

Human Rights of Armed Forces Personnel:

COMPENDIUM OF STANDARDS, GOOD PRACTICES AND RECOMMENDATIONS

Civil and political rights

Equal opportunities and non-discrimination

Rights related to military life (e.g., working and living conditions)

Procedural rights (e.g., military justice and oversight mechanisms)

The four categories of human rights discussed in the compendium

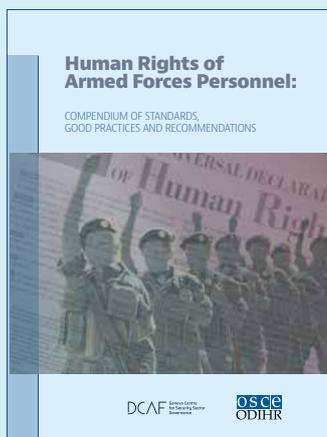
The Compendium on Human Rights of Armed Forces Personnel is a flagship publication of the OSCE's Office for Democratic Institutions and Human Rights (ODIHR) and the Geneva Centre for the Democratic Control of Armed Forces (DCAF), which explores existing laws, policies and mechanisms for ensuring the protection of the human rights of armed forces personnel in line with international standards and OSCE commitments. Good practices and recommendations for protecting and respecting the human rights of armed forces personnel are presented at the end of each chapter.

Specifically, the compendium deals with the human rights of men and women working in the armed forces during peacetime; it does not discuss respect for human rights by service personnel in carrying out their duties.

In line with international standards, the compendium treats service personnel as "citizens in uniform" who are entitled to the same human rights and fundamental freedoms as civilians. At the same time, it acknowledges that limitations may be imposed on the exercise of certain human rights, due for example to the requirements of military life and national security.

The compendium highlights the importance of human rights in the armed forces to maintain the military's accountability and embody the democratic commitments of every state. In doing so, it underscores the primary role of commanders in cultivating a climate in which the human rights of all service personnel are respected.

How to use the publication



The compendium is aimed at all those working to promote, protect and ensure effective implementation of the human rights of armed forces members, including military personnel, policymakers, judges, ombuds institutions, professional military associations and non-governmental organizations.

It is divided into five sections. Reading the compendium in its entirety will provide the most comprehensive understanding of the human rights of armed forces members. Alternatively, readers can opt to focus only on those sections and chapters of particular interest to them.

» **Section I** provides the national and international legal context for the enjoyment of human rights by members of the armed forces.

» **Section II** deals with the civil and political rights of armed forces personnel.

» **Section III** discusses equality, non-discrimination and equal opportunities in the armed forces, in particular in terms of servicewomen, ethnic and national minorities, gender identity and sexual orientation.

» **Section IV** deals with specific issues of military life, including the proper recruitment and treatment of armed forces personnel, as well as working and living conditions.

» **Section V** covers mechanisms for promoting and enforcing compliance with human rights in the armed forces, including human rights education, command responsibility, military justice and ombuds institutions.

OSCE Commitments

OSCE participating States have repeatedly committed to promote and protect human rights, beginning with the founding Helsinki Final Act of 1975. Since then, the body of OSCE commitments has grown to articulate all aspects of the OSCE's comprehensive concept of security, in which respect for human rights is firmly embedded.

OSCE commitments are politically – although not legally – binding on all participating States. This means they cannot be enforced in a court of law.

Rather, they are a political pledge to comply with these standards.

At the same time, participating States have agreed that any limitations on human rights must be provided for by law and be consistent with other international obligations. Similarly to human rights treaties, any such restrictions should also be exceptional, applied consistently and strictly proportionate to the aim of the law.

Human rights commitments

OSCE commitments in the field of human rights are extensive, and range from the right to life and freedom from torture, to the freedoms of association, expression and religion or belief, and the rights to a fair trial and effective remedies.

In addition, OSCE participating States have undertaken three specific commitments related to the rights of men and women in relation to the armed forces.

These commitments oblige participating States to:

- » consider alternatives to compulsory military service;
- » review recruitment or conscription practices in line with human rights obligations, including in terms of the minimum age of recruitment; and
- » provide legal protections for the human rights of armed forces personnel.

The right to effective remedies

The right to effective remedies enables service personnel to make complaints and seek legal redress for any human rights abuses. This is particularly relevant to service personnel owing to the sometimes closed nature of the armed forces. To be effective, a remedy must:

- a) allow for an independent inquiry into alleged human rights abuses; and
- b) provide a means to obtain sufficient redress for a victim.

OSCE Code of Conduct

The OSCE Code of Conduct on Politico-Military Aspects of Security guides participating States' armed forces at both the domestic and international levels, in peacetime and in war. Underpinning the Code of Conduct is the rationale that the democratic control of armed forces is "an

indispensable element of stability and security and an important expression of democracy". It reflects the recognition by participating States that the armed forces are subject to international human rights standards.

RELEVANT PROVISIONS OF THE OSCE CODE OF CONDUCT:

- » Recruitment and conscription practices are to be consistent with human rights commitments;
- » Domestic legislation shall reflect the human rights of members of the armed forces;
- » Participating States will ensure the enjoyment and exercise of human rights by members of the armed forces, including appropriate legal and administrative procedures to protect their rights;
- » The armed forces shall be politically neutral.

