

OSCE Forum for Security Cooperation

Hofburg, Vienna

Address of Ambassador Christian Strohal

Director of the OSCE Office for Democratic Institutions and Human Rights

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Check against delivery!

Ladies and gentlemen,

Cross-dimensionality and general cooperation

This is the first time for me to address this forum, and I believe it is the first time that the Director of the ODIHR, as the OSCE's main institution of the human dimension, addresses the Forum for Security Cooperation.

After having addressed the ASRC last year, but also the Economic Forum in Prague this year, this is for me another logical step towards comprehensive thinking across dimensions in the OSCE.

I am therefore extremely grateful to you and to your Chairman, Amb. Tabibian for having invited me – we welcome his efforts to broaden the horizon of this forum and his openness to what is going on “in the other dimensions” of the OSCE.

I recall, in this context that at the recent Annual Security Review Conference, Amb. Tabibian stressed the importance of cross-dimensionality of the activities within the politico-military dimension to *“make sure that we know what our other dimensions and institutions are doing and to let them know what we are doing in case we are able to help each other and complement each others' work”*.

The ODIHR has been contributing to the ASRC mainly in the context of countering terrorism and the need to uphold human rights standards in that endeavor. The recent discussion paper prepared for the ASRC was, I think, very well received and opened up more opportunities for joint approaches to this comprehensive security issue. But overall, we share with you not

only commitments, methodologies, and a high degree of expertise respectively; we at ODIHR also contribute to the pursuit of issues which impact on the politico-military dimension: rising extremism in all its forms, racism, xenophobia and anti-Semitism, social exclusion especially of minorities such as the Roma and Sinti, continuing trafficking in human beings – often linked to trafficking in small arms and in drugs – they all have negative security effects.

In the fight against these and other phenomena, we see our assistance very much as measures in conflict prevention to build strong national institutions, to encourage dialogue within societies and to facilitate information exchange among participating States. More directly, we look towards your specific expertise and systematic information exchanges as a model for creating good practice networks on the issues I have mentioned.

There are several more examples where this Organization has shown the relevance of thinking in comprehensive terms, and bridging what is perceived as a possible gap between the military and the human dimension of the OSCE's work. Let me focus on a few aspects and also present to you a project specifically targeted at assisting armed forces, very much building on the valuable work done within this Forum and drawing from the fundamental documents elaborated for the politico-military dimension, most prominently the Code of Conduct on Politico-Military Aspects of Security.

Speakers at the Conference on Parliamentary Oversight of Armed Forces and Police and Security forces in May this year expressed the desire to enhance the implementation of the OSCE Code of Conduct. It was mentioned in this regard that OSCE institutions such as the Parliamentary Assembly, Field presences as well as ODIHR should also be involved in the process.

We have developed an excellent general cooperation with the Forum for Security and Cooperation (FSC) Support Unit in the Conflict Prevention Centre (in short the FSC Support Unit). We are grateful to Mr. Pentti Olin for having accepted our invitation last year to come to Warsaw and provide the experts at the ODIHR with an in-depth briefing about the politico-military dimension, the Code of Conduct and the work of the FSC. Such briefings are extremely useful for other parts of the organisation to learn about the valuable work you do in this Forum.

Let me turn to the issue of human rights and the armed forces: There would be a lot to be said about the responsibilities of every army, and every soldier, in respecting human rights and humanitarian law when fulfilling their duties. There would be a lot to be said about the specificities of situations when the military are being used for purposes of internal security. In these, as in other, regards, the Code of Conduct is very clear. So let me concentrate on one issue of the Code, and that is the respect for human rights *within* the armed forces.

One example of a promising cross-dimensional cooperation: A Handbook on Human Rights in the Armed Forces

Military personnel, whether professional or conscripted, are entitled to the same rights and protections as all other persons, subject to certain limitations imposed by military life and duties. Where human rights and fundamental freedoms of soldiers are protected within their institution, they will in turn be more likely to uphold these while carrying out their duties.

Human rights violations resulting from non-statutory relations are some of the most common violations occurring in the military. Although laws and regulations prohibiting such practices often exist, it is their practical implementation that proves most difficult.

In many OSCE participating States, the mechanisms for the protection of the rights of military personnel remain inadequate. Even in States where laws and regulations have been improved, they are not always respected at the practical level.

The Code of Conduct is a normative document that regulates the military and defence policies of OSCE participating States both in peacetime and in case of armed conflict. The Code of Conduct is a unique instrument that has no counterpart within any other international organisation and is binding on all participating States. It contains important provisions on internal regulations of the armed forces related to the protection of the human rights of armed forces personnel. In terms of its implementation however, it was found that there was a need for broader dissemination and clarification of the Code's principles.

The ODIHR, in collaboration with the Support Unit of the Forum for Security Cooperation in the OSCE Secretariat and other experts, is therefore developing a project to produce a "Handbook on Human Rights in the Armed Forces".

The elaboration of the Handbook is a consultative process in which other parties both within and outside the OSCE will be involved. In particular, the Forum for Security Co-operation and the FSC Support Unit of the CPC will have an advisory role in all stages of the project and will assist project partners to obtain information regarding the implementation of the Code of Conduct. On this occasion we would like to thank the FSC Chairman and the FSC Support Unit warmly for the advice already provided.

The objective of developing such a Handbook is to assist participating States with the practical implementation of the human rights related provisions of the OSCE Code of Conduct. The handbook will present various models or best practices from within the OSCE region of how military structures can successfully integrate human rights while at the same time taking into account the realities and necessities of defence and military security.

We recognize that no single applicable model exists and that the specific circumstances of the individual country context will always influence the given approach. The handbook will aim to provide guidance to participating States by presenting models that have proved successful in other contexts.

This project aims to provide concrete examples of how the human rights related provisions of the Code of Conduct can be implemented in practice. It is expected that the existence of proper mechanisms to protect the rights of armed forces personnel will ultimately result in decreasing the number of human rights violations in the military.

The project is not aimed at setting new standards, but tries to contribute to the realization of existing standards – related to the Code of Conduct – by giving examples of good practice of the integration of human rights in military structures in OSCE participating States.

The Handbook focuses specifically on the internal aspect (human rights of armed forces personnel) and does not include the external aspect (respect of human rights by the armed forces in their operations). The latter is already sufficiently covered by, *inter alia*, the numerous publications of the ICRC.

The handbook will aim to be a reference tool for the military and for civilian personnel at Ministries of Defence. It should also assist civil society organizations dealing with human rights in the armed forces.

So far, we have received overwhelmingly positive feedback from experts and practitioners on the concept. The handbook will be produced as an extra-budgetary project that requires supplementary funding from participating States, and we therefore appeal to all interested delegations to support this project.

The expected outcomes are: a handbook in English and in Russian (1500 copies each, possibly translation into other OSCE languages as well); a launching event.

The project also coincides with the launching of a number of other initiatives by OSCE field missions on human rights in the armed forces. In April 2004 the OSCE Office in Azerbaijan started the implementation of the 'Legal Service to the military servicemen and conscripts' project aimed at preventing human rights violations in the army and assisting in providing redress to victims of human rights violations in the army. This summer, the OSCE Office in Yerevan will start a project aimed at monitoring the human rights situation in the Armenian army. One of the probable effects of the publication of the Handbook would be increased interest on the part of OSCE field missions to become involved with human rights in the armed forces and provide relevant assistance to participating States in this regard.

Human rights in the armed forces is also a possible topic for a Supplementary Human Dimension Meeting in the coming years. Although the handbook will only be completed in the second half of 2006 or early 2007, the information exchange and outcomes of a supplementary meeting could provide important input to its development.

Ladies and gentlemen,

The ODIHR has a long standing tradition of preparing handbooks with a practical relevance for participating States and OSCE field operations. This is the first time, however, that we so directly relate to work done in another context within the OSCE. I would therefore like to see this project as an opportunity to enable more frequent exchanges of ideas between the ODIHR and the FSC in a flexible manner.

I would be grateful for any comments you might have, or recommendations for partners within your countries, as well as best practices where they exist. Like this we can make the work of both our institutions more relevant and better help participating States implement our basic commitments and expand cooperation with one another.

Thank you.