OSCE
Office for Democratic Institutions and Human Rights

Report of the Third Meeting in the ODIHR Human Rights Discussion Series for Representatives of the Forum for Security Co-operation

Conditions of Service and the Human Rights of Members of the Armed Forces
(17 July 2014, Vienna)
Disclaimer

This report should neither be interpreted as official OSCE recommendations based on a consensus decision, nor as an opinion of the OSCE Office for Democratic Institutions and Human Rights or of any particular OSCE participating State. The content of this report reflects opinions expressed by participants in the meeting on the Conditions of Service and the Human Rights of Members of Armed Forces on 17 July 2014 and no additional information has been included since then. The reader should therefore refer to other sources for updates on this topic. The meeting was conducted entirely under Chatham House Rules. The comments contained in this report, while not attributed to specific individuals reflect the views and opinions expressed by panelists and participants during the meeting.
Executive Summary

In the Code of Conduct on Politico-Military Aspects of Security participating States commit to ensure that armed forces personnel are able to enjoy and exercise their human rights and fundamental freedoms. Social and economic rights constitute a major category of rights to which civilians and military personnel alike are entitled. These rights are enshrined in all major international and regional human rights instruments ranging from international treaties under the UN and the Council of Europe to the commitments of the OSCE.

The conditions of service of members of the armed forces are directly linked to their social and economic rights. Likewise, the conditions of service have an impact on the armed forces in general and their operational effectiveness. The economic downturn, whose effects can still be felt in many OSCE participating States, with the ensuing budget and personnel cuts in the armed forces has commanded heightened attention to this topic. The conditions of service should also be considered from a gender lens as concerns women’s equal access to opportunities and benefits, and their protection from gender-based violence.

Against this backdrop, the OSCE Office for Democratic Institutions and Human Rights (ODIHR) organized a one-day event on the Conditions of Service and the Human Rights of Members of the Armed Forces on 17 July 2014 in Vienna, Austria. In total, there were 45 participants (14 women and 31 men) at the meeting. This was the third event in the on-going ODIHR Human Rights Discussion Series for the Forum for Security Co-operation since the inception of this series in 2013. ODIHR formally introduced the event topic at a FSC Security Dialogue the day before on 16 July 2014 in line with earlier practice. The main aim of the event was to discuss the human rights implications of the conditions of service of personnel, as well as their families.

The expert speakers represented the armed forces, ministries of defence, military associations, academia and policy institutes from a number of OSCE participating States. The panels discussed working and living conditions, health and safety, and family life of armed forces personnel.
personnel, and associated human rights issues. The presentations stimulated a vibrant discussion demonstrating the relevance of the topic. Two cross-cutting issues discussed at some length were the need for dialogue with military associations and increased attention to the gender dimension of the conditions of service.

**Introduction and Background**

This report summarizes the discussions at the event on the Conditions of Service and the Human Rights of Members of the Armed Forces organized by ODIHR on 17 July 2014 in Vienna.

Since 2008, ODIHR has actively sought to provide information and support to the FSC on human rights and gender issues to ensure the inclusion of these issues in the wider discussions on security in the Politico-Military Dimension of the OSCE. The OSCE Code of Conduct on Politico-Military Aspects of Security provides the basis and entry point for much of this work. In Article 32 of the Code of Conduct OSCE participating States commit themselves to protect the rights of armed forces personnel in conformity with relevant constitutional and legal provisions, and with the requirements of service. This has been coined the ‘citizen in uniform’ approach. Whereas Article 28 backs this up by emphasizing the need for legislation to spell out the rights and duties of armed forces personnel, Article 33 underlines the need to provide appropriate legal and administrative procedures to effectively protect these rights in practice.

Furthermore, Article 20 speaks about democratic control of armed forces where oversight mechanisms such as ombuds institutions play a role in addressing and investigating human rights grievances arising out of the security sector. The same article also speaks about the integration of civil society with the armed forces. Civil society plays a key role in scrutinizing the performance of the public administration. Through monitoring the armed forces civil society can exercise oversight and highlight maladministration and human rights violations. Article 31 indicates that commanders need to act in accordance with the law and that they are aware they can be held accountable for unlawful exercise of their authority. The Reference Guide on the Code of Conduct indicates that participating States should include information on the following in the annual Information Exchange on the Code of Conduct: social protection, benefits, pay, working environment and gender-sensitive policies amongst other issues.

In the Code of Conduct, a number of other OSCE commitments deal specifically with upholding economic and social rights also in the Politico-Military Dimension. The Vienna Document (1989) makes it clear that economic and social rights are of utmost importance and should be attained by all appropriate means. Other commitments acknowledge the contribution of both women and men to peace and security in the OSCE region, and speak specifically about equal access and opportunities of women and men in the armed forces (Athens 2009; Ljubljana 2005).

In addition to relevant OSCE commitments, experts also touched on international treaties. Many OSCE participating States are parties to international and regional human rights treaties such as the International Covenant on Social, Economic and Cultural Rights (ICESCR), the
Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) and the European Social Charter, in which social and economic rights are enshrined in detail. Outlining these various rights at the beginning of the meeting provided a basis to discuss the various issues and experiences with a focus on the socio-economic situation of armed forces personnel across the OSCE region.

The issue of human rights implications of the conditions of service of members of the armed forces was considered particularly timely in light of the current austerity measures. Budget constraints and cuts affect many OSCE participating States and virtually all sectors including the security sector. At the same time, in a number of OSCE participating States the armed forces are being restructured as part of wider security sector reform, all of which affects service personnel and their social and economic rights. It is also worth noting that the conditions of service reflect on the armed forces as an employer, as well as on the image of the armed forces overall. Poor conditions will more often than not impact negatively on the public with consequences for human resources and staffing.

Thus, on 17 July 2014 ODIHR convened a one-day event on the Conditions of Service and the Human Rights of Members of the Armed Forces in Vienna, Austria. The 45 participants (14 women and 31 men) represented the armed forces, ministries of defence, military associations, and academia and policy institutes. The expert speakers came from Bosnia and Herzegovina, Canada, Denmark, Ireland, Spain, the Czech Republic, the Netherlands and the United States. A number of issues were presented and discussed such as: remuneration and entitlements, advancement and equal opportunities, access to adequate medical care, post-traumatic stress disorder (PTSD), gender-based violence, benefits for veterans, parental leave, access to nurseries and schools, and childcare benefits. Consideration was also made to conditions of service in peacetime, in operations, and after leaving the service.

This was the third event to date in the ODIHR series since its inception in 2013. The previous events focused on women’s equal access to all positions in the military including combat positions, and the role of ombuds institutions in protecting the human rights of armed forces personnel. The overall purpose is to bring attention to and discuss issues of concern to both servicemen and servicewomen and to inform the on-going deliberation process that takes place at the FSC. These events provide FSC members with the opportunity to freely exchange views, focus on analyzing the lessons learned from national level policymaking, and derive practical examples for consideration and implementation in their respective countries.

**Working and Living Conditions**

**Key Considerations**

1. Commanders have a duty of care towards their subordinates, which entails being attentive to their needs and concerns. This can make a difference in boosting well-being, morale and performance on part of the troops. It is all the more important given the specific nature of the military environment and lifestyle.
2. The definition of ‘veteran’ varies substantially among OSCE participating States. Some states consider a service member a veteran after having served one single day; other states require combat experience so that one may be considered a veteran. These differences in the approach to veterans’ policy also translate into differences in entitlements and benefits.

Main Issues and Challenges

3. Due to the economic crisis, thousands of personnel are being made redundant and there is an overall reduction in compensation and remuneration while personnel are required to work longer hours. Jobs cuts affect particularly women because the cuts tend to be on the civilian side of the security institutions. Sometimes such cuts pose limitations to career advancement due to the need to relocate more often and the interruption of advancement.

4. Veterans and others who have left the service are often doubly hit by the budget cuts. There has been a reduction in benefits and many veterans face difficulties finding a job, given the prevailing stereotypes about veterans.

5. There is often a lack of consultation with affected stakeholders when cuts are planned and implemented. Ombuds institutions, parliaments and military associations, which can carry out oversight functions and may be in a better position to voice the needs of personnel, are often not consulted.

6. Discrimination continues to be an issue affecting women and men in the armed forces. For example, while a number of armed forces have a stated goal to attract more women into the forces, policies concerning recruitment, promotion and retention, as well as the wider conditions of service all too often are not conducive to achieving this. Another example may be a situation where a person can no longer advance in his or her career because certain positions are designated for specific ethnic groups within a rigid system of power-sharing.

7. Inadequate housing conditions with overcrowding, problems with electricity, heating and water leaks are an issue in the barracks. Coupled with limited or no provisions for medical care, sports facilities or cantinas in the army bases, the working and living conditions for service personnel in some participating States are not considered up to standard.

Good Practices and Approaches

8. Collective bargaining on part of the military association in Ireland helped to protect soldiers and mitigate the effects of the recession. As a result of bargaining, there have been no job losses and no compulsory layoffs. Collective bargaining has allowed soldiers to take control of adverse changes and come to agreements both internally amongst association members and with the military administration.
9. Putting in place inclusive, non-discriminatory and supportive employment policies, such as in Canada, has proved important. Recruitment is based on the principles of equality and merit, and all persons, regardless of sex, sexual orientation, religion or any other grounds have access to all jobs. Pay rates are based on rank and qualification only. There is a robust harassment prevention policy with zero tolerance for harassment, including sexual harassment, in the armed forces.

10. In 2007, a military career law (39/2007) was passed in Spain to promote work-life balance and to ensure that gender considerations are taken into account at all levels. There are also regulations to ensure a gender perspective at all levels in military education. Such policies and regulations have positive implications for both women and men and their overall conditions of service.

11. In 2005, Spain established the Military Observatory for Equality underpinned by a solid legal foundation. The Observatory operates a hotline for commanders and personnel to raise any issues or concerns related to, for example, regulations, mobility, international issues, communication, health or education. The Observatory also provides information to the public on their work and equality measures within the Spanish armed forces.

Health and Safety

Key Considerations

12. A key priority of the armed forces should be to prevent accidents, sickness and casualties on the job. Adequate health policies, medical care and facilities are critical factors, as are safe and healthy living and working conditions, training and awareness-raising on safety procedures, hazards and proper use of equipment.

13. The quality of medical assistance that is provided on the battlefield should be as close as possible to what is offered in peacetime. There must be a continuum of care from the battlefield where the mission is taking place to the hospital at the base or back home.

14. The demographics of the veterans are changing. In general, they are getting younger and there are more women among them. This has implications on the needs of the veterans and the services that should be provided to them, but also concerns the conditions of service of active personnel and increasingly diverse forces.

Reintegration into Society after Deployment

15. SFI, the Danish National Centre for Social Research, conducted a study to assess how soldiers cope and reintegrate into society after deployment. The study covered the period from 1992 to 2009 and studied 26,000 Danish soldiers, who were deployed in international
missions to the former Yugoslavia, Iraq and Afghanistan resulting in over 55,000 individual deployments.

16. The study found that the bonding between military service personnel who have been deployed is often very strong and soldiers rely on these bonds. Sometimes soldiers may confide more in their ‘military family’ than in their real family. Worry and anxiety on part of the family can be a huge emotional strain on the deployed soldiers. Expressed support to their choice to deploy from the family is important to them.

17. There was a sharp increase in psychiatric diagnosis amongst those deployed more than once and without a job. Almost 17% of the returning soldiers had either a psychiatric diagnosis, had purchased mental health-related medication or had been treated for substance abuse. 2.4% of them were diagnosed with PTSD.

Main Issues and Challenges

18. Post-traumatic stress disorder (PTSD) is on the rise among those who serve in conflict and there is a lack of resources to deal with it. Sometimes the issue at hand is not resources, but rather lack of recognition of the problem and lack of treatment.

19. Female personnel, but also male, experience gender-based violence. Some participating States have taken measures to meaningfully address and curb this type of violence, others have not. According to the 2013 US Department of Defense Annual Report on Sexual Assault, there were more than 5,000 reports of sexual assaults that year in the US forces. 86% of the victims were women and it was estimated that only 11% of the victims officially reported the assaults against them. Out of 3,605 alleged offenders, 3,220 were male, 100 were female and 285 were unknown.

20. In order to address this problem a key issue is considering a continuum of behavior. Formal and informal sexist norms are often deeply entrenched in many organizations including in the army. Perpetrators do not commit violence against women, domestic violence and sexual assault in a vacuum. They are doing it in an environment where this behavior is enabled. The problem escalates from verbal disrespect, harassment and advances to grooming, coercion and, finally, sexual assault.

21. Service personnel are sometimes exposed to chemicals and biological agents. Differences are vast across the OSCE region with respect to the availability of properly functioning, protective gear and equipment. Awareness and training on such issues amongst officers and personnel are also important.

Good Practices and Approaches

22. Many participating States provide specialized training to members of the armed forces to enable them to provide medical assistance. The individual soldier today has more in his or her first aid kit than a surgeon on the frontlines a few years ago. Protective gear, armored
vehicles and other technologies available in modern armed forces also contribute to a much higher rate of survival from wounds in the field than before.

23. It is important to develop relationships with the doctors in places of international missions, because they know the ailments derived from the local surroundings. Without such knowledge, doctors on these missions may need to send soldiers home not due to battlefield injuries but due to effects of the local environment on health.

24. Denmark recently repealed the rule, which offered assistance only to persons exhibiting signs of PTSD in the first 6 months after returning from service. This rule was a great barrier to everyone else who was diagnosed with PTSD at any point afterwards.

25. To address the full spectrum of behaviors that enable gender-based violence including sexual assault requires a commitment at leadership level. Behavior expectations can be infused at all levels, and particularly by commanders. Officers can take a clear stand, training can be provided, surveys and studies can be undertaken to map the extent of the problem and to identify ways to address it.

26. In the Netherlands, 46 veterans associations organized to form a platform to support the Veterans’ Institute. This institute provides information and services to veterans and their families. Veterans and their families have access to health care 24/7 including mental health care, addiction and trauma treatment.

Family Life

Key Consideration

27. Recruitment and retention of members of the armed forces are increasingly being linked with appropriate support for military families. Policies to effectively provide for a work-life balance enabling a more flexible working regime and possibilities for either spouse to take leave when necessary are key considerations.

Main Issues and Challenges

28. Frequent relocation of military personnel places hardships on family members. It often becomes difficult for spouses to get jobs at the level for which they are educated and trained. With the economic crisis and overall unemployment on the rise, this is having an increased impact on military families.

29. When budget cuts occur, rules governing parental leave are sometimes reconsidered and only granted to women working in the security sector, but not to the men.

30. Shrinking budgets for defense spending have also seen closure of army bases, which has implications for personnel commuting between their homes and places of work. This may
incur an additional financial burden, but also additional pressure on military families in terms of time and family commitments.

31. A number of service personnel leave the armed forces for personal and family reasons such as to keep the family more stable. Some leave to start another career. From an employer’s point of view this may be a problem particularly if many leave after a short time only, as training personnel is costly and resource-intensive.

Good Practices and Approaches

32. In a number of participating States parental leave can be shared by both parents. Other types of leave, flexible working regimes including working hours and reduced working days are other ways to accommodate various needs that arise both for families and individual service personnel.

33. To assist military families with challenges that arise due to frequent relocation, some participating States provide job search assistance to non-military spouses. Other states assist families with school children in changing and starting in new schools.

34. In spite of budget cuts in the defense sector, some participating States consider increased support to military families very important. For example, in the Czech Republic the piloting of free pre-school and children centers is underway to alleviate the financial burden on military families and to support particularly women’s full integration in the forces. Providing for more flexible work hours is not considered sufficient on its own.

35. In the Netherlands, soldiers to be deployed and their family members receive information on what can happen on missions, how this can affect the family and how to cope. They all receive the same information. During deployment, family days for families of soldiers on mission are organized to bring them together and to foster understanding and support.

Recommendations

36. From the above considerations, the meeting concluded with a number of recommendations for OSCE participating States:

A) Put in place robust oversight mechanisms and consult with military associations in matters concerning the conditions of service and human rights of members of the armed forces.

B) Address discriminatory practices and gender-based violence to enable women and men to pursue a professional career in the armed forces in a safe and professional environment based on the principles of equal access and opportunities.

C) Provide adequate housing for military personnel and their families.
D) Recognize post-traumatic stress disorder and other mental health issues, and provide adequate treatment.

E) Devise effective policies to ensure work-life balance allowing for ‘family-friendly’ and flexible working regimes.
Annex I: Background Paper

The conditions of service of armed forces personnel have human rights implications and impact on their performance in carrying out their duties. Addressing challenges in this area is at the crux of efforts to reform security sector institutions and strengthen their governance; a priority of the 2014 Swiss Chairmanship of the Organization for Security and Co-operation in Europe (OSCE). Key issues arise in connection with working and living conditions, health and safety, and family life. Downsizing and austerity measures have resulted in cuts in the defense sector in a number of OSCE participating States often affecting current and earlier service personnel, as well as their families. With an increasing number of women serving in the armed forces, equal access to opportunities and benefits as well as protection from gender-based violence come into focus.

OSCE commitments and international standards

The 1994 OSCE Code of Conduct on Politico-Military Aspects of Security obliges participating States to ensure that military personnel are able to enjoy and exercise their human rights and fundamental freedoms subject to the requirements of service. This includes economic and social rights and freedom from discrimination. In the Vienna Document (1989), participating States “recognize that (...) economic, social, cultural and other rights and freedoms are all of paramount importance and must be fully realised by all appropriate means”.

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1 This background paper is devoted to the issue of conditions of service and human rights of armed forces personnel considering their working and living conditions, health and safety, and family life. The paper looks at the conditions in the army barracks, as well as during and after operations. Key concerns are identified, but also approaches participating States take to address the issues at hand drawing on information available in public sources.
OSCE commitments on gender equality require participating States to “ensure full economic opportunity for women, including non-discriminatory employment practices” and call on each other to “[c]onsider taking measures to create equal opportunities within the security services, including the armed forces, where relevant, to allow for balanced recruitment, retention and promotion of men and women.” Furthermore, participating States have recognised that “the knowledge, skills and experience of both women and men are essential to peace, sustainable democracy, economic development and therefore to security and stability in the OSCE region.” For the individual male or female member of the armed forces freedom from discrimination means being able to choose employment freely, to receive equal pay for equal work and to develop his or her potential to the full on the basis of merit.

Other standards relevant to social and economic rights include those established in the International Covenant on Economic, Social and Cultural Rights (ICESCR), which has been ratified by 54 OSCE participating States. The ICESCR recognises inter alia the right to favourable, safe and healthy working conditions, fair wages and equal pay for equal work, rest, leisure and periodic holidays with pay, an adequate standard of living, social insurance, assistance and protection to families and mothers before and after childbirth. The Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) provides for equal employment opportunities for men and women, “including the application of the same criteria for selection in matters of employment,” “the right to free choice of profession and employment” and “the right to promotion.” CEDAW has been ratified by 55 OSCE participating States.

According to the ICESCR: “Each State Party to the present Covenant undertakes to take steps, individually and through international assistance and co-operation, especially economic and technical, to the maximum of its available resources, with a view to achieving progressively the full realisation of the rights recognised in the present Covenant by all appropriate means, including particularly the adoption of legislative measures”. The achievement of economic, social and cultural rights can be reinforced by the establishment of minimum standard, strengthening enforcement and oversight mechanisms, as well as sharing good practices between countries.

Working and living conditions

There are inherent challenges in ensuring adequate, healthy and safe working and living conditions in the armed forces. This is due to the very nature of military service and the specific requirements placed on personnel, whether conscripted or recruited, both in the barracks and in operations. However, it is important to note that many jobs in the armed forces are classified as

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4 At the Moscow Meeting (1991) OSCE participating States also pledged to “achieve not only de jure but de facto equality of opportunity between men and women,” encourage “measures to facilitate combining employment with family responsibilities for female and male workers,” and “seek to ensure that any structural adjustment policies or programmes do not have an adversely discriminatory effect on women.”
5 MC Decision 7/09; Athens 2009.
6 MC Decision 14/05; Ljubljana 2005.
7 Andorra and Holy See have neither signed nor ratified the ICESCR and the USA is a signatory to the Covenant.
8 Article 11.
9 The Holy See is neither a party nor a signatory to CEDAW and the USA is a signatory to the Convention.
10 Article 2.1.
civilian posts such as in human resource management, general administrative services, accounting and budget, and information technology. While serving in peacetime, a great number of military personnel perform jobs (e.g., guards, doctors, canteen personnel, engineers, computer specialists, etc.) that are subject to health and safety risks similar to jobs in the private sector. A minority of military jobs, e.g., combat personnel, minesweepers, and intelligence personnel, are subject to specific military health and safety risks.\textsuperscript{11}

Just and favorable conditions of work in the armed forces are important for a number of reasons. First, adequate working conditions, such as effective safety and health policies, contribute to the prevention of accidents, sickness, and casualties in the workplace. Second, just and favorable conditions of work have a positive impact on work and life in the barracks helping to improve team cohesiveness and operational effectiveness. Third, maintaining the conditions of service at an adequate level has an impact on the public image of armed forces in society. Finally, a positive perception of the military as a responsible employer can have a positive effect on the recruitment of new personnel, both women and men, and reduce draft evasion.

While women’s military opportunities have expanded over the recent decades in the OSCE region, the percentage of women in the armed forces rarely surpasses 10% and only exceptionally in the higher ranks. There are still barriers for women serving in specific positions especially in combat positions and being recognized for doing so, although the number of participating States granting access to all military functions is on the rise. While the proper role for women in the armed forces is an ongoing debate in many states, states seeking to increase the number of women in the military need to consider adjusting the whole employment cycle including recruitment, advancement and retention – all key elements for just and favorable working conditions – addressing particularly any discriminatory policies and practices.

Traditionally, many states base their approach to the issue of working time in the armed forces on the concept of permanent availability of military personnel. However, the extent to which participating States adhere to this concept varies and some states take an approach comparable to that of the civil service. Regardless of the approach, granting compensation for overtime is considered a good practice. In the majority of OSCE participating States, armed forces personnel are entitled to periodic holidays,\textsuperscript{12} and in some states, special programmes for compensations have been introduced where soldiers are entitled to extra holidays or financial remuneration.

Compensation and remuneration are also at stake during layoff periods for military personnel. Recently many participating States have cut their defense budgets which has resulted in a redundancy of thousands of military personnel in the OSCE region.\textsuperscript{13} A good practice is to subject


the decision to implement the cuts to a public consultation process\textsuperscript{14} and inform the decision-making by consulting with military associations that represent the rights of personnel.\textsuperscript{15} In many cases, these cuts affect particularly the civilian military personnel, who are often women. The practice of honorable discharge together with fair lay-off compensation, is considered a viable approach in many participating States. There are also examples of former military personnel being encouraged to apply for jobs in the defense forces of other states.\textsuperscript{16} Financial constraints have not only led to layoffs, but also moratoria on recruitment and promotion of military personnel. Wages and salaries of military personnel are being reduced and there are cases of personnel ‘acting up’ a rank without an increase in pay.

Post service benefits for male and female veterans are equally important. As an employer, the armed forces have a duty of care towards former employees. Particularly during conflict, active personnel are subjected to dangerous conditions and often suffer injuries. States have a moral and legal obligation to take care of veterans.\textsuperscript{17} Furthermore, while deployed, predominately female military personnel can also be subjected to physical and psychological violence in the form of rape or sexual assault by their superiors or other colleagues. Consequently, new conditions, such as ‘military sexual trauma’ have been recognized by some veterans affairs’ bodies as the basis for receiving post-service benefits.\textsuperscript{18}

The living conditions and the quality of military housing — as part of the quality of life for armed forces personnel— is a key component of military readiness, as well as of the wellbeing of staff and their families. Research shows that the proportion of personnel remaining in service living on bases with high-quality housing is about 15 percent higher than for those stationed at places with low-quality housing.\textsuperscript{19} In the United Kingdom, a review into the circumstances surrounding the deaths of four soldiers pointed to a number of issues concerning the living conditions including the quality of accommodation, and particularly the sanitary and washing facilities in the barracks; the limited range of recreational activities provided on-site; and, the soldiers’ virtual inability to leave the barracks when off duty.\textsuperscript{20}

During peacetime, military personnel are usually required to stay in the barracks where they share a room with at least one other person and with communal sanitary and washing facilities. Only rarely are military personnel, usually of a higher rank, permitted to be stationed in private housing. In operations, the living conditions are usually harsher, with fewer facilities and sanitary conditions of a poorer standard. Proper sanitary conditions and facilities, and access to such

\textsuperscript{14} Program for Public Consultation, “Consulting the American People on National Defense Spending A Study by the Program for Public Consultation, in collaboration with the Stimson Center and the Center for Public Integrity”, 10 May 2012, Washington, D.C., at http://www.public-consultation.org/studies/2012_05.pdf.
\textsuperscript{17} OSCE/ODIHR-DCAF Handbook on Human Rights and Fundamental Freedoms of Armed Forces Personnel, pp. 188-89.
\textsuperscript{18} https://www.rainn.org/effects-of-sexual-assault/military-sexual-trauma.
\textsuperscript{19} http://www.military.com/money/pcs-dity-move/living-on-base.html.
facilities, have an impact on the safety and protection of female personnel whether in the barracks or on deployment. In joint operations involving several states, it is not rare to have different units of different nationalities stationed in the same place with varying living conditions.

In the majority of OSCE participating States, national laws and regulations on working conditions in society in general also apply to military personnel. In many participating States the right to decent working and living conditions is defined in legal minimum standards. Some states have introduced specific programmes or policy objectives aimed at meeting the standards set out; for example in the area of post-employment benefits. A number of states have put in place robust internal and external control and oversight mechanisms to monitor the conditions, as well as to report and intervene if negligence, maladministration or violations of rights are identified and/or reported in the armed forces. It is important that such mechanisms also integrate a gender perspective. Ombuds institutions are considered key actors in this context, but also civil society organizations can play a substantial role if they are provided the space and access to be effective.

Military associations, composed of active-duty personnel or veterans, can speak on behalf of soldiers to identify and raise awareness of existing problems. Such representative associations can hold a critical voice but at the same time be a consultative partner for the military administration on matters concerning the conditions of service and problems identified. The role of military associations can be particularly important in the current climate with defense cuts affecting service personnel.

Health and safety

Health is one of the major factors influencing the effectiveness of the armed forces and the well-being of individual servicemen and servicewomen. Health, whether physical or mental, is closely linked to a range of issues including the general working and living conditions of the service personnel, nutrition, rest, recreation, family relations, as well as safety issues and risks of specific jobs in the military. These risks are partly linked to the stress inherent in the military profession, partly to the exposure to physical, chemical, and biological agents (e.g., contaminated exercise locations/deployment areas, radiation, noise, etc.).

In most OSCE participating States, armed forces personnel are entitled to full healthcare. There are two main approaches: firstly, where a specific healthcare system exists for military personnel, and, secondly, where the civilian healthcare system also covers military personnel. In some participating States, occupational safety and health authorities are present within the military forces and exercise supervision similar to occupational safety and health inspectors in the civilian sphere. In other states, specific military regulations for occupational/environmental safety and health exist for those who are on regular duty following the national civilian laws and regulations on these issues. According to the provisions that are laid out in such military regulatory acts, the

22 See the Guidance Notes on Gender in Security Sector Oversight: http://www.osce.org/odihr/118331.
23 http://www.euromil.org/.
commanding officers are responsible for the safety of their subordinates. Provisions for disciplinary sanctions against those who neglect their duties are also included.

There is also substantial cooperation between states on military medical care and services primarily to exchange knowledge and expertise, and cooperate and pool resources. For example, the NATO Centre of Excellence for Military Medicine (MILMED COE)\(^\text{24}\) facilitates interoperability between the military medical services in NATO. The International Committee of Military Medicine (ICMM)\(^\text{25}\) aims at strengthening cooperation and knowledge-sharing between the armed forces medical services of the member states of the United Nations and the World Health Organization (WHO). In joint operations there is a need to agree on and coordinate individual and shared responsibilities with the challenges of upholding a standard of care in the theatre of operations taking into account the medical capabilities of individual nations’ contributions.

The main health and safety problems in the military can be divided into, on the one hand, psycho-social problems, and, on the other hand, occupational illnesses and accidents. In the first category, stress and post-traumatic stress disorder (PTSD) are the most prevailing\(^\text{26}\). The nature of military life and requirements of service often involving communal living, shifting long working hours, handling complex equipment, and exposure to peer pressure, discrimination, rape and sexual harassment are some of the factors that may lead to stress. Stress and trauma affect particularly young and new recruits both in conscripted and professional armed forces. This is often linked to the working and living conditions, but also the pressure exerted by their older peers or superiors.

It has been found that service personnel, often the younger ones, are all too often subjected to ill-treatment, bullying, brutality and even torture that sometimes cause physical and psychological effects and even death.\(^\text{27}\) Civil society representatives have noted with concern the number of non-combat deaths of conscripted military personnel and the issue of hazing, or bullying of service personnel.\(^\text{28}\) The lives of conscripts are also put into danger when ordered to carry out dangerous tasks without proper equipment, training or preparation. Illegal orders imposed on conscripts and a lack of access to effective complaints mechanisms demonstrate the vulnerability of conscripts at the hands of commanders. The vulnerability of service personnel is exacerbated in an environment without independent and external oversight and monitoring.\(^\text{29}\) Good practices identified amongst participating States include a zero tolerance on hazing and bullying, training of commanders in spotting such practices, and monitoring and investigative mechanisms.\(^\text{30}\)

Harassment and gender-based violence are also major health and safety concerns for service personnel. The U.S. Department of Defense recently released a report with figures showing 5,061 reports of sexual assault filed in in 2013 of which only 14% of the reports were filed by men.\(^\text{31}\) While sexual assault appears to afflict predominantly women, it is severely difficult to assess the

\(^{24}\) http://www.coemed.org/coemed/.
\(^{29}\) Ibid.
The real extent of the problem due to the dearth of information and likely underreporting. It has been found that stress, depression, and other mental health issues associated with surviving sexual violence in the military make it more likely that survivors will experience high rates of substance abuse and will have more difficulty finding work after discharge from the armed forces.\textsuperscript{32}

The U.S. Department of Defense has introduced a number of reforms over the past years including actions to expand victims’ rights, improving legal support in the form of special victim counseling, more commander accountability and stricter penalties for those convicted of sexual assault. The military has also acted to increase awareness of the issue and to encourage victims to come forward.\textsuperscript{33} Norway has started piloting unisex dormitories with four men and two women in each room at a base in Norway. The feedback so far from women is that sexual harassment has been reduced. The move is also seen to help foster a team spirit amongst male and female personnel, which is interpreted as a preventative factor.\textsuperscript{34}

PTSD has become a common phenomenon among armed forces personnel, who have been deployed in military missions. In general, it can occur after someone experiences, sees, or learns about a traumatic event like: combat exposure, a terrorist attack, sexual/physical assault or rape or a serious accident. There may also be a combination of factors including various forms of stress, uncertainty and hardships that cause this disorder. It has been found that about 60% of men and 50% of women experience at least one traumatic event. About 8% of these men and 20% of these women will develop PTSD.\textsuperscript{35} Rape, sexual assault, and sexual harassment, now reclassified as “military sexual trauma” by certain states, are strongly associated with a wide range of mental health conditions for both male and female service personnel, and the leading causes of PTSD among female personnel. Research findings attribute combat trauma as the main cause of PTSD among male personnel.\textsuperscript{36}

In general, psychological problems are often internalized leading to further stress, self-stigma, reduced self-esteem and motivation to seek help. They also impact on the immediate family, friends and colleagues. Even if soldiers form an intention to seek help for their psychological difficulty, barriers to mental healthcare may prevent the individual service member from receiving the help he or she needs.\textsuperscript{37} The debate in Canada regarding benefits for veterans, criteria for such benefits, and the treatment of soldiers suffering from PTSD demonstrates some of the complexities individual service personnel, the armed forces and society are faced with in handling these issues.\textsuperscript{38} Nevertheless, in many participating States special programmes and policies have been introduced to support military personnel afflicted by PTSD or other psychological problems.

\textsuperscript{32} http://servicewomen.org/military-sexual-violence/.

\textsuperscript{33} http://www.theguardian.com/world/2014/may/01/military-sexual-assault-reports-soar-pentagon-report.

\textsuperscript{34} http://www.thelocal.no/20140324/norway-army-makes-men-and-women-share-rooms.

\textsuperscript{35} http://www.ptsd.va.gov/public/understanding_ptsd/booklet.pdf.

\textsuperscript{36} http://servicewomen.org/military-sexual-violence/.


This includes programmes of “education and contact” where people learn about and interact with other people who face similar problems. In a number of states, medical policies include moral and psychological welfare measures, as well as stress-coping programmes and other training to raise the awareness of possible solutions to health problems that may occur during deployment.

Armed forces personnel are also subject to a number of occupational illnesses and accidents. In this context it can be noted that according to statistics from 2001 to 2009, only 19% of the evacuations conducted from operations in the field (particularly in the Middle East) were related to injuries on the battlefield. It was found that 56% of the evacuations were due to various forms of illnesses. Dirty environment and a lack of appropriate hygienic conditions in the theatre of operations were the main causes. In particular, these conditions posed a problem for female military personnel. It was found that female personnel faced such barriers to care as lack of confidence in the provider, embarrassment, lack of confidentiality, lack of female providers, and being too busy to leave their duty station for care.

Members of the armed forces can also be exposed to harmful substances and pollution in their work. Service personnel may be ordered to work or deployed in contaminated areas and be exposed to asbestos, depleted uranium and other harmful chemicals and agents. Injuries and illnesses are further compounded by inadequate protection, lack of training, bad or non-functional equipment and working regimes. For example, without proper ear protection personnel may suffer hearing impediments or permanent hearing loss if they are working in noisy environments. Having proper rest and sleep is also a factor in reducing accidents. In some participating States there is a lack of proper uniforms and equipment, as well as heating in the living quarters in winter time, which can have serious consequences for both the health and safety of the personnel, and their performance. It is also important that service personnel go through proper training in handling weapons, ammunition, complex technological devices and vehicles. Commanders have a particular responsibility in ensuring that those under their command are properly equipped, informed and trained for the assignments they are tasked to carry out.

**Family life**

The specific nature of military life imposes a number of challenges in juggling a professional military career and family responsibilities. This includes, but is not limited, to frequent moves, time apart from the spouse and family during deployments, working time and regimes, employment opportunities and careers of spouses of service personnel, childcare facilities and schooling. These issues are taken very seriously in some participating States. In 2014, the German Defense Minister Ursula von der Leyen called for the creation of more family-friendly armed forces by making it easier for service personnel to work part-time and extending childcare. These

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measures were considered as part of the Defense Minister’s goal to make the German armed forces one of the most attractive employers in the country.\textsuperscript{42}

Research findings indicate that spouses of active-duty service members face major constrains in their employment and educational opportunities. On average, armed forces spouses are employed at lower rates and earn less than civilian spouses.\textsuperscript{43} They are usually overqualified for available positions and they often face challenges in finding and keeping employment.\textsuperscript{44} This affects total personal income and career advancement, and contributes to higher unemployment rates amongst families of military personnel. Moreover, military personnel spouses have fewer chances to enter and finish higher educational studies – again linked to frequent moves.

Acknowledging that this tendency is attributed to the military lifestyle, some participating States have taken steps to address this problem by creating government programmes specifically targeted to assist female spouses of active-duty military personnel in obtaining optimal employment opportunities and/or giving them employment preferences in the military sector. Some states facilitate access to information on educational and job opportunities, and have devised assistance programmes in order to mitigate the issue. These states also addressed issues concerning change of station or reduction in the transaction costs of military personnel permanent moves and facilitated assimilation into new locations without losses in career advancement, gainful employment and income. Regarding education, some participating States facilitate online accredited education opportunities for military spouses.

Research indicates that military personnel families are more likely to have children than their civilian counterparts\textsuperscript{45}, which sharply raises the need for childcare. The vast majority of participating States have introduced legislation on parental leave and on childcare in the military sector. However, in some states only female service members may benefit from maternity leave and the right to childcare. The length and the conditions of leave vary from state to state. Some states have developed specific programmes to support families of armed forces personnel. These programmes work with the military command, military law enforcement personnel, medical staff, and family center personnel and with civilian organizations and agencies to provide a coordinated response to service members’ families in need of support. They include subsidized childcare programmes. However, many participating States have only official state facilities such as schools and kindergartens and do not offer any other special programmes.

In a number of OSCE participating States, armed forces provide housing support particularly to officers. However, in many cases there is not sufficient housing leading to considerable waiting time. In the Russian Federation, a law\textsuperscript{46} in force since January 2014, provides military housing

\begin{footnotes}
\textsuperscript{44} Ministry of Defense, Russian Federation, 2010. Some issues of social status of military personnel who is serving on contract bases in the armed forces of the Russian Federation. Available at: http://ens.mil.ru/science/sociological_center/army_in_numbers/more.htm?id=10428615@cmsArticle.
\end{footnotes}
subsidies. It provides guarantees for housing funds to the officers, which may reduce the waiting list for state housing.

With the current economic constraints faced by participating States and cuts in programmes that support families of armed forces personnel, the level of unemployment among spouses of the military personnel is increasing and child benefits are also reduced. This affects not only the service personnel’s private life, but also their performance on duty. Moreover, according to recent research, family situations in terms of income and living conditions are often the cause of divorce among military personnel and may also be a factor of suicide. Hence, issues concerning family life are an important component of the conditions of service of service personnel and their enjoyment of basic social and economic rights.

Discussion points for the event

How can economic and social rights of armed forces personnel best be safeguarded when their realization is closely linked with the individual state’s available resources?

International standards make it clear that economic, social and cultural rights require the action of states, which necessitates human and financial resources, but also knowledge, acknowledgement of problems and political will.

To what extent are health and safety standards and minimal standards in these spheres applicable across OSCE participating States?

Armed forces in OSCE participating States vary considerably in terms of their size, capabilities, resources, and geography within which they operate. Some armies participate actively in joint operations abroad and in regional security whereas others focus primarily on domestic tasks and national security.

What are some of the best practices and lessons learnt in integrating women in the armed forces and what aspects of the conditions of service are particularly relevant?

While women’s military opportunities have expanded over the past thirty years in the OSCE region, there continues to be resistance to the integration of women in the armed forces. The prevailing male-dominated culture tends to conceive the military as essentially a male institution, which compounds the wider problem of various forms of gender-based violence.

How can armed forces best handle cases of post-traumatic stress disorder and other psychological problems of service personnel both in terms of prevention and treatment?

PTSD is identified as a major health concern for service personnel having served in theatres of war, with a gender dimension and consequences for recovery and reintegration into civilian life.

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Annex II: Meeting Agenda

CONDITIONS OF SERVICE AND THE HUMAN RIGHTS OF MEMBERS OF THE ARMED FORCES

VIENNA, HOFBURG, SEGMENTGALERIE I
17 July 2014

AGENDA

09:30-10:00 Registration of Participants

10:00-10:15 Welcoming Remarks

Ms. Snježana Bokulić, Head, Human Rights Department, OSCE Office for Democratic Institutions and Human Rights (ODIHR)
Ambassador Andrei Popov, Chairperson, OSCE Forum for Security Co-operation (FSC)

10:15-11:15 Introduction: Conditions of Service and the Human Rights of Members of the Armed Forces
The speakers will give a broad overview of the subject matter, its relevance and timeliness, providing a background and a wider reference for the ensuing panels and discussions on working and living conditions, health and safety, and family life.

Moderator: Maj. Magín Álvarez Arribas, Military Adviser, Permanent Mission of Spain to the OSCE

Speakers:
Mr. Oyvind Hoyen, Human Rights Officer, OSCE Office for Democratic Institutions and Human Rights (ODIHR)
Ms. Stéphanie Vincent Lyk-Jensen, Senior Researcher, Programme Director, SFI – The Danish Centre for Social Research

Discussion

11:15-11:30 Coffee Break

11:30-13:00 Panel 1: Working and Living Conditions
The panelists will discuss conditions in the barracks and in operations including issues concerning work load, remuneration and entitlements, advancement and equal opportunities, as well as some fruitful approaches taking into account the financial crisis and cuts in defense spending.

Moderator: Col. Magnus Bratt, Military Adviser, Permanent Delegation of Sweden to the OSCE

Panel members:
Col. Jennie Carignan, Commandant Royal Military College St-Jean, Canadian Armed Forces
Brig. Hamza Visca (retired), Armed Forces of Bosnia and Herzegovina
Mr. Gerry Rooney, Secretary General, Permanent Defence Force Other Ranks Representative Association (PDFORRA), Ireland

Discussion

13:00-14:00 Lunch

14:00-15:30 Panel 2: Health and Safety
The panelists will discuss conditions in the barracks and in operations including access to adequate medical care, issues concerning post-traumatic stress disorder (PTSD), gender-based violence, entitlements and other benefits for veterans, outlining some key concerns, as well as proposed responses and steps to address the issues.

Moderator: Ms. Stéphanie Vincent Lyk-Jensen, Senior Researcher, Programme Director, SFI – The Danish Centre for Social Research

Panel members:
LTC Andreas Valentiner, Medical Operations & Plans Officer, Joint Medical Division, Supreme Headquarters Allied Powers Europe (SHAPE), North Atlantic Treaty Organization (NATO)
Mr. Jeffrey O’Brien, Director, Mentors in Violence Prevention (MVP) National Program, University of Central Florida, United States of America
Dr. Jacco Duel, Research Psychologist, Dutch Veterans Institute
Meeting on the Conditions of Service and the Human Rights of Members of the Armed Forces

Discussion

15:30-15:45 Coffee Break

15:45-17:15 Panel 3: Family Life
The panelists will look into issues such as parental leave, access to nurseries and schools, childcare benefits, employment opportunities for spouses, and the effects of relocation including in the context of the current restructuring and cost-cutting measures in the armed forces in several OSCE participating States.

Moderator: Ms. Andreea Vesa, Human Rights Officer, OSCE Office for Democratic Institutions and Human Rights (ODIHR)

Panel members:
Maj. Magdalena Dvořáková, PA Officer for the General Staff Office, Czech Republic

Discussion

17:15-17:30 Closing Remarks

Ms. Snježana Bokulić, Head, Human Rights Department, OSCE Office for Democratic Institutions and Human Rights (ODIHR)