

Human Rights of Armed Forces Personnel:

COMPENDIUM OF STANDARDS, GOOD PRACTICES AND RECOMMENDATIONS

This is an overview of the rights covered in Chapter 5 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)

Civil and Political Rights

As citizens in uniform, armed forces personnel enjoy the same fundamental rights as other citizens, including civil and political rights. However, many states impose restrictions on the enjoyment of these rights for service personnel, for example because of the need for discipline and political neutrality within the armed forces. The degree to which they do so varies among OSCE participating States.

The most frequent limitations concern the "passive" aspect of civil and political rights and include the following political activities:

- » prohibitions on participation and membership in political parties;
- » prohibitions on eligibility for elected political office; and
- » prohibitions on taking part in public demonstrations while in uniform.

Civil and political rights include:

- Right to participate in public life
- Right to join political parties
- Right to vote
- Right to peaceful assembly
- Right to freedom of expression

Although less restrictive policies are generally preferable, there is no one-size-fits-all solution. A more restrictive approach may be justified to ensure the armed forces' political neutrality and maintain constitutional order, especially in transitioning democracies.

Policies on Civil and Political Rights

Type of policy	Examples
<p>Highly restrictive policies include those that prohibit service personnel from joining political parties, standing for elected political office or taking part in demonstrations while active in the armed forces. Such policies seek to ensure neutrality by isolating service personnel from political life.</p>	<p>Service personnel in Romania may not join or actively support political parties, organizations and candidates. They are also not allowed to stand in local, parliamentary or presidential elections.</p>
<p>Moderately restrictive policies place limitations on the degree to which service personnel participate in public life. The objective is to prevent the appearance that armed forces personnel are publicly aligned with a political cause.</p>	<p>In Finland, service personnel are prohibited from joining a political party or engaging in party politics. Military personnel can stand for local elections as an independent candidate but not participate in political activities, election advertising or demonstrations while in uniform. No restrictions apply to civilian employees or to conscripts performing armed or unarmed national service.</p> <p>In the United Kingdom, personnel are prohibited from holding political office but not from joining a political party.</p>
<p>Least restrictive policies allow service personnel to exercise their full civil and political rights, provided that these rights do not interfere with military duty.</p>	<p>The Netherlands allows, under certain circumstances, demonstrations to be held at military installations or the participation of personnel in uniform in public meetings.</p> <p>In Germany, service personnel are not permitted to publicly advocate support for a political party, such as by giving speeches or distributing pamphlets, but may otherwise join political parties and participate in political party events out of uniform.</p>

The “active” aspect of civil and political rights includes the ability of a person to exercise their right to vote, regardless of military service, and states are more limited in their ability to place restrictions on this right. There are some circumstances of active deployment (such as deployment in hard-to-reach locations overseas) where the ability to exercise the right to vote in military units is a concern, however. Thus, in Austria, for example, the armed forces ensure that personnel on duty on election day are given the necessary time to vote in a civilian polling station, or by postal ballot.

Good practices include:

- » Providing members of the armed forces the same rights to vote in elections as other citizens and taking positive measures to enable service personnel to vote in conformity with electoral law;
- » Permitting members of the armed forces to join legal political parties and imposing restrictions only in the case of political parties that actively threaten the constitutional order; and
- » Prescribing in legislation any restrictions for service personnel on standing for elected office and participating in peaceful assemblies, as well as ensuring that they are strictly necessary and proportionate and are applied in a non-discriminatory fashion.

