

Czech Republic

Issues

- The right to conscientious objection is recognised in case conscription will again be enforced, but the provisions do not meet international standards.
- The Czech Republic does not recognise the right to conscientious objection for professional soldiers.



Military recruitment

Conscription

In 2001, the Czech government decided to end conscription. The government initially intended to suspend conscription by 2007, but the transformation process into professional armed forces proceeded faster than was initially anticipated. The last conscripts left the military on 22 December 2004. Compulsory military service and substitute service for conscientious objectors have been abolished by an amendment to the Military Act passed by the House of Deputies of the Parliament of the Czech Republic on 24 September 2004 and by the Senate on 4 November 2004. As stipulated by the current legislation, military service will only be required in situations of a threat to national security or state of war¹.

Conscription is suspended and it may be re-introduced if this is considered to be necessary by the government². In fact, the present Conscription Act maintains conscription in the case of a national emergency or state of war³.

Professional soldiers

Since 1 January 2005, the Czech Armed Forces consist entirely of professional soldiers. The Armed Forces therefore recruit using commercial adverts on TV or in newspapers and magazines⁴. As of 1 January 2006, recruitment centres, formerly subordinated to the Recruitment and Professionalisation Agency, have been integrated in the structures of the Regional Military Commands⁵.

The Professional Soldiers Act (221/1999) regulates the establishment, change, discontinuance and content of the service relationships of professional soldiers. However, details of the regulations are not known.

Conscientious objection

Conscientious objection for conscripts

The right to conscientious objection was legally recognised in Law No. 18/1992. During the 1990s the number of COs was in fact considerable. In 2003, 8,600 COs were performing substitute service, which was approximately the same as the number of conscripts serving in the armed forces⁶.

The right to conscientious objection is still included in Article 15.3 of the Constitution, according to which "*No individual may be forced to perform military duties if this is contrary to his or her conscience or religious faith or conviction.*"

As of 1 January 2005, the refusal to take part in special services has been regulated by the Conscription Act (Act No. 585/2004). This law retains the general defence duty solely in the event of a national emergency or state of

1 Jaroslav Roušar: The Czech Republic and its Professional Armed Forces. Ministry of Defence of the Czech Republic, 2006, http://www.army.cz/images/id_7001_8000/7420/crapa-en.pdf, accessed 9 April 2008

2 'Czech Republic to end conscription', Radio Free Europe/Radio Liberty Newswire, 20 February 2004, <http://www.hri.org/cgi-bin/brief?/news/balkans/rferl/2004/04-02-20.rferl.html#45>

3 Consideration of Reports submitted by States Parties under article 40 of the Covenant , Second periodic report of States parties due in 2005 , Czech Republic, 24 May 2006, <http://daccessdds.un.org/doc/UNDOC/GEN/G06/458/43/PDF/G0645843.pdf?OpenElement>, accessed 9 April 2008

4 An example of a Czech Army recruitment video is available on YouTube.com: <http://www.youtube.com/watch?v=pgUOAVolSlo>, accessed 9 April 2008

5 Jaroslav Roušar: The Czech Republic and its Professional Armed Forces. Ministry of Defence of the Czech Republic, 2006, http://www.army.cz/images/id_7001_8000/7420/crapa-en.pdf, accessed 9 April 2008

6 Peter Kononczuk: NGOs hit by the end of the draft, Prague Post, 17 June 2004, <http://www.praguepost.com/P03/2004/Art/0617/news7.php>.

war. Under the Conscription Act, on grounds of conscience or religious conviction a reservist may refuse to take part in special service, i.e. mandatory service during a state of war or national emergency, within 15 days of the date on which the decision on his ability to take part in active military service, issued in the conscription procedure, is delivered, or within 15 days of the effective date of the declaration of a national emergency or state of war. This individual is then required to assume work duties under the Act on the Defence of the Czech Republic (Act No. 222/1999)⁷.

Conscientious objection for professional soldiers

The Czech Republic does not recognise the right to conscientious objection for soldiers who joined the Armed Forces voluntarily. The regulations for leaving the Armed Forces prematurely are presently not known.

Draft evasion and desertion

No information on practice is available.

⁷ Consideration of Reports submitted by States Parties under article 40 of the Covenant , Second periodic report of States parties due in 2005 , Czech Rrepublic, 24 May 2006, <http://daccessdds.un.org/doc/UNDOC/GEN/G06/458/43/PDF/G0645843.pdf?OpenElement>, accessed 9 April 2008