

Human Rights of Armed Forces Personnel:

COMPENDIUM OF STANDARDS, GOOD PRACTICES AND RECOMMENDATIONS

This is an overview of the right covered in Chapter 9 of 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 Religion or Belief

Armed forces should make every effort to remove barriers to the manifestation of religion or belief for their personnel. This is important not only to protect

the right to freedom of religion or belief, but also to ensure that armed forces are representative of the diverse communities they serve.

Manifestations of religion or belief

The freedom to manifest a religion or belief is wide ranging. Manifestations of religion or belief – such as worship, prayer, fasting, burial rites, the observance of holy days and festivals, diet and religious clothing – may sometimes be difficult to reconcile with the demands of military routines and campaigns. Where service personnel are disadvantaged or penalized due to their religious or non-religious beliefs it may amount to discrimination. Therefore, it is important that armed forces seek to accommodate manifestations of religion or belief alongside the need to maintain neutrality, order, discipline and operational safety.

A number of OSCE participating States strive to accommodate the religious dietary requirements of armed forces personnel, while some (Austria, Norway and the United Kingdom) allow armed forces to wear certain religious clothing or symbols in line with applicable instructions or policies. For example, Muslim women may be allowed to wear uniform trousers rather than skirts, while head coverings, such as hijab or turbans, may be permitted for use by service personnel, unless otherwise restricted due to safety regulations.

Guidance on the manifestations of religions and beliefs

Ministries of defence can help to ensure that freedom of religion or belief is fully respected and protected by developing guidelines aimed at improving understanding of the diverse manifestations of religions or belief in the armed forces. Defence ministries

in Canada, Denmark and the United Kingdom provide guidance aimed at all army personnel but especially superior officers on ensuring respect for the manifestations of religions and beliefs in the armed forces.

Good practices include:

» Accommodating members' religious practices, whenever possible, and ensuring that any restrictions on religious rites and practices are in line

with the strict criteria set out in international human rights standards on freedom of religion or belief.

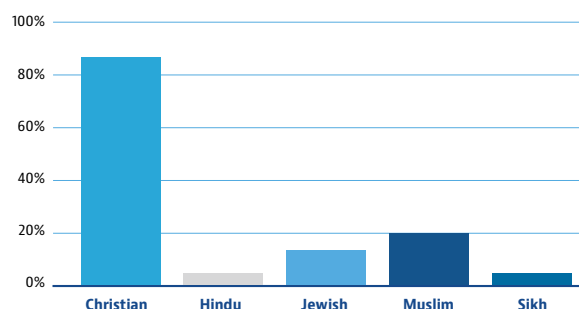
Example of guidelines: The United Kingdom's Ministry of Defence has published a Guide on Religion and Belief in the Armed Forces. The Guide presents basic information on the rites and practices of ten religions and other ancient religions and non-religious beliefs, as well as advice on handling related complaints. In particular, the Guide recognizes and seeks to accommodate religious dress, while also noting that service personnel may sometimes need to demonstrate flexibility for operational and health and safety reasons. For example, provisions on specific items of religious clothing allow Sikh service personnel to wear patkas (small turbans) underneath the specialist headgear required for some military roles.

Access to religious or belief representatives

Religious or belief representatives conduct religious or belief services, consult on religious or belief matters and provide counselling and pastoral care and support services to armed forces staff. They can also advise commanders on the potential impact of plans and policies on the full and free manifestation of religion or belief. Several OSCE participating States provide service personnel with access to religious or belief representatives, with Christian clergy being the most prevalent. Some states have humanist counsellors, who essentially offer support to non-religious service personnel.

Where religious or belief communities do not have access to specific representatives, their needs may be partially met by establishing a religious or belief association. Multinational missions can consider

Access to different religious representatives in 25 selected States



pooling their religious or belief representatives to ensure that a greater diversity of religions and beliefs are represented.

Protection of freedom of religion or belief by national courts

National courts can play an important role in upholding the universal right to freedom of religion or belief in the armed forces.

The role of the court in such cases is to provide an objective and independent evaluation of whether military requirements justify the restriction of an individual's right to freedom of religion or belief.

Good practices on religion in the armed forces include:

- » Ensuring that service in the armed forces is open to everyone, regardless of religion or belief, and that discrimination or harassment on grounds of religion or belief is not tolerated in the armed forces;
- » Collecting data on the religious composition of the armed forces to identify and address any latent or indirect discrimination on grounds of religion or belief;
- » Relaxing requirements for enlisting that conflict with an individual's religion or belief, such as religious oaths of allegiance, to allow the possibility of non-religious affirmation;
- » Permitting members of the armed forces to opt out of religious services held in military units and ceremonial duties that incorporate religious elements; and
- » Provision of guidance by ministries of defence for armed forces personnel on different manifestations of religion and beliefs and how these can be accommodated in the armed forces.

