

Human Rights of Armed Forces Personnel:

COMPENDIUM OF STANDARDS, GOOD PRACTICES AND RECOMMENDATIONS

This is an overview of rights covered in Chapter 10 of HUMAN RIGHTS OF ARMED FORCES PERSONNEL: COMPENDIUM OF STANDARDS, GOOD PRACTICES AND RECOMMENDATIONS developed by the OSCE Office for Democratic Institutions and Human Rights (ODIHR) together with the Geneva Centre for Security Sector Governance (DCAF) to safeguard and strengthen the rights of people working in the armed forces. For more information, see: osce.org/odihr/ArmedForcesRights

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)

Ethnic and Linguistic Minorities in the Armed Forces

Ethnic and linguistic minorities are part of the diverse societies found across the OSCE region. Their participation and the protection of their cultural, religious and language rights are essential to social cohesion. This is no less true in the armed forces, where the equal representation and non-discrimination of ethnic and linguistic minorities can become a source of national unity. Equally, promoting equality and preventing discrimination is important for ensuring the operational effectiveness of the armed forces.

Non-discrimination: Equal opportunities for all men and women in the armed services are only possible in a non-discriminatory and tolerant working environment. International human rights law requires states to actively prevent intolerance against minorities, including through anti-discrimination laws, effective complaints mechanisms and harsher penalties for racially aggravated violence.

In addition to ensuring non-discriminatory employment practices, armed forces in the European Union are responsible for any actions by employees that contribute to a workplace atmosphere of harassment.

Equal opportunities: States are encouraged to undertake proactive measures to ensure equal treatment for minorities in the armed forces. For example, the United States conducts assessments to measure minorities' access to recruitment and promotions, and has in place programmes aimed at encouraging historically disadvantaged groups to enlist. In Canada, quotas and specialized training programmes have been used to address under-representation in the armed forces of the country's Francophone minority. Despite such measures, minorities remain under-represented in the armed forces of many OSCE participating States.

Language: Protecting and promoting the use of minority languages and ensuring opportunities to master the state language can be important in ensuring minorities' access to and active participation in the armed forces. Achieving this goal goes hand-in-hand with ensuring effective communication within the military.

Dual military structures exist in Belgium and Canada to reflect the countries' linguistic diversity, for example, while in Finland the armed forces operate and publish all documents in Finnish and Swedish.

Example: Bosnia's multi-ethnic armed forces has:

- Three official languages;
- Defence legislation that ensures fair representation of all ethnic groups in senior positions; and
- Multi-ethnic units within regiments.

Good practices for ensuring equal opportunities for ethnic and linguistic minorities include:

- » Providing human rights training and education for all members of the armed forces;
- » Ensuring effective means for raising allegations of discrimination and access to civilian courts or tribunals;
- » Establishing a transparent recruitment process that includes a hiring code based on the fair and equitable representation of all ethnic groups;
- » Actively recruiting under-represented minorities;
- » Monitoring and implementing policies with independent anti-discrimination bodies;
- » Where applicable, reviewing the conditions of non-nationals serving in the armed forces; and
- » Supporting the use of minority languages through dual military structures and multilingual units.

