

**International Conference
of Ombuds Institutions
for the Armed Forces**



Conference Statement



13th International Conference of Ombuds Institutions for the Armed Forces

18-22 October 2021

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As the International Conference of Ombuds Institutions for the Armed Forces (ICOAF) enters its thirteenth year, the conference continues to promote the exchange of experiences and increased cooperation among ombuds institutions.

Jointly hosted by the Inspector-General of the Australian Defence Force and DCAF - Geneva Centre for Security Sector Governance with support from the Commonwealth Ombudsman, the 13th ICOAF was hosted virtually from Canberra from 18-22 October 2021.

As was the case in previous years, the conference reached out to representatives of ombuds institutions for the armed forces from nearly 50 countries. Throughout the conference, ICOAF was able to further strengthen its function as a platform for promoting democratic oversight of the armed forces and preventing maladministration and human rights abuses.

This conference statement serves as a compilation of good practices discussed at the conference and does not serve as an obligation to act on, nor implement these practices. Ombuds institutions possess specific and unique mandates, and therefore not all good practices may be relevant to all conference participants.

The Conferees declare the following:

Introduction

1. Building on the successes of the previous twelve International Conferences of Ombuds Institutions for the Armed Forces in Berlin (2009), Vienna (2010), Belgrade (2011), Ottawa (2012), Oslo (2013), Geneva (2014), Prague (2015), Amsterdam (2016), London (2017), Johannesburg (2018), Sarajevo (2019) and a virtual conference (2020), the 2021 conference seeks to strengthen the contribution of ombuds institutions to the operational effectiveness of the armed forces and the sharing of good practices among independent oversight institutions.

2. We recognise that ICOAF has established itself as an important international forum for promoting and ensuring democratic oversight of the armed forces, with participants sharing common aspirations towards preventing maladministration and human rights abuses.

3. Recognising that each national context is unique, we underline the importance of ongoing international dialogue among ombuds institutions to promote and protect human rights and fundamental freedoms within and by the armed forces.

Ombuds' contribution to respecting the legal limits of operational effectiveness

4. Participants acknowledged that ombuds institutions play an important role in contributing to the operational effectiveness of the armed forces through upholding individual rights and improving the governance of the defence sector.

5. Participants underlined that operational effectiveness is not achieved at all costs; it has its boundaries. It is closely connected with and limited by the principles of legality and accountability, as well as ethics.

6. While national legal frameworks specify the mandate and functioning of the armed forces both at home and abroad, in the combat context, the operational effectiveness of the armed forces is particularly bound by international humanitarian law, while in non-combat situations it is also limited by (international) human rights law.

7. While noting that the scope of the contribution of ombuds institutions to the operational effectiveness of the armed forces varies depending on their particular mandate, participants reiterated that they are all well placed to contribute to respecting the legal limits of operational effectiveness.

Connecting operational effectiveness with the public image of the armed forces

8. Participants noted that low public trust in armed forces affects their ability to attract new recruits, and thus affects operational effectiveness in the long-term.

9. The conferees noted that ombuds institutions should liaise with future, current and former service members (including veterans) to help regain and/or instil confidence in the armed forces.

10. The impact of the public image on the effectiveness of armed forces is relevant for both conscript and all-volunteer military systems. In both cases, armed forces need to have the backing of society in order to function effectively.

11. Participants reiterated that it remains crucial that ombuds institutions continue to oversee armed forces, so as to ensure efficiency, effectiveness, legitimacy, legality, and respect for human rights and the rule of law. By contributing to the improvement of the working conditions and terms of service of armed forces personnel, ombuds institutions support the mission of armed forces to be a desirable employer.

12. While acknowledging that a legal definition of veterans differs across jurisdictions, participants recognized the benefits of joining forces with veterans and their associations to improve ombuds' role in contributing to the operational effectiveness of the armed forces by learning from veterans' personal experience and intimate knowledge of the military system and culture.

Rule of law within the barracks: formal vs informal systems

13. Participants reiterated that any restrictions or limitations on human rights of armed forces personnel have to be prescribed by law, proportionate, timely, and regularly

assessed. Any legal restriction must be foreseeable in its effect and there must be an absence of arbitrariness.

14. Participants recognized a high level of discipline and esprit de corps as important preconditions for operational effectiveness, both established through formal and informal rules.

15. Irrespective of the varieties in the comparative design of military justice systems, participants noted a great potential for cooperation between military justice representatives and ombuds institutions, in making sure members of armed forces are dealt with fairly and that those acting contrary to the rights or interests of others are dealt with appropriately, which may include recommendation for prosecution in certain circumstances.

16. Participants underlined that ombuds institutions may contribute to eliminating informal malpractices within the armed forces, such as bullying and hazing. Those have not only a detrimental effect on the physical and mental health of soldiers but on the operational effectiveness of the armed forces as well.

17. Participants warned of the dangers of oppressive coercive behaviour in armed forces, based on tactics like violence, intimidation, degradation, isolation and control. Such practices do not only severely affect the rights and wellbeing of the soldiers, but also contribute to the erosion of military preparedness.

18. The conferees noted that informal social protocols, such as hazing, can have much wider implications as, if they become widespread, they may encourage a culture of abuse.

19. Participants observed that ombuds institutions may:

- a. contribute to the prevention of hazing and other forms of abuse, for example, by launching thematic reports on initiation practices within the armed forces or conducting educational campaigns;
- b. make sure that soldiers know who to approach if they are subject to such behaviour, for example, by launching specific outreach campaigns targeting recruits;
- c. play an important role in the elimination of the culture of impunity when it comes to hazing and similar forms of abuse, for example, by investigating cases brought to their attention.

Impact of COVID-19 on ombuds institutions

20. Participants noted that while the institutions which they represent may have different mandates and may be situated differently compared to their peers, COVID-19 has affected them in a very similar way.

21. Participants emphasized the importance of reinstating scheduled or unscheduled visits to military instalments, both domestically and abroad.

22. Participants underlined a particular need for conducting visits to armed forces personnel stationed abroad, given that:

- a. Armed forces personnel deployed abroad should not be left without open and efficient channels to raise concerns about their status, conditions of service and other issues, especially during COVID-19;
- b. COVID-19 should not affect the possibility of the local population to complain about the conduct of international forces on the ground;
- c. It is expected that the deployment abroad during COVID-19 would result in an increase of mental health problems of service members, particularly due to an inability to use vacation days during deployment abroad, longer separation from their families, and other isolation related issues.

23. Participants underlined the importance of strengthening ombuds institutions' ability to conduct their work efficiently in a digital environment, which also increases their resilience to future similar crises.

24. Participants reiterated the importance of ombuds institutions' independence in ensuring that they can effectively carry out their mandates during COVID-19. Whatever measures the governments introduce to fight the pandemic must not impede the ability of ombuds institutions to fulfil their mandates.

Conclusions

25. ICOAF is a platform to exchange information, good practices and experiences among the ICOAF partner institutions. Recognising that ICOAF is growing - and that 13ICOAF with over 120 participants, representing almost 40 ombuds institutions, coming from 30 countries, is indeed evidence of this - it calls upon DCAF to explore future avenues to strengthen effective cooperation.

26. Participants call upon DCAF to continue its efforts in providing support to individual participating institutions, particularly through capacity-building exercises and tailored knowledge products.

27. Participants welcome the Resolution on intensified international partnership of ombuds institutions for the armed forces and accompanying 2022 Action Plan on its implementation, as a promising initiative to strengthen the cooperation of ombuds institutions in the international context. Participants request DCAF to continue exploring how the international exchange of information and experiences between ombuds institutions can be further enhanced, while at the same time respecting the particularities of national legal and institutional frameworks of ombuds institutions.

28. ICOAF continues to be a useful platform to enhance dialogue between ombuds institutions and to strengthen their cooperation and networks. Future conferences will continue to expand and deepen this cooperation.

29. ICOAF remains open to relevant institutions from countries that have not participated in the previous conferences.

30. The fourteenth ICOAF will take place in Oslo, Norway in October 2022.