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# **SUPPLEMENTARY ITEM**

**DRAFT RESOLUTION**

**ON**

**“THE HUMAN RIGHTS AND FUNDAMENTAL  
FREEDOMS OF ARMED FORCES PERSONNEL”**

**Principal Sponsor  
Matteo Mecacci  
Italy**

**Oslo, 6 to 10 July 2010**

## DRAFT RESOLUTION

### The Human Rights and Fundamental Freedoms of Armed Forces Personnel

**Principal Sponsor: Matteo Mecacci (Italy)**

1. Considering that in 1994, with a view to compiling a questionnaire on the human rights of their armed forces personnel, the OSCE participating States adopted a Code of Conduct on Political-Military Aspects of Security, which served as a point of reference for the OSCE Office for Democratic Institutions and Human Rights (ODIHR) and the Geneva Centre for the Democratic Control of Armed Forces (DCAF),
2. Recalling that the objective of the ODIHR-DCAF was to gather information on the policies of OSCE participating states regarding the human rights and fundamental freedoms of armed forces personnel,
3. Noting that the initiative resulted in the receipt of detailed responses from 35 of the OSCE's participating states, while other states, including Liechtenstein (which has no regular armed forces), Tajikistan and the Holy See (which also has no regular armed forces) replied with *notes verbales*,
4. Noting that the following OSCE participating states have not replied to the questionnaire: Albania, Andorra (no regular armed forces), Armenia, Cyprus, Greece, Hungary, Iceland (no regular armed forces), Italy, Kazakhstan, Kyrgyzstan, the Former Yugoslav Republic of Macedonia, Moldova, Monaco (palace guard with ceremonial functions), the Netherlands, Romania, San Marino (no regular armed forces), Turkmenistan and Uzbekistan,
5. Recalling that the cooperation of those OSCE participating states that did respond, and in so doing accommodated the publication of a Handbook on human rights and fundamental freedoms of armed forces personnel, attests to the fact that military organizations can successfully respect human rights and fundamental freedoms,
6. Considering that the Handbook serves as the basis for the recent Recommendation CM/Rec(2010)4 approved by the Committee of Ministers of the Council of Europe concerning the human rights of members of the armed forces, and considering that the Recommendation was adopted by the Committee of Ministers on 24 February 2010 at the 1077<sup>th</sup> meeting of the Ministers on the theme of the human rights and fundamental freedoms of members of the armed forces in their work and service,
7. Recalling that the rights and protections, *inter alia*, include the following: the right to life, the right not to be subjected to torture or to inhuman or degrading treatment or punishment, the right not be used for forced or compulsory labour, the right to a fair trial, the right to privacy, the right to enjoy freedom of thought, conscience and religion, the right to freedom of expression, the right to freedom of peaceful assembly and to freedom of association, the right to vote and stand for elections, the right to health protection and security at work, the protection of the rights and freedoms of persons

under the age of 18 enlisted in the armed forces and the possibility of lodging a complaint with an independent body in respect of their human rights,

8. In the belief that the participating states of the OSCE that did not consider it useful to contribute by responding to the questionnaire and also resolved against the widespread circulation of the Handbook by failing to translate it and make it readily available to their military personnel are evincing, at the very least, an insensitivity in respect of these matters,

9. Considering that the countries in question include member states of the EU, which is a matter of particularly grave concern since, as participants in international peacekeeping operations, their military personnel are being asked actively to encourage local populations to respect basic principles of human rights and fundamental freedoms as well as democracy,

10. Considering that in some participating states of the OSCE, the rights of military personnel to peaceful assembly and free association are not respected on the professed grounds that collective protective action by one or more associations is prejudicial to military discipline and consequently to the operational effectiveness of national security,

11. Considering that the avoidance of the outcome feared by these countries demands no more than a rule that membership of representative bodies shall be limited to members of the armed forces, that the representative bodies shall not be connected to civilian trade unions in order to preclude external influence, and that no strikes or other forms of industrial action that might interrupt the effective operation of the military or jeopardize national security shall be permitted,

The Parliamentary Assembly of the OSCE:

12. Requests the governments of participating states, with particular regard to those that preferred not to answer the questionnaire, to commit themselves to extensively circulating information about human rights and fundamental freedoms among members of their armed forces, among qualified personnel in the defence field and among the bodies and individuals of their political institutions, referring also to how such rights are recognized outside the national borders. Specifically, this can be achieved through the translation and circulation of the Handbook on human rights and fundamental freedoms of armed forces personnel;

13. Calls on the governments of participating states, with particular regard to those that preferred not to answer the questionnaire, to commit themselves to amending their national statute books in order to afford a broader range of protections to the members of the armed forces, with a view to implementing standards that are necessary for the building of a proper European and trans-national army whose members enjoy the same set of rules and rights;