

Human Rights of Armed Forces Personnel:

COMPENDIUM OF STANDARDS, GOOD PRACTICES AND RECOMMENDATIONS

This is one of many rights and freedoms covered in 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)

Freedom of Expression

As with other civil and political rights, the freedom of expression of service personnel is sometimes restricted in an effort to ensure the political neutrality of the armed forces. In certain situations, including operational deployments, special restrictions will be necessary to maintain the security of armed forces personnel.

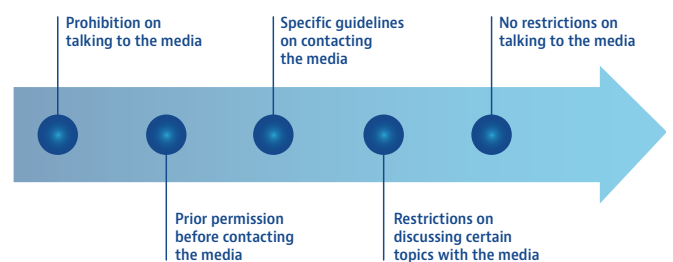
Service personnel exercise their freedom of expression when they make formal complaints about conditions of service, contribute to newsletters, write blogs or use social media, or publicly voice dissent via the media and act as whistleblowers. The ability to report illegal practices, misconduct, ill-treatment or human rights abuses is especially important in a military context, where such abuses are often shielded from public view.

Where restrictions on the freedom of expression of men and women in the armed forces are imposed, they should be prescribed by law, proportionate to legitimate state interests recognized in human rights treaties and non-discriminatory.

Contact with the media

Example: In Montenegro, armed forces personnel cannot speak publicly on a number of topics without prior permission from the Minister of Defence. Banned topics include the composition, training, combat readiness and mobilization of the armed forces, as well as information about military equipment, deployment of international forces and security council decisions, among other operationally sensitive matters.

Whether service personnel are permitted to talk to the media, and under what conditions, varies among OSCE participating States. Some states prohibit contact with the media altogether, others establish specific guidelines and restrictions, and others place no limitations on media contact.



Use of mobile phones

In general, there are no full prohibitions on mobile phone use by service personnel in the OSCE region. Some states apply restrictions on the location of mobile phone use, while other states – such as the Russian Federation – restrict the use of smartphones while on duty.

Examples: In Finland, mobile phone use is restricted during military exercises and on premises where secret information is handled. In Malta, family and friends are informed in advance when operational restrictions mean that a service member may be unreachable for longer than anticipated.

Use of social media

Social media usage can carry serious consequences for the military, such as if sensitive information is inadvertently shared by personnel deployed on missions. Therefore, guidelines for service personnel on using social media commonly address the duties, locations and information or photographs to which social media restrictions apply. Cyprus and Switzerland also provide specific guidance on cyberbullying and social media.

Some states also provide guidance on the use of social media for public relations and recruitment purposes.

Good practices include:

- » Developing clear guidance for armed forces personnel about the use of mobile phones and social media, including use in restricted locations and on combat missions. Such guidance should aim to balance military effectiveness and safety with the right of freedom of expression; and
- » Addressing cyberbullying and harassment in guidance on social media usage.

The United States' Army Social Media Handbook

The Handbook contains guidance covering both security issues and the use of social media as a public relations tool. It includes:

- Social media standards;
- A checklist on operational security;
- Use of social media in crisis communications;
- Guidance on establishing and maintaining a social media presence; and
- Army branding.

Reporting to official bodies

Some states have regulations in place governing reports made by service personnel to official bodies, such as courts of law. In Germany, for example, acting and former military personnel

are not permitted to give evidence in court about official secrets and sensitive information without permission from their commanders. Violation of this rule may result in disciplinary action.

Whistleblowing

Whistle-blowers are individuals who report or disclose information on threats or harm to the public interest. Clear channels and protections should be put in place for public interest reporting and disclosures. Depending on the circumstances, these should include: reports within an organisation or enterprise (including to people designated to receive reports in confidence); reports to relevant

public regulatory bodies, law enforcement agencies and supervisory bodies; and disclosures to the public, for example to a journalist or a member of parliament. Balancing public interests (and the disclosure mechanisms) may, however, take into account the special circumstances surrounding defence and military matters.

Good practices include:

- » Providing channels for reporting illegality, malpractice and human rights abuses by members of the armed forces;
- » Understanding the importance of whistleblowing in maintaining confidence and morale of the armed forces; and
- » Ensuring that whistleblowers are guaranteed confidentiality and protected by law from retaliation.

