



Subcommittee on Security and Defence, European Parliament |  
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# Human Rights and Fundamental Freedoms of Armed Forces Personnel



# DCAF

a centre for security,  
development and  
the rule of law

**DCAF** is dedicated to improving the security of states and people within a framework of democratic governance, the rule of law and respect for human rights.

We assist partner states and international actors supporting these states to improve the governance of their security sector through inclusive and participatory reforms based on international norms and good practices.

We create original knowledge products, promote norms and good practices, provide policy advice, and support capacity building of non-governmental security sector stakeholders.

# DCAF & the EU



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- *EU Security Sector Governance Facility*
- *Integrative Internal Security Governance project*

# 1.

## Handbook on Human Rights and Fundamental Freedoms of Armed Forces Personnel

# Objectives of the Handbook

Focus on the human rights and fundamental freedoms enjoyed by members of the armed forces:

- ▷ Implementation of existing standards
- ▷ Models or best practices of how to best integrate human rights
- ▷ Take into account necessary limitations
- ▷ Guidance for OSCE participating States, which contains all 28 EU member countries

Handbook on Human Rights and Fundamental Freedoms of Armed Forces



2.

# Key insights from the Handbook

# The Importance of HR and FF of Armed Forces Personnel

Ensuring HR in the Armed Forces means:

- ▷ Citizen in uniform approach
- ▷ Military is integrated in society
- ▷ Prevents military from being misused
- ▷ Protects members of armed forces from being abused and oppressed
- ▷ Modern evolution of military operations require integration of human rights

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# Human Rights Limitations in the Armed Forces

Any limits or restrictions placed on military personnel's rights:

- ▷ Must have a military need
- ▷ Must be based on law
- ▷ Must be proportionate
- ▷ Should not be discriminatory
- ▷ Must be demonstrated by the Armed Forces and no other actors to be necessary

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3.

# Civil and Political Rights

# Civil and Political Rights

## Issues at stake:

- ▷ The right to join a political party
- ▷ The right to stand for elections
- ▷ The right to freedom of association
- ▷ The right to freedom of expression
- ▷ Conscientious objection and right to alternative service
- ▷ The freedom of religion

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4.

# Equality, Non-Discrimination, and Equal Opportunities

# Equality, Non-Discrimination, and Equal Opportunities

- Ethnic and linguistic discrimination
- Women in the armed forces
- LGBT Personnel

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5.

# Issues of Military Life

# Preventing Mistreatment of Armed Forces Personnel

## Issues at stake:

- ▷ Factors of mistreatment

## International HR Commitments:

- ▷ Art. 2-6 ECHR; Art. 6,7 ICCPR; CoE, OSCE

## Approaches:

- ▷ Preventing bullying
- ▷ Complaints procedures

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# Working Conditions

## Issues at stake:

- ▷ Enjoyment of just and favourable conditions of work

## Approaches:

- ▷ Working time and compensation, remuneration, health
- ▷ Safety at work, family life

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6.

# Promoting/Enforcing Human Rights in Armed Forces



# Human Rights Education

## Issues at stake:

- ▷ The importance of human rights training

## Approaches:

- ▷ Professional Codes of Ethics or Conduct
- ▷ Military colleges

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# The Responsibility of Commanders and Individual Accountability

## Issues at stake:

- ▷ First line of defence within the barracks

## Approaches

- ▷ Moral leadership
- ▷ Illegal and improper orders
- ▷ Responsibility for subordinates' behaviour
- ▷ Individual accountability

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# Discipline and Military Justice

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## Issues at stake:

- ▷ Role of military justice system
- ▷ Comparability of rights, independence of military courts

## Approaches

- ▷ Criminal offences & military discipline, type of court, composition of military court
- ▷ Prosecution and defence, appeals



# Ombuds Institutions

## Issues at stake:

- ▷ The need for independent and impartial oversight of the military

## Approaches

- ▷ Models (internal, specialized, general human rights ombudsman)
- ▷ The functioning of ombuds institutions (independence, effectiveness, protection against retaliation)



# Rights in Multinational Missions

- Professionalization of the armed forces
- Increasingly non-traditional roles
- The need for more coordination and standards in international missions
- Concerns of rights interfering with operational effectiveness are often exaggerated

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Thanks!

**Any questions?**

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