declared by the Government. If there is danger in delay, it can be declared by the Prime Minister, whose decision must be endorsed or cancelled by the Government within 24 hours. The state of national danger is declared by the Parliament at the Government's request. The power to decide on the declaration of the state of war is vested in the Parliament. The maximum duration of the state of emergency is thirty days and its extensions are subject to prior consent of the Parliament's Chamber of Deputies. The state of national danger and the state of war are declared for an indefinite period, for the duration of the threat. Notices declaring and terminating the state of emergency, national danger or war are published in the Journal of Laws (*"Sbírka zákonů"*) and in the media. The necessary restriction of rights and imposition of additional duties in crisis situations is permitted by the Charter of Fundamental Rights and Freedoms. Any restrictions must be lifted when the crisis comes to an end.

### **Forces ensuring the security of the Czech Republic**

11. The Czech Republic's security is ensured by its armed forces and security corps.<sup>6</sup> The armed force most likely to take part in armed conflicts is the Czech Republic Army. The security corps with a major role in such situation would be the Czech Republic Police. The role of other elements remains hypothetical. Persons under 18 years of age not accepted into any of these structures, with the exception of Army and Police secondary schools.<sup>7</sup> Members of the security corps might, in theory, take part in combat, even though this is not their primary function. No member of these corps may be under 18 years old, and this age limit cannot be lowered in crisis situations.

**(a) Armed forces**

12. The mechanism for meeting the manpower requirements of the Czech Republic Army is based on the military obligation.<sup>8</sup> Citizens of the Czech Republic incur the military obligation on attaining 18 years of age. People who acquire Czech citizenship after reaching this age incur the obligation on the date of acquiring Czech citizenship.

13. The scope and content of the military obligation are defined in the Military Obligation Act.<sup>9</sup> This legislation contains detailed rules on the military obligation, including rules on voluntary assumption of the military obligation<sup>10</sup> and the procedures for fulfilling the obligation.<sup>11</sup> It creates Regional Military Commands to perform administrative functions related to the military obligation<sup>12</sup> (for details see Article 2). It regulates the call-up procedure during the state of national danger and the state of war, and defines the Government's and President's competences, especially as regards armed forces mobilization.

**Military obligation**

14. "Military obligation" means the duty to perform the tasks of the Czech Republic's armed forces (hereinafter referred to as the "armed forces"), including the duty to undergo draft proceedings, to perform active military service and other duties. It concerns only citizens of the Czech Republic between 18 and 60 years of age. Citizens under 18 years of age do not incur such obligation and cannot assume it voluntarily.

15. "Draft obligation" means the duty to undergo draft proceedings, including medical assessment of fitness for military service. The citizen incurs this duty on attaining 18 years of age. Depending on the result of the draft proceedings, he is graded as fit or unfit for military service (for details, see Article 2).

16. In situations other than the state of national danger or state of war, "active military service" may take the form of basic recruit training, regular service in terms of the Regular Soldiers Act<sup>13</sup> and military training exercises or emergency military exercises. During the state of national danger or state of war, active military service takes the form of "emergency service".

17. A citizen becomes a "soldier" on the date of entry into force of a decision grading him fit for active service. Soldiers must report for active military service at a specified time, and must perform the service personally. A soldier performing any of the above duties is a "soldier in active service".

**(b) Czech Republic Police**

18. A citizen of the Czech Republic over 18 years of age may join any armed corps, subject to conditions such as good moral character, professional qualifications, physical and mental fitness for service.<sup>14</sup>

## Article 2

19. According to the new Military Obligation Act that took effect on 1 January 2005, Czech citizens incur the military obligation at the age of 18, like under the previous legislation. However, the obligation will be fulfilled on a compulsory basis only during the state of national danger or the state of war. Accordingly, draft proceedings will take place only in crisis situations. The military obligation terminates when the citizen reaches retirement age.

20. According to the new policy concept for building the Czech Republic's armed forces, the peacetime armed forces are fully professional. Enlistment is voluntary and the service is based on a contract between a citizen and the State. Citizens are still subject to the constitutional military obligation, but will have to fulfil it only during the state of national danger or the state of war. Similarly, participation in military training exercises will be compulsory only in crisis situations. In peacetime, reserve soldiers may take part in training on a voluntary basis.<sup>15</sup>

### Draft proceedings

21. As mentioned above, draft proceedings will take place only during the state of national danger or the state of war. Before the proceedings begin, the Regional Military Command will distribute questionnaires for the purposes of initial registration. Completion of the questionnaire will be the citizen's first duty under the Military Obligation Act. The questionnaire contains personal data, including data on the respondent's health condition.<sup>16</sup> The proceedings will be conducted by Draft Boards at each Regional Military Command. To guarantee impartiality of decisions, the Board will include soldiers as well as civilian members.

22. The citizen will thus appear before a Draft Board comprising members of the military administrative authorities, local government representatives and two civilian physicians. The citizen will be required to present an identity document and documents proving special skills or qualifications, such as a driving licence or medical certificate. The Draft Board's decision has the status of an administrative decision and can be reviewed by court.

23. The decision may grade the citizen as fit for active service without limitations, fit with certain limitations, temporarily or permanently unfit.<sup>17</sup> The Military Obligation Act permits temporary exemptions from the military obligation.<sup>18</sup>

## Article 3

24. The only type of armed forces/security corps schools for students under 18 years of age are secondary schools.<sup>19</sup> They are established in accordance with the Education Act<sup>20</sup> and their general education policies are subject to agreement with the Ministry of Education, Youth and Sports. Students are admitted at the age of fifteen years, after completing compulsory school attendance. Candidates must pass admission tests covering academic abilities as well as medical fitness.

25. Complaints made by students and their parents are processed in accordance with a general regulation on individual complaints.<sup>21</sup>

### **Schools run by the armed forces**

26. “Military schools” are military secondary vocational and technical schools. They are subject to the Education Act,<sup>22</sup> except for clearly identified rules that do not concern the type of education and training provided by these schools. Military schools are established, abolished and run by the Defence Ministry. Their general education policies are subject to agreement with the Ministry of Education, Youth and Sports (hereinafter referred to as the “Education Ministry”); however, some of the functions of the Education Ministry and other central authorities are transferred to the Defence Ministry or the Defence Minister.

27. The service of students and teachers who are soldiers in active service is subject to special regulations, e.g. the Military Obligation Act.

28. Students entering military schools are not soldiers and do not become soldiers in the course of study. This rule would continue to apply in crisis situations: teachers-soldiers would be detailed to other duties and the schools temporarily closed down. Military school graduates do not incur any financial or other obligations towards the armed forces. There is no pressure on the students to apply for regular army jobs.

29. Beside general education, military secondary schools provide education and training for duties on the warrant officer level, training for a chosen specialization, as well as full secondary vocational and technical education. The study lasts four years and is concluded with a standard school-leaving examination. Graduates are well prepared for transfer into the civilian sector after the end of military career. The schools run by the armed forces currently include:

- *Military Secondary School at Vyškov*, training specialists for the artillery and engineer corps; other fields of study include military chemistry, vehicle operation and maintenance, military catering, economy and equipment support.
- *Military Secondary School in Brno*, training specialists for duties on the warrant officer level in three fields with fifteen specializations, including ground forces equipment support, air force technical and equipment support, air defence, air force and communication systems.
- *Military Conservatory at Ústí nad Labem*, a specific type of military secondary school training musicians for duties on the warrant officer and junior officer levels in military music bands (instrumentalists and bandmasters); the study lasts six years and is concluded with a school-leaving examination.
- *Defence Ministry Secondary Technical School at Moravská Třebová*, providing comprehensive secondary education according to the “Lyceum” education programme, with emphasis on management, IT and foreign languages.

30. The schools in Vyškov, Brno and Roudnice nad Labem are in the process of downsizing and have not admitted new students since the 2003/2004 academic year. The present students will be able to complete their study programmes. The downsizing process will end in 2006.

School	Number of students			
	2004	2005	2006	2007
Defence Ministry Secondary Technical School at Moravská Třebová	300	265	250	250
Military Secondary School in Brno	200	162	83	0
Military Secondary School at Vyškov	300	142	80	0
Military Conservatory at Roudnice nad Labem	50	37	20	0

31. The main subjects are mathematics, Czech language, IT and languages. The students are taught only the very basic notions and skills of the military profession. Beside subjects such as management, or military games with topics ranging from orienteering, drill, first aid to shooting practice, there are physical training courses covering e.g. the MUSADO military combat system, military mountaineering and swimming. The schools organize sports days and weekend training camps with programmes including e.g. survival techniques. These activities take up 20% of total teaching time. One third of the lessons that can be described as military training involve the handling of personal weapons, issued strictly for the duration of the lesson.

32. The curricula of all study programmes at military schools include instruction on human rights, including the rights of the child. During the civics course the students learn about the constitutional safeguards of human rights in the Czech Republic and the status of international human rights treaties. All students are specifically informed about the content of the Convention on the Rights of the Child.

33. There are no statistics on the age, social and ethnic origin of students at military schools.<sup>23</sup>

34. Life in military schools is not ruled by army discipline and differs little from student life in ordinary boarding schools. On the other hand, military school students receive free board, lodging and other necessities, such as e.g. special uniforms (different from military uniforms).

35. Compliance with internal rules and procedures, including the protected rights of students, is supervised by the Defence Ministry's Personnel Section. Protection of students' rights is also supervised by the Chief Human Rights Inspector at the Defence Ministry's Inspection Department. In recent years the inspections have not found any breaches of the students' rights safeguarded by internal rules and procedures.

School	Composition of teaching staff	
	Soldiers (%)	Civilians (%)
Defence Ministry Secondary Technical School at Moravská Třebová	39	61
Military Secondary School in Brno	59	41
Military Secondary School at Vyškov	62	38
Military Conservatory at Ústí nad Labem	38	62

36. The Higher Education Act<sup>24</sup> enables the establishment of military higher education institutions. These schools are incorporated in the higher education system. They admit members of the armed forces (i.e. persons over 18 years of age), as well as students who are not soldiers in active service, but meet the criteria for admission. Applicants for admission to military higher education institutions must have completed secondary or secondary vocational or technical education.<sup>25</sup> Military higher education institutions educate future regular officers. After the expiry of their contracts with the Czech Republic Army, the graduates find jobs in the civilian sector.

### **Schools run by armed security corps**

37. Secondary police schools are established and run by the Interior Ministry, the authority in charge of armed security corps.<sup>26</sup> The study programme called “Activities in the Sphere of Security and Law” is designed for students who have completed primary education. Applicants for admission have to pass admission examinations. General subjects are taught by civilians, special subjects by members of the Czech Republic Police.

38. The general education policies at secondary police schools are subject to agreement with the Education Ministry. However, some of the functions of the Education Ministry and other central authorities are transferred to the Interior Ministry or the Interior Minister. The service of teachers who are members of security corps is governed by legislation on the service of members of security corps.<sup>27</sup> Police schools are organizational units of the State.

39. The admission procedure and school-leaving examinations do not differ from ordinary secondary schools.<sup>28</sup> Students take part in Education Ministry competitions, regional and national sports events, and have won many prizes.

40. Teaching documents for the “Activities in the Sphere of Security and Law” programme are developed in consultation with the National Institute of Technical and Vocational Education. They build on the regularly updated general education curricula of the secondary vocational and technical schools run by the Education Ministry. Teachers of subjects covered by the standard school-leaving examination attend seminars organized by the Centre for Evaluation of Education Results (CERMAT) for guidance on the standard school-leaving examination, as defined in the Education Act.

41. The courses at secondary police schools include shooting practice. Initial practical training begins in the third grade (22 lessons per year, i.e. 16.9%), followed by pistol shooting practice in the fourth grade (24 lessons per year, i.e. 18.5%). The students use air rifles and pistols and smallbore rifles, pistols and revolvers. Shooting practice takes up roughly 1.53% of total teaching time. The 46 shooting lessons represent roughly 1.09% of the total number of 4,190 lessons in four years of study. The students do not possess arms. The schools issue registered arms for the purposes of shooting practice, for a strictly necessary period and subject to compliance with security regulations. The minimum quota of weekly lessons in basic subjects is 116. In this quota, eight lessons are devoted to special subjects (criminology, security service, shooting practice, communication technologies practice). The teaching plan is consistent with



the curricula and standards of secondary vocational and technical education of non-military nature. It places particular emphasis on the study of languages, law and physical training. The quota of optional subjects provides students with the opportunity to develop their individual skills, and gives the school the chance to offer additional lessons in subjects covered by the school-leaving examination.

Subject name and category	Minimum quota of weekly lessons in four-year study cycle
A. Compulsory subjects	122-131
(a) Basic	116 (52)
Czech language and literature	12
Two foreign languages	20 (20)
Civics	4
History	4
Mathematics	8 (2)
Physics	2
Chemistry	2
Geography	2
Economics	3
Psychology	4
Biology	2
Informatics and IT	6 (6)
Technology of administration	4 (4)
Law	14
Criminology	4
Security service	4
Physical training	16 (16)
Shooting practice	2 (2)
Communication technologies practice	2 (2)
Civil protection	1
(b) Optional	6-15

42. Shooting is taught in accordance with the rules of sports shooting and with the applicable curricula. Shooting practice is always supervised by teachers.<sup>29</sup> Before the lesson, the teacher prepares arms and ammunition at the shooting range according to the study plan. The class is divided into two groups of not more than fifteen pupils. At least two teachers per group must be present throughout the live shooting practice, with a third teacher in charge of dry practice, i.e. weapon handling routines (i.e. there are 5-8 pupils per teacher). In the third grade the students use air guns and pistols, in the fourth grade smallbore rifles and smallbore pistols with “Cadet” adapters. After the lesson, arms are inspected and cleaned under the teacher’s supervision and returned to the school depot.

43. Human rights issues are mostly covered by the civics course (general education subject), and law course (special subject).

44. The general purpose of the civics course is to prepare students for private and public life, to teach personal responsibility and critical thought. The course covers topics from the sphere of social sciences, such as sociology, political science, multicultural coexistence, law, ethics, and philosophy, integrated to form a didactic set. The civics curriculum for the “Activities in the Sphere of Security and Law” programme is based on the general civics curriculum for secondary vocational and technical schools.

45. The law course focuses on the relevant branches of Czech law, with emphasis on constitutional, civil and family law, business and trades licensing law, labour, criminal and administrative offences law, as well as on the functions of public administration and government in the field of internal security. The students should acquire knowledge and skills necessary for performance of the law and security function in public administration and local government. They should be able to understand, use and correctly interpret all basic legal categories. The course includes practical training.

46. There are no statistical data on the social, ethnic or urban/rural origin of students. These aspects are not taken into account in the admission procedure. Data on students are annually provided to the Institute for Information on Education for the purposes of basic overview of the development of the Czech education system. A summary of the data is published in the Education System Statistical Yearbook and presented to the OECD. The Interior Ministry also presents enrolment reports to the Institute for Information on Education.<sup>30</sup> Students enrolled in the “Activities in the Sphere of Security and Law” programme are not members of any armed corps. Their status is not affected by mobilization or crisis situations. They do not enter into any contracts with the school; graduates may freely choose any job or higher education programme. The students are not “predestined” for service in any armed corps.

**Number of classes in the 2004/2005 academic year “Activities in the Sphere of Security and Law” programme**

Number of classes			
Grade	Interior Ministry Secondary Police School in Prague	Interior Ministry Secondary Police School at Holešov	Total
1 <sup>st</sup>	0	2	2
2 <sup>nd</sup>	2	2	4
3 <sup>rd</sup>	2	3	5
4 <sup>th</sup>	2	3	5
Total	6	10	16

**Number of students in the 2004/2005 academic year “Activities in the Sphere of Security and Law” programme**

Year	Number of students – 6842M003 programme					
	Interior Ministry Secondary Police School in Prague		Interior Ministry Secondary Police School at Holešov		Total	
	Students, total	incl. girls	Students, total	incl. girls	Students, total	incl. girls
1 <sup>st</sup>	0	0	62	34	62	34
2 <sup>nd</sup>	52	31	63	34	115	65
3 <sup>rd</sup>	57	24	90	27	147	51
4 <sup>th</sup>	47	31	86	27	133	58
Total	156	86	301	122	457	208

47. Complaints concerning schools run by armed security corps are processed in accordance with a general regulation on individual complaints<sup>31</sup> and with Interior Ministry Directive No. 10/2000 concerning the processing of petitions, complaints, reports and other communications. As far as possible, the students’ complaints concerning study and school life should be handled by the class teacher. In case the student is not satisfied with the result, he or his legal representative may complain to the headmaster in writing. Both secondary police schools have installed special boxes for the collection of complaints, including anonymous ones. Students or parents unsatisfied with the headmaster’s response may appeal to the Interior Ministry’s Department for Education and Administration of Police Education and then to the Interior Minister.

**Complaints and other communications concerning the “Activities in the Sphere of Security and Law” programme**

Year	Complainant	Interior Ministry Secondary Police School in Prague	Interior Ministry Secondary Police school at Holešov	Interior Ministry Education Department	First Deputy Interior Minister	Interior Minister
2003	Student	0	0	0	1*	0
	Employee	0	0	0	0	0
2004	Student	0	0	0	0	0
	Employee	0	0	0	0	0

\* A request for review of the decision of the director of the Interior Ministry Education Department, outside the appeals procedure. The decision concerned a rejected applicant for admission to the Secondary Police School at Holešov. The request was found unsubstantiated.

**Article 4**

48. The Czech Government’s powers extend to the entire territory of the Czech Republic. Czech legislation does not permit any activities of armed organized groups as distinct from the armed forces and security corps of the State. It is illegal for natural persons and legal entities to possess military weapons and automatic firearms without a special Interior Ministry licence. Persons under 18 years of age are not even allowed to acquire firearms for personal protection.<sup>32</sup>

### Article 5

49. In Czech legislation international treaties take precedence over national laws. Article 10 of the Constitution of the Czech Republic provides that “*promulgated international treaties, the ratification of which has been approved by the Parliament and which are binding on the Czech Republic, are part of the national legislation; in case the provisions of an international treaty differ from those of a law, the international treaty shall be applied*”. In the event of a conflict between a national law and an international treaty, the international treaty must be preferentially applied. If the conflict impedes effective exercise of the rights enshrined in international treaties, the Constitutional Court may be asked to repeal a national law or regulation, in whole or in part.

50. For information about the status of ratifications of major international instruments concerning children in armed conflicts *and* other commitments, see Annex 2.

### Article 6

51. No legislative measures had to be taken in connection with accession to the Protocol. The legislative ban on recruitment of persons under 18 years of age into the armed forces and security corps was in place already before the accession. Since the national legislation rules out the existence of any other armed groups in the country’s territory, no measures were needed also in this respect. Similarly, there was no need for organizational changes or new procedures concerning regional public administration, local governments and the civilian public.

52. Implementation of the Protocol in the armed forces is the responsibility of the Defence Ministry. The Czech Republic’s armed forces contribute troops, including whole units or individual military observers, to peacekeeping operations led by international intergovernmental organizations (UN, EU, OSCE). Only regular soldiers are used for these missions. Pre-mission training includes instruction on the law of armed conflicts; the issue of international humanitarian law and human rights, including the rights of the child and the Protocol, takes up one half of the time allowed for this instruction.

53. Implementation of the Protocol in armed security corps is the responsibility of the Interior Ministry.

54. The Czech Republic has no monitoring mechanisms and tools for periodic review of practical implementation of the Protocol. The national legislation that was in place already before accession to the Protocol serves this purpose adequately.

### Article 7

55. On 8 December 2003, the European Union adopted the Guidelines on Children and Armed Conflict (hereinafter referred to as the “Guidelines”). The EU’s policy is to monitor and report on the situation in third countries as well as in EU countries, to assess the reports and take action on their basis. For this purpose, the EU has at its disposal tools for action (such as *démarches*) listed in the Guidelines.

56. The Czech Republic wants to take an active part in the implementation of the Guidelines, initially by contributing to the projects of its partners, later through its own project focused especially on African states.

57. The coordinator of foreign development cooperation projects is the Foreign Ministry. The projects may be designed for one country or several countries, and may require the cooperation of other ministries, non-governmental organizations or international organizations.<sup>33</sup>

58. In March 2000, the Czech Republic's armed forces began to cooperate with the international movement On Own Feet, founded in 1990 by Mrs. Běla Gran Jensen, a Norwegian of Czech origin. The main idea of the movement is "children helping children". Thousands of children and hundreds of teachers are taking part, organizing collections to help ill or handicapped children i.a. in regions affected by instability or armed conflict.

59. Czech soldiers taking part in peacekeeping missions, especially CIMIC (civil-military cooperation) units, inform the On Own Feet movement about places where assistance is most needed. In such places the movement e.g. helps to renovate and equip school buildings, with Czech soldiers lending a hand with the reconstruction work. The movement has provided this type of assistance in Bosnia and Herzegovina, Kosovo and Afghanistan. The Czech Republic's armed forces provide technical support for the distribution of aid by the movement in their areas of deployment, including support and facilities for the movement's workers.<sup>34</sup>

60. Another programme run by the government authorities to assist children in areas affected by armed conflict is the MEDEVAC project of the Interior Ministry's Asylum and Migration Policy Department. Its purpose is humanitarian evacuation of disabled people from Iraq and provision of immediate humanitarian aid to the Iraqi population.<sup>35</sup> The armed forces have become involved in the project during the humanitarian mission of the 7<sup>th</sup> Field Hospital of the Czech Republic Army in Iraq in 2003. For the first time, the organizational structure of the hospital included a paediatrician treating child patients. Clients selected for the MEDEVAC programme are children with serious inborn and injury-related disabilities, who are sent to the Czech Republic for surgical treatment. The armed forces are responsible for selection of eligible children and their transport to the Czech Republic and back. Since July 2003, twenty-three children have been treated in the Czech Republic under the programme.

### Notes

<sup>1</sup> Act No. 585/2004 concerning the military obligation and procedures for its fulfilment (Military Obligation Act), Act No. 186/1992 concerning the service of members of the Czech Republic Police as amended (see Annex 1, Part A).

<sup>2</sup> Act No. 219/1999 concerning the armed forces of the Czech Republic as amended.

<sup>3</sup> The Basic Code of the Armed Forces of the Czech Republic sets the rules governing the life of soldiers in active service, as determined by the President of the Czech Republic in his capacity as supreme commander of the armed forces and in accordance with Act No. 220/1999 (see 04666337)

Annex 1, Part B) concerning conscript service or alternative service and military training exercises and concerning certain terms and conditions applicable to reserve soldiers. In particular, the Code contains detailed regulations on military disciplinary law, relationships between members of the armed forces, and on active military service. The Code is binding on all members of the armed forces.

<sup>4</sup> E.g. in constitutional law there are clear rules for the state of war, its declaration and duration, and the restrictions it entails. Similarly, the Criminal Code (Act No. 140/1961, the Criminal Code, as amended, hereinafter referred to as the “Criminal Code”) contains crimes that can be committed only during the state of war or in a combat situation (Part Two, Chapter One, Chapter Ten and Chapter Twelve of the Criminal Code), as well as crimes that carry stricter sentences when committed in these situations. For the purposes of application of these provisions, the Criminal Code defines terms such as a “soldier” (soldiers in active service; persons who have become members of the armed forces upon being called up for special service; soldiers not in active service, if they are in uniform; or prisoners of war – Section 90 of the Criminal Code). In the case of some crimes, the term “soldier” includes also members of any security corps (Sections 273, 274, 279, 285, 286 and 288a of the Criminal Code). For the purposes of criminal law, the term “combat situation” means the unit’s situation immediately before and during engagement with the enemy. Combat situations may occur in war as well as in peacetime, e.g. attack on a sentry at a post, armed incidents or situations encountered in the course of duty during a peacekeeping mission abroad.

<sup>5</sup> In response to an imminent threat to the sovereignty, territorial integrity or democratic system of the Czech Republic, or to a substantial threat to internal order and security, human lives and health, property or the environment, or in order to honour international commitments concerning collective defence.

<sup>6</sup> The Czech Republic’s armed forces comprise the Czech Republic Army, Military Bureau of the President of the Czech Republic and the Prague Castle Guards. Czech legislation does not recognize “armed corps” as a separate entity, because the functions related to internal order and response to contingencies are performed jointly by armed and unarmed corps in Government service. For this reason, Czech legislation uses the term “security corps”, which includes the Czech Republic Police, Fire and Rescue Service, the intelligence services, Customs Administration, Prison Service and the Court Guards Service. Each of the laws regulating these services contains the rule that persons joining them must be over 18 years old.

<sup>7</sup> For details see Article 3, subchapter on “Schools run by the security forces”.

<sup>8</sup> The military obligation is established in Article 4, paragraph 1 of Constitutional Act No. 110/1998 concerning the security of the Czech Republic. Detailed rules are laid down in Act No. 585/2004 concerning the military obligation and the procedures for its fulfilment (Military Obligation Act, see Annex 1, Part A).

<sup>9</sup> Act No. 585/2004 concerning the military obligation and the procedures for its fulfilment (Military Obligation Act, see Annex 1, Part A).

<sup>10</sup> Czech citizens not subject to the military obligation, as well as aliens, may apply for permission to assume the obligation voluntarily. Most of the applicants are people seeking regular army jobs.

<sup>11</sup> See Annex 1, Part D.

<sup>12</sup> Additional particulars are provided in Defence Ministry Regulation No. 256/1999 concerning assessment of fitness for active military service, and in Defence Ministry Regulation No. 260/1999 implementing certain provisions of Act No. 218/1999 concerning the scope of the military obligation and concerning military administrative authorities as amended by Regulation No. 16/2003.

<sup>13</sup> Act No. 221/1999 concerning regular soldiers as amended (see Annex 1, Part C).

<sup>14</sup> Particulars are provided in Act No. 361/2003 concerning the service of members of security corps.

<sup>15</sup> To reflect the change of policy on military obligations and the raising of armed forces, the former Territorial Military Administrations and the Main Recruitment Office have been abolished and the administrative functions transferred to new Regional Military Commands. In peacetime, recruitment of regulars and selection of applicants for acceptance into active reserve is the responsibility of military authorities. During the state of national danger or the state of war, civilian Regional and District Offices would be required to cooperate with the military, especially in call-up proceedings.

<sup>16</sup> See Annex 1, Part E.

<sup>17</sup> Particulars are provided in Defence Ministry Regulation No. 256/1999.

<sup>18</sup> E.g. Paragraph 33 section 1 of the Military Obligation Act provides that “Deputies and Senators of the Parliament, members of the Government, Constitutional Court judges, the President, Vice-President and members of the Supreme Audit office, citizens holding posts with diplomatic and consular privileges and immunities and Regional Office directors shall not be called up for draft proceedings and for emergency service as long as they continue to hold these posts.”

<sup>19</sup> In general, secondary schools are schools providing secondary vocational or technical education, full secondary education, full secondary vocational or technical education and higher vocational or technical education, and preparing students for positions and work in the national economy, administration, culture, art and other spheres of life. They also prepare students for university study.

<sup>20</sup> Act No. 561/2004 concerning pre-school, primary, secondary, higher vocational or technical and other education (Education Act).

<sup>21</sup> Regulation No. 150/1958 on the processing of complaints, reports and suggestions from workers. If it is not necessary to conduct an on-site inquiry or to obtain explanations and/or documents from other authorities, the complaint must be settled within 10 days from the date of its delivery to the competent authority. Complaints that cannot be settled within 10 days must be settled not later than 30 days from the date of delivery. The deadline may be extended only in exceptional cases, subject to the consent of the head of the competent authority. The reasons for extension must be notified to the complainant. If a complaint is lodged repeatedly, the competent authority must check whether the original complaint was correctly processed and notify the result to the complainant. If the repeated complaint does not state any new facts, the competent authority need not acknowledge its receipt and process it. A complaint is deemed to be settled as soon as the measures necessary to improve the situation are in place and the complainant is duly notified.

<sup>22</sup> Act No. 561/2004 concerning pre-school, primary, secondary, higher vocational or technical and other education (Education Act).

<sup>23</sup> The only available statistics show the share of girl students at military secondary schools in recent years, ranging from 25 to 38% of the total number of students.

<sup>24</sup> Act No. 111/1998 concerning higher education institutions as amended.

<sup>25</sup> Military higher education institutions include the Defence University and the Military Department at Charles University – Faculty of Physical Education and Sports. These schools train specialists for the armed forces. Military higher education institutions are part of the Defence Ministry system and are funded from the Defence Ministry's budget allocation. Admission of soldiers in active service to these schools is subject to Defence Ministry requirements. The students' service and entitlements are governed by special laws and regulations (Act No. 585/2004 concerning the military obligation and procedures for its fulfilment (Military Obligation Act), Act No. 221/1999 concerning regular soldiers as amended, Defence Ministry Regulation No. 264/1999 concerning study leaves of regular soldiers, Defence Ministry Regulation No. 266/1999 concerning free provision of meals, equipment and transport and concerning the accommodation of regular soldiers). Students at military higher education institutions are regular soldiers. In the event of an armed conflict they would be posted to units according to the needs of the Czech Republic Army.

<sup>26</sup> The schools are established in accordance with Act No. 561/2004 concerning pre-school, primary, secondary and higher vocational or technical and other education (Education Act). At present there are two Secondary Police Schools, in Prague and Holešov.

<sup>27</sup> Act No. 186/1992 concerning the service of members of the Czech Republic Police as amended.

<sup>28</sup> Regulation No. 671/2004 setting forth detailed rules of the secondary school admission procedure and Regulation No. 442/1991 concerning the conclusion of study at secondary and vocational training schools as amended.



<sup>29</sup> The teacher must hold a Category D arms permit (possession of arms for the purposes of employment or occupation) in accordance with Act No. 119/2002 concerning firearms and ammunition as amended. Section 16, paragraph 2 of the Act defines four arms permit groups according to the purpose for which the arms and ammunition are used, and according to the scope of the permit: A – for collecting purposes, B – for sporting purposes, C – for hunting purposes, D – for the purposes of employment or occupation, E – for the protection of life, health or property, or F – for the purposes of explosives detection.

<sup>30</sup> The Institute for Information on Education is run by the Education Ministry. Enrolment reports contain the following data: number of classes per grade, total number of students, number of teachers, classrooms, students enrolled in full-time/part-time programmes, according to field of study and grade, students according to citizenship, foreign students according to residence status, students studying foreign languages, “open-air school” programmes and ski courses, age of students, full-time students entering the first grade.

<sup>31</sup> Regulation No. 150/1958 concerning the processing of complaints, reports and suggestions from workers.

<sup>32</sup> Act No. 140/1961, Criminal Code, as amended; Act No. 119/2002 concerning firearms and ammunition as amended.

<sup>33</sup> The projects include: Education of foreign students at higher education institutions in the Czech Republic (based on Government Resolutions No. 2/1994, No. 96/1996 and No. 773/2001) – project designed for developing countries, run by the Foreign and Education Ministries in cooperation with higher education institutions in 2000-2007, total budget USD 819,499; Support for implementation of modern teaching methods in the Ethiopian education system – project run by the public benefit organization People in Need in 2003-2007, total budget USD 23,175; Education and care for AIDS orphans – Ethiopia, project run by the public benefit organization People in Need in 2003-2006, total budget USD 12,190; Renewal and development of the education system in central Afghanistan (construction of a teacher training institute and courses for teachers on ways to improve teaching work) – run by the public benefit organization People in Need in 2004-2005, budget USD 6,880; Sustainable improvement of the quality of education in northern Afghanistan – project manager not yet appointed, new project for 2005-2006, budget USD 10,952; Implementation of priority sanitation projects proposed by UNEP in Serbia and Montenegro – project manager not yet appointed, new project for 2005-2007, budget USD 19,397; Support for transformation of the Iraqi society, sharing of the Czech Republic’s transformation know-how, support for development of human resources and civic activities in Iraq, support for psycho-social projects encouraging development of the society – project manager not yet appointed, new project for 2005-2006, budget USD 14,117; Integration of socially disadvantaged population – support for employment and stabilization of the population in Grozny – project designed for Chechnya/Russian federation, project manager not yet appointed, new project for 2005-2006, budget USD 4,069; Mobile maternity hospital – Zambia, run by Czech Aid limited liability company in 2004-2006, budget USD 20,074.

<sup>34</sup> The armed forces have not directly contributed funds to these projects. The armed forces support described above has been provided to the following projects: delivery of four

ambulances to former Yugoslavia, reconstruction of school buildings at Doberdol and Braine in Kosovo, reconstruction of a school building at Sredna Lamovita in Bosnia and Herzegovina, teaching aids for 12 Kosovar schools, holiday for 60 Kosovar children in military recreational centre at Bedřichov, Czech Republic, in December 2002, teaching aids for a school in Afghanistan in 2002, toys and vitamin preparations for child patients of the 7<sup>th</sup> Field Hospital of the Czech Republic's Army deployed in Basra, Iraq, equipment for a school at Al-Areen, Iraq.

<sup>35</sup> Programme approved by Government Resolution No. 754 of 21 July 2003.

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