



Human Rights in the Armed Forces

HELP

Human Rights Education for Legal Professionals
Council of Europe

COUNCIL OF EUROPE



CONSEIL DE L'EUROPE

Human Rights in the Armed Forces

HELP ONLINE COURSE

Duration: 8 hours

Available for free on the CoE
HELP e-learning platform

Statement of
Accomplishment

START COURSE 

Council of Europe |
Human Rights Education for Legal Professionals (HELP) Programme | 2022

COUNCIL OF EUROPE



CONSEIL DE L'EUROPE

Background

Members of Armed Forces are as entitled to human rights as anyone else in society. Their human rights are sometimes affected, endangered, or violated in a way that is specific to the military, but the rights are essentially the same as those guaranteed to any citizen. Some of these rights may be legally and legitimately limited, under certain conditions, to ensure that the armed forces are under democratic civilian control and effective. But members of Armed Forces can never be deprived of any human right in full, especially not solely based on the uniform they wear.

The course focus is on the human rights of the members of Armed Forces and the conditions of their limitations. It is interactive and includes practical exercises and quizzes.

About the course

This course was developed within the framework of the Project “Human Rights and Women in the Armed Forces of Armenia-Phase II” by using the HELP methodology (<http://www.coe.int/en/web/help/help-training-methodology>). The Project is implemented by the Council of Europe within the framework of the Council of Europe Action Plan for Armenia 2019-2022. Action Plan level funding is provided by Germany, Ireland, Liechtenstein, Norway and Sweden.

Target audience

This Course is primarily addressed to legal practitioners including representatives of Armed Forces and relevant law enforcement bodies police or military police and/or military investigators and other stakeholders working in this or related fields.

The course may be particularly useful for students at military universities, civil servants, media, policy makers and other professionals dealing with the topic of human rights in Armed Forces.

Course outline

The course consists of **8 substantive modules**:

| | |
|---|---|
| 1 | <p>Induction and terms</p> <p>This Module covers the following issues:</p> <ul style="list-style-type: none"> • What this Module and the Course are about • Human rights of the members of armed forces • Debunking myths about human rights in Armed Forces |
| 2 | <p>Legal Framework</p> <p>This Module is aimed at identifying the main international and national human rights framework applicable to the members of Armed Forces, defining the special military dimension relevant for the protection of their human rights and clarifying the challenges related to the application of international human rights standards to members of Armed Forces engaged in peacekeeping operations.</p> <p>Module structure:</p> <ul style="list-style-type: none"> • Introduction • Human rights legal framework • Military dimension (international human rights instruments; domestic constitutions and human rights legislation and specific military regulations) • Peacekeeping activities |
| 3 | <p>3. Dignity</p> <p>This Module covers the standards of the European Convention of Human Rights (ECHR) for the right to life, prohibition of torture and other forms of ill-treatment, prohibition of forced labour and prohibition of slavery and forced labour under Articles 2, 3 and 4 of the ECHR respectively. It also covers questions related to special statuses within the Armed Forces and gender perspective.</p> <p>The Module will enable learners how to identify that a case falls within the scope of Articles 2, 3 and 4 of the ECHR and whether the conditions of Articles 2, 3 and 4 are fulfilled in a case involving armed forces.</p> <p>Module structure:</p> <ul style="list-style-type: none"> • Introduction • Human rights in Armed Forces • Articles 2-3 of ECHR in the military context • Article 4 of ECHR in the military context |

4

4. Freedoms and Liberties

This Module presents international and Council of Europe standards which protect a series of rights and liberties applicable to members of the armed forces. Members of armed forces do not waive their human rights and freedoms upon joining the army. The enjoyment of certain rights may, however, be affected due to the special nature of military life.

This Module intends to analyse, from the standpoint of international and Council of Europe standards, a series of freedoms and rights that should be enjoyed by members of Armed Forces and explains the conditions under which these rights (that otherwise can be enjoyed by civilians) may be restricted regarding members of Armed Forces. A special emphasis is added, where relevant, to the ECHR guarantees and the case-law of the ECtHR, as it may provide specific guidance.

The Module considers the following key freedoms and liberties in the context of Armed Forces:

- Right to liberty and security
- Private and family life
- Freedom of thought, conscience and religion (including conscientious objection).
- Freedom of expression
- Freedom of association

The Module also addresses questions related to the protection of whistle-blowers.

5

Economic and Social Rights

This Module introduces the main economic, social and cultural rights protected by the European Social Charter (ESC) and the International Covenant on Economic, Social and Cultural Rights (ICESCR). The Module covers the main features of social and economic rights as applied to the military context and life and define the possible limitations to the exercise of collective rights by the members of Armed Forces.

This Module covers the following economic, social and cultural rights protected by the ESC and the ICESCR:

- Economic Rights
- Right to work
- Right to a fair remuneration and just conditions of work
- Right to join trade unions and to take collective labour actions
- Right to bargain collectively

- Labour rights
- Protection from economic exploitation
- Social Rights
- Right to adequate and affordable housing
- Right to food and water
- Freedom from hunger
- Right to an equitable health system
- Right to social security
- Right to protection of and assistance to the family
- Maternity rights
- Right to healthy environment
- Balance between personal and professional life
- Cultural Rights
- Right to education
- Right to participate in cultural life
- Right to participate to benefits of science and culture
- Right of ethnic

6

Justice and Remedies

This Module deals with the safeguards of a fair trial that apply to everyone, including members of Armed Forces and the procedural safeguards that concern military courts. It also examines the issues of remedies, judicial and non-judicial, for violations of human rights of members of Armed Force and mechanisms that promote and improve the existing human rights standards in Armed Force. In addition, it touches upon the concept of democratic control and oversight of Armed Forces.

This Module introduces the international and Council of Europe standards of a fair trial and of judicial and non-judicial remedies and covers the main specifics of applying the relevant case-law of the European Court of Human Rights (ECtHR).

This Module aims to provide information on possible remedies and avenues for redress, both judicial and non-judicial, for the violation of human rights in the armed forces. These avenues offer additional opportunities for ensuring and improving respect for human rights in the military. As judicial remedies are more commonly known, the Course focuses more on non-judicial remedies and provides information on their purpose and how to engage with them. The Module also provides information on the democratic oversight and why it is crucial for ensuring the democratic nature of society.

| | |
|---|---|
| | <p>Module structure:</p> <ul style="list-style-type: none"> • What the module is about • Democratic control of Armed Forces • Judicial Remedies- the Courts • Non-Judicial Remedies • Conclusion |
| 7 | <p>Examinations and/or Effective Investigations</p> <p>This Module provides analyses of the methodology and techniques that ought to be followed to fulfil the procedural requirements of an effective investigation and/or examination for violations of Articles 2-4 of the ECHR. It is very important for police, investigators, and prosecuting lawyers to understand the various essential conditions for an effective investigation and/or examination. Even judges, magistrates and other adjudicators must be fully aware of, as well as confirm the application of the ECHR standards of investigation and examination, while adjudicating upon cases before them. This Module lays out the basic ECHR principles and uses practical examples and case laws. The Module also discusses how to conduct effective investigations and examinations respecting the ECHR standards under Article 2-4 of the ECHR.</p> <p>Module structure:</p> <ul style="list-style-type: none"> • Introduction • Effective investigations • Methodology of Investigations |
| 8 | <p>Equality and Non-discrimination</p> <p>This Module aims at providing information on gender, sex, gender orientation and gender identity as discriminatory grounds. It also analyses the application by the ECtHR of the principles of non-discrimination and equality as related to the abovementioned grounds as well as in relation to religious affiliations.</p> <p>This Module discusses questions on women in Armed Forces; women in the military; basic facts about the gender equality in the military; gender-based harassment, abuse and violence in Armed Forces; permitted differential treatment' sexual identity and orientation, religious affiliations and the rights of members of the Armed Forces to manifest their religion in the course of their duties.</p> |

How to access the HELP online course

The course can be accessed by visiting the HELP e-learning platform at <http://help.elearning.ext.coe.int/>

First you need to open yourself an account at HELP if you have not yet done so (2 minutes) [video – How to create a HELP account](#)

Then you can follow this link to directly access the online course: <https://help.elearning.ext.coe.int/course/view.php?id=5842>

Upon completion, you can obtain a digital and individualised 'statement of accomplishment'.

The course is available in English.