

OSCE Office for Democratic Institutions

Thank you for sharing this questionnaire with ODIHR.

We welcome the Council of Europe's initiative to promote and strengthen the rights of armed forces personnel. In our Human Rights, Gender and Security programme the human rights of members of the armed forces is a key area of work. The Handbook on Human Rights and Fundamental Freedoms of Armed Forces Personnel produced by ODIHR and DCAF is still a major resource in our work and I am pleased to comment on the draft questionnaire based on our experience in developing this Handbook, including the development of a questionnaire, and in implementing our programmatic work.

Let me first note that it is interesting that the questionnaire attempts to capture any impact of the Recommendation on human rights of members of the armed forces (CM/Rec(2010)4). There is also a section on the dissemination of the Recommendation the results of which can also provide insights.

Please find a few comments and suggestions on the questionnaire below :

More open-ended questions: It is understandable that the structure of the questionnaire follows the general layout and structure of the Recommendation, i.e. asking questions in relation to specific rights. This brings about many good questions, however, it would be beneficial to ask more open-ended questions. It appears to me that there are too many questions that are 'yes'/'no' type of questions, which is likely to trigger limited substantive information. In most cases further explanations are sought only for 'no' responses, i.e. why a certain measure is not in place. It would equally important or interesting to know what is in place and how it works if the response is 'yes'.

Cover legal frameworks: There should be more coverage of the legal framework in place in which the particular rights are enshrined and guaranteed. This includes specific laws, the Constitution etc.

Include ombudsman institutions/complaints mechanisms: It would be beneficial to include questions more specifically on access to independent complaints mechanisms such as military ombudsman institutions, their mandate, powers etc.

Consider role of civil society: The role of the civil society is also of importance for example to monitor the situation in the barracks, provide training etc. Civilians may also serve in the military courts or have a role in military justice matters in one way or another.

Expand on the training section: This crucial section could include questions on training for commanders and service personnel, training on particular topics such as gender, spotting bullying, racial discrimination amongst other topics.

More comprehensive coverage of non-discrimination: In addition to covering non-discrimination based on gender and sexual orientation, ethnicity, language and religion are

important issues. The questions here should ideally capture any limitations on any other grounds than the ones already cited.

Provide more examples: For certain respondents it may be helpful to have more specific questions or examples provided. For example, "Describe any measures put in place to promote military professionalism and respect such as a code of conduct". The 'code of conduct' is a concrete example of a measure that can be taken.

Inclusion of pro-active measures: This refers to any efforts for example to actively promote women's full participation, equal rights for all ethnic groups, policy of no tolerance of bullying, ability of commanders to demonstrate gender and human rights awareness in order to be promoted etc.

Identification of good practices and approaches: Pose questions that can help to identify ways to ensure rights are upheld and respected, which can provide lessons learnt for others in complying with the Recommendation.

I hope this initial feedback will be useful for your purposes. We would be happy to contribute further on this in support of issues of common concern. Please feel free to also share any other information on ongoing or planned work by the Council of Europe to strengthen and promote human rights of armed forces personnel.