INTERNATIONAL FELLOWSHIP OF RECONCILIATION (IFOR) and CONSCIENCE AND PEACE TAX INTERNATIONAL (CPTI)

Submission to the 108th Session of the Human Rights Committee

CZECH REPUBLIC

(Military service, conscientious objection and related issues)

Revised June 2013. Contact: Derek BRETT
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Basic Information

Population (November 2012, estimated\(^1\)) 10,177,000

Conscription existed throughout the history of Czechoslovakia, and was eventually suspended in the Czech Republic in 2004.
Conscientious objection has been recognised, first within Czechoslovakia, since 1991.

Minimum recruitment age\(^2\): 18

Manpower reaching “militarily significant age” in 2010\(^3\): 49,999
Armed forces active strength, November 2012: 23,65
as a percentage of the number of men reaching “military age”: 47.3%

(there are also 3,000 paramilitary border guards)

Military expenditure US $ equivalent, 20125  $2,221m

\(^1\) Source: The Military Balance 2013 (International Institute of Strategic Studies, London), which bases its estimate on “demographic statistics taken from the US Census Bureau”.

\(^2\) Source: Child Soldiers International (formerly Coalition to Stop the Use of Child Soldiers), Louder than words: an agenda for action to end state use of child soldiers, London, September 2012.

\(^3\) Source: CIA World Factbook. https://www.cia.gov/library/publications/the-world-factbook/index.html. The male population reaching “militarily significant age” - defined by the source as 16 - is more meaningful than total population in assessing the comparative impact of military recruitment in different countries.

\(^4\) As quoted by the International Institute of Strategic Studies (London) in The Military Balance 2013

\(^5\) Stockholm International Peace Research Institute (SIPRI), April 2013
| Per capita | $218 |
| As % of GDP | 1.1% |
A background of the relevant history prior to the suspension of obligatory military service with effect from the end of 2004 was given in a submission by CPTI for the Human Rights Committee's consideration of the Czech Republic's Second Periodic Report in 2007, and will not be repeated here – except to note that a ruling of the Czech Constitutional Court in September 1995 may have been the very first jurisprudence to the effect that under the principle of “non bis in idem”, a repeated refusal to perform military service on grounds of conscience should not be treated as a new offence. This is of course the position subsequently endorsed by the Human Rights Committee itself in General Comment No. 32. Nor will the present document repeat the detailed analysis in that submission of the detailed section in the Czech Republic's Second Periodic Report regarding the suspension of conscription.

The issue is treated only cursorily in the Third Periodic Report, with the words: “With the abolition of compulsory military service and the introduction of professional army, the guaranteed right to refuse military service has ceased to be used.” This is however an oversimplification. Compulsory military service was not abolished in 2004, merely suspended. Legislation which would allow its reinstatement in time of war or national emergency remains in place. Moreover, professionalisation does not eliminate the possibility that a serving member of the armed forces may develop conscientious objections. Since the Czech Republic last reported, the Committee of Ministers of the Council of Europe (of which the Czech Republic is a member) has stated, in its recommendation on human rights in the armed forces, “Professional members of the armed forces should be able to leave the armed forces for reasons of conscience.”

It is therefore suggested that the Czech Republic be asked: to confirm whether the provisions which would allow the reinstatement of conscription in time of war or national emergency remain in place, and that the right of conscientious objection to military service would be fully respected in that event; and to indicate what provisions it has put in place, in accordance with paragraphs 42 to 46 of Recommendation CM/Rec(2010)4 of the Committee of Ministers of the Council of Europe to deal with the eventuality that a serving member of the armed forces might seek to be released on grounds of conscientious objection.

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6 The submission is accessible from the Human Rights Committee website at http://www2.ohchr.org/english/bodies/hrc/hrc89.htm as well as on the CPTI website (www.cpti.ws)

7 This decision, regarding the case of Jiri Rimanek, was subsequently published in the Collection of Laws under No. 32/1997.