



# The Right to Conscientious Objection in Europe: A Review of the Current Situation

## Country Report: CZECH REPUBLIC

### 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. In April 2004 the last 3,600 conscripts were called up for military service. Since 1 January 2005 the armed forces consist of professional soldiers only.

Conscription is suspended and it may be re-introduced if this is considered to be necessary by the government.<sup>1</sup>

### Conscientious objection

The right to conscientious objection was legally recognized shortly after the Velvet Revolution of 1989. 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 forces.<sup>2</sup>

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." In case conscription is reintroduced, the Law on Civilian Service will apply again.

It is not known if there are legal provisions on the right to conscientious objection for professional soldiers. According to a study that was issued by the Council of Europe in 2001, the "regular servicemen's right to conscientious objection" is recognized.<sup>3</sup> The study does not give any further information about a possible application procedure for professional soldiers who wish to be discharged from the armed forces because of conscientious objection.

According to another source, there are no legal provisions for conscientious objection for professional soldiers.<sup>4</sup>

When conscription applied, legal provisions on conscientious objection were laid down in the Law on Civilian Service. This law actually contains time limits for submitting CO applications, as applications may only be made within 30 days of receiving call-up for service and not by serving conscripts. This provision would practically exclude professional soldiers from claiming the right to conscientious objection. In addition, the law does allow reservists to claim the right to conscientious objection, but only before 31 January of the calendar year in which they have been called up.<sup>5</sup>

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<sup>1</sup> 'Czech Republic to end conscription', Radio Free Europe/Radio Liberty Newline, 20 February 2004.

<sup>2</sup> Peter Kononczuk: NGOs hit by the end of the draft, Prague Post, 17 June 2004.

<sup>3</sup> Exercise of the right of conscientious objection to military service in Council of Europe member states, Report Committee on Legal Affairs and Human Rights, Doc. 8809 (Revised), 4 May 2001. The conclusion is based on information provided by the Czech government in 1999. As the text of the Czech government response is not publicly available, it is unclear which information was exactly provided.

<sup>4</sup> European Council of Conscripts Organizations: Information on legal regulation for compulsory military service in the Czech Republic, 1996.

<sup>5</sup> War Resisters' International: Refusing to bear arms - A world survey on conscription and conscientious objection to military service, 1998.