

# Human Rights of Armed Forces Personnel:

COMPENDIUM OF STANDARDS, GOOD PRACTICES AND RECOMMENDATIONS

This is an overview of rights covered in Chapter 13 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](https://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)

## Children and the Armed Forces

OSCE participating States have committed to ensuring that the recruitment practices for service in its military, paramilitary and security forces are consistent with human rights obligations, including the Convention on the Rights of Children. The threshold for voluntary recruitment should not be less than age 16. Countries that allow young people between 16 and 18 years of age to enlist must ensure that their recruitment is strictly voluntary, that they are fully informed of their duties, have parental consent and provide reliable proof of their age.

In general, voluntary recruitment of those under 18 remains contentious. Young people may demonstrate considerable initiative in their recruitment, which can promise significant returns for them in terms of training, skill acquisition, professionalism and secure employment, as well as long-term social and economic gains. In other cases, however, economic and cultural factors, coupled with aggressive or invasive recruitment policies by the military, such as its active presence in educational institutions, could impinge on children’s freedom of choice.

## Recruitment practices in selected OSCE participating States

Globally, a general practice is emerging towards setting 18 years as the minimum age for voluntary recruitment in national armed forces, which is also the case in the majority of OSCE participating States. Many OSCE states have revised their legislation in recent years in line with this practice. Ireland amended the minimum age for voluntary recruitment to 18 years in 2015 after previously permitting the voluntary recruitment of 17-year-olds and 16-year-olds as apprentices. In 2013, Luxembourg and Poland both increased their minimum age for voluntary recruitment from 17 to 18.

Accelerating rates of girls aged under 18 years joining the military is a broader contemporary phenomenon taking place across the OSCE region. Young people are particularly vulnerable to ill-treatment and violence in general, although the dynamics vary between girls and young women on the one hand and boys or young men on the other. OSCE states have a responsibility to fulfil their commitments to recognize, promote and protect the rights of children associated with armed forces, including their right to special protection against all forms of violence and exploitation, while addressing these gender differences.

### Example: Recruitment of under-18 year olds in Germany

Minimum recruitment age	Conditions:	Exceptions:
» 17	<ul style="list-style-type: none"> <li>» Consent of legal representative given;</li> <li>» ID card or passport provided;</li> <li>» Receive comprehensive information on military service;</li> <li>» Pass a suitability assessment;</li> </ul>	<ul style="list-style-type: none"> <li>» Enrolled only with a view to start military training;</li> <li>» Receive special supervision during training; and</li> <li>» Permitted to withdraw their enlistment, including after the standard six-month probationary period.</li> </ul>
		<ul style="list-style-type: none"> <li>» Not permitted to use weapons outside of training; and</li> <li>» Cannot be deployed abroad.</li> </ul>

## Cadet programmes and military academies

In some OSCE States, for example the United Kingdom, young people of 16 or even less are involved in cadet programmes that provide them with early exposure to military life and a military environment. The status of cadet programmes can appear ambiguous, since they are often organized by regular schools but funded or sponsored by the armed forces. Cadet programmes provide children with military training courses alongside their regular academic studies, and are often designed to encourage military recruitment.

Some OSCE participating States with a minimum voluntary recruitment age of 18 permit younger people to enter military academies (for example, Azerbaijan, Belarus, Italy and Russia). While compulsory military training for children violates international human rights standards, military training at schools is allowed as long as it is voluntary or if provisions are made for children to opt out if their parents object.

## Children of armed forces personnel

Children of military families may also face very specific social and educational challenges (such as living in barracks, moving frequently during their education, and dealing with war-related family difficulties) and stress associated with the requirements of military service and their living conditions. Shifting work schedules and long hours, as well as the recurrent possibility of unaccompanied deployments abroad, can affect

the lives of the children of these families, in particular those growing up in single-parent households.

A number of states have special programmes in place to support the children and families of armed forces personnel and to mitigate the specific hardships they face. The United States has a highly developed support system that includes the provision of childcare and after-school programmes.

### Good practices on children and the armed forces include:

- » Providing potential recruits and their parents/ legal guardians with full and detailed information about all aspects of military life and the commitment involved in enlisting;
- » Affording special protection to recruits under 18 years of age, and making commanding officers responsible for guaranteeing their implementation;
- » Adopting and implementing appropriate policies, such as codes of conduct, for cadet programmes that respect children's human rights and ensures that children live in a safe environment;
- » Ensuring fully informed parental consent and options to opt out from any educational or outreach activities of military nature targeting children under 18;
- » Establishing educational, social and emotional support systems for children of military families;
- » Conducting strict background checks in the recruitment of training officers, supervisors or other applicable staff working with those under 18 years of age; and
- » Holding armed services personnel accountable for reporting abuse at the first sign of mistreatment.

