

Human Rights of Armed Forces Personnel:

COMPENDIUM OF STANDARDS, GOOD PRACTICES AND RECOMMENDATIONS

This is an overview of rights covered in Chapter 15 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)

Working Conditions and Support for Veterans

OSCE participating States have a legal obligation to implement just and favourable working conditions “by all appropriate means” as laid out in the International Covenant on Economic, Social and Cultural Rights (ICESCR). Good working conditions help prevent accidents, sickness and casualties in the workplace and have a positive impact on work and life in the barracks.

They also help to improve unit cohesion and operational effectiveness. Armed forces personnel face specific risks and demands that can significantly impact their own health and well-being and that of their families. Consequently, many OSCE participating States grant service personnel additional benefits and additional measures to ensure a safe, healthy and rewarding working environment.

Remuneration

Good practices include:

- » Increased pay and special allowances to reflect the especially difficult and dangerous work of some personnel;
- » Measures to ensure the prompt payment of salaries, benefits and pensions, such as legislative statuses or service instructions or reliable IT-based payment systems; and
- » Mechanisms to resolve salary disputes.

Example: Azerbaijan, the Czech Republic, Latvia, Lithuania, Montenegro and Poland provide higher salaries, benefits and pensions to service personnel than to civilians in similar occupations.

Health and safety

All armed forces are responsible for providing full medical care during deployment, and on-site medical care in barracks and during military exercises. Almost all OSCE participating States provide health insurance tailored to the needs of service personnel, and financial benefits, compensation and pension rights for the family members of injured or deceased service personnel. Healthcare entitlements are extended to cover all family members in some OSCE participating States.

Example: Germany's Commissioner for surviving dependents of service personnel provides round-the-clock assistance to the dependents of service personnel killed or injured on duty. This includes information, financial support, counselling and care, and support in commemorating the deceased.

Family life

Military institutions in many OSCE participating States increasingly recognize the importance of achieving a good balance between private and military life for service members. Measures to facilitate this include maternity, paternity and care leave for all service personnel, relocation support for families and programmes to assist families before, during and after a deployment.

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...out of 57 OSCE participating States grant maternity/paternity leave to service personnel

Former service personnel:

OSCE participating States have developed different approaches to determining the benefits granted to veterans. In many states, different categories of veterans receive different kinds of support, depending on the type of service they performed and whether or not they were disabled while on duty, among other factors. Most commonly the support includes:

- » Advice, contacts and job placement programmes for those wishing to re-enter the civilian workforce following military service;
- » Veteran status for all service personnel who have participated in conflicts or been deployed in conflict conditions;
- » Veterans' association involvement in the development, implementation and evaluation of policy;
- » Rehabilitation programmes, financial support, healthcare and disability benefits in veterans' benefits packages;
- » Additional support for vulnerable veterans, including homeless and incarcerated veterans; and
- » Healthcare for veterans that includes counselling and mental health support.

Who is a veteran?

The definition varies among OSCE participating States, with potential impact on benefit entitlements of service personnel after leaving the armed forces. A veteran is usually defined as a person who has: a) served on active duty or in the reserve forces; and b) conflict experience.

Example: In the United States, all former service personnel who served for at least 90 days and were honourably discharged are considered veterans, while personnel who served in conflict conditions for any amount of time are recognized as "veterans of wartime service". The Department of Veterans Affairs provides comprehensive support to veterans, including healthcare, disability benefits and education.

Good Practices related to working conditions and support for veterans include:

- » Legislation concerning the armed forces that is consistent to the highest extent possible with economic and social rights and international labour standards, and taking into account the specific risks and demands of the military profession and its impact on health and safety of service personnel.
- » Engaging in social dialogue on working conditions, including to develop appropriate standards on issues such as salaries, allowances, pensions, working time, health, safety at work and issues related to achieving a balance between private/family life and working life.
- » Providing special support and job placement programmes to support former service members' transitions to the civilian labour market.
- » Including policies on the status of veterans in legislation that (1) define veterans; (2) establish effective communication between veterans and care-providing agencies; and (3) ensure the provision of effective care that meets the needs of veterans.

