

# Human Rights of Armed Forces Personnel:

COMPENDIUM OF STANDARDS, GOOD PRACTICES AND RECOMMENDATIONS

This is an overview of rights covered in Chapter 14 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)

## Preventing Ill-treatment and Abuse

In addition to violating the fundamental rights of service personnel, ill-treatment and abuse create fear and mistrust, undermine unit cohesion and military effectiveness, and damage the reputation of the armed forces among potential recruits and the general public.

There are a number of contexts in which ill-treatment and abuse may arise. Military hierarchies, discipline, training and traditions can be corrupted or taken to extremes that can lead to inhuman or degrading treatment, and even torture. In extreme cases, such abuse may lead to the death of service personnel, either as a result of ill-treatment or suicide.

**Discipline:** An extreme interpretation of military discipline that requires the total subordination of personnel may create an environment in which ill-treatment and other forms of abuse are more likely to occur.

**Penalties:** Disciplinary measures can result in ill-treatment if personnel are exposed to excessively harsh penalties or substandard detention conditions. Prolonged food or sleep deprivation and the denial of necessary medical care can amount to degrading treatment or even torture.

**Reprehensible training practices:** The “train as you fight” principle – military training that mimics the conditions of battle – can blur the line between legitimate training practices and extreme activities that may inflict suffering and humiliation on service members.

**Hazing:** Hazing is an initiation ritual designed to inflict severe physical or mental pain and suffering, usually on lower-ranking service men and women, including conscripts. While such rituals are usually organized by peers, they sometimes have the tacit support of commanders.

**Forced labour:** If service personnel are employed for non-military purposes such as building private housing, this constitutes forced labour.

**Gender-based violence:** Studies show that gender-based harassment, bullying and other abuse, including sexual harassment and sexual violence disproportionately affect servicewomen.

# Measures to prevent ill-treatment and abuse

To prevent the ill-treatment and abuse of service personnel, armed forces must ensure accountability and address the conditions that lead to abuse. Such efforts should be underpinned by military legislation that explicitly prohibits all forms of ill-treatment and abuse, encourages victims to report their experiences, and sets out the requirements for information collection and investigation of offences.

Example: Military personnel in Azerbaijan may be held criminally liable if they bully their subordinates or peers, or if they allow bullying to occur.

**Human rights training** and awareness-raising activities ensure that service personnel are aware of their rights and understand what constitutes bullying, sexual and other types of harassment and abuse, as well as how to seek redress. Commanders should be provided with clear guidelines and training on the appropriate treatment of personnel, as well as on complaints procedures, including the possibility of making complaints outside the chain of command.

## Good practices to combat abuse include:

- » Informing service personnel of their rights and definitions of bullying, sexual and other types of harassment and abuse;
- » An explicitly zero-tolerance stance on bullying and harassment by commanders, who should use their position to promote a culture of mutual trust and ensure prompt and effective action to investigate suspected or alleged cases of abuse;
- » Making complaints mechanisms available to all service personnel wishing to report abuse and ensuring a thorough investigation of all complaints, leading to the punishment of perpetrators;
- » Explicit bans in military legislation on unauthorized initiation practices;
- » Defining bullying and sexual harassment as an offence, including procedures for investigating complaints, and making the failure to investigate allegations of different forms of abuse an offence;
- » Undertaking independent investigations into any unexplained deaths, including an analysis of any shortcomings by officials involved and allowing the participation of the next-of-kin; and
- » Allowing external institutions to monitor respect for human rights in the armed forces and to provide recommendations.

**Effective investigations** into alleged abuse help both to ensure that perpetrators are identified and punished and increase victims' willingness to speak out. Military institutions must make clear that abuse will not be tolerated and will be met with immediate, effective and independent investigations leading to proportionate sentences. Victims of abuse must also be provided with the necessary medical and psychological treatment.

Example: Many OSCE participating States require commanding officers to investigate abuse, rigorously apply disciplinary measures and report military offences to the appropriate authorities. Those who fail to do so may face penalties. This is the case in Albania, Austria, Bosnia and Herzegovina, Cyprus, the Czech Republic, Estonia, Finland, Greece, Latvia, Lithuania, Malta, Norway, Sweden and the United Kingdom.

**External monitoring** of human rights in the armed forces can help to identify abuse and deter future ill-treatment. Such monitoring may be conducted by parliamentary committees, ombuds institutions, equality and human rights commissioners, non-governmental organizations or special commissions. Their investigations and reports perform an essential oversight function that also strengthens public confidence in the military.

Example: Slovenia's military police are required to gather evidence of alleged bullying and mistreatment, and detailed procedures are in place for investigating and filing criminal charges and disciplinary offences. Military medical units are available at all hours to ensure that service personnel with non-combat injuries can receive prompt medical attention.

